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DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Part 3550

RIN 0575–AC88

Single Family Housing Direct Loan Program

AGENCY: Rural Housing Service, USDA.

ACTION: Final rule; deferral of effective date.

SUMMARY: On April 29, 2015, the Rural Housing Service (RHS) published a final rule to create a certified loan application packaging process for the direct single family housing loan program. The effective date was listed as July 28, 2015 and is being deferred to October 1, 2015.

DATES: *Effective date:* The effective date of the final rule published April 29, 2015 (80 FR 23673) is deferred from July 28, 2015, to October 1, 2015.

FOR FURTHER INFORMATION CONTACT: Brooke Baumann, Branch Chief, Single Family Housing Direct Loan Division, USDA Rural Development, Stop 0783, 1400 Independence Avenue SW., Washington, DC 20250–0783, Telephone: 202–690–4250. Email: *brooke.baumann@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: In December 2014, the existing intermediaries under the pilot were informed that the pilot would end with the effective date of the final rule to create a certified loan application packaging process. While this expiration provision for the pilot was known, the actual date came sooner than expected. To allow the existing intermediaries under the pilot sufficient time to process loan application packages in their queue and to prepare for the implementation of the final rule, the effective date for the final rule will be deferred to October 1, 2015.

Dated: May 18, 2015.

Tony Hernandez,

Administrator, Rural Housing Service.

[FR Doc. 2015–13463 Filed 6–4–15; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2009–BT–TP–0016]

RIN 1904–AB99

Energy Conservation Program: Clarification for Energy Conservation Standards and Test Procedures for Fluorescent Lamp Ballasts

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: On December 29, 2014, the U.S. Department of Energy (DOE) issued a notice of proposed rulemaking (NOPR) to clarify the test procedures for fluorescent lamp ballasts. That proposed rulemaking serves as the basis for the final rule. DOE is issuing a final rule to reorganize, reformat, correct, and clarify the scope of the energy conservation standards for fluorescent lamp ballasts. In addition, DOE is removing the outdated test procedure at Appendix Q and redesignating the current test procedure at Appendix Q1 as Appendix Q. DOE is also clarifying the test procedure setup at redesignated Appendix Q. Finally, DOE is revising the laboratory accreditation language and is providing clarification on the process for evaluating compliance with standards.

DATES: The effective date of this rule is July 6, 2015. Representations must be based on testing in accordance with the final rule starting December 2, 2015.

The incorporation of reference of certain publications listed in this rule was approved by the Director of the Federal Register on March 23, 2009.

ADDRESSES: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at regulations.gov. All documents in the docket are listed in the regulations.gov index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: *http://www1.eere.energy.gov/buildings/appliance_ standards/product.aspx/productid/62.* This Web page will contain a link to the docket for this notice on the regulations.gov site. The regulations.gov Web page will contain simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to review the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT:

Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC, 20585–0121. Telephone: (202) 287–1604. Email: *fluorescent_ lamp_ ballasts@ ee.doe.gov.*

Ms. Sarah Butler, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–1777. Email: *Sarah.Butler@ hq.doe.gov.*

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I. Authority and Background

Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, *et seq.;* ''EPCA'' or, ''the Act'') sets forth a variety of provisions designed to improve energy efficiency and established the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' [2] These include fluorescent lamp ballasts, the subject of this final rule. (42 U.S.C. 6292(a)(13))

Under EPCA, the energy conservation program consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA, and (2) making representations about the efficiency of those products. Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA.

DOE published test procedure final rules on April 24, 1991, October 22, 2009, and May 4, 2011 (hereafter the ''May 2011 test procedure final rule''), establishing active mode test procedures, standby and off mode test procedures, and revised active mode test procedures, respectively. 56 FR 18677, 74 FR 54445, and 76 FR 25211. The May 2011 test procedure final rule established Appendix Q1 to subpart B of 10 CFR part 430. DOE also published final rules establishing and amending energy conservation standards for fluorescent lamp ballasts on September 19, 2000, and November 14, 2011 (hereafter the ''November 2011 standards final rule''), which completed the two energy conservation standard rulemakings required under 42 U.S.C. 6295(g)(7). 65 FR 56740 and 76 FR 70547. The November 2011 standards final rule established the regulations located at 10 CFR 430.32(m)(8) through(10).

This final rule clarifies the contents of the energy conservation standards and test procedures promulgated by DOE. On January 6, 2015, DOE published a NOPR (hereafter the January 2015 NOPR) proposing clarifications to the test procedures for fluorescent lamp ballasts. 80 FR 404. That notice of proposed rulemaking serves as the basis for this final rule.

II. Synopsis of the Final Rule

In this final rule, DOE discusses key aspects of the energy conservation standards and test procedures for fluorescent lamp ballasts and clarifies the corresponding requirements and specifications in the CFR. DOE is modifying the organization of 10 CFR 430.32(m) to clarify the applicability of the standards and exemptions. DOE is also consolidating 10 CFR 430.32(m) by deleting standards that are obsolete. In addition, DOE is clarifying definitions relating to ballast luminous efficiency (BLE) standards.

DOE is removing the outdated test procedure for ballast efficacy factor (BEF) at Appendix Q and redesignating the test procedure for BLE at Appendix Q1 as Appendix Q. In addition, DOE is adding testing clarifications to redesignated Appendix Q and is modifying redesignated Appendix Q to clarify the reference lamp pairings for testing. DOE is also clarifying the redesignated Appendix Q for test setup and measurement. In addition, DOE is making general changes to definitions, language, and corrections to the text. Finally, DOE is revising the laboratory accreditation language at 10 CFR 430.25. This final rule also discusses the process for evaluating compliance with standards by providing example calculations for evaluating compliance with BLE standards.

Representations of energy efficiency must be based on testing in accordance with this rulemaking within 180 days after the publication of the final rule.

III. Discussion

A. Energy Conservation Standards

In the second rulemaking cycle required by 42 U.S.C. 6295(g)(7), DOE amended existing energy conservation standards and adopted standards for additional ballasts in a final rule published on November 14, 2011 (hereafter ''2011 Ballast Rule''). 76 FR 70548. The standards adopted as a result of this rulemaking are based on BLE and apply to all products listed in Table III.1. DOE has required compliance with these BLE standards since November 14, 2014.

TABLE III.1—BALLAST LUMINOUS EFFICIENCY STANDARDS IMPLEMENTED BY THE 2011 BALLAST RULE

Fluorescent lamp ballasts shall have a ballast luminous efficiency no less than A/(1 + B * total lamp arc power ^ − C) where A, B, and C are as follows:

Product class	A	B	C
Instant start and rapid start ballasts (not classified as residential) that are designed to operate:			
4-foot medium bipin lamps	0.993	0.27	0.25
2-foot U-shaped lamps			
8-foot slimline lamps			
Programmed start ballasts (not classified as residential) that are designed to operate:			
4-foot medium bipin lamps	0.993	0.51	0.37
2-foot U-shaped lamps			
4-foot miniature bipin standard output lamps			
4-foot miniature bipin high output lamps			
Instant start and rapid start ballasts (not classified as sign ballasts) that are designed to operate:			
8-foot high output lamps	0.993	0.38	0.25

[1] For editorial reasons Part B was redesignated as Part A upon incorporation into the U.S. Code (42 U.S.C. 6291–6309, as codified.

[2] All references to EPCA refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012) Part B of title III. For editorial reasons was redesignated as Part A upon incorporation into the U.S. Code (42 U.S.C. 6291–6309, as codified.

TABLE III.1—BALLAST LUMINOUS EFFICIENCY STANDARDS IMPLEMENTED BY THE 2011 BALLAST RULE—Continued

Fluorescent lamp ballasts shall have a ballast luminous efficiency no less than A/(1 + B * total lamp arc power ^ − C) where A, B, and C are as follows:

Product class	A	B	C
Programmed start ballasts (not classified as sign ballasts) that are designed to operate:			
8-foot high output lamps	0.973	0.70	0.37
Sign ballasts that operate:			
8-foot high output lamps	0.993	0.47	0.25
Instant start and rapid start residential ballasts that operate:			
4-foot medium bipin lamps	0.993	0.41	0.25
2-foot U-shaped lamps			
8-foot slimline lamps			
Programmed start residential ballasts that are designed to operate:			
4-foot medium bipin lamps	0.973	0.71	0.37
2-foot U-shaped lamps			

Several ballasts are exempt from BLE and power factor standards established by the 2011 Ballast Rule. See 10 CFR 430.32(m)(9). These exemptions consist of:

(1) Low frequency T8 ballasts that are designed, labeled, and marketed for use only in electromagnetic-interference-sensitive-environments and shipped in packages of 10 or fewer;

(2) Programmed start ballasts that operate 4-foot medium bipin (MBP) T8 lamps and deliver on average less than 140 milliamperes to each lamp; and

(3) Dimming ballasts except for those specified in 10 CFR 430.32(m)(10).

See 10 CFR 430.32(m)(9).

Dimming ballasts designed for the operation of one F34T12, two F34T12, two F96T12/ES, and two F96T12HO/ES lamps and that meet the specifications found at 10 CFR 430.32(m)(10)(i) and (ii) are subject to BLE standards specified in 10 CFR 430.32(m)(10)(iii).

DOE is adopting several changes to the energy conservation standards section of the CFR for ballasts (10 CFR 430.32(m)) to clarify the applicability of standards and exemptions and improve readability. These changes are described in detail in the following sections.

1. Changes to Organization

In the January 2015 NOPR, DOE proposed modifications to the organization of 10 CFR 430.32(m) to clarify the applicability of standards and exemptions. 80 FR at 417. DOE proposed to consolidate 10 CFR 430.32(m) by deleting standards that are no longer applicable. 10 CFR 430.32(m) currently contains the standards established by NAECA 1988, the 2000 Ballast Rule, EPACT 2005, and the 2011 Ballast Rule. The standards established by each of these actions are accompanied by compliance dates and exemptions. DOE proposed to remove the sections of 10 CFR 430.32(m) that have become obsolete (*i.e.,* existing sections 10 CFR 430.32(m)(1)–(m)(7)). DOE proposed to reorganize the remaining sections of 10 CFR 430.32(m) to enhance readability.

Additionally, in the January 2015 NOPR, DOE proposed to modify the standards table in 10 CFR 430.32(m). *80 FR* at 419. In many cases, several different types of ballasts are subject to the same BLE standards. However, due to a formatting error, the table in existing section 430.32(m)(8) added additional lines and borders between these ballast types subject to the same BLE standards. For example, instant start and rapid start ballasts (not classified as residential) that are designed to operate 4-foot MBP, 2-foot U-shaped, and 8-foot slimline lamps are all subject to the same BLE standards. To clarify that certain groups of ballasts are subject to the same standards, DOE proposed to remove some lines and borders to accurately group the ballasts and standards. The chart will conform to what is shown in Table III.1.

DOE received no comment in response to the proposed organizational changes in the January 2015 NOPR. Based on the reasons presented in the January 2015 NOPR, DOE is adopting these changes in this final rule.

2. Changes to Definitions and Terminology

In the January 2015 NOPR, DOE proposed changes to the definitions and terminology used in 10 CFR 430.32(m) pertaining to BLE standards. *80 FR* at 418–419. DOE proposed to remove descriptions of terminology at existing (m)(8)(iv) through (vi) and instead reference redesignated Appendix Q (see section III.B) for definitions of the terms average total lamp arc power, instant start, programmed start, rapid start, residential ballast, and sign ballast. In addition, DOE proposed to use the phrase ''that are not residential ballasts'' in amended sections 10 CFR 430.32(m)(1)(ii)(A) and (m)(2)(ii)(A) to refer to any ballasts that do not meet the definition of residential ballast in redesignated Appendix Q. The NOPR reasoned that this change would improve clarity through consistent usage of a single phrase and reducing cross-references to other paragraphs. *80 FR* at 406.

Finally, DOE proposed to replace the phrase ''designed, labeled, and marketed'' with the phrase ''designed and marketed'' as defined at 10 CFR 430.2, in the description of a low frequency ballast at amended section 10 CFR 430.32(m)(3)(ii). 80 FR at 419. The definition of ''designed and marketed'' at 10 CFR 430.2 clarifies that a ballast is recognized as designed and marketed if the intended application of the lamp is stated in a publicly available document (*e.g.,* product literature, catalogs, packaging labels, and labels on the product itself).[3]

Similarly, DOE proposed to replace the phrase ''for use in connection with'' with the phrase ''designed and marketed to operate'' at amended section 10 CFR 430.32(m)(2) and amended section 10 CFR 430.32(m)(3)(i). 80 FR at 419. DOE also proposed to replace the phrase ''that operate'' with ''that are designed to operate'' at amended section 10 CFR 430.32(m)(1)(ii)(B). These revisions eliminate potential confusion or ambiguity by clarifying the original intent of this language. 80 FR at 418.

The National Electrical Manufacturers Association (NEMA) agreed with the proposed revision regarding consistent use of the phrase ''designed and marketed for operation.'' (NEMA, No. 30

[3] The definition of ''designed and marketed'' was established in the general service fluorescent lamp and incandescent reflector lamp energy conservation standard rulemaking. See *http://www.regulations.gov/#!docketDetail;D=EERE-2011-BT-STD-0006.*

at p. 3)[4] DOE received no further comments in response to the proposed changes to definitions and terminology in the January 2015 NOPR. Based on the reasons presented in the January 2015 NOPR, DOE is adopting these changes in this final rule. In this final rule, DOE is also changing the column heading at amended section 10 CFR 430.32(m)(2)(ii)(B) from ''Ballast input voltage'' to ''Nominal input voltage'' to align with usage in section 430.32(m)(2)(i)(A) and eliminate potential confusion.

B. Test Procedure

Manufacturers were previously required to use the test procedure for ballasts at 10 CFR part 430, subpart B, appendix Q to determine compliance with BEF standards. The May 2011 test procedure final rule established appendix Q1 to subpart B of 10 CFR part 430 to determine compliance with BLE standards. As stated in section III.A, compliance with BLE standards has been required since November 14, 2014. Because the BEF standards are no longer applicable, DOE is removing the test procedure for BEF at Appendix Q and redesignating the Appendix Q1 test procedure for BLE as Appendix Q. DOE is revising any references to Appendix Q1 in the CFR to reference redesignated Appendix Q. DOE is also making several changes to redesignated Appendix Q to clarify the test procedures for measuring BLE. These changes are described in detail in the following sections.

1. Lamp Pairing for Testing

In the May 2011 test procedure final rule, DOE specified that ballasts are to be paired with the most common wattage lamp and provided a table (Table A of existing appendix Q1 of subpart B of part 430) to indicate which lamp should be used with each ballast. 76 FR 25211 (May 4, 2011). Table A lists the ballast description along with the lamp type intended for testing. Though ballasts can frequently operate lamps of the same diameter but different wattages, DOE requires testing with only one lamp wattage per ballast. To clarify this requirement, in the January 2015 NOPR, DOE proposed to indicate in section 2.3.1.7 of redesignated Appendix Q that each ballast should be tested with only one lamp type corresponding to the lamp diameter and base type the ballast is designed and marketed to operate. *80 FR at 415*. For example, a ballast designed and marketed to operate both 32 watt (W) 4-foot MBP T8 lamps and 28 W 4-foot MBP T8 lamps should only be tested with the 32 W lamp. Additionally, stakeholders requested clarification on testing ballasts that are designed and marketed as operating both T8 and T12 lamps. Therefore, DOE also proposed to indicate in section 2.3.1.5 of redesignated Appendix Q that a ballast designed and marketed to operate both T8 and T12 lamps must be tested with T8 lamps. DOE explained in the NOPR that it believes T8 lamps will be the most common lamp type paired with these ballasts. 80 FR at 406.

Regarding this proposal, NEMA commented that there may be some confusion with lamp pairings for the electronic sign ballasts in the proposed language because these ballasts can operate both T12 HO and T8 HO lamps. NEMA recommended that DOE adopt the American National Standards Institute (ANSI) lamp abbreviations from ANSI C78.81.[5] (NEMA, No. 30 at p. 2) DOE agrees that referencing the ANSI and International Electrotechnical Commission (IEC) lamp specifications may further clarify the lamp pairings used for testing. However, the lamp specifications for U-shaped and T5 lamps (*i.e.,* ANSI_IEC C78.901–2005[6] and IEC 60081[Amendment 4, Edition 5.0][7]) are not currently incorporated by reference in the CFR for existing Appendix Q1. Therefore, DOE will address this lamp identification issue for all lamp types collectively in a separate rulemaking.

In this final rule, DOE is also specifying that ballasts designed and marketed to operate both 4-foot MBP lamps and 2-foot U-shaped lamps must be tested with 4-foot MBP lamps. DOE believes there could be confusion on testing these ballasts similar to the sign ballasts cited by NEMA which are also capable of operating multiple lamp types. This clarification supports DOE's requirement of testing with only one lamp type per ballast. DOE is adding the requirement to redesignated Appendix Q at section 2.3.1.5 and is renumbering the sections thereafter.

DOE notes that 34 W MBP T12 U-shaped lamps (commonly referred to as 2-foot U-shaped lamps) are not listed in ANSI_ANSLG C78.81–2010, ANSI_IEC C78.901–2005, or IEC 60081 (Amendment 4, Edition 5.0). This prevents identification of a 34W T12 2-foot U-shaped reference lamp to pair with a ballast for BLE testing. However, DOE could not identify ballasts that are capable of only operating 34W T12 2-foot U-shaped lamps. Instead, all ballasts capable of operating 34W T12 2-foot U-shaped lamps could also operate 34W T12 MBP lamps.[8] Because there is not a current market need, and because DOE does not anticipate a need in the future, DOE is not providing 34W T12 2-foot U-shaped lamp specifications.

In the January 2015 NOPR, DOE proposed to revise Table A of existing Appendix Q1 to further clarify the requirement of testing with only one lamp type per ballast. *80 FR* at 415. DOE proposed to add borders to Table A in redesignated Appendix Q to emphasize that testing with only one lamp type per ballast is necessary. DOE also proposed to revise the column heading corresponding to the lamp description to read ''Lamp Type'' to provide a clear linkage to the direction that only one lamp type should be paired with each ballast for testing. Table III.2 and Table III.3 present an example from Table A, highlighting the existing and proposed versions, respectively.

TABLE III.2—EXISTING TABLE A EXCERPT

Ballast type	Nominal lamp wattage	Lamp diameter and base	Frequency adjustment factor	
			Low-frequency	High-frequency
Ballasts that operate straight-shaped lamps (commonly referred to as 4-foot medium bipin lamps) with medium bipin bases and a nominal overall length of 48 inches.	32	T8 MBP	0.94	1.0
	34	T12 MBP	0.93	1.0

[4] A notation in this form provides a reference for information that is in the docket of DOE's rulemaking to develop test procedures for fluorescent lamp ballasts (Docket No. EERE–2009–BT–TP–0016), which is maintained at *www.regulations.gov*. This notation indicates that the statement preceding the reference is document number 30 in the docket for the fluorescent lamp ballasts test procedure rulemaking, and appears at page 3 of that document.

[5] ''American National Standard for Electric Lamps: Double-Capped Fluorescent Lamps—Dimensional and Electrical Characteristics'' (approved Jan. 14, 2010).

[8] DOE requires that ballasts designed and marketed to operate both 4-foot MBP lamps and 2-foot U-shaped lamps must be tested with 4-foot MBP lamps.

TABLE III.2—EXISTING TABLE A EXCERPT—Continued

Ballast type	Nominal lamp wattage	Lamp diameter and base	Frequency adjustment factor	
			Low-frequency	High-frequency
Ballasts that operate straight-shaped lamps (commonly referred to as 4-foot medium bipin lamps) with medium bipin bases and a nominal overall length of 48 inches.	32	T8 MBP	0.94	1.0
	34	T8 MBP	0.94	1.0

For clarity, DOE also proposed in the January 2015 NOPR to revise the ballast type description for sign ballasts in Table A to read ''Sign ballasts that operate rapid-start lamps (commonly referred to as 8-foot high output lamps) with recessed double contact bases and a nominal overall length of 96 inches.'' *80 FR* at 415. Additionally, DOE proposed to add a definition for ''sign ballast'' in redesignated Appendix Q based on the existing description of sign ballast in 10 CFR 430.32(m). 80 FR at 414. See section III.B.4 for more information.

DOE received no comment in response to the proposed changes to Table A in the January 2015 NOPR. Based on the reasons presented above, DOE is adopting these changes in this final rule.

2. Testing at Full Output

In section 2.5.1.2 of existing Appendix Q1, DOE specifies that the ballast should be operated at full output during the stabilization process, and measurements should be made after the stabilization condition is reached. In the January 2015 NOPR, DOE proposed to revise this statement in redesignated Appendix Q to make clear that the ballast should remain at full output while the measurements are taken. *80 FR* at 417. This is consistent with DOE's intent that both dimming and fixed light output ballasts are tested at full light output. *Id* at 407.

NEMA agreed with the clarification that ballasts be tested at full output. (NEMA, No. 30 at p. 2) DOE received no further comments on this clarification. Thus, based on the reasons presented in the January 2015 NOPR, DOE is adopting this clarification in this final rule.

3. Measurement Clarification

DOE specifies in section 2.3.2.1 of existing Appendix Q1 that the power analyzer must have n+1 channels where n is the number of lamps a ballast operates. DOE notes that, for certain ballasts, it is possible for n+1 to be greater than the number of channels supplied by a single power analyzer. In the January 2015 NOPR, DOE proposed to clarify in redesignated Appendix Q that the test lab use the minimum number of power analyzers possible during testing. *80 FR* at 415. DOE explained in the NOPR that a power analyzer commonly used in the lighting industry has six channels but can be linked to a second power analyzer when additional channels are needed. If a test lab needed seven channels to test a ballast that operates six lamps, for example, they should use only two analyzers. *Id* at 407.

NEMA disagreed with the proposed clarification to the measurement, noting that it is possible for the ''connection'' between power analyzers to be achieved through the data acquisition computer and software. As written, NEMA commented the instruction at section 2.3.2.1 of existing Appendix Q1 would limit instrumentation options unnecessarily. NEMA recommended that the language be stated as: ''The power analyzer test setup must have n+1 channels where n is the number of lamps a ballast operates. Use the minimum number of power analyzers possible during testing. A system may be used to synchronize the power analyzers, and the power analyzers must be synchronized in time.'' (NEMA, No. 30 at pp. 2–3)

DOE reviewed NEMA's recommendation, including the insertion of the words ''test setup'' in the existing text, and the new sentence specifying how multiple power analyzers should be used. DOE agrees that insertion of the word ''test setup'' clarifies the intent of the sentence that the sum of the number of channels in all power analyzers used in the test setup must be at least the number of lamps plus one. DOE agrees that a data acquisition software system can be used to connect the power analyzers used in the test setup and also agrees that adding the third sentence recommended by NEMA may help clarify this requirement. While electrical measurements must be taken after the ballast has been stabilized, synchronization of multiple power analyzers in time is still the best practice, and most closely simulates the simultaneous measurements taken by a single power analyzer. Therefore DOE is amending section 2.3.2.1 of redesignated Appendix Q to read, ''The power analyzer test setup must have n+1 channels where n is the number of lamps a ballast operates. Use the minimum number of power analyzers possible during testing. A system may be used to synchronize the power analyzers, and all power analyzers must be synchronized in time.''

4. Changes to Definitions

In the January 2015 NOPR, DOE proposed changes to existing Appendix Q1 relating to definitions used in the test procedure. *80 FR* at 414 through 418. DOE proposed to modify the definition of ''residential ballast'' in the definitions section of existing Appendix Q1 to align with the existing description at 10 CFR 430.32(m)(8)(vi) and the definition of ''designed and marketed'' at 10 CFR 430.2 (see section III.A.2 for more information). DOE proposed to define residential ballast in redesignated Appendix Q as ''a fluorescent lamp ballast that meets FCC consumer limits as set forth in 47 CFR part 18 and is designed and marketed for use only in residential applications.'' DOE also proposed to remove the definition of ''commercial ballast'' that is in the existing Appendix Q1 and instead use the phrase ''that are not residential ballasts'' in redesignated Appendix Q when referring to any ballasts that do not meet the definition of residential ballast. In the NOPR, DOE explained that this proposed change would align redesignated Appendix Q with the proposed terminology changes in the energy conservation standards at 430.32(m). *80 FR* at 407.

In addition, DOE proposed in the January 2015 NOPR to add several terms to the definitions section of redesignated Appendix Q pertaining to BLE standards. *80 FR* at 414. First, DOE proposed to add a definition for average total lamp arc power to clarify how to calculate the applicable BLE standard. Average total lamp arc power is referenced in the BLE standards equation (at 10 CFR 430.32(m)(8)) shown in Table III.1. The proposed definition for average total lamp arc power was ''the average of the total lamp arc power (as defined and

measured in section 2.6.1) of the ballast units tested.'' *80 FR* at 414.

DOE also proposed in the January 2015 NOPR to add a definition for ''dimming ballast'' to redesignated Appendix Q. *80 FR* at 414. The proposed definition for a dimming ballast is ''a ballast that is designed to vary its output and that can achieve an output less than or equal to 50 percent of its maximum electrical output.'' This proposed definition aligned with and clarifies the dimming ballast exemptions currently specified in 10 CFR 430.32(m). Thus, DOE also proposed to remove the description of a dimming ballast currently at 10 CFR 430.32(m)(9)(i). As proposed, 10 CFR 430.32 would instead reference the new definition for ''dimming ballast'' in redesignated Appendix Q. 80 FR at 418, 419.

In addition, in the January 2015 NOPR, DOE proposed to add a definition for ''sign ballast'' to the definitions section of redesignated Appendix Q. 80 FR at 414. DOE proposed to define sign ballast based on the description currently at 10 CFR 430.32(m)(8)(v) and the definition of ''designed and marketed'' at 10 CFR 430.2 (see section III.A.2 for more information). DOE proposed to define a sign ballast as ''a ballast that has an Underwriters Laboratories Inc. Type 2 rating and is designed and marketed for use only in outdoor signs.'' Rather than listing a description of sign ballast, as does section 2.3.1.4 of existing Appendix Q1, DOE proposed that section 2.3.1.6 of redesignated Appendix Q reference the term in the definitions section of that appendix. 80 FR at 415.

DOE also proposed in the January 2015 NOPR to simplify the language in redesignated Appendix Q by relying on newly defined terms in the definitions within that appendix. 80 FR at 414 through 418. Specifically, in section 2.4.3, DOE proposed to replace the language ''For ballasts designed and labeled for residential applications'' with ''For residential ballasts.'' In addition, DOE proposed to replace the language ''For ballasts designed and labeled as cold-temperature outdoor sign ballasts'' with ''For sign ballasts.'' *80 FR* at 417.

Finally, DOE proposed in the January 2015 NOPR to remove the terms ''active mode'' and ''standby mode'' from redesignated Appendix Q because these terms are already defined at 10 CFR 430.2. The NOPR explained that the definitions in existing Appendix Q1 are consistent with the definitions in 10 CFR 430.2 and are therefore redundant. 80 FR at 408.

Regarding these proposed changes, NEMA commented in support of the changes to the definitions to ''residential ballast,'' ''average of the total lamp power,'' ''dimming ballast,'' and ''sign ballast.'' (NEMA, No. 30 at p. 3) DOE received no further comments regarding the proposed changes to the redesignated Appendix Q. Thus, based on the reasons presented in the January 2015 NOPR, DOE is adopting these changes in this final rule.

In this final rule, DOE is also moving existing definitions of certain lamp types from existing Appendix Q to redesignated Appendix Q that were inadvertently omitted from the NOPR. These lamp types include F34T12, F96T12/ES, and F96T12HO/ES lamps. The omission of these definitions from the NOPR was a technical oversight as ballasts capable of operating these lamp types are subject to energy conservation standards under 10 CFR 430.32(m).

5. Rounding Ballast Luminous Efficiency

Currently, rounding requirements are not provided for the reported value of BLE. When developing standards in the November 2011 standards final rule, DOE rounded BLE to the thousandths place when analyzing the costs and benefits of the adopted standard. For consistency with the intent of the 2011 standards final rule, DOE proposed to specify rounding the reported value of BLE to the nearest thousandths place in the January 2015 NOPR. 80 FR at 414.

NEMA commented that rounding to the thousandths place is acceptable as long as significant figures are handled correctly. (NEMA, No. 30 at p. 3) DOE received no further comments on rounding BLE. However, DOE has since determined that rounding requirements would be more appropriately addressed in 10 CFR 429.26. Therefore, DOE will provide rounding requirements for BLE in a separate rulemaking.

6. Language Changes and Corrections to the Text

In the January 2015 NOPR, DOE proposed to add new language at redesignated Appendix Q for some of the testing requirements. *80 FR at 414–418.* DOE proposed to use the terminology ''designed and marketed for operation'' to clarify references to the intended ballast types. See section III.A.2 for more information on the definition of ''designed and marketed.'' Within sections 2.3.1.2, 2.3.1.4.1, 2.3.1.4.2, 2.3.1.4.3, and 2.4.3 of existing Appendix Q1, DOE proposed to change all instances of the following phrases to ''designed and marketed for operation'' in redesignated Appendix Q:

(1) ''Designed to operate;''

(2) ''That only operate;'' and

(3) ''Capable of operating.'' *80 FR at 414–418.*

The National Electrical Manufacturers Association (NEMA) agreed with the proposed revision regarding consistent use of the phrase ''designed and marketed for operation.'' Further, NEMA agreed with the redesignation of Appendix Q1 and clarification changes to redesignated Appendix Q. (NEMA, No. 30 at p. 3) DOE received no further comments in response to the proposed organizational changes in the January 2015 NOPR. Based on the reasons presented in the January 2015 NOPR, DOE is adopting these changes in this final rule.

Additionally, DOE proposed in the January 2015 NOPR to modify the language of section 2.1 of redesignated Appendix Q to clarify the references to industry standards. 80 FR at 415. DOE believes the sentence as currently written does not clearly explain that the industry standards incorporated by reference in the CFR must be used in place of those listed in the industry standard ANSI C82.2. DOE proposed to add the word ''standards'' as noted in the following sentence: ''In addition when applying ANSI C82.2, the standards ANSI C78.81, ANSI C82.1, ANSI C82.11, and ANSI C82.13 (all incorporated by reference; see § 430.3) must be used instead of the versions listed as normative references in ANSI C82.2.'' 80 FR at 415.

DOE also proposed in the January 2015 NOPR a correction in redesignated Appendix Q relating to an error in existing Appendix Q1 that occurred during publication of the May 2011 test procedure final rule. In section 2.3.1, the heading numbers skip from 2.3.1 to 2.3.1.1.1 (*i.e.,* 2.3.1.1 is omitted). DOE proposed to correct this heading numbering error in redesignated Appendix Q. 80 FR at 415.

Finally, in the January 2015 NOPR, DOE proposed to revise a grammatical issue in redesignated Appendix Q that is in existing section 1.7 of Appendix Q1, which defines ''instant-start.'' In section 1.7 of redesignated Appendix Q, DOE proposed to insert the word ''in'' so that the definition of instant-start reads ''is the starting method used in instant-start systems as defined in ANSI C82.13 (incorporated by reference; see § 430.3).'' 80 FR at 414.

DOE did not receive any additional comments regarding the language changes and corrections to redesignated Appendix Q proposed in the January 2015 NOPR. Based on the reasons presented in the January 2015 NOPR,

DOE is adopting these changes in this final rule.

7. Standby Mode Test Procedure

DOE published a test procedure final rule addressing standby mode energy consumption for ballasts on October 22, 2009. 74 FR at 54445. However, DOE did not adopt standards for standby mode energy use because DOE could not find any ballasts subject to standards that were capable of operating in standby mode. 76 FR 70548, 70553–4 (Nov. 14, 2011). DOE did not address standby mode testing in the January 2015 NOPR. However, DOE received a comment from NEMA stating that ANSI C82.2–2002 [9] does not list a test procedure for standby power. NEMA expressed concern that DOE does not appreciate the scale of control signal power when compared to the range of power supplied by the mains to dimming ballasts, and added that standby power measurement of electronic lighting is still a new field. Further, NEMA remarked that it is equally challenging to measure standby mode power consumption for some control interfaces, and that high-end power analyzer uncertainty will be higher than the targeted power. (NEMA, No. 30 at pp. 5–6)

DOE investigated the uncertainty associated with high-end power analyzers commonly used by industry to conduct testing in accordance with ANSI C82.2–2010. Uncertainty is a function of factors such as the magnitude of the current and voltage signal, frequency, and power factor. Power analyzer uncertainty is specified by the power analyzer manufacturer and is the ratio of the measured value (frequently referred to as ''the reading'') and the range over which the power analyzer is configured to measure (frequently referred to as ''the range''), reported as a percentage. DOE reviewed the calculation example provided by NEMA and agrees with the approach. However, DOE disagrees with the range selected for current measurements in the example. A power analyzer offers a discrete set of range options, and the range generally selected for a given measurement would be the smallest value that is greater than the expected reading.[10] Had NEMA selected a range of 0.1 amps rather than two amps for the reading of 0.0083 amps, the uncertainty in the power measurement would be much smaller (on the order of two percent of the reading rather than NEMA's calculated 30 percent).

Therefore, DOE finds no reason to amend the standby mode test procedure on the basis of power analyzer measurement uncertainty. While ANSI C82.2–2010 does not discuss standby mode power measurements specifically, DOE finds that in concert with instructions to place the ballast in standby mode, ANSI C82.2–2010 is an appropriate basis for measurement. DOE will retain incorporation by reference of ANSI C82.2–2010 in its standby mode test procedure at redesignated Appendix Q to subpart B of 10 CFR part 430.

C. Compliance and Certification

1. Laboratory Accreditation

DOE has received feedback that the language in 10 CFR 430.25 is causing confusion. Specifically, there has been confusion over the role of the National Voluntary Laboratory Accreditation Program (NVLAP), other accrediting bodies, Underwriter's Laboratories (UL), and Council of Canada. In the January 2015 NOPR, DOE proposed to revise the text to read that testing ''must be conducted by test laboratories accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) or by an accreditation body that has a mutual recognition agreement for which NVLAP is a signatory.'' 80 FR at 414. DOE received several comments regarding this clarification.

The American Association for Laboratory Accreditation (A2LA) agreed with the clarifications made in 10 CFR 430.25 regarding the revisions to the laboratory accreditation language. A2LA recommended further simplifying the requirement by stating that testing could be conducted by test laboratories accredited by an Accreditation Body that is a signatory member to the International Laboratory Accreditation Cooperation (ILAC) mutual recognition arrangement (MRA) and removing the specific references to NVLAP. A2LA added that if there is concern regarding the use of additional laboratories or MRA-signatory Accreditation Bodies, that DOE use a vetting process similar to that used to recognize Accreditation Bodies for the Lighting Facts program. (A2LA, No. 28 at p. 1)

DOE agrees with A2LA's recommendation to consolidate the accreditation requirement by stating testing could be conducted by test laboratories accredited by an Accreditation Body that is a signatory member to the ILAC MRA. The statement simplifies the accreditation requirements while also maintaining the change to allow for testing at laboratories accredited by NVLAP as well as laboratories accredited by other organizations with equivalent functions as NVLAP. Therefore, DOE is adopting the requirement that testing ''must be conducted by test laboratories accredited by an Accreditation Body that is a signatory member to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA).''

CSA Group (CSA) expressed support for the clarification that testing ''must be conducted by test laboratories accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) or by an accreditation body that has a mutual recognition agreement for which NVLAP is a signatory'' provided the clarification does not preclude the use of a NVLAP accredited lab's Supervised Manufacturer's Testing Laboratory (SMTL) Program or Witnessed Manufacturer's Testing Laboratory (WMTL) Program. CSA added that SMTL/WMTL Programs are used by manufacturers for third-party compliance of Canadian Energy Efficiency Regulations, California Energy Commission Regulations, and U.S. EPA ENERGY STAR® Specifications. (CSA, No. 29 at p. 1)

For fluorescent lamp ballast certification testing, DOE does not currently allow the practice of testing by first party laboratories through witness testing programs. DOE found that witness testing programs, such as SMTL and WMTL programs, vary depending on the regulatory body. Further, DOE determined that the program requirements were not well-defined. Because the program requirements varied among regulatory bodies and were not always clearly defined, DOE believes that allowing for witness testing may produce results that are not consistent or repeatable. Therefore, DOE declines to add a provision permitting use of a witnessed or supervised testing program. All testing must be conducted at a laboratory accredited by an Accreditation Body that is a signatory member to the ILAC MRA, including manufacturer laboratories. Additionally, DOE is maintaining the existing clarification that states a manufacturer's or importer's own laboratory, if accredited, may conduct the applicable testing.

NEMA proposed that the changes to the existing 10 CFR 430.25 read ''must be conducted by test laboratories accredited by the National Voluntary Laboratory Accreditation Program (NVLAP), or by an Nationally Recognized Testing Laboratory (NRTL), or by an accreditation body that has a mutual recognition agreement for which

[9] ''American National Standards for Lamp Ballasts—High Frequency Lamp Ballasts—Supplements'' (approved January 17, 2002).

[10] The range typically provides some buffer in excess of the reading to account for non-sinusoidal signals and high instantaneous peak signal values.

NVLAP is a signatory.'' (NEMA, No. 30 at p. 4)

DOE considered whether NRTLs should be added to the laboratory accreditation requirements and found that the DOE test procedure at Appendix Q1 and the industry standards incorporated by reference in Appendix Q1 are not included in the list of test standards determined to be appropriate for use under the Occupational Safety and Health Administration's (OSHA) NRTL program. Because the laboratory accreditation requirements specified at 10 CFR 430.25 only apply to the DOE test procedure, DOE does not find it necessary to add NRTLs to the list of acceptable test laboratories.

Additionally, DOE proposed in the January 2015 NOPR to remove the statement at 10 CFR 430.25 noting that testing for fluorescent lamp ballasts performed in accordance with the existing Appendix Q is not required to be conducted by test laboratories accredited by NVLAP or an accrediting organization recognized by NVLAP. 80 FR at 414. The NOPR reasoned that, because DOE proposed to remove the BEF test procedure at existing Appendix Q and replace it with the BLE test procedure from existing Appendix Q1, this statement is also no longer relevant. 80 FR at 408. DOE received no comment in response to these additional proposed text changes to 10 CFR 430.25 in the January 2015 NOPR. Based on the reasons presented above, DOE is adopting these changes in this final rule.

Finally, DOE proposed in the January 2015 NOPR to remove statements at 10 CFR 430.25 indicating the relevant Appendix for testing specific lighting products. 80 FR at 414. The NOPR explained that DOE proposed to remove these unnecessary statements so that 10 CFR 430.25 is focused solely on laboratory accreditation. 80 FR at 408.

NEMA commented that these proposed changes are too far reaching, and suggested that DOE limit the change to passages pertaining only to fluorescent ballasts. (NEMA, No. 30 at p. 4) DOE is not certain what NEMA intended by its comment that the proposed changes are too far reaching, given that the other proposed changes to 430.25 were to remove obsolete and/or redundant provisions. Therefore, to provide clarity and simplify the text of 10 CFR 430.25, DOE is removing all statements indicating the relevant Appendix for testing specific lighting products, not just for fluorescent lamp ballasts.

2. Evaluating Compliance With Standards

Manufacturers must evaluate compliance with BLE standards according to 10 CFR 429.26. As prescribed at 10 CFR 429.26(a)(2), for each basic model of fluorescent lamp ballast, a minimum of four units must be randomly selected and tested using redesignated Appendix Q. The manufacturer must then evaluate compliance with the standard by comparing the mean from testing and the lower 99 percent confidence limit (LCL) of the true mean divided by 0.99. The mean of the sample is computed using the equation at section 429.26(a)(2)(ii)(A), and the equation to evaluate the LCL is found at section 429.26(a)(2)(ii)(B). The following is an example calculation for evaluating compliance with BLE standards.

Table III.4 presents example test data used to evaluate compliance with standards for a fluorescent lamp ballast designed and marketed for operation of a maximum of two F96T8 lamps.

Table III.4 Example Test Data for Two-Lamp F96T8 Ballast*

Ballast Number	Number of Lamps	Input to Ballast			Lamp 1			Lamp 2			BLE	Power Factor
		Input Voltage (V)	Input Current (A)	Input Power (W)	Output Voltage (V)	Output Current (A)	Output Power (W)	Output Voltage (V)	Output Current (A)	Output Power (W)		
Unit 1	2	277.5	0.5118	140.0	260.8	0.2556	64.83	259.6	0.2566	65.07	0.9279	0.99
Unit 2	2	277.2	0.5134	140.3	261.4	0.2549	64.77	259.6	0.2580	65.40	0.9278	0.99
Unit 3	2	276.9	0.5023	137.1	251.9	0.2569	63.55	250.0	0.2598	63.81	0.9290	0.99
Unit 4	2	276.8	0.5139	140.3	260.7	0.2570	65.13	261.1	0.2558	65.18	0.9288	0.99
* Example test data includes data necessary for example calculation.												

The example ballast is a universal voltage, high frequency ballast designed to operate 8-foot slimline lamps and is intended for use in non-residential applications. Four units of the basic model are tested using the test procedure at redesignated Appendix Q. Each unit is tested while operating two 59 W F96T8 lamps, and the resulting measurements are shown in Table III.4. The required calculations are performed for each ballast and include computing the BLE and power factor. To calculate the BLE of unit 1, Equation 1 is utilized.

$$Ballast\ Luminous\ Efficiency = \frac{Total\ Lamp\ Arc\ Power}{Input\ Power} \times \beta \qquad \textbf{Equation 1}$$

Where:

Total Lamp Arc Power = sum of the lamp arc powers for all lamps operated by the ballast (as determined by section 2.5.1.5 of amended Appendix Q),

Input Power = measured input power to the ballast (as determined by section 2.5.1.6 of amended Appendix Q), and

β = frequency adjustment factor (Table A of amended Appendix Q).

Equation 2 shows the calculation for BLE using the data from Table III.4 for unit 1.

$$\text{Ballast Luminous Efficiency}_{\text{Unit1}} = \frac{(64.83 + 65.07)}{140.0} \times 1.0 = 0.9279 \quad \textbf{Equation 2}$$

The power factor is also calculated for unit 1 using Equation 3.

$$\text{Power Factor} = \frac{\text{Input Power}}{\text{Input Voltage} \times \text{Input Current}} \quad \textbf{Equation 3}$$

Equation 4 shows the calculation for power factor using the data from Table III.4 for unit 1.

$$\text{Power Factor}_{\text{Unit1}} = \frac{140.0}{277.5 \times 0.5118} = 0.99 \quad \textbf{Equation 4}$$

The same process is repeated for each of the three remaining ballast units. The resulting BLE and power factor values are shown in Table III.4.

To determine the minimum BLE that a basic model must meet or exceed to be compliant with standards, manufacturers must average the total lamp arc power of the units and input the average into the appropriate energy conservation standard efficiency level. The reported BLE for each basic model must meet or exceed the output of Equation 5. For instant start ballasts that are designed to operate 8-foot slimline lamps, A = 0.993; B = 0.27; and C = 0.25.

$$\text{BLE} = \frac{\text{A}}{1 + \text{B} \times \text{power}^{-\text{c}}} \quad \textbf{Equation 5}$$

Where:

power = average total lamp arc power.

The total lamp arc power is calculated using the data from Table III.4 for each of the tested ballasts as shown in Equation 6 for Unit 1. The average total lamp arc power of the sample is then calculated as shown in Equation 7. Equation 8 uses the resulting average total lamp arc power to calculate the BLE standard.

$$\text{Total Lamp Arc Power}_{\text{Unit1}} = 64.83 + 65.07 = 129.90 \quad \textbf{Equation 6}$$

$$\text{Average Total Lamp Arc Power} = \frac{129.90 + 130.17 + 127.36 + 130.31}{4} = 129.44 \quad \textbf{Equation 7}$$

$$\text{BLE} = \frac{0.993}{1 + 0.27 \times 129.44^{-0.25}} = 0.919 \quad \textbf{Equation 8}$$

Next, as stated previously, manufacturers must follow the provisions laid out in section 429.26 to certify for compliance. The mean BLE of the sample is calculated using Equation 9.

$$\overline{x} = \frac{1}{n} \sum_{i=1}^{n} x_i \quad \textbf{Equation 9}$$

Where:

$\bar{x}$ = sample mean,

n = number of samples, and

x_i = i^{th} sample.

The mean BLE calculation using the data from Table III.4 is shown in Equation 10.

$$\bar{x} = \frac{1}{4}(0.9279 + 0.9278 + 0.9290 + 0.9288) = 0.928 \qquad \textbf{Equation 10}$$

The lower 99 percent confidence limit of the true mean is calculated using Equation 11.

$$LCL = \bar{x} - t_{0.99}\left(\frac{s}{\sqrt{n}}\right) \qquad \textbf{Equation 11}$$

Where:

$\bar{x}$ = sample mean,

s = sample standard deviation,

n = number of samples, and

$t_{0.99}$ = t statistic for a 99% one-tailed confidence interval with n-1 degrees of freedom.

Equation 12 and Equation 13 show calculations for LCL and LCL divided by 0.99, respectively, using the test data from Table III.4.

$$LCL = 0.9284 - 4.541\left(\frac{0.0006131}{\sqrt{4}}\right) = 0.9270 \qquad \textbf{Equation 12}$$

$$\frac{LCL}{0.99} = \frac{0.9270}{0.99} = 0.936 \qquad \textbf{Equation 13}$$

Manufacturers may report that products perform within a range of values constrained by the standard and the statistical value based on test data. The standard serves as the minimum allowable BLE, and the lower of the mean BLE or LCL of the true mean divided by 0.99 serves as the maximum allowable BLE value reported for compliance. In this example, the mean is 0.928, and the LCL/0.99 is 0.936. Therefore, in this example, the minimum allowable BLE reported for compliance is the standard of 0.919, and the maximum BLE allowable to be reported is 0.928. No additional tolerances are provided when determining BLE.

3. Compliance Date for This Final Rule

Compliance with existing standards has been required since the dates discussed in section III.A. The amendments in this rulemaking will be effective 30 days following publication of this final rule. Consistent with 42 U.S.C. 6293(c), any representations of energy efficiency or energy use will be required to be based on the amended test procedure no later than 180 days after the publication of the final rule in the **Federal Register**.

4. Compliance Certification Management System

DOE did not discuss the contents of the DOE's Compliance Certification Management System (CCMS) in the January 2015 NOPR. However, DOE received a comment from NEMA stating that the template for submitting products to the DOE's CCMS includes categories no longer in use now that compliance is required with the energy conservation standards adopted in the November 2011 standards final rule. NEMA commented that DOE should remove the outdated categories. (NEMA, No. 30 at p. 6) DOE will remove the categories corresponding to outdated energy conservation standards in a future revision of the certification template.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IFRA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

This rulemaking clarifies existing requirements for testing and compliance with standards and does not change the burden associated with fluorescent lamp ballast regulations on any entity large or small. Therefore, DOE concludes and certifies that this rulemaking does not have a significant economic impact on a substantial number of small entities.

Accordingly, DOE has not prepared a regulatory flexibility analysis for this rulemaking. DOE's certification and supporting statement of factual basis will be provided to the Chief Counsel for Advocacy of the SBA [11] for review under 5 U.S.C. 605(b). DOE certifies that this rule has no significant impact on a substantial number of small entities.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of fluorescent lamp ballasts must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for fluorescent lamp ballasts, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including fluorescent lamp ballasts. 76 FR 12422 (March 7, 2011). The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA).

DOE requested OMB approval of an extension of this information collection for three years, specifically including the collection of information proposed in the present rulemaking, and estimated that the annual number of burden hours under this extension is 30 hours per company. In response to DOE's request, OMB approved DOE's information collection requirements covered under OMB control number 1910–1400 through November 30, 2017. 80 FR 5099 (January 30, 2015).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this final rule, DOE amends its test procedures for fluorescent lamp ballasts. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this final rule would clarify the existing energy conservation standards and test procedures without affecting the amount, quality or distribution of energy usage, and, therefore, would not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined this final rule and determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of today's final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *http://energy.gov/gc/office-general-counsel.* DOE examined this final rule

[11] Small Business Administration.

according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988), that this regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action to clarify the energy conservation standards and test procedures for measuring the energy efficiency of fluorescent lamp ballasts is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the final rule must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition. This final rule does not revise the existing incorporation of industry standards regarding fluorescent lamp ballasts. Therefore, DOE concludes that the requirements of section 32(b) of the FEAA, (*i.e.,* that the standards were developed in a manner that fully provides for public participation, comment, and review) do not apply to this rulemaking.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on May 29, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE is amending part 430 of Chapter II of Title 10, Code of Federal Regulations as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Section 430.2 is amended by revising the definition of ''ballast luminous efficiency'' to read as follows:

§ 430.2 Definitions.

* * * * *

Ballast luminous efficiency means the total fluorescent lamp arc power divided by the fluorescent lamp ballast input power multiplied by the appropriate frequency adjustment factor, as defined in appendix Q of subpart B of this part.

* * * * *

§ 430.3 [Amended]

■ 3. Section 430.3 is amended by:

■ a. Removing ''appendix Q1'' in paragraphs (d)(5), (6), and (13); and

■ b. Removing ''and appendix Q1'' in paragraphs (d)(11), (12), (14), and (15).

§ 430.23 [Amended]

■ 4. Section 430.23 is amended by removing ''appendix Q1'' and adding in its place, ''appendix Q'' in paragraphs (q)(1)(i), (q)(2), and (q)(3)(iii).

■ 5. Section 430.25 is revised to read as follows:

§ 430.25 Laboratory Accreditation Program.

The testing for general service fluorescent lamps, general service incandescent lamps (with the exception of lifetime testing), incandescent

reflector lamps, medium base compact fluorescent lamps, and fluorescent lamp ballasts must be conducted by test laboratories accredited by an Accreditation Body that is a signatory member to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA). A manufacturer's or importer's own laboratory, if accredited, may conduct the applicable testing.

Appendix Q to Subpart B of Part 430 [Removed]

■ 6. Appendix Q to subpart B of part 430 is removed.

Appendix Q1 to Subpart B of Part 430 [Redesignated as Appendix Q to Subpart B of Part 430]

■ 7. Appendix Q1 to subpart B of part 430 is redesignated as appendix Q to subpart B of part 430 and revised to read as follows:

Appendix Q to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Fluorescent Lamp Ballasts

1. Definitions

1.1. *AC control signal* means an alternating current (AC) signal that is supplied to the ballast using additional wiring for the purpose of controlling the ballast and putting the ballast in standby mode.

1.2. *Average total lamp arc power* means the average of the total lamp arc power (as defined and measured in section 2.6.1) of the ballast units tested.

1.3. *Cathode heating* refers to power delivered to the lamp by the ballast for the purpose of raising the temperature of the lamp electrode or filament.

1.4. *DC control signal* means a direct current (DC) signal that is supplied to the ballast using additional wiring for the purpose of controlling the ballast and putting the ballast in standby mode.

1.5. *Dimming ballast* means a ballast that is designed to vary its output and that can achieve an output less than or equal to 50 percent of its maximum electrical output.

1.6. *F34T12 lamp (also known as a "F40T12/ES lamp")* means a nominal 34 watt tubular fluorescent lamp that is 48 inches in length and one and a half inches in diameter, and conforms to ANSI C78.81 (Data Sheet 7881–ANSI–1006–1) (incorporated by reference; see § 430.3).

1.7. *F96T12/ES lamp* means a nominal 60 watt tubular fluorescent lamp that is 96 inches in length and one and a half inches in diameter, and conforms to ANSI C78.81 (Data Sheet 7881–ANSI–3006–1) (incorporated by reference; see § 430.3).

1.8. *F96T12HO/ES lamp* means a nominal 95 watt tubular fluorescent lamp that is 96 inches in length and one and a half inches in diameter, and conforms to ANSI C78.81 (Data Sheet 7881–ANSI–1017–1) (incorporated by reference; see § 430.3).

1.9. *High-frequency ballast* is as defined in ANSI C82.13 (incorporated by reference; see § 430.3).

1.10. *Instant-start* is the starting method used in instant-start systems as defined in ANSI C82.13 (incorporated by reference; see § 430.3).

1.11. *Low-frequency ballast* is a fluorescent lamp ballast that operates at a supply frequency of 50 to 60 Hz and operates the lamp at the same frequency as the supply.

1.12. *PLC control signal* means a power line carrier (PLC) signal that is supplied to the ballast using the input ballast wiring for the purpose of controlling the ballast and putting the ballast in standby mode.

1.13. *Programmed-start* is the starting method used in programmed-start systems as defined in ANSI C82.13 (incorporated by reference; see § 430.3).

1.14. *Rapid-start* is the starting method used in rapid-start type systems as defined in ANSI C82.13 (incorporated by reference; see § 430.3).

1.15. *Reference lamp* is a fluorescent lamp that meets certain operating conditions as defined by ANSI C82.13 (incorporated by reference; see § 430.3).

1.16. *Residential ballast* means a fluorescent lamp ballast that meets FCC consumer limits as set forth in 47 CFR part 18 and is designed and marketed for use only in residential applications.

1.17. *RMS* is the root mean square of a varying quantity.

1.18. *Sign ballast* means a ballast that has an Underwriters Laboratories Inc. Type 2 rating and is designed and marketed for use only in outdoor signs.

1.19. *Wireless control signal* means a wireless signal that is radiated to and received by the ballast for the purpose of controlling the ballast and putting the ballast in standby mode.

2. Active Mode Procedure

2.1. Where ANSI C82.2 (incorporated by reference; see § 430.3) references ANSI C82.1–1997, the operator must use ANSI C82.1 (incorporated by reference; see § 430.3) for testing low-frequency ballasts and must use ANSI C82.11 (incorporated by reference; see § 430.3) for testing high-frequency ballasts. In addition when applying ANSI C82.2, the standards ANSI C78.81, ANSI C82.1, ANSI C82.11, and ANSI C82.13 must be used instead of the versions listed as normative references in ANSI C82.2.

2.2. *Instruments*

2.2.1. All instruments must be as specified by ANSI C82.2 (incorporated by reference; see § 430.3).

2.2.2. *Power Analyzer.* In addition to the specifications in ANSI C82.2 (incorporated by reference; see § 430.3), the power analyzer must have a maximum 100 pF capacitance to ground and frequency response between 40 Hz and 1 MHz.

2.2.3. *Current Probe.* In addition to the specifications in ANSI C82.2 (incorporated by reference; see § 430.3), the current probe must be galvanically isolated and have frequency response between 40 Hz and 20 MHz.

2.3. Test Setup

2.3.1. The ballast must be connected to a main power source and to the fluorescent lamp load according to the manufacturer's wiring instructions and ANSI C82.1 (incorporated by reference; see § 430.3) and ANSI C78.81 (incorporated by reference; see § 430.3).

2.3.1.1. Wire lengths between the ballast and fluorescent lamp must be the length provided by the ballast manufacturer. Wires must be kept loose and not shortened or bundled.

2.3.1.2. If the wire lengths supplied with the ballast are of insufficient length to reach both ends of lamp, additional wire may be added. Add the minimum additional wire length necessary, and the additional wire must be the same wire gauge as the wire supplied with the ballast. If no wiring is provided with the ballast, 18 gauge or thicker wire must be used. The wires must be separated from each other and grounded to prevent parasitic capacitance for all wires used in the apparatus, including those wires from the ballast to the lamps and from the lamps to the measuring devices.

2.3.1.3. The fluorescent lamp must meet the specifications of a reference lamp as defined by ANSI C82.13 (incorporated by reference; see § 430.3) and be seasoned at least 12 hours.

2.3.1.4. The ballast must be connected to the number of lamps equal to the maximum number of lamps the ballast is designed and marketed to operate.

2.3.1.5. Ballasts designed and marketed to operate both 4-foot medium bipin lamps and 2-foot U-shaped lamps must be tested with 4-foot medium bipin lamps.

2.3.1.6. With the exception of sign ballasts (described in section 2.3.1.7 and its subsections), ballasts designed and marketed to operate both T8 and T12 lamps must be tested with T8 lamps.

2.3.1.7. For sign ballasts (as defined in section 1.18):

2.3.1.7.1. Use a T8 lamp as specified in Table A of this section for sign ballasts that are designed and marketed to operate only T8 lamps.

2.3.1.7.2. Use a T12 lamp as specified in Table A of this section for sign ballasts that are designed and marketed to operate only T12 lamps.

2.3.1.7.3. Use a T12 lamp as specified in Table A of this section for sign ballasts that are designed and marketed to operate both T8 and T12 lamps.

2.3.1.8. Test each ballast with the lamp type specified in Table A of this section that corresponds to the lamp diameter the ballast is designed and marketed to operate. Test each ballast with only one lamp type.

TABLE A—LAMP-AND-BALLAST PAIRINGS AND FREQUENCY ADJUSTMENT FACTORS

Ballast type	Lamp type		Frequency adjustment factor (β)	
	Lamp diameter and base	Nominal lamp wattage	Low frequency	High frequency
Ballasts that operate straight-shaped lamps (commonly referred to as 4-foot medium bipin lamps) with medium bipin bases and a nominal overall length of 48 inches.	T8 MBP	32	0.94	1.0
	T12 MBP	34	0.93	1.0
Ballasts that operate U-shaped lamps (commonly referred to as 2-foot U-shaped lamps) with medium bipin bases and a nominal overall length between 22 and 25 inches.	T8 MBP	32	0.94	1.0
	T12 MBP	34	0.93	1.0
Ballasts that operate rapid-start lamps (commonly referred to as 8-foot-high output lamps) with recessed double contact bases and a nominal overall length of 96 inches.	T8 HO RDC	86	0.92	1.0
	T12 HO RDC	95	0.94	1.0
Ballasts that operate instant-start lamps (commonly referred to as 8-foot slimline lamps) with single pin bases and a nominal overall length of 96 inches.	T8 slimline SP	59	0.95	1.0
	T12 slimline SP	60	0.94	1.0
Ballasts that operate straight-shaped lamps (commonly referred to as 4-foot miniature bipin standard output lamps) with miniature bipin bases and a nominal length between 45 and 48 inches.	T5 SO Mini-BP	28	0.95	1.0
Ballasts that operate straight-shaped lamps (commonly referred to as 4-foot miniature bipin high output lamps) with miniature bipin bases and a nominal length between 45 and 48 inches.	T5 HO Mini-BP	54	0.95	1.0
Sign ballasts that operate rapid-start lamps (commonly referred to as 8-foot high output lamps) with recessed double contact bases and a nominal overall length of 96 inches.	T8 HO RDC	86	0.92	1.0
	T12 HO RDC	* 110	0.94	1.0

MBP, Mini-BP, RDC, and SP represent medium bipin, miniature bipin, recessed double contact, and single pin, respectively.

A ballast must be tested with only one lamp type based on the ballast type description and lamp diameter it is designed and marketed to operate.

* Lamp type is commonly marketed as 110 W, however ANSI C78.81 Data Sheet lists nominal wattage of 113 W.

2.3.2. Power Analyzer

2.3.2.1. The power analyzer test setup must have n+1 channels where n is the number of lamps a ballast operates. Use the minimum number of power analyzers possible during testing. A system may be used to synchronize the power analyzers, and all power analyzers must be synchronized in time.

2.3.2.2. *Lamp Arc Voltage.* Leads from the power analyzer should attach to each fluorescent lamp according to Figure 1 of this section for rapid- and programmed-start ballasts, Figure 2 of this section for instant-start ballasts operating single pin (SP) lamps, and Figure 3 of this section for instant-start ballasts operating medium bipin (MBP), miniature bipin (mini-BP), or recessed double contact (RDC) lamps. The programmed- and rapid-start ballast test setup includes two 1000 ohm resistors placed in parallel with the lamp pins to create a midpoint from which to measure lamp arc voltage.

2.3.2.3. *Lamp Arc Current.* A current probe must be positioned on each fluorescent lamp according to Figure 1 for rapid- and programmed-start ballasts, Figure 2 of this section for instant-start ballasts operating SP lamps, and Figure 3 of this section for instant-start ballasts operating MBP, mini-BP, and RDC lamps.

2.3.2.3.1. For the lamp arc current measurement, the full transducer ratio must be set in the power analyzer to match the current probe to the power analyzer.

$$Full\ Transducer\ Ratio = \frac{I_{in}}{V_{out}} \times \frac{R_{in}}{R_{in} + R_s}$$

Where: I_{in} is the current through the current transducer, V_{out} is the voltage out of the transducer, R_{in} is the power analyzer impedance, and R_s is the current probe output impedance.

BILLING CODE 6450–01–P

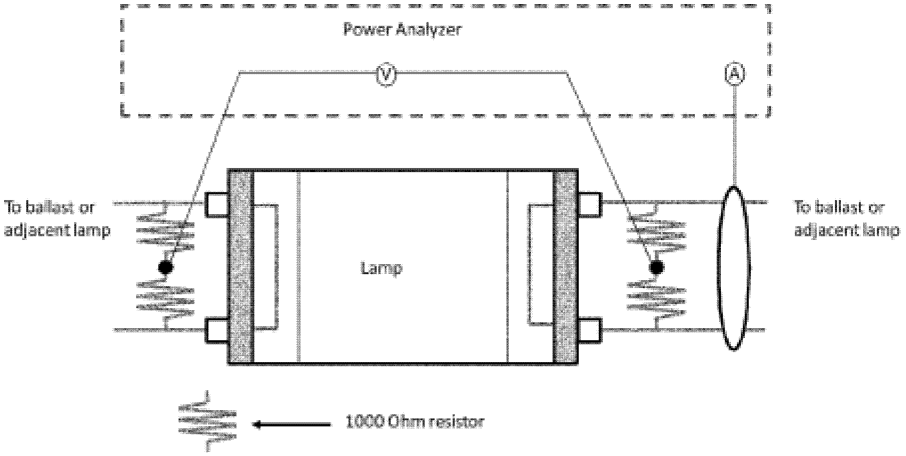

Figure 1: Programmed- and Rapid-Start Ballast Instrumentation Setup

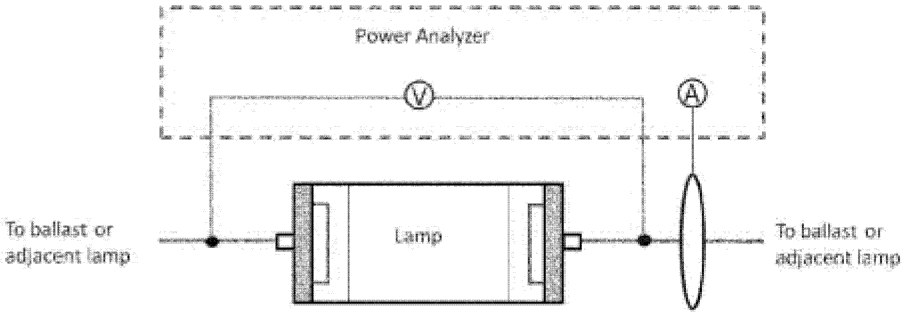

Figure 2: Instant-Start Ballasts that Operate SP Lamps Instrumentation Setup

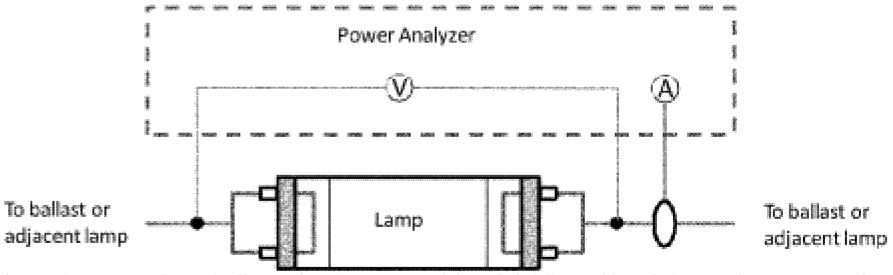

Figure 3: Instant-Start Ballasts that Operate MBP, mini-BP, and RDC Lamps Instrumentation Setup

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2.4. Test Conditions

2.4.1. The test conditions for testing fluorescent lamp ballasts must be done in accordance with ANSI C82.2 (incorporated by reference; see § 430.3). DOE further specifies that the following revisions of the normative references indicated in ANSI C82.2 should be used in place of the references directly specified in ANSI C82.2: ANSI C78.81 (incorporated by reference; see § 430.3), ANSI C82.1 (incorporated by reference; see § 430.3), ANSI C82.3 (incorporated by reference; see § 430.3), ANSI C82.11 (incorporated by reference; see § 430.3), and ANSI C82.13 (incorporated by reference; see § 430.3). All other normative references must be as specified in ANSI C82.2.

2.4.2. *Room Temperature and Air Circulation.* The test facility must be held at 25 ±2 °C, with minimal air movement as defined in ANSI C78.375 (incorporated by reference; see § 430.3).

2.4.3. *Input Voltage.* Disregard the directions in ANSI C82.2 (incorporated by reference; see § 430.3) section 4.1, and use the following directions for input voltage instead. For ballasts designed and marketed for operation at multiple voltages that are not residential ballasts, test the ballast at 277V ±0.1%. For residential ballasts designed and marketed for operation at multiple voltages, test the ballast at 120V ±0.1%. For sign ballasts designed and marketed for operation at multiple voltages, test the ballast at 120V ±0.1%. Ballasts designed and marketed for operation at only one input voltage must be tested at that specified voltage.

2.5. Test Method

2.5.1. *Ballast Luminous Efficiency.*

2.5.1.1. The ballast must be connected to the appropriate fluorescent lamps and to measurement instrumentation as indicated by the Test Setup in section 2.3.

2.5.1.2. The ballast must be operated at full output for at least 15 minutes but no longer than 1 hour until stable operating conditions are reached. Once this condition is reached, and with the ballast continuing to operate at full output, measure each of the parameters described in sections 2.5.1.3 through 2.5.1.9 concurrently.

2.5.1.2.1. Stable operating conditions are determined by measuring lamp arc voltage, current, and power once per second in

accordance with the setup described in section 2.3. Once the difference between the maximum and minimum values for lamp arc voltage, current, and power do not exceed one percent over a four minute moving window, the system is considered stable.

2.5.1.3. *Lamp Arc Voltage.* Measure lamp arc voltage (volts) using the setup described in section 2.3.2.2.

2.5.1.4. *Lamp Arc Current.* Measure lamp arc current (amps) using the setup described in section 2.3.2.3.

2.5.1.5. *Lamp Arc Power.* The power analyzer must calculate output power by using the measurements described in sections 2.5.1.3 and 2.5.1.4.

2.5.1.6. *Input Power.* Measure the input power (watts) to the ballast in accordance with ANSI C82.2 (incorporated by reference; see § 430.3), section 7.

2.5.1.7. *Input Voltage.* Measure the input voltage (volts) (RMS) to the ballast in accordance with ANSI C82.2 (incorporated by reference; see § 430.3), section 3.2.1 and section 4.

2.5.1.8. *Input Current.* Measure the input current (amps) (RMS) to the ballast in accordance with ANSI C82.2 (incorporated by reference; see § 430.3), section 3.2.1 and section 4.

2.5.1.9. *Lamp Operating Frequency.* Measure the frequency of the waveform delivered from the ballast to any lamp in accordance with the setup in section 2.3.

2.6. Calculations

2.6.1. Calculate ballast luminous efficiency (BLE).

$$Ballast\ Luminous\ Efficiency = \frac{Total\ Lamp\ Arc\ Power}{Input\ Power} \times \beta$$

Where: Total Lamp Arc Power is the sum of the lamp arc powers for all lamps operated by the ballast as determined by section 2.5.1.5, Input Power is as determined by section 2.5.1.6, and β is equal to the frequency adjustment factor in Table A.

2.6.2. Calculate Power Factor (PF).

$$PF = \frac{Input\ Power}{Input\ Voltage\ \times Input\ Current}$$

Where: Input Power is determined in accordance with section 2.5.1.6, Input Voltage is determined in accordance with section 2.5.1.7, and Input Current is determined in accordance with section 2.5.1.8.

3. Standby Mode Procedure

3.1. The measurement of standby mode power need not be performed to determine compliance with energy conservation standards for fluorescent lamp ballasts at this time. On or after December 2, 2015, if a manufacturer makes any representations with respect to the standby mode power use of fluorescent lamp ballasts, then testing must also include the provisions of this test procedure related to standby mode energy consumption.

3.2. Test Conditions

3.2.1. The test conditions for testing fluorescent lamp ballasts must be established in accordance with ANSI C82.2 (incorporated by reference; see § 430.3). The test conditions for measuring standby power are described in sections 5, 7, and 8 of ANSI C82.2. Fluorescent lamp ballasts that are designed and marketed for connection to control devices must be tested with all commercially available compatible control devices connected in all possible configurations. For each configuration, a separate measurement of standby power must be made in accordance with section 3.3 of the test procedure.

3.3. Test Method and Measurements

3.3.1. The test for measuring standby mode energy consumption of fluorescent lamp ballasts must be done in accordance with ANSI C82.2 (incorporated by reference; see § 430.3).

3.3.2. Send a signal to the ballast instructing it to have zero light output using the appropriate ballast communication protocol or system for the ballast being tested.

3.3.3. *Input Power.* Measure the input power (watts) to the ballast in accordance with ANSI C82.2, section 13, (incorporated by reference; see § 430.3).

3.3.4. *Control Signal Power.* The power from the control signal path must be measured using all applicable methods described below.

3.3.4.1. *AC Control Signal.* Measure the AC control signal power (watts), using a wattmeter (W), connected to the ballast in accordance with the circuit shown in Figure 4 of this section.

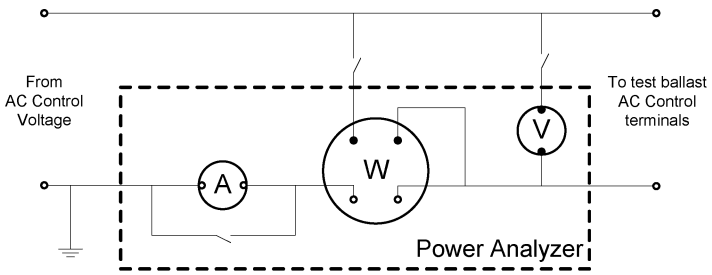

Figure 4. Circuit for Measuring AC Control Signal Power in Standby Mode

3.3.4.2. *DC Control Signal.* Measure the DC control signal voltage, using a voltmeter (V), and current, using an ammeter (A), connected to the ballast in accordance with the circuit shown in Figure 5 of this section. The DC control signal power is calculated by multiplying the DC control signal voltage and the DC control signal current.

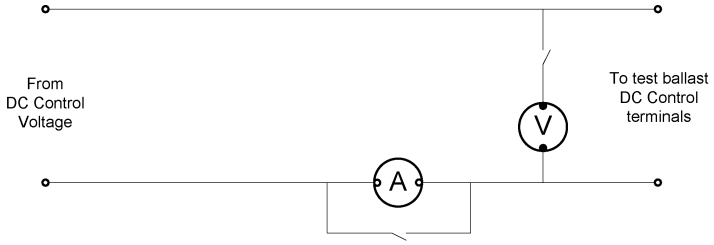

Figure 5: Circuit for Measuring DC Control Signal Power in Standby Mode

3.3.4.3. *Power Line Carrier (PLC) Control Signal.* Measure the PLC control signal power (watts) using a wattmeter (W) connected to the ballast in accordance with the circuit shown in Figure 6 of this section. The wattmeter must have a frequency response that is at least 10 times higher than the PLC being measured in order to measure the PLC signal correctly. The wattmeter must also be high-pass filtered to filter out power at 60 Hertz.

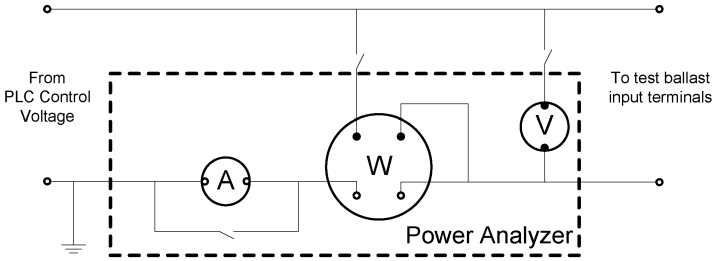

Figure 6: Circuit for Measuring PLC Control Signal Power in Standby Mode

3.3.4.4. *Wireless Control Signal.* The power supplied to a ballast using a wireless signal is not easily measured but is estimated to be well below 1.0 watt. Therefore, the wireless control signal power is not measured as part of this test procedure.

■ 8. Section 430.32 is amended by revising paragraph (m) to read as follows:

§ 430.32 Energy and water conservation standards and their compliance dates.

* * * * *

(m) *Fluorescent lamp ballasts*—(1) *Standards for fluorescent lamp ballasts (other than dimming ballasts).* Except as provided in paragraphs (m)(2) and (3) of this section, each fluorescent lamp ballast manufactured on or after November 14, 2014,

(i) Designed and marketed—

(A) To operate at nominal input voltages at or between 120 and 277 volts;

(B) To operate with an input current frequency of 60 Hertz; and

(C) For use in connection with fluorescent lamps (as defined in § 430.2)

(ii) Must have—

(A) A power factor of:

(*1*) 0.9 or greater for ballasts that are not residential ballasts; or

(*2*) 0.5 or greater for residential ballasts; and

(B) A ballast luminous efficiency not less than the following:

BLE = A/(1 + B × average total lamp arc power ^ −C) Where A, B, and C are as follows:

Description	A	B	C
Instant start and rapid start ballasts (not classified as residential ballasts) that are designed and marketed to operate:			
4-foot medium bipin lamps;	0.993	0.27	0.25
2-foot U-shaped lamps; or			
8-foot slimline lamps.			
Programmed start ballasts (not classified as residential ballasts) that are designed and marketed to operate:			
4-foot medium bipin lamps;	0.993	0.51	0.37
2-foot U-shaped lamps;			
4-foot miniature bipin standard output lamps; or			
4-foot miniature bipin high output lamps.			
Instant start and rapid start ballasts (not classified as sign ballasts) that are designed and marketed to operate 8-foot high output lamps	0.993	0.38	0.25
Programmed start ballasts (not classified as sign ballasts) that are designed and marketed to operate 8-foot high output lamps	0.973	0.70	0.37
Sign ballasts that are designed and marketed to operate 8-foot high output lamps	0.993	0.47	0.25
Instant start and rapid start residential ballasts that are designed and marketed to operate:			
4-foot medium bipin lamps;	0.993	0.41	0.25
2-foot U-shaped lamps; or			
8-foot slimline lamps.			

BLE = A/(1 + B × average total lamp arc power ^ −C) Where A, B, and C are as follows:			
Description	A	B	C
Programmed start residential ballasts that are designed and marketed to operate: 4-foot medium bipin lamps or 2-foot U-shaped lamps.	0.973	0.71	0.37

(2) *Standards for certain dimming ballasts.* Except as provided in paragraph (m)(3) of this section, each dimming ballast manufactured on or after November 14, 2014; designed and marketed to operate one F34T12, two F34T12, two F96T12/ES, or two F96T12HO/ES lamps; and

(i) Designed and marketed—

(A) To operate at nominal input voltages at or between 120 and 277 volts;

(B) To operate with an input current frequency of 60 Hertz; and

(C) For use in connection with fluorescent lamps (as defined in § 430.2)

(ii) Must have—

(A) A power factor of:

(*1*) 0.9 or greater for ballasts that are not residential ballasts; or

(*2*) 0.5 or greater for residential ballasts; and

(B) A ballast luminous efficiency not less than the following:

Designed and marketed for operation of a maximum of	Nominal input voltage	Total nominal lamp watts	Ballast luminous efficiency	
			Low frequency ballasts	High frequency ballasts
One F34T12 lamp	120/277	34	0.777	0.778
Two F34T12 lamps	120/277	68	0.804	0.805
Two F96T12/ES lamps	120/277	120	0.876	0.884
Two F96T12HO/ES lamps	120/277	190	0.711	0.713

(3) *Exemptions.* The power factor and ballast luminous efficiency standards described in paragraph (m)(1)(ii) and (m)(2)(ii) of this section do not apply to:

(i) A dimming ballast designed and marketed to operate exclusively lamp types other than one F34T12, two F34T12, two F96T12/ES, or two F96T12HO/ES lamps;

(ii) A low frequency ballast that is designed and marketed to operate T8 diameter lamps; is designed and marketed for use in electromagnetic-interference-sensitive-environments only; and is shipped by the manufacturer in packages containing 10 or fewer ballasts; or

(iii) A programmed start ballast that operates 4-foot medium bipin T8 lamps and delivers on average less than 140 milliamperes to each lamp.

(4) For the purposes of this paragraph (m), the definitions found in appendix Q of subpart B of this part apply.

* * * * *

[FR Doc. 2015–13783 Filed 6–4–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 31021; Amdt. No. 520]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: Effective 0901 UTC, June 25, 2015.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC, on May 22, 2015.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, June 25, 2015.

PART 95—[AMENDED]

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT

[Amendment 520 effective date June 25, 2015]

From	To	MEA
§ 95.6001 Victor Routes–U.S.		
§ 95.6071 VOR Federal Airway V71 Is Amended To Read in Part		
Fighting Tiger, LA VORTAC *1800—MOCA	Wrack, LA FIX	*2200
§ 95.6140 VOR Federal Airway V140 Is Amended To Read in Part		
Panhandle, TX VORTAC *5000—MOCA	Zesus, TX FIX	*5800
§ 95.6145 VOR Federal Airway V145 Is Amended To Read in Part		
Utica, NY VORTAC	Weepy, NY FIX	3400
Floor, NY FIX	Watertown, NY VORTAC	3000
§ 95.6195 VOR Federal Airway V195 Is Amended To Read in Part		
Manteca, CA VOR/DME *2900—MOCA	Tracy, CA FIX	*4100
Tracy, CA FIX *4700—MCA Sunol, CA FIX, NE BND	*Sunol, CA FIX	5200
Croit, CA FIX *7200—MCA Cordd, CA FIX, N BND **3400—MOCA	*Cordd, CA FIX	**5000
Burrs, CA FIX *7000—MRA *7300—MCA Tomad, CA FIX, W BND **4600—MOCA	*Tomad, CA FIX	**6000
*Tomad, CA FIX *7000—MRA **8300—MOCA	Yager, CA FIX	**11000
§ 95.6258 VOR Federal Airway V258 Is Amended To Read in Part		
Charleston, WV VORTAC *4900—MOCA #HVQ Restriction Unusable 140–142 BYD 20—BLO 9000	Beckley, WV VORTAC	#*5000
Beckley, WV VORTAC *6300—MOCA *6300—GNSS MEA	Zooms, WV FIX	*10000
§ 95.6296 VOR Federal Airway V296 Is Amended To Read in Part		
Fayetteville, NC VOR/DME *2100—MOCA #Wilmnington R–315 Unusable, Use Fayetteville R–131	Wilmington, NC VORTAC	#*3000
§ 95.6402 VOR Federal Airway V402 Is Amended To Read in Part		
Panhandle, TX VORTAC *7000—MCA Brisc, TX FIX, SW BND **5000—MOCA	*Brisc, TX FIX	**7000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 520 effective date June 25, 2015]

From	To	MEA
§ 95.6440 VOR Federal Airway V440 Is Amended To Read in Part		
Panhandle, TX VORTAC *7000—MCA Brisc, TX FIX, SW BND **5000—MOCA	*Brisc, TX FIX	**7000
§ 95.6350 Alaska VOR Federal Airway V350 Is Amended To Read in Part		
Togiak, AK NDB/DME	Bafin, AK FIX	5400
Bafin, AK FIX	Bethel, AK VORTAC.	
	SE BND	5400
	NW BND	2000

[FR Doc. 2015–13823 Filed 6–4–15; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Docket No. SSA–2015–0017]

RIN 0960–AH83

Extension of Sunset Date for Attorney Advisor Program

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: We are extending for 2 years our rule authorizing attorney advisors to conduct certain prehearing procedures and to issue fully favorable decisions. The current rule will expire on August 7, 2015. In this final rule, we are extending the sunset date to August 4, 2017. We are making no other substantive changes.

DATES: This final rule is effective June 5, 2015.

FOR FURTHER INFORMATION CONTACT: Rainbow Lloyd, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041–3260, 703–605–7100 for information about this final rule. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov*.

SUPPLEMENTARY INFORMATION:

Background of the Attorney Advisor Program

On August 9, 2007, we issued an interim final rule permitting some attorney advisors to conduct certain prehearing procedures and issue decisions that are fully favorable when the documentary record warrants. 72 FR 44763. We instituted this practice to provide more timely service to the increasing number of applicants for Social Security disability benefits and Supplemental Security Income payments based on disability. We considered the public comments we received on the interim final rule and, on March 3, 2008, we issued a final rule without changes. 73 FR 11349. Under this rule, some attorney advisors may develop claims and, in appropriate cases, issue fully favorable decisions before a hearing.

We originally intended the attorney advisor program to be a temporary modification to our procedures. Therefore, we included in sections 404.942(g) and 416.1442(g) of the interim final rule a provision that the program would end on August 10, 2009, unless we decided to either terminate the rule earlier or extend it beyond that date by publication of a final rule in the **Federal Register**. Since that time, we have periodically extended the sunset date; as we noted above, the current sunset date for the program is August 7, 2015. 78 FR 45460.

Explanation of Extension

When we published the final rules reinstating the attorney advisor program in 2008, we discussed a variety of concerns about the program and we stated our intent to closely monitor it and to make changes to the program if it did not meet our expectations. 73 FR 11349, 11350, 11351, and 11352.

We explained in the final rule in 2008 that the number of requests for hearings has increased significantly in recent years. We anticipate that we will continue to receive a high number of requests for hearings. The attorney advisor program has assisted our efforts to reduce the backlog of pending hearing requests, and we believe that the program should continue at this time.

In order to preserve the maximum degree of flexibility we need to effectively manage our hearings-level workloads, we have decided to extend the attorney advisor rule for another 2 years, until August 4, 2017. As before, we reserve the authority to end the program earlier or to extend it by publishing a final rule in the **Federal Register**.

Regulatory Procedures

Justification for Issuing Final Rule Without Notice and Comment

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 when developing regulations. Section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5). The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest. We have determined that good cause exists for dispensing with the notice and public comment procedures for this rule. 5 U.S.C. 553(b)(B). Good cause exists because this final rule only extends the sunset date of an existing rule. It makes no substantive changes to the rule. The current regulations expressly provide that we may extend or terminate this rule. Therefore, we have determined that opportunity for prior comment is unnecessary, and we are issuing this rule as a final rule.

In addition, because we are not making any substantive changes to the existing rule, we find that there is good cause for dispensing with the 30-day delay in the effective date of a substantive rule provided by 5 U.S.C. 553(d)(3). To ensure that we have uninterrupted authority to use attorney advisors to reduce the number of pending cases at the hearing level, we find that it is in the public interest to make this final rule effective on the date of publication.

Executive Order 12866 as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563.

Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities because it affects individuals only. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

Paperwork Reduction Act

This final rule does not create any new or affect any existing collections and, therefore, does not require OMB approval under the Paperwork Reduction Act.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006, Supplemental Security Income.)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social security.

20 CFR Part 416

Administrative practice and procedure, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Carolyn W. Colvin,

Acting Commissioner of Social Security.

For the reasons stated in the preamble, we amend subpart J of part 404 and subpart N of part 416 of Chapter III of title 20 of the Code of Federal Regulations as set forth below:

PART 404—FEDERAL OLD–AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart J—[Amended]

■ 1. The authority citation for subpart J of part 404 continues to read as follows:

Authority: Secs. 201(j), 204(f), 205(a)–(b), (d)–(h), and (j), 221, 223(i), 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 401(j), 404(f), 405(a)–(b), (d)–(h), and (j), 421, 423(i), 425, and 902(a)(5)); sec. 5, Pub. L. 97–455, 96 Stat. 2500 (42 U.S.C. 405 note); secs. 5, 6(c)–(e), and 15, Pub. L. 98–460, 98 Stat. 1802 (42 U.S.C. 421 note); sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 2. In § 404.942, revise paragraph (g) to read as follows:

§ 404.942 Prehearing proceedings and decisions by attorney advisors.

* * * * *

(g) *Sunset provision.* The provisions of this section will no longer be effective on August 4, 2017, unless we terminate them earlier or extend them beyond that date by notice of a final rule in the **Federal Register**.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart N—[Amended]

■ 3. The authority citation for subpart N continues to read as follows:

Authority: Secs. 702(a)(5), 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1383, and 1383b); sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 4. In § 416.1442, revise paragraph (g) to read as follows:

§ 416.1442 Prehearing proceedings and decisions by attorney advisors.

* * * * *

(g) *Sunset provision.* The provisions of this section will no longer be effective on August 4, 2017, unless we terminate them earlier or extend them beyond that date by notice of a final rule in the **Federal Register**.

[FR Doc. 2015–13768 Filed 6–4–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Parts 502, 513, 514, 516, 522, 531, 533, 535, 556, 559, 571, 573, 575, and 580

RIN 3141–AA50, 3141–AA25, 3141–AA40, 3141–AA20, 3141–AA23, 3141–AA46, 3141–AA58, 3141–AA13, 3141–AA63, 3141–AA48, 3141–AA49, 3141–AA50, 3141–AA08, 3141–AA47

Various National Indian Gaming Commission Regulations

AGENCY: National Indian Gaming Commission, Interior.

ACTION: Correcting amendments.

SUMMARY: The National Indian Gaming Commission (NIGC or Commission) makes corrections to various regulations previously issued. The Commission recently moved its headquarters resulting in the need to update the Commission's mailing address. Additionally, the current regulations contain outdated references to previous regulations that no longer exist. The amendments also correct various minor grammatical errors.

DATES: Effective June 22, 2015.

FOR FURTHER INFORMATION CONTACT: NIGC Attn: Maria Getoff, Senior Attorney, C/O Department of the Interior, 1849 C Street NW., Mail Stop #1621, Washington, DC 20240, or by telephone at 202–632–7003.

SUPPLEMENTARY INFORMATION:

I. Background

The Indian Gaming Regulatory Act (IGRA or the Act), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* was signed into law on October 17, 1988. The Act established the Commission and set out a comprehensive framework for the regulation of gaming on Indian lands. The purposes of the Act include: Providing a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments; ensuring that the Indian tribe is the primary beneficiary of the gaming operation; and declaring that the establishment of independent federal regulatory authority for gaming on Indian lands, the establishment of federal standards for gaming on Indian lands, and the establishment of a National Indian Gaming Commission are necessary to meet congressional concerns regarding gaming and to protect such gaming as a means of generating tribal revenue. 25 U.S.C. 2702.

II. Previous Rulemaking Activity

On August 9, 2012, the Commission published a final rule amending 25 CFR part 573 (Compliance and Enforcement) to include a graduated pre-enforcement process through which a tribe may come into voluntary compliance. 77 FR 47517, Aug. 9, 2012. This document updates references in 25 CFR part 514 that are no longer accurate due to those amendments.

On September 25, 2012, the Commission published a final rule consolidating all appeal proceedings before the Commission into a (then) new subchapter H (Appeal Proceedings Before the Commission), thereby removing former parts 524, 539, and 577. 77 FR 58941, Sept. 25, 2012. This document updates 25 CFR parts 513, 514, 522, 533, 535, 571, 573, and 575 to remove references to those parts no longer in existence.

On January 25, 2013, the Commission published a final rule amending 25 CFR

parts 556 and 558 (Background investigations and Gaming Licenses for Key Employees and Primary Management Officials) to streamline certain submissions to the Commission and to ensure that certain tribal notifications comply with the Act. 78 FR 5276, Jan 25. 2013. This document updates 25 CFR part 573 to reflect the amendments to those parts.

In June of 2014, the Commission relocated its headquarters. This document updates the mailing address contained within 25 CFR parts 514 and 516. The Commission also identified minor grammatical errors in certain other regulations and now corrects those errors.

III. Corrections

25 CFR Part 502—Definitions of This Chapter

This document revises the definition of ''Chairman'' in 25 CFR 502.1 to include the word ''Chair.'' This reflects the gender-neutral term that occurs elsewhere in the Commission's regulations. No substantive change is intended with this correction.

25 CFR Part 513—Debt Collection

This document revises 25 CFR 513.4(b) and 513.32(a) to remove references to the appeal procedures formerly found at 25 CFR part 577 (which no longer exists). It now references the appeal procedure at 25 CFR parts 580–585. This document also corrects a grammatical error in § 513.32(a): In the third sentence, the first ''matters'' is corrected to the singular ''matter,'' while the second ''matters'' remains plural.

25 CFR Part 514—Fees

This document revises 25 CFR 514.8 and 514.17(c) to reflect the Commission's new mailing address. This document also amends 25 CFR 514.10 to revise paragraphs (a) and (b) to correct a reference from ''25 CFR 573.6(a)(2)'' to ''25 CFR 573.4(a)(2).''

25 CFR Part 516—Testimony of Current and Former Commissioners and NIGC Employees; Response to Subpoenas

The document revises 25 CFR 516.4(b) to reflect the Commission's new mailing address.

25 CFR Part 522—Submission of Gaming Ordinance or Resolution

This document revises 25 CFR 522.5 and 522.7(a), (b) to remove references to 25 CFR part 524 (which no longer exists) and replaces them with references to 25 CFR part 582. This document also revises 25 CFR 522.10(c) and (f) to make minor grammatical changes. In paragraph (c), ''Tribe'' is changed to ''tribe''; in paragraph (f), a comma is placed after ''limits.''

25 CFR Part 531—Content of Management Contracts

This document amends 25 CFR 531.1 to revise paragraphs (b)(4), (b)(6), and (b)(16) by making minor grammatical changes and by clarifying certain requirements. In paragraph (b)(4), a comma is placed after ''training''; in paragraph (b)(6), the word ''gaming'' is added before ''operation's''; and in paragraph (b)(16), the phrase ''National Indian Gaming Commission'' is replaced with the word ''Commission.'' No substantive change is intended by these corrections.

25 CFR Part 533—Approval of Management Contracts

This document revises 25 CFR 533.2 to remove a reference to 25 CFR part 539 (which no longer exists) and replaces it with a reference to 25 CFR part 583. The document also amends 25 CFR 533.3, revising paragraphs (a)(1) and (a)(2) to make minor grammatical changes. In paragraph (a)(1), the word ''and'' is added to the end of the sentence; and in paragraph (a)(2), the word ''and'' is removed and replaced with a period. The document also revises 25 CFR 533.6(b)(3) to make a minor grammatical change, replacing ''this'' with ''the.''

25 CFR Part 535—Post-Approval Procedures

This document revises 25 CFR 535.1(d)(2) to make a minor grammatical change. In paragraph (d)(2), a semicolon at the end of the paragraph is replaced with a period. This document also revises 25 CFR 535.1(d)(3) by removing references to ''part 539'' (which no longer exists) and replacing it with references to ''part 583.'' This document also revises 25 CFR 535.3 to remove a reference to ''part 577'' and to replace it with a reference to ''parts 584 or 585.'' A minor grammatical change is also made to the second sentence of § 535.3, replacing the word ''void'' with ''voiding.'' No substantive change is intended by this correction.

25 CFR Part 556—Background Investigations of Primary Management Officials and Key Employees

This document revises 25 CFR 556.2(a) to make a minor grammatical change by adding a comma after the word ''criminal.'' This document also revises 25 CFR 556.5(a)(3) by adding a comma after the word ''habits.'' Finally, this document revises 25 CFR 556.8 by removing the word ''the'' before ''February'' and adding a comma after ''2013.''

25 CFR Part 559—Facility License Notification and Submissions

This document revises 25 CFR 559.1(a) by changing ''obtain'' to ''obtains.'' This document also revises 25 CFR 559.4 by adding a comma after the word ''standards.'' Finally, to mirror the language in the regulation, this document revises 25 CFR 559.5 by changing the section title from ''Does a tribe need to'' to ''Must a tribe.''

25 CFR Part 571—Monitoring and Investigations

This document revises the second sentence of 25 CFR 571.3 by replacing the language ''under part 577 of this chapter is addressed in § 577.8'' with ''is addressed in § 584.9.'' This change is required because part 577 no longer exists and was replaced by the language found in 25 CFR part 584. The document revises 25 CFR 571.4 by replacing ''NIGC'' with ''the Commission.'' This change is intended to create uniformity in the agency's regulations. Additionally, 25 CFR 571.4 is revised to add ''or resolution'' after the word ''ordinance.'' Finally, this document revises 25 CFR 571.11 by removing a reference to a nonexistent ''part 577'' and replacing it with ''part 584.''

25 CFR Part 573—Compliance and Enforcement

This document revises 25 CFR 573.1 by making a minor grammatical change. Specifically, ''notice'' is now changed to ''notices.'' Section 573.2(a) is revised by removing the word ''respondent'' from the regulation because the regulation does not involve official agency action, and therefore no ''respondent'' exists. No substantive change occurs as a result of this revision. In addition, 25 CFR 573.4 is amended to revise paragraphs (a)(1)(ii), (a)(5), (a)(10), and (c)(3). Paragraph (a)(1)(ii) is revised by replacing ''provides'' with ''is served with.'' A minor grammatical change is made to paragraph (a)(5), removing the phrase ''having been,'' as this change helps make the regulation easier to read. A minor grammatical change is also made to paragraph (a)(10), replacing ''Indian Gaming Regulatory Act'' with ''the Act.'' Paragraph (a)(10) is also revised to replace references to ''§ 558.2'' with ''§ 556.5,'' and ''§ 558.5'' with ''§ 558.4.'' Finally, paragraph (c)(3) is revised to replace a reference to ''subchapter H,'' with a reference to ''parts 584 or 585'' for clarity.

25 CFR Part 575—Civil Fines

This document amends 25 CFR 575.6 to revise paragraphs (a)(1) and (b) to replace references to ''part 577'' (which no longer exists) with references to ''parts 584 or 585.'' This document also revises 25 CFR 575.9 to replace references to ''part 577'' (which no longer exists) with references to ''parts 584 or 585.'' Section 575.9 is also revised by renumbering it to ''575.7'' due to a previous numbering error in the regulations.

25 CFR Part 580—Rules of General Application in Appeal Proceedings Before the Commission

This document revises 25 CFR 580.6 by making a minor grammatical change, replacing ''in'' with ''from.'' This document also revises 25 CFR 580.12 by replacing ''NIGC'' with ''Commission'' to create uniformity in the agency's regulations.

IV. Certain Findings

Under the Administrative Procedure Act, a notice of proposed rulemaking is not required when an agency, for good cause, finds that notice and public comments are impractical, unnecessary, or contrary to the public interest. Because the revisions here are technical in nature and intended solely to update the Commission's current mailing address, to correct outdated references, and to correct minor grammatical errors, the Commission is publishing a technical amendment.

V. Regulatory Matters

Regulatory Flexibility Act

This rule will not have a significant economic effect on a substantial number of small entities as defined by the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Indian tribes are not considered to be small entities for purposes of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule does not have an annual effect on the economy of $100 million or more. This rule will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies or geographic regions, and does not have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

The Commission, as an independent regulatory agency, is exempt from compliance with the Unfunded Mandates Reform Act, 2 U.S.C. 1502(1); 2 U.S.C. 658(1).

Takings

In accordance with Executive Order 12630, the Commission determined this proposed rule does not have significant takings implications. A takings implication assessment is not required.

Civil Justice Reform

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

National Environmental Policy Act

The Commission has determined that this rule does not constitute a major federal action significantly affecting the quality of the human environment and that a detailed statement is not required pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*

Paperwork Reduction Act

The information collection requirements contained in these rules were previously approved by the Office of Management and Budget as required by the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.,* and assigned the following OMB control numbers with the applicable expiration dates: (i) 3141–0001, expires on October 31, 2016; (ii) 3141–0003, expires on October 31, 2016; (iii) 3141–0004, expires on October 31, 2015; (iv) 3141–0007, expires on November 30, 2015; and (v) 3141–0012, expires on October 31, 2015.

List of Subjects

25 CFR Part 502

Gaming, Indians-lands.

25 CFR Part 513

Claims, Gambling, Government employees, Income taxes, Wages.

25 CFR Part 514

Gambling, Indians-lands, Indians-tribal government, Reporting and recordkeeping requirements.

25 CFR Part 516

Administrative practice and procedure, Gambling, Indians-lands, Reporting and recordkeeping requirements.

25 CFR Part 522

Gambling, Indians-lands, Indians-tribal government, Reporting and recordkeeping requirements.

25 CFR Part 531

Gambling, Indians-lands, Indians-tribal government, Reporting and recordkeeping requirements.

25 CFR Part 533

Gambling, Indians-lands, Indians-tribal government, Reporting and recordkeeping requirements.

25 CFR Part 535

Gambling, Indians-lands, Indians-tribal government, Reporting and recordkeeping requirements.

25 CFR Part 556

Gaming, Indians-lands.

25 CFR Part 559

Gambling, Indians-lands, Indians-tribal government, Notification and submission requirements-facility licenses.

25 CFR Part 571

Gambling, Indians-lands, Indians-tribal government, Reporting and recordkeeping requirements.

25 CFR Part 573

Enforcement, Enforcement actions, Gambling, Gaming, Indians, Indians-gaming.

25 CFR Part 575

Gaming, Indians-lands, Fines.

25 CFR Part 580

Appeals, Gambling, Indians-lands.

For the reasons set forth in the Preamble, the Commission revises 25 CFR parts 502, 513, 514, 516, 522, 531, 533, 535, 556, 559, 571, 573, 575, and 580 as follows:

PART 502—DEFINITIONS OF THIS CHAPTER

■ 1. The authority citation for part 502 continues to read as follows:

Authority: 25 U.S.C. 2701 *et seq.*

■ 2. Revise § 502.1 to read as follows:

§ 502.1 Chairman (Chair).

Chairman (Chair) means the Chairman of the National Indian Gaming Commission or his or her designee.

PART 513—DEBT COLLECTION

■ 3. The authority citation for part 513 continues to read as follows:

Authority: 31 U.S.C. 3711, 3716–3718, 3720A, 3720D; 5 U.S.C. 5514; 25 U.S.C. 2713(a)(1).

§ 513.4 [Amended]

■ 4. In § 513.4(b), remove the phrase ''part 577'' and add in its place the phrase ''parts 580 through 585''.

§ 513.32 [Amended]

■ 5. In the last sentence of § 513.32(a), remove the phrase ''part 577'' and add in its place the phrase ''parts 580 through 585''.

PART 514—FEES

■ 6. The authority citation for part 514 continues to read as follows:

Authority: 25 U.S.C. 2706, 2710, 2717, 2717a.

■ 7. Revise the first sentence of § 514.8 to read as follows:

§ 514.8 Where should fees, quarterly statements, and other communications about fees be sent?

The statements, remittances, and communications about fees shall be transmitted to the Commission at the following address: NIGC Attn: Comptroller, C/O Department of the Interior, 1849 C Street NW., Mail Stop #1621, Washington, DC 20240. * * *

§ 514.10 [Amended]

■ 8. In § 514.10, remove the phrase ''573.6(a)(2)'' everywhere it appears and add in its place the phrase ''573.4(a)(2)''.

■ 9. Revise the first sentence of § 514.17(c) to read as follows:

§ 514.17 How are fingerprint processing fees collected by the Commission?

* * * * *

(c) Fingerprint fees shall be sent to the following address: NIGC Attn: Comptroller, C/O Department of the Interior, 1849 C Street NW., Mail Stop #1621, Washington, DC 20240. * * *

PART 516—TESTIMONY OF COMMISSIONERS AND EMPLOYEES AND FORMER COMMISSIONERS AND FORMER EMPLOYEES RESPECTING OFFICIAL DUTIES; RESPONSE TO SUBPOENA

■ 10. The authority citation for part 516 continues to read as follows:

Authority: 5 U.S.C. 301; 25 U.S.C. 2706; 25 U.S.C. 2716(a); 18 U.S.C. 1905.

■ 11. Revise § 516.4(b) to read as follows:

§ 516.4 How are records certified or authenticated?

* * * * *

(b) A request for certified copies of records or for authentication of copies of records shall be sent to the following address: NIGC Attn: Freedom of Information Act Officer, C/O Department of the Interior, 1849 C Street NW., Mail Stop #1621, Washington, DC 20240.

PART 522—SUBMISSION OF GAMING ORDINANCE OR RESOLUTION

■ 12. The authority citation for part 522 continues to read as follows:

Authority: 25 U.S.C. 2706, 2710, 2712.

§ 522.5 [Amended]

■ 13. In § 522.5, remove the phrase ''part 524'' everywhere it appears and add in its place the phrase ''part 582''.

§ 522.7 [Amended]

■ 14. In § 522.7, remove the phrase ''part 524'' everywhere it appears and add in its place the phrase ''part 582''.

§ 522.10 [Amended]

■ 15. In § 522.10:

■ a. In paragraph (c), remove the word ''Tribe'' and add in its place the word ''tribe''.

■ b. In paragraph (f), add a comma after the word ''limits''.

PART 531—CONTENT OF MANAGEMENT CONTRACTS

■ 16. The authority citation for part 531 continues to read as follows:

Authority: 25 U.S.C. 81, 2706(b)(10), 2710(d)(9), 2711.

§ 531.1 [Amended]

■ 17. In § 531.1:

■ a. In paragraph (b)(4), add a comma after the word ''training''.

■ b. In paragraph (b)(6), add the word ''gaming'' before the word ''operation's''.

■ c. In paragraph (b)(16), remove the words ''National Indian Gaming Commission (NIGC, or the Commission)'' and add in their place the word ''Commission''.

PART 533—APPROVAL OF MANAGEMENT CONTRACTS

■ 18. The authority citation for part 533 continues to read as follows:

Authority: 25 U.S.C. 81, 2706(b)(10), 2710(d)(9), 2711.

§ 533.2 [Amended]

■ 19. In the last sentence of § 533.2, remove the phrase ''part 539'' and add in its place the phrase ''part 583''.

§ 533.3 [Amended]

■ 20. In § 533.3:

■ a. In paragraph (a)(1), add the word ''and'' after ''contractor;''.

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

§ 533.6 [Amended]

■ 21. In § 533.6(b)(3), remove the words ''this Act'' and add in its place the words ''the Act''.

PART 535—POST-APPROVAL PROCEDURES

■ 22. The authority citation for part 535 continues to read as follows:

Authority: 25 U.S.C. 81, 2706(b)(10), 2710(d)(9), 2711.

§ 535.1 [Amended]

■ 23. In § 535.1:

■ a. In paragraph (d)(2), remove the semicolon at the end of the sentence and add a period in its place.

■ b. In paragraph (d)(3), remove the phrase ''part 539'' everywhere it appears and add in its place the phrase ''part 583''.

§ 535.3 [Amended]

■ 24. In § 535.3:

■ a. Remove the phrase ''part 577'' and add in its place the phrase ''part 584 or part 585''.

■ b. In the second sentence, remove the word ''void'' and add in its place the word ''voiding''.

PART 556—BACKGROUND INVESTIGATIONS FOR PRIMARY MANAGEMENT OFFICIALS AND KEY EMPLOYEES

■ 25. The authority citation for part 556 continues to read as follows:

Authority: 25 U.S.C. 2706, 2710, 2712.

§ 556.2 [Amended]

■ 26. In § 556.2(a), add a comma after the word ''criminal''.

§ 556.5 [Amended]

■ 27. In § 556.5(a)(3) add a comma after the word ''habits''.

§ 556.8 [Amended]

■ 28. In the first sentence of § 556.8, remove the word ''the'' before the word ''February''.

PART 559—FACILITY LICENSE NOTIFICATIONS AND SUBMISSIONS

■ 29. The authority citation for part 559 continues to read as follows:

Authority: 25 U.S.C. 2701, 2702(3), 2703(4), 2705, 2706(b)(10), 2710, 2719.

§ 559.1 [Amended]

■ 30. In § 559.1(a), remove the word ''obtain'' and add in its place the word ''obtains''.

§ 559.4 [Amended]

■ 31. In the last sentence of § 559.4, add a comma after the word ''standards''.

§ 559.5 [Amended]

■ 32. In the section heading to § 559.5, remove the phrase ''Does a tribe need to'' and add in its place the phrase ''Must a tribe''.

PART 571—MONITORING AND INVESTIGATIONS

■ 33. The authority citation for part 571 continues to read as follows:

Authority: 25 U.S.C. 2706(b), 2710(b)(2)(C), 2715, 2716.

■ 34. Revise the last sentence of § 571.3 to read as follows:

§ 571.3 Confidentiality.

* * * The confidentiality of documents submitted in a multiple-party proceeding is addressed in § 584.9 of this chapter.

§ 571.4 [Amended]

■ 35. In § 571.4:

■ a. In the first sentence, remove the word ''NIGC'' and add in its place the word ''Commission''.

■ b. Add the phrase ''or resolution'' after the word ''ordinance''.

§ 571.11 [Amended]

■ 36. In § 571.11(a), remove the phrase ''part 577'' and add in its place the phrase ''part 584''.

PART 573—COMPLIANCE AND ENFORCEMENT

■ 37. The authority citation for part 573 continues to read as follows:

Authority: 25 U.S.C. 2706(b)(10), 2713; E.O. 13175, 65 FR 67249, 3 CFR, 2000 Comp., p.304.

§ 573.1 [Amended]

■ 38. In the last sentence in § 573.1, remove the word ''notice'' and add in its place the word ''notices''.

■ 39. Revise the first sentence of § 573.2(a) to read as follows:

§ 573.2 When may a letter of concern be issued?

(a) Prior to the Chair taking an enforcement action, a letter of concern may be provided by NIGC staff, detailing concerns regarding compliance with the Act, this chapter, or any tribal ordinance or resolution approved by the Chair under part 522 of this chapter. * * *

* * * * *

§ 573.4 [Amended]

■ 40. In § 573.4:

■ a. In paragraph (a)(1)(ii), remove the word ''provides'' and add in its place the phrase, ''is served with''.

■ b. In paragraph (a)(5), remove the phrase ''having been''.

■ c. In paragraph (a)(10), remove ''558.2'' and add in its place ''556.5'' and remove ''558.5'' and add in its place ''558.4''.

■ d. In paragraph (c)(3), remove ''subchapter H'' and add in its place ''part 584 or part 585''.

PART 575—CIVIL FINES

■ 41. The authority citation for part 575 continues to read as follows:

Authority: 25 U.S.C. 2705(a), 2706, 2713, 2715.

§ 575.6 [Amended]

■ 42. In § 575.6, remove ''part 577'' everywhere it appears and add in its place ''part 584 or part 585''.

§ 575.9 [Redesignated as § 575.7]

■ 43. Redesignate § 575.9 as § 575.7, and in newly redesignated § 575.7(a), remove ''part 577'' and add in its place ''part 584 or part 585''.

PART 580—COMPLIANCE RULES OF GENERAL APPLICATION IN APPEAL PROCEEDINGS BEFORE THE COMMISSION

■ 44. The authority citation for part 580 continues to read as follows:

Authority: 25 U.S.C. 2706, 2713, 2715.

§ 580.6 [Amended]

■ 45. In the last sentence of § 580.6, remove the phrase ''in the computation'' and add in its place the phrase ''from the computation''.

§ 580.12 [Amended]

■ 46. In the first sentence of § 580.12, remove the acronym ''NIGC'' and add in its place the word ''Commission''.

Dated: May 28, 2015.

Jonodev O. Chaudhuri,

Chairman.

Daniel J. Little,

Associate Commissioner.

[FR Doc. 2015–13645 Filed 6–4–15; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9713]

RIN 1545–BL46; RIN 1545–BM60

Reporting for Premium; Basis Reporting by Securities Brokers and Basis Determination for Debt Instruments and Options; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Temporary regulations; correcting amendments.

SUMMARY: This document contains amendments to temporary regulations relating to information reporting by brokers for transfers of debt instruments. The amendments change the applicability date of the temporary regulations for reporting certain information on a transfer statement from June 30, 2015, to January 1, 2016. The amendments to the temporary regulations will provide guidance to brokers and their customers.

DATES: *Effective Date:* These amendments are effective on June 5, 2015.

Applicability Date: For the date of applicability, see § 1.6045A–1T(f), as corrected.

FOR FURTHER INFORMATION CONTACT: Pamela Lew at (202) 317–7053 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of these amendments are under section 6045A of the Internal Revenue Code. The temporary regulations (TD 9713) were published in the **Federal Register** on Friday, March 13, 2015 (80 FR 13233).

Need for Amendments

Under § 1.6045A–1, a broker is required to provide certain information relating to a transfer of a debt instrument that is a covered security on a transfer statement. Section 1.6045A–1T(f) requires a broker to provide certain additional information on the transfer statement. Section 1.6045A–1T(f) applies to a transfer that occurs on or after June 30, 2015. After the publication of the temporary regulations, the Treasury Department and the IRS received comments requesting that the applicability date of the regulations be delayed until January 1, 2016. In response to these comments, this document amends the applicability

date to make the regulations apply to transfers that occur on or after January 1, 2016.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.6045A–1T is amended by:

■ 1. Revising the second sentence in paragraph (f).

■ 2. Adding a sentence at the end of paragraph (f).

The revision and addition read as follows:

§ 1.6045A–1T Statements of information required in connection with transfers of securities (temporary).

* * * * *

(f) * * * This paragraph (f) applies to a transfer that occurs on or after January 1, 2016. A broker, however, may rely on this paragraph (f) for a transfer of a covered security that occurs on or after June 30, 2015, and before January 1, 2016.

* * * * *

Martin V. Franks,

Branch Chief, Publications & Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure & Administration).

[FR Doc. 2015–13796 Filed 6–4–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9721]

RIN 1545–BM17

Segregation Rule Effective Date

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations under section 382 of the Internal Revenue Code (Code) that modify the effective date provision of recently published regulations. These regulations affect corporations whose stock is or was acquired by the Department of the Treasury (Treasury) pursuant to certain programs under the Emergency Economic Stabilization Act of 2008 (EESA).

DATES: *Effective Date:* These regulations are effective on June 5, 2015.

Applicability Date: For dates of applicability, see § 1.382–3(j)(17).

FOR FURTHER INFORMATION CONTACT: Stephen R. Cleary, (202) 317–5353 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

Section 382

Section 382 of the Code provides that the taxable income of a loss corporation for a year following an ownership change may be offset by pre-change losses only to the extent of the section 382 limitation for such year. An ownership change occurs with respect to a corporation if it is a loss corporation on a testing date and, immediately after the close of the testing date, the percentage of stock of the corporation owned by one or more 5-percent shareholders has increased by more than 50 percentage points over the lowest percentage of stock of such corporation owned by such shareholders at any time during the testing period. A testing date is any date on which occurs any change in the ownership of loss corporation stock that affects the percentage of stock owned by any 5-percent shareholder (owner shift).

Pursuant to section 382(g)(4)(A), shareholders who own less than five percent of a loss corporation are aggregated and treated as a single 5-percent shareholder (a public group). In addition, new public groups may be created as a result of certain transactions under the segregation rules in the section 382 regulations. Any new public group is tracked separately from, and in addition to, the public group or groups that existed previously and is treated as a new 5-percent shareholder that increases its ownership interest in the loss corporation.

One particular segregation rule, which was imposed by § 1.382–2T(j)(3)(i) of the Temporary Income Tax Regulations until it was superseded, required segregation when an individual or entity that owned five percent or more of the loss corporation transferred an interest in the loss corporation to public shareholders. After the sale, stock owned by a public group that existed immediately before the sale was treated separately from the stock owned by the public group that acquired stock from the seller. This separate public group was treated as a new 5-percent shareholder. However, this rule was rendered inoperative by § 1.382–3(j)(13), part of a set of regulations published in TD 9638 [78 FR 62418] on October 22, 2013. Under the new regulation, no new public group is created on the transfer of stock to the public shareholders; instead, the transferred stock is treated as acquired proportionately by the public groups existing at the time of the transfer.

Notice 2010–2 (2010–2 IRB 251 (December 16, 2009)) (see § 601.601(d)(2)(ii)(*b*) of this chapter) provides guidance regarding the application of section 382 and other provisions of law to corporations whose instruments are acquired and disposed of by the Treasury pursuant to EESA. Notice 2010–2 relates to instruments acquired by Treasury pursuant to the following EESA programs: (i) The Capital Purchase Program for publicly-traded issuers; (ii) the Capital Purchase Program for private issuers; (iii) the Capital Purchase Program for S corporations; (iv) the Targeted Investment Program; (v) the Asset Guarantee Program; (vi) the Systemically Significant Failing Institutions Program; (vii) the Automotive Industry Financing Program; and (viii) the Capital Assistance Program for publicly-traded issuers. (These programs are collectively referred to as ''Programs'' in that Notice and in this preamble.)

Under Section III(G) of Notice 2010–2, a ''Covered Instrument'' is an instrument that is acquired by Treasury in exchange for an instrument that was issued to Treasury under the Programs, or is acquired by Treasury in exchange for another Covered Instrument. For most purposes of that Notice, a Covered Instrument is treated as though it had been issued directly to Treasury under the Programs.

Section III(E) of Notice 2010–2 provides the following rule to govern the sale by Treasury of stock of a corporation to public shareholders:

Section 382 treatment of stock sold by Treasury to public shareholders. If Treasury sells stock that was issued to it pursuant to the Programs (either directly or upon the exercise of a warrant) and the sale creates a public group (''New Public Group''), the New Public Group's ownership in the issuing corporation shall not be considered to have increased solely as a result of such a sale. A New Public Group's ownership shall be treated as having increased to the extent the New Public Group increases its ownership pursuant to any transaction other than a sale of stock by Treasury, including pursuant to a stock issuance described in § 1.382–3(j)(2) or a redemption (see § 1.382–2T(j)(2)(iii)(C)).

Such stock is considered outstanding for purposes of determining the percentage of stock owned by other 5-percent shareholders on any testing date, and section 382 (and the regulations thereunder) shall otherwise apply to the New Public Group in the same manner as with respect to other public groups.

This rule was created to prevent a loss corporation from experiencing an owner shift when Treasury sells stock to public shareholders. By its terms, the rule relies on the assumption that the stock sale ''creates a public group.'' As explained earlier in this preamble, § 1.382–2T(j)(3)(i), before it was superseded, required creation of a new public group when a 5-percent shareholder sold stock in a loss corporation to public shareholders. However, under § 1.382–3(j)(13) as now in effect, such a transfer does not create a new public group.

The Treasury Department and the IRS became concerned that the elimination of the segregation rule described earlier in this preamble may have unintentionally rendered inoperative the rule in Notice 2010–2 that protects a loss corporation from an owner shift when Treasury sells stock that it held pursuant to the Programs to public shareholders.

The Temporary Regulations

On July 31, 2014, the Treasury Department and the IRS published final and temporary regulations (TD 9685) in the **Federal Register** (79 FR 44280). The temporary regulations modified the effective/applicability date rule of TD 9638 to except from the changes to the segregation rules in those regulations the sale by the Treasury Department to public shareholders of any ''Program Instrument'' (an instrument issued pursuant to a Program or a Covered Instrument). As a result, under the temporary regulations, a sale of stock by Treasury to the public creates a public group, and the rule of Section III(E) of Notice 2010–2 continues to apply as intended. This provision only affects the sale of a Program Instrument by the Treasury Department and does not affect the application of the segregation rule changes in TD 9638 to any other transactions involving stock of the corporations that participated in the Programs.

A notice of proposed rulemaking (REG–105067–14) cross-referencing the temporary regulations and incorporating the text of the temporary regulations was also published in the **Federal Register** (79 FR 44324) on July 31, 2014. No written comments were received in response to the notice of proposed rulemaking. No requests for a public hearing were received, and accordingly no hearing was held.

The Final Regulations

This Treasury Decision adopts the text of the temporary and proposed regulations without substantive change. As a result, the effective date modification provided in the temporary regulations is now a part of the permanent section 382 regulations, and the temporary regulations are removed.

Special Analyses

It has been determined that this final regulation is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that, if the regulations apply to any small entities, the effect will not be to increase their tax liability, but to prevent a potential increase in tax liability that might otherwise occur. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business, and no such comments were received.

Drafting Information

The principal author of these regulations is Stephen R. Cleary of the Office of Associate Chief Counsel (Corporate). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by revising the entry for § 1.382–3 to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.382–3 also issued under 26 U.S.C. 382(g)(4)(C) and 26 U.S.C. 382(m).

* * * * *

■ **Par. 2.** Section 1.382–3 is amended by revising paragraph (j)(17) to read as follows:

§ 1.382–3 Definitions and rules relating to a 5-percent shareholder.

* * * * *

(j) * * *

(17) *Effective/applicability date.* This paragraph (j) generally applies to issuances or deemed issuances of stock in taxable years beginning on or after November 4, 1992. However, paragraphs (j)(11)(ii) and (j)(13) through (15) of this section and *Examples 5* through *13* of paragraph (j)(16) of this section apply to testing dates occurring on or after October 22, 2013, other than with respect to the sale of a Program Instrument by the Treasury Department. For purposes of this paragraph (j)(17), a Program Instrument is an instrument issued pursuant to a Program, as defined in Internal Revenue Service Notice 2010–2 (2010–2 IRB 251 (December 16, 2009)) (see § 601.601(a)(2)(ii)(*b*) of this chapter), or a Covered Instrument, as defined in that Notice. Taxpayers may apply paragraphs (j)(11)(ii) and (j)(13) through (15) of this section and *Examples 5* through *13* of paragraph (j)(16) of this section in their entirety (other than with respect to a sale of a Program Instrument by the Treasury Department) to all testing dates that are included in a testing period beginning before and ending on or after October 22, 2013. However, the provisions described in the preceding sentence may not be applied to any date on or before the date of any ownership change that occurred before October 22, 2013, under the regulations in effect before October 22, 2013, and they may not be applied as described in the preceding sentence if such application would result in an ownership change occurring on a date before October 22, 2013, that did not occur under the regulations in effect before October 22, 2013. See § 1.382–3(j)(14)(ii) and (iii), as contained in 26 CFR part 1 revised as of April 1, 1994 for the application of paragraph (j)(10) of this section to stock issued on the exercise of certain options exercised on or after November 4, 1992, and for an election to apply paragraphs (j)(1) through (12) of this section retroactively to certain issuances and deemed issuances of stock occurring in taxable years prior to November 4, 1992.

* * * * *

§ 1.382–3T (Removed)

■ **Par. 3.** Section 1.382–3T is removed.

John M. Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: May 13, 2015.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2015–13711 Filed 6–4–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Directive No. 1–15]

Redelegation of Authority to Deputy Assistant Attorneys General, Branch Directors, Heads of Offices, and United States Attorneys in Civil Division Cases

AGENCY: Office of the Assistant Attorney General, Civil Division, Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule amends Civil Directive 1–10, which sets forth the redelegation of authority by the Assistant Attorney General of the Civil Division to deputy assistant attorneys general, branch directors, heads of offices, and United States Attorneys. On May 21, 2015, the Attorney General signed Order No. 3532–2015 increasing the monetary thresholds for the authority of Assistant Attorneys General to compromise or close civil claims, and increasing the redelegation authority to the United States Attorneys with respect to accepting offers of compromise for affirmative claims. Pursuant to the Attorney General's order, the new rule increases the redelegated authority to Branch Directors, heads of offices, and United States Attorneys to close or compromise affirmative claims. Additionally, the new rule redelegates to United States Attorneys, directors, and attorneys-in-charge the authority to issue compulsory process, and makes a few ''housekeeping'' revisions.

DATES: *Effective Date:* This rule is effective June 5, 2015, and is applicable beginning May 29, 2015.

FOR FURTHER INFORMATION CONTACT: Joyce R. Branda, Deputy Assistant Attorney General, Commercial Litigation Branch, Civil Division, Department of Justice, Washington, DC 20530; 202–307–0231.

SUPPLEMENTARY INFORMATION: This rule is a matter of internal Department management. It has been drafted and reviewed in accordance with section 1(b) of Executive Order 12866. The Assistant Attorney General for the Civil Division has determined that this rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and accordingly this rule has not been reviewed by the Office of Management and Budget. In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Assistant Attorney General for the Civil Division has reviewed this rule, and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule 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. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Privacy, Reporting and recordkeeping requirements, Whistleblowing.

Accordingly, for the reasons stated in the preamble, title 28, chapter I, part 0, of the Code of Federal Regulations is amended as set forth below:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

■ 2. Appendix to Subpart Y is amended by removing Civil Directive No. 1–10 and adding in its place Civil Directive No. 1–15, to read as follows:

Appendix to Subpart Y of Part 0—Redelegations of Authority to Compromise and Close Civil Claims

* * * * *

[Directive No. 1–15]

By virtue of the authority vested in me by part 0 of title 28 of the Code of Federal Regulations, particularly §§ 0.45, 0.160, 0.164, and 0.168, it is hereby ordered as follows:

Section 1. Scope of Delegation Authority

(a) Delegation to Deputy Assistant Attorneys General. The Deputy Assistant Attorneys General are hereby delegated all the power and authority of the Assistant Attorney General in charge of the Civil Division, including with respect to the institution of suits, the acceptance or rejection of compromise offers, the administrative settlement of claims, and the closing of claims or cases, unless any such authority or power is required by law to be exercised by the Assistant Attorney General personally or has been specifically delegated to another Department official.

(b) Delegation to United States Attorneys; Branch, Office and Staff Directors; and Attorneys-in-Charge of Field Offices. Subject to the limitations imposed by 28 CFR 0.160(d) and 0.164, and sections 1(e) and 4(b) of this directive, and the authority of the Solicitor General set forth in 28 CFR 0.163, United States Attorneys; Branch, Office, and Staff Directors; and Attorneys-in-Charge of Field Offices, with respect to matters assigned or delegated to their respective components, are hereby delegated the authority to:

(1) Accept offers in compromise of claims asserted by the United States in all cases in which the gross amount of the original claim does not exceed $10,000,000;

(2) Accept offers in compromise of, or settle administratively, claims against the United States in all cases in which the principal amount of the proposed settlement does not exceed $1,000,000;

(3) Reject any offers in compromise; and

(4) Close any affirmative claim or case where the gross amount of the original claim does not exceed $10,000,000.

(c) Subject to the limitations imposed by sections 1(e), 4(b), and 5 of this directive, United States Attorneys, Directors, and Attorneys-in-Charge are hereby delegated the authority to:

(1) File suits, counterclaims, and cross-claims, or take any other action necessary to protect the interests of the United States in all routine nonmonetary cases, in all routine loan collection and foreclosure cases, and in other monetary claims or cases where the gross amount of the original claim does not exceed $10,000,000. Such actions in nonmonetary cases which are other than routine will be submitted for the approval of the Assistant Attorney General, Civil Division; and,

(2) Issue subpoenas, civil investigative demands, and any other compulsory process.

(d) United States Attorneys may redelegate in writing the above-conferred compromise and suit authority to Assistant United States Attorneys who supervise other Assistant United States Attorneys who handle civil litigation.

(e) Limitations on delegations.

(1) The authority to compromise cases, settle claims administratively, file suits, counterclaims, and cross-claims, to close claims or cases, or take any other action necessary to protect the interests of the United States, delegated by paragraphs (a), (b), and (c) of this section, may not be exercised, and the matter shall be submitted for resolution to the Assistant Attorney General, Civil Division, when:

(i) For any reason, the proposed action, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in the above paragraphs.

(ii) Because a novel question of law or a question of policy is presented, or for any other reason, the proposed action should, in the opinion of the officer or employee concerned, receive the personal attention of the Assistant Attorney General, Civil Division.

(iii) The agency or agencies involved are opposed to the proposed action. The views of an agency must be solicited with respect to any significant proposed action if it is a party, if it has asked to be consulted with respect to any such proposed action, or if such proposed action in a case would adversely affect any of its policies.

(iv) The United States Attorney involved is opposed to the proposed action and requests that the matter be submitted to the Assistant Attorney General for decision.

(v) The case is on appeal, except as determined by the Director of the Appellate Staff.

(2) In fraud or False Claims Act cases and matters, for reasons similar to those listed in sub-section l(e)(l)(i) through l(e)(l)(iii) above, the Director of the Fraud Section of the Commercial Litigation Branch, after consultation with the United States Attorney, may determine that a case or matter will not be delegated to the United States Attorney, but personally or jointly handled, or monitored, by the Civil Division.

Section 2. Action Memoranda

(a) Whenever, pursuant to the authority delegated by this Directive, an official of the Civil Division or a United States Attorney accepts a compromise, closes a claim or files a suit or claim, a memorandum fully explaining the basis for the action taken shall be executed and placed in the file. In the case of matters compromised, closed, or filed by United States Attorneys, a copy of the memorandum must, upon request therefrom, be sent to the appropriate Branch or Office of the Civil Division.

(b) The compromising of cases or closing of claims or the filing of suits for claims, which a United States Attorney is not authorized to approve, shall be referred to the appropriate Branch or Office within the Civil Division, for decision by the Assistant Attorney General or the appropriate authorized person within the Civil Division. The referral memorandum should contain a detailed description of the matter, the United States Attorney's recommendation, the agency's recommendation where applicable, and a full statement of the reasons therefor.

Section 3. Return of Civil Judgment Cases to Agencies

Claims arising out of judgments in favor of the United States which cannot be permanently closed as uncollectible may be returned to the referring Federal agency for servicing and surveillance whenever all conditions set forth in USAM 4–3.230 have been met.

Section 4. Authority for Direct Reference and Delegation of Civil Division Cases to United States Attorneys

(a) Direct reference to United States Attorneys by agencies. The following civil actions under the jurisdiction of the Assistant Attorney General, Civil Division, may be referred by the agency concerned directly to the appropriate United States Attorney for handling in trial courts, subject to the limitations imposed by paragraph (b) of this section. United States Attorneys are hereby delegated the authority to take all necessary steps to protect the interests of the United States, without prior approval of the Assistant Attorney General, Civil Division, or his representatives, subject to the limitations set forth in section 1(e) of this directive. Agencies may, however, if special handling is desired, refer these cases to the Civil Division. Also, when constitutional questions or other significant issues arise in the course of such litigation, or when an appeal is taken by any party, the Civil Division should be consulted.

(1) Money claims by the United States where the gross amount of the original claim does not exceed $10,000,000.

(2) Single family dwelling house foreclosures arising out of loans made or insured by the Department of Housing and Urban Development, the Department of Veterans Affairs, or the Farm Service Agency.

(3) Suits to enjoin violations of, or to collect penalties under, the Agricultural Adjustment Act of 1938, 7 U.S.C. 1376; the Packers and Stockyards Act, 7 U.S.C. 203, 207(g), 213, 215, 216, 222, and 228a; the Perishable Agricultural Commodities Act, 1930, 7 U.S.C. 499c(a) and 499h(d); the Egg Products Inspection Act, 21 U.S.C. 1031 *et seq.*; the Potato Research and Promotion Act, 7 U.S.C. 2611 *et seq.*; the Cotton Research and Promotion Act of 1966, 7 U.S.C. 2101 *et seq.*; the Federal Meat Inspection Act, 21 U.S.C. 601 *et seq.*; and the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. 601 *et seq.*

(4) Suits by social security beneficiaries under the Social Security Act, 42 U.S.C. 402 *et seq.*

(5) Social Security disability suits under 42 U.S.C. 423 *et seq.*

(6) Black lung beneficiary suits under the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 921 *et seq.*

(7) Suits by Medicare beneficiaries under 42 U.S.C. 1395ff.

(8) Garnishment actions authorized by 42 U.S.C. 659 for child support or alimony payments and actions for general debt, 5 U.S.C. 5520a.

(9) Judicial review of actions of the Secretary of Agriculture under the food stamp program, pursuant to the provisions of 7 U.S.C. 2022 involving retail food stores.

(10) Cases referred by the Department of Labor for the collection of penalties or for injunctive action under the Fair Labor Standards Act of 1938 and the Occupational Safety and Health Act of 1970.

(11) Cases referred by the Department of Labor solely for the collection of civil penalties under the Farm Labor Contractor Registration Act of 1963, 7 U.S.C. 2048(b).

(12) Cases referred by the Surface Transportation Board to enforce orders of the Surface Transportation Board or to enjoin or suspend such orders pursuant to 28 U.S.C. 1336.

(13) Cases referred by the United States Postal Service for injunctive relief under the nonmailable matter laws, 39 U.S.C. 3001 *et seq.*

(b) Cases not covered. Regardless of the amount in controversy (unless otherwise specified), the following matters normally will not be delegated to United States Attorneys for handling but will be personally or jointly handled or monitored by the appropriate Branch or Office within the Civil Division:

(1) Cases in the Court of Federal Claims.

(2) Cases within the jurisdiction of the Commercial Litigation Branch involving patents, trademarks, copyrights, etc.

(3) Cases before the United States Court of International Trade.

(4) Any case involving bribery, conflict of interest, breach of fiduciary duty, breach of employment contract, or exploitation of public office.

(5) Any case involving vessel-caused pollution in navigable waters.

(6) Cases on appeal, except as determined by the Director of the Appellate Staff.

(7) Any case involving litigation in a foreign court.

(8) Criminal proceedings arising under statutes enforced by the Food and Drug Administration, the Consumer Product Safety Commission, the Federal Trade Commission, and the National Highway Traffic Safety Administration (relating to odometer tampering), except as determined by the Director of the Consumer Protection Branch.

(9) Nonmonetary civil cases, including injunction suits, declaratory judgment actions, and applications for inspection warrants, and cases seeking civil penalties where the gross amount of the original claim exceeds $10,000,000.

(10) Cases arising under the statutes listed in 28 CFR 0.45(j), except as determined by the Director of the Consumer Protection Branch.

(11) Administrative claims arising under the Federal Tort Claims Act.

Section 5. Civil Investigative Demands

Authority relating to Civil Investigative Demands issued under the False Claims Act is hereby delegated to United States Attorneys in cases that are delegated or assigned as monitored to their respective components. In accordance with guidelines provided by the Assistant Attorney General, each United States Attorney must provide notice and a report of Civil Investigative Demands issued by the United States Attorney. Authority relating to Civil Investigative Demands issued under the False Claims Act in cases that are jointly or personally handled by the Civil Division is hereby delegated to the Director of the Fraud Section of the Commercial Litigation Branch. When a case is jointly handled by the Civil Division and a United States Attorney's Office, the Director of the Fraud Section will issue a Civil Investigative Demand only after requesting the United States Attorney's recommendation.

Section 6. Adverse Decisions

All final judicial decisions adverse to the Government, other than bankruptcy court decisions except as provided herein, involving any direct reference or delegated case must be reported promptly to the Assistant Attorney General, Civil Division,

attention Director, Appellate Staff. Consult title 2 of the United States Attorney's Manual for procedures and time limitations. An appeal of such a decision, as well as an appeal of an adverse decision by a district court or bankruptcy appellate panel reviewing a bankruptcy court decision or a direct appeal of an adverse bankruptcy court decision to a court of appeals, cannot be taken without approval of the Solicitor General. Until the Solicitor General has made a decision whether an appeal will be taken, the Government attorney handling the case must take all necessary procedural actions to preserve the Government's right to take an appeal, including filing a protective notice of appeal when the time to file a notice of appeal is about to expire and the Solicitor General has not yet made a decision. Nothing in the foregoing directive affects this obligation.

Section 7. Definitions

(a) For purposes of this directive, in the case of claims involving only civil penalties, other than claims defined in 28 CFR 0.169(b), the phrase ''gross amount of the original claim'' shall mean the maximum amount of penalties sought.

(b) For purposes of this directive, in the case of claims asserted in bankruptcy proceedings, the phrase ''gross amount of the original claim'' shall mean liquidation value. Liquidation value is the forced sale value of the collateral, if any, securing the claim(s) plus the dividend likely to be paid for the unsecured portion of the claim(s) in an actual or hypothetical liquidation of the bankruptcy estate.

Section 8. Supersession

This directive supersedes Civil Division Directive No. 1–10 regarding redelegation of the Assistant Attorney General's authority in Civil Division cases to Branch Directors, heads of offices, and United States Attorneys.

Section 9. Applicability

This directive applies to all cases pending as of the date of this directive and is effective immediately.

Section 10. No Private Right of Action

This directive consists of rules of agency organization, procedure, and practice and does not create a private right of action for any private party to challenge the rules or actions taken pursuant to them.

* * * * *

Dated: June 1, 2015.

Benjamin C. Mizer,

Principal Deputy Assistant Attorney General, Civil Division.

[FR Doc. 2015–13782 Filed 6–4–15; 8:45 am]

BILLING CODE 4410–12–P

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 552

[BOP–1162–F]

RIN 1120–AB62

Searches of Housing Units, Inmates, and Inmate Work Areas: Use of X-Ray Devices—Clarification of Terminology

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons (Bureau) clarifies that body imaging search devices are ''electronic search devices'' for routine or random use in searching inmates, and are distinguished from medical x-ray devices, which require the inmate's consent, or Regional Director approval, for use as search devices.

DATES: This rule is effective on July 6, 2015.

FOR FURTHER INFORMATION CONTACT: Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 307–2105.

SUPPLEMENTARY INFORMATION: In this document, the Bureau finalizes its regulation on searches of inmates using x-ray devices and technology (28 CFR part 552, subpart B). We change this regulation to clarify that body imaging search devices are ''electronic search devices'' for routine or random use in searching inmates, and are distinguished from medical x-ray devices, the use of which require the inmate's consent, or Regional Director approval, for use as search devices. We published a proposed rule on this subject on February 14, 2014 (79 FR 8910). We received a total of twenty comments on the proposed rule. Three comments were generally in favor of the proposed changes. Eleven comments were copies of the same form letter. We respond below to the issues raised by that form letter and the remaining six comments.

The Electronic Devices That the Bureau Uses Are Unsafe or Will Cause Harm to Inmates

Fifteen comments (including the eleven form letters) were concerned that the electronic devices used by the Bureau, particularly those which use x-ray technology, will be harmful to inmates. Another commenter stated that the use of x-ray technology as intended by the Bureau is so unsafe that it ''is a clear violation of human rights.''

The x-ray technology used for searches by the Bureau employs a very low level of radiation. Radiation is measured in units called ''sieverts.'' A person scanned by a Bureau body scanner would receive only 0.25 sieverts and can be scanned up to 1,000 times a year. For context, a scan from this machine is equal to eating two and a half bananas (the potassium in bananas emit radiation). Sleeping next to someone exposes you to .05 sieverts, because we all have minerals in our bones that emit radiation. Also, people living in areas of high elevations are exposed to almost 5 times (1.2 sieverts) as much radiation as one scan from a Bureau body scanner, because there is more cosmic radiation at high elevations. An airplane flight from New York to Los Angeles exposes a human body to 40 sieverts of radiation. Again, the Bureau's x-ray technology scanners employ only .25 sieverts, so low a level of radiation as to be safe.

Further, the Bureau requested an independent study (''Radiation Protection Report'') of its pilot program use of the ''Radpro SecurPass'' technology. The review, conducted in 2012, was generated and peer reviewed by radiological physicists holding Certified Health Physicist credentials and board certification of the American Board of Radiology in Diagnostic Radiology. The Report concluded that the average effective reference dose was 0.233 sieverts, which is representative of the maximum possible radiation dose for the machine to one person for one scan. The Report concluded that the system may be operated at that dose level up to 1,000 times per year while maintaining the recommended safe radiation dose.

The use of electronic search devices described in the proposed rule is also within established inmate search procedures. There is no impact it will have on the federal inmate population which is not already present. The proposed rule clarified that body x-ray imaging search devices are ''electronic search devices'' for routine or random use in searching inmates. This change does not affect physical contact with inmates or require disrobement. Other than increased effectiveness at identifying contraband through the use of new minimally invasive hand-held technology, there exists no actual or perceivable difference between already-in-use electronic search devices and the proposed x-ray search device. In fact, the use of the technology will cut down the frequency and need for more invasive searches of the type that inmates seek to avoid.

Further, prisoners, visitors, and staff have diminished Fourth Amendment protections in a correctional setting

under the constellation of rules created by *Bell, Hudson,* and *Turner.* In *Bell* v. *Wolfish,* 441 U.S. 520 (1979) and *Hudson* v. *Palmer,* 468 U.S. 517 (1984), inmates brought challenges to searches of their person and cells, respectively. The *Bell* court noted prisons are uniquely dangerous environments, and held that the interest in keeping out contraband outweighed inmate privacy concerns. Similarly, the *Hudson* court found prison cell searches are categorically reasonable since a prisoner's expectation of privacy must always yield to the paramount interest in institutional security. *Turner* v. *Safley,* 482 U.S. 78 (1987) created a new standard: When a prison regulation impinges on the constitutional rights of an inmate, staff member, or visitor, the regulation is valid if it is reasonably related to legitimate penological interests.

The *Turner* standard, with the fact-specific principles of *Bell* have been consistently used guidelines to reference for inmate body searches. The Supreme Court specifically invoked both cases as primary guidance in *Florence* v. *Bd. of Chosen Freeholders of County of Burlington.* The Court held it was reasonable in a physical search to command ''detainees to lift their genitals or cough in a squatting position.'' These procedures, similar to the ones upheld in *Bell,* are designed to uncover contraband that can go undetected by a patdown, metal detector, and other less invasive searches. 132 S. Ct. 1510, 1520, 182 L. Ed. 2d 566 (2012). Physical manipulation of an unclothed area, however, would not be permissible. *Id.* The non-contact electronic device search is precisely within the ''less-invasive,'' non-controversial ambit described in *Florence.*

It is also important to note that the regulations will retain current language stating that use of any electronic device ''does not require the inmate to remove clothing.'' 28 CFR 552.11.

Bureau Staff Do Not Have Adequate Training To Use New X-Ray Body Scan Technology

One commenter was concerned that Bureau staff are not qualified to use new technology. This is not true. Policy accompanying the change to this regulation and the implementation of any new search device under these regulations will require training on the use of the devices. Operators Manuals for the technological devices will be required for all employees who operate the scanners. This training will be re-implemented annually.

Implementation of the Devices Will Be Costly to the Public

One commenter felt that ''the cost of instituting [body scanners would be] incredible.'' The scanning technology used by the Bureau is also routinely used in other public safety sectors (*e.g.* airport security, military, state jail security, etc.) and is not prohibitively expensive. The Bureau evaluated and tested several different types of whole body imaging devices, some acquired through surplus acquisition at no cost from other federal agencies. During the evaluation period, a significant amount of dangerous contraband (*i.e.,* weapons, drugs and contraband cell phones), were detected with these devices and confiscated. Because the technology provides enhanced institution security, promotes staff and inmate safety, and ultimately increases the safety of the public, the return on investment for the cost of these devices is significant. In the Bureau's correctional judgment, the loss of life or serious injury, whether staff, inmate or a member of the public, is immeasurable and as such, the use of scanning technology to prevent such occurrences is reasonable and warranted.

For the aforementioned reasons, we now finalize the proposed rule published on February 14, 2014 (79 FR 8910), without change.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review'' section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by the Office of Management and Budget (OMB).

Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Director of the Bureau of Prisons, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities for the following reasons: This rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau's appropriated funds.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 28 CFR Part 552

Prisoners.

Charles E. Samuels, Jr.,

Director, Bureau of Prisons.

Accordingly, under rulemaking authority vested in the Attorney General in 5 U.S.C. 301; 28 U.S.C. 509, 510 and delegated to the Director, Bureau of Prisons in 28 CFR 0.96, we amend 28 CFR part 552 as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 552—CUSTODY

■ 1. The authority citation for 28 CFR part 552 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984, as to offenses committed after that date), 5039; 28 U.S.C. 509, 510.

■ 2. Revise § 552.11(a) to read as follows:

§ 552.11 Searches of inmates.

(a) *Electronic devices.* Inspection of an inmate's person using electronic devices (for example, metal detector, ion spectrometry device, or body imaging search device) does not require the inmate to remove clothing. The inspection may also include a search of the inmate's clothing and personal effects. Staff may conduct an electronic device search of an inmate on a routine or random basis to control contraband.

* * * * *

■ 3. Revise § 552.13 to read as follows:

§ 552.13 Medical x-ray device, major instrument, or surgical intrusion.

(a) The institution physician may authorize use of a major instrument (including anoscope or vaginal speculum) or surgical intrusion for medical reasons only, with the inmate's consent.

(b) The institution physician may authorize use of a medical x-ray device for medical reasons and only with the consent of the inmate. When there exists no reasonable alternative, and an examination using a medical x-ray device is determined necessary for the security, good order, or discipline of the institution, the Warden, upon approval of the Regional Director, may authorize the institution physician to order a non-repetitive examination using a medical x-ray device for the purpose of determining if contraband is concealed in or on the inmate (for example: In a cast or body cavity). The examination using a medical x-ray device may not be performed if it is determined by the institution physician that it is likely to result in serious or lasting medical injury or harm to the inmate. Staff shall place documentation of the examination and the reasons for the examination in the inmate's central file and medical file.

(1) The Warden and Regional Director or persons officially acting in that capacity may not redelegate the authority to approve an examination using medical x-ray device for the purpose of determining if contraband is present. An Acting Warden or Acting Regional Director may, however, perform this function.

(2) Staff shall solicit the inmate's consent prior to an examination using a medical x-ray device. However, the inmate's consent is not required.

(c) The Warden may direct searches of inanimate objects using a medical x-ray device where the inmate is not exposed.

[FR Doc. 2015–13710 Filed 6–4–15; 8:45 am]

BILLING CODE 4410–05–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy (DoN) is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972, as amended (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that USS DETROIT (LCS 7) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective June 5, 2015 and is applicable beginning May 13, 2015.

FOR FURTHER INFORMATION CONTACT: Commander Theron R. Korsak, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave. SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone number: 202–685–5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), of the DoN, under authority delegated by the Secretary of the Navy, has certified that USS DETROIT (LCS 7) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I paragraph 2(a)(i), pertaining to the location of the forward masthead light at a height not less than 12 meters above the hull; Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and the horizontal distance between the forward and after masthead lights. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

For the reasons set forth in the preamble, the DoN amends part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended by:

■ a. In Table One, adding, in alpha numerical order, by vessel number, an entry for USS DETROIT (LCS 7); and

■ b. In Table Five, adding, in alpha numerical order, by vessel number, an entry for USS DETROIT (LCS 7).

The additions read as follows:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE ONE

Vessel	No.	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) annex I
* * * * *	*	*
USS DETROIT	LCS 7	6.80
* * * * *	*	*

* * * * *

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained
* *		* *	*	*	*
USS DETROIT	LCS 7		X	X	23.0

* * * * *

Approved: May 13, 2015.

A.B. Fischer,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).

Dated: May 27, 2015.

P.A. Richelmi,

Lieutenant, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 2015–13754 Filed 6–4–15; 8:45 am]

BILLING CODE 3810–FF–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2015–0220; FRL–9927–67]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is promulgating significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 22 chemical substances which were the subject of premanufacture notices (PMNs). Two of these chemical substances are subject to TSCA section 5(e) consent orders issued by EPA. This action requires persons who intend to manufacture (including import) or process any of these 22 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs.

DATES: This rule is effective on August 4, 2015. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on June 19, 2015.

Written adverse or critical comments, or notice of intent to submit adverse or critical comments, on one or more of these SNURs must be received on or before July 6, 2015 (see Unit VI. of the **SUPPLEMENTARY INFORMATION**). If EPA receives written adverse or critical comments, or notice of intent to submit adverse or critical comments, on one or more of these SNURs before July 6, 2015, EPA will withdraw the relevant sections of this direct final rule before its effective date.

For additional information on related reporting requirement dates, see Units I.A., VI., and VII. of the **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2015–0220, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to these SNURs must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of a proposed or final rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see § 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

A. What action is the Agency taking?

EPA is promulgating these SNURs using direct final procedures. These SNURs will require persons to notify EPA at least 90 days before commencing the manufacture or processing of a chemical substance for any activity designated by these SNURs as a significant new use. Receipt of such notices allows EPA to assess risks that may be presented by the intended uses and, if appropriate, to regulate the proposed use before it occurs. Additional rationale and background to these rules are more fully set out in the preamble to EPA's first direct final SNUR published in the **Federal Register** issue of April 24, 1990 (55 FR 17376) (FRL–3658–5). Consult that preamble for further information on the objectives, rationale, and procedures for SNURs and on the basis for significant new use designations, including provisions for developing test data.

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

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four bulleted TSCA section 5(a)(2) factors listed in Unit III. Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the chemical substance for that use. Persons who must report are described in § 721.5.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. According to § 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA may take regulatory action under TSCA section 5(e), 5(f), 6, or 7 to control the activities for which it has received the SNUN. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

III. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorized EPA to consider any other relevant factors.

To determine what would constitute a significant new use for the 22 chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, likely human exposures and environmental releases associated with possible uses, and the four bulleted TSCA section 5(a)(2) factors listed in this unit.

IV. Substances Subject to This Rule

EPA is establishing significant new use and recordkeeping requirements for 22 chemical substances in 40 CFR part 721, subpart E. In this unit, EPA provides the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (assigned for non-confidential chemical identities).
- Basis for the TSCA section 5(e) consent order or, the basis for the TSCA non-section 5(e) SNURs (*i.e.,* SNURs without TSCA section 5(e) consent orders).
- Tests recommended by EPA to provide sufficient information to

evaluate the chemical substance (see Unit VIII. for more information).

• CFR citation assigned in the regulatory text section of this rule.

The regulatory text section of this rule specifies the activities designated as significant new uses. Certain new uses, including production volume limits (*i.e.,* limits on manufacture volume) and other uses designated in this rule, may be claimed as CBI. Unit IX. discusses a procedure companies may use to ascertain whether a proposed use constitutes a significant new use.

This rule includes 2 PMN substances (P–13–930 and P–14–763) that are subject to ''risk-based'' consent orders under TSCA section 5(e)(1)(A)(ii)(I) where EPA determined that activities associated with the PMN substances may present unreasonable risk to human health or the environment. Those consent orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. The so-called ''TSCA section 5(e) SNURs'' on these PMN substances are promulgated pursuant to § 721.160, and are based on and consistent with the provisions in the underlying consent orders. The TSCA section 5(e) SNURs designate as a ''significant new use'' the absence of the protective measures required in the corresponding consent orders.

This rule also includes SNURs on 20 PMN substances that are not subject to consent orders under TSCA section 5(e). In these cases, for a variety of reasons, EPA did not find that the use scenario described in the PMN triggered the determinations set forth under TSCA section 5(e). However, EPA does believe that certain changes from the use scenario described in the PMN could result in increased exposures, thereby constituting a ''significant new use.'' These so-called ''TSCA non-section 5(e) SNURs'' are promulgated pursuant to § 721.170. EPA has determined that every activity designated as a ''significant new use'' in all TSCA non-section 5(e) SNURs issued under § 721.170 satisfies the two requirements stipulated in § 721.170(c)(2), *i.e.,* these significant new use activities are different from those described in the premanufacture notice for the substance, including any amendments, deletions, and additions of activities to the premanufacture notice, and may be accompanied by changes in exposure or release levels that are significant in relation to the health or environmental concerns identified'' for the PMN substance.

PMN Number P–11–549

Chemical name: 2-Butene, 1,1,1,4,4,4-hexafluoro-, (2Z)-.

CAS number: 692–49–9.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a heat transfer fluid. Based on test data on the PMN substance as well as structure activity relationship (SAR) analysis of analogous small fluorinated compounds, EPA identified concerns for cardiac sensitization, developmental toxicity, neurotoxicity, reproductive toxicity and oncogenicity from inhalation exposures to the PMN substance. As described in the PMN, occupational exposures are expected to be minimal due to no domestic manufacture and consumer exposure is not expected due to no use of the substance in a consumer product. Therefore, EPA has not determined that the proposed processing or use of the substance may present an unreasonable risk. EPA has determined, however, that any domestic manufacture, any use other than as described in the PMN, or any use of the substance in a consumer product may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(i) and (b)(3)(ii).

Recommended testing: EPA has determined that inhalation monitoring data, collected according to the EPA draft Inhalation Monitoring Data Collection Guidelines (located in the docket under docket ID number EPA–HQ–OPPT–2015–0220) would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10830.

PMN Number P–13–690

Chemical name: Aluminum phosphate (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the substance will be used as a flame retardant for industrial plastics. Based on SAR analysis of test data on analogous respirable, poorly soluble particulates, EPA identified concerns for lung effects, blood toxicity, hypersensitivity, developmental neurotoxicity, and immunotoxicity from inhalation exposures to the PMN substance. Further, based on ecological SAR analysis of test data on analogous aluminum salts, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 87 parts per billion (ppb) of the PMN substance in surface waters. As described in the PMN, occupational exposures are expected to be minimal due to use of respiratory protection, and releases of the substance are not expected to result in surface water concentrations that exceed 87 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the PMN substance without the use of National Institute of Occupational Safety and Health (NIOSH)-certified respirator with an assigned protection factor (APF) of at least 10, where inhalation exposures are expected, or any use of the substance resulting in surface water concentrations exceeding 87 ppb may cause serious human health effects and significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at 40 CFR 721.170(b)(3)(ii) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465 or Organisation for Economic Co-operation and Development (OECD) Test Guideline 413); a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (Office of Chemical Safety and Pollution Prevention (OCSPP) Test Guideline 850.4500) would help characterize the human health and environmental effects of the PMN substance. EPA also recommends that the guidance document on aquatic toxicity testing of difficult substance and mixtures (OECD Test Guideline 23) be consulted to facilitate solubility of the PMN substance in the test media.

CFR citation: 40 CFR 721.10831.

PMN Number P–13–872

Chemical name: Alkyl triazine (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the substance will be used in the removal of hydrogen sulfide. Based on test data on the PMN substance, as well as ecological SAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 130 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations that exceed 130 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 130 ppb may

cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(i) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400) and a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10832.

PMN Number P–13–930

Chemical name: Substituted bis 2,6-xylenol (generic).

CAS number: Claimed confidential.

Effective date of TSCA section 5(e) consent order: December 10, 2014.

Basis for TSCA section 5(e) consent order: The PMN states that the generic (non-confidential) use of the substance will be as a reactant in polymerization reactions. Based on SAR analysis of test data on structurally similar substances, EPA identified concerns for liver, kidney and developmental toxicity; blood effects, sensitization, and endocrine disruption. Further, based on test data on the PMN substance, EPA predicts toxicity to aquatic organisms at concentrations that exceed 6 ppb of the PMN substance in surface waters. The order was issued under TSCA sections 5(e)(1)(A)(i) and 5(e)(1)(A)(ii)(I), based on a finding that the substance may present an unreasonable risk of injury to the environment and human health, and there may be significant (or substantial) human exposure to the substance. To protect against these exposures and risks, the consent order requires:

1. Use of personal protective equipment involving impervious gloves and protective clothing (where there is a potential for dermal exposure) and a NIOSH-certified respirator with an APF of at least 50 (where there is a potential for inhalation exposure).

2. Establishment and use of a hazard communication program, including human health, environmental hazard precautionary statements on each label and the MSDS.

3. Manufacturing, processing, or use of the PMN substance only as an intermediate.

4. Submission of certain toxicity testing prior to exceeding the confidential production volume limits of the PMN substance specified in the consent order.

5. No predictable or purposeful release of the PMN substance from manufacturing, processing or use into the waters of the United States that result in surface water concentrations exceeding 6 ppb.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Recommended testing: EPA has determined that the results of certain toxicity testing, identified in the TSCA 5(e) consent order would help characterize possible effects of the substance. The submitter has agreed not to exceed the first confidential volume limit without performing an aromatase (human recombinant) test (OCSPP Test Guideline 890.1200) and a steroidogenesis (human cell line-H295R) test (OCSPP Test Guideline 890.1550 or OECD Test Guideline 456). Further, the Order prohibits the Company from exceeding the second confidential production volume limit unless the Company submits the Tier 2 testing described in the Testing section of this Order in accordance with the conditions specified in the Testing section.

CFR citation: 40 CFR 721.10833.

PMN Number P–14–20

Chemical name: Heteropolycyclic diacrylate (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a coating resin. Based on test data on the PMN, EPA identified concerns for dermal and ocular irritation, and systemic toxicity from the dermal, ocular, and oral routes. Further, based on ecological SAR analysis of test data on analogous acrylates, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 120 ppb of the PMN substance in surface waters. As described in the PMN, occupational exposures are expected to be minimal due to the use of impervious gloves, goggles, and a NIOSH-certified particulate respirator with an APF of at least 10. Further, releases of the substance are not expected to result in surface water concentrations that exceed 120 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance without the use of impervious gloves and goggles, when there is a potential dermal exposure; any use of the substance without a NIOSH-certified particulate respirator with an APF of at least 10, where there is a potential for inhalation exposures; or any use of the substance resulting in surface water concentrations exceeding 120 ppb may cause serious health effects and significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(i) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a combined repeated dose toxicity with the reproduction/developmental toxicity screening test (OPPTS Test Guideline 870.3650); a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the human health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10834.

PMN Number P–14–66

Chemical name: 1,6-Hexanediamine, N1-(6-aminohexyl)-, polymer with 2-(chloromethyl)oxirane, *N*-(dithiocarboxy) derivs., sodium salts.

CAS number: 1459738–70–5.

Basis for action: The PMN states that the substance will be used as a water clarifier intermediate. Based on ecological SAR analysis of test data on analogous dithiocarbamates, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations that exceed 1 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance that results in surface water concentrations exceeding 1 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a mysid acute toxicity test (OCSPP Test Guideline 850.1035); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an acute invertebrate toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10835.

PMN Number P–14–209

Chemical name: Dimethylaminoalkyl alkene amide (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an adjuvant for non-Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)-regulated agricultural use products, an additive for pesticide formulations, and an additive for fertilizer formulations. Based on test data on the PMN substance, as well as ecological SAR analysis of test data on analogous amides and aliphatic amines, EPA predicts chronic toxicity to aquatic organisms may occur at concentrations that exceed 4 ppb of the PMN substance in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early-life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface water exceed releases from the use described in the PMN. For the uses described in the PMN, environmental releases did not exceed the concentration of concern for more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance other than as described in the PMN may cause significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(4)(i) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400) and a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10836.

PMN Number P–14–452

Chemical name: Substituted naphthalene polymer glycidyl ether (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the generic (non-confidential) uses of the substance will be as a matrix resin for composite materials and a binder resin for electronic materials. Based on ecological SAR analysis of test data on analogous polyepoxides, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations that exceed 1 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 1 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10837.

PMN Number P–14–473

Chemical name: Alkylpolycarboxylic acid, derivative, tris(fluorinatedalkoxy)alkyl ester salt (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be for coatings and printing applications. Based on ecological SAR analysis of test data on analogous anionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 6 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations that exceed 6 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 6 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a water solubility study (OECD Test Guideline 105); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); and a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10838.

PMN Number P–14–476

Chemical name: Tricyclo[3.3.1.13,7]decan-1-amine, *N,N*-dimethyl-.

CAS number: 3717–40–6.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an isolated intermediate. Based on ecological SAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 8 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations that exceed 8 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined that any use of the substance resulting in surface water concentrations exceeding 8 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10839.

PMN Number P–14–510

Chemical name: Sulfosuccinic acid ester, alkylamine derivs., sodium salt (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an industrial leather softener. Based on test data on the PMN substance as well as SAR analysis of test data on analogous anionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 94 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations that exceed 94 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 94 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets

the concern criteria at § 721.170(b)(4)(i) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400) and a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10840.

PMN Number P–14–603

Chemical name: Bismuth nitrate oxide ($Bi_3(NO_3)O_4$).

CAS number: 1417164–49–8.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a proprietary degradation inhibitor additive in polymer-based insulation sheets. Based on test data on analogous respirable, poorly soluble particulates, EPA identified concerns for lung effects from inhalation exposures to the PMN substance. For the use described in the PMN, significant inhalation exposures are not expected. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as listed in the PMN, or without respiratory protection, may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii).

Recommended testing: EPA has determined that the results of a 90-day inhalation toxicity study with a 60-day holding period (OPPTS Test Guideline 870.3465) would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10841.

PMN Number P–14–605

Chemical name: Substituted cyclosiloxane (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the use of the substance will be as a refractive index modifier component for light-emitting diode (LED) chips. Based on the physical/chemical properties of the PMN substance (as described in the New Chemical Program's PBT category at 64 FR 60194; November 4, 1999) and test data on structurally similar substances, the PMN substance is a potentially persistent, bioaccumulative, and toxic (PBT) chemical. EPA estimates that the PMN substance will persist in the environment more than 2 months and estimates a bioaccumulation factor of greater than or equal to 1,000. As described in the PMN notice, the PMN substance will not be released to water. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as described in the PMN or resulting in releases to water may cause serious health effects and significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii), (b)(4)(ii), and (b)(4)(iii).

Recommended testing: EPA has determined that the results of a partition coefficient (n-octanol/water) test, estimation by liquid chromatography (OPPTS Test Guideline 830.7570 or OECD Test Guideline 117); a ready biodegradability test (OPPTS Test Guideline 835.3110 or OECD Test Guideline 301); a fish bioconcentration factor (BCF) test (OPPTS Test Guideline 850.1730 or (OECD Test Guideline 305); and a water solubility test (OECD Test Guideline 111) would help characterize the health and environmental effects of the PMN substance. Depending on the results of these tests, additional testing as identified in the PBT category may be recommended.

CFR citation: 40 CFR 721.10842.

PMN Numbers P–14–666 and P–14–668

Chemical names: Substituted amide aromatic carboxylic acid, metal salt (generic).

CAS numbers: Claimed confidential.

Basis for action: The PMNs state that the generic (non-confidential) use of the substances will be as morphology modifiers for plastics. Based on ecological SAR analysis of test data on analogous amides, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 67 ppb of the PMN substance (P–14–666) and 39 ppb of the PMN substance (P–14–668) in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early-life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the substances to surface water, from uses other than as described in the PMNs, exceed releases from the uses described in the PMNs. For the use described in the PMNs, environmental releases did not exceed 67 ppb (P–14–666) and 39 ppb (P–14–668) for more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that any use of the substances other than as listed in the PMNs may cause significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a ready biodegradability test (OPPTS Test Guideline 835.3110); a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (OCSPP Test Guideline 850.4500) on each PMN substance would help characterize their environmental effects.

CFR citation: 40 CFR 721.10843.

PMN Number P–14–763

Chemical name: Graphene nanoplatelets having a predominant thickness of 1–10 layers with lateral dimension predominantly less than 2 microns.

CAS number: Not Available

Effective date of TSCA section 5(e) consent order: December 30, 2014.

Basis for TSCA section 5(e) consent order: The PMN states that the generic (non-confidential) use of the substance will be in printed electronics, solar energy, separations, and functional composites. Based on SAR analysis of test data on respirable, poorly soluble particulates and analogous carbon nanomaterials, EPA identified concerns for pulmonary toxicity, oncogenicity, immunotoxicity, fibrosis, and lung toxicity from lung overload. The order was issued under TSCA sections 5(e)(1)(A)(i) and 5(e)(1)(A)(ii)(I), based on a finding that these substance may present an unreasonable risk of injury to the environment and human health, and there may be significant (or substantial) human exposure to the substance. To protect against these exposures and risks, the consent order requires:

1. Use of personal protective equipment involving impervious gloves and protective clothing (where there is a potential for dermal exposure) and a NIOSH-certified respirator (where there is a potential for inhalation exposure).

2. Establishment and use of a hazard communication program, including human health, environmental hazard precautionary statements on each label and the MSDS.

3. Manufacturing, processing, or use of the PMN substance only as described in the consent order.

4. No use of the PMN substance using an application method that generates a vapor, mist, or aerosol.

5. Submission of certain toxicity testing prior to exceeding the confidential production volume limits

of the PMN substances specified in the consent order.

6. No predictable or purposeful release of the PMN substances from manufacturing, processing or use into the waters of the United States.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Recommended testing: EPA has determined that the results of certain particle size distribution and material characterization testing would be needed for the PMN substance. The company has agreed to submit the full chemical characterization testing described in the testing section of the consent order within the timeframes identified in the order. Further, depending on the results of the characterization testing, additional toxicity testing may be required at a confidential aggregate manufacture volume, as detailed in the consent order.

CFR citation: 40 CFR 721.10844.

PMN Number P–14–781

Chemical name: Methanaminium, *N*-[4-[[4-(dimethylamino)phenyl] phenylmethylene]-2,5-cyclohexadien-1-ylidene]-*N*-methyl-, ethanedioate, ethanedioate (2:2:1).

CAS number: 2437–29–8.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a component of industrial inks and dyes. Based on test data on analogous malachite green chloride, pararosaniline, gentian violet, crystal violet, oxalic acid, and other analogous substances, EPA identified concerns for mutagenicity, carcinogenicity, eye irritation, as well as kidney, acute, and developmental toxicities for occupational inhalation exposures and general population exposures from drinking water exposures. In addition, based on ecological SAR analysis of test data on analogous cationic dyes, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substance in surface waters. As described in the PMN, occupational exposures during processing and use activities are expected to be minimal. Further, releases of the PMN substance are not expected to result in surface water concentrations that exceed 1 ppb. Therefore, EPA has not determined that the proposed processing or use of the substance may present an unreasonable risk. EPA has determined, however, that any domestic manufacture of the substance, or any release of the substance resulting in surface water concentrations exceeding 1 ppb may cause serious health effects and significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a combined repeated dose toxicity with the reproduction/developmental toxicity screening test (OECD Test Guideline 422); a bacterial reverse mutation test (OECD Test Guideline 471); an *in vitro* mammalian chromosome aberration test (OECD Test Guideline 473); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the human health an environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10845.

PMN Number P–14–811

Chemical name: Sulfurized hydrocarbon (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the use of the substance will be as a lubricant additive. Based on ecological SAR analysis of test data on analogous neutral organics, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the low molecular weight components of PMN substance in surface waters. As described in the PMN, where 80 percent of the molecular weight species is greater than 1,000 daltons, releases of the substance are not expected to result in surface water concentrations that exceed 1 ppb of the low molecular weight components. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance where less than 80 percent of the molecular weight species is greater than 1,000 daltons, may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of an inherent biodegradability Zahn-Wellens test (OECD Test Guideline 302); an aerobic and anaerobic transformation in soil test (OECD Test Guideline 307); a fish BCF test: Aqueous and dietary exposure (OECD Test Guideline 305); a bioaccumulation in sediment-dwelling benthic oligochaetes test (OECD Test Guideline 315); a sediment-water chironomid toxicity test using spiked sediment (OECD Test Guideline 218); a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10846.

PMN Number P–14–821

Chemical name: Oxiranemethanaminium, *N,N,N*-trimethyl-, bromide.

CAS number: 13895–77–7.

Basis for action: The PMN states that the substance will be used as an intermediate for polymer production. Based on test data on analogous epoxides, EPA identified concerns for skin and lung sensitization, mutagenicity, oncogenicity, developmental toxicity, male reproductive, liver, and kidney toxicity from dermal and inhalation exposures. Further, based on ecological SAR analysis of test data on analogous quaternary ammonium compounds, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 28 ppb of the PMN substance in surface waters. As described in the PMN, particulate exposures are not expected and releases of the substance are not expected to result in surface water concentrations that exceed 28 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any manufacture, processing, or use of the substance in the form of a powder or any use of the substance resulting in surface water concentrations exceeding 28 ppb may cause serious health effects and significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465); a bacterial reverse mutation test (OPPTS Test Guideline 870.5100); a ready biodegradability test (OECD Test Guideline 301D) closed bottle method; a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the human health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10847.

PMN Number P–14–875

Chemical name: Aryloxyalkyl amine (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the substance will be used as an intermediate. Based on test data on the PMN substance and SAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 44 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations that exceed 44 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use resulting in surface water concentrations exceeding 44 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(i) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a ready biodegradability test (OECD Test Guideline 301) and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10848.

PMN Numbers P–15–115 and P–15–116

Chemical names: (P–15–115) Phenol-biphenyl-formaldehyde polycondensate (generic); (P–15–116) Polymer of phenol, biphenyl and resorcinol (generic).

CAS numbers: Claimed confidential.

Basis for action: The PMNs state that the generic (non-confidential) use of the substances will be in electric molding. Based on test data on the PMN substances as well as SAR analysis of test data on analogous phenols, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 5 ppb of the PMN substances in surface waters. As described in the PMNs, releases of the substances are not expected to result in surface water concentrations that exceed 5 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that any use resulting in surface water concentrations exceeding 5 ppb may cause significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(4)(i) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a water solubility test (OECD Test Guideline 105); a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); and a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300) would help characterize the environmental effects of the PMN substances. Testing may be conducted on either P–15–115 or P–15–116 and results should include a GPC analysis of molecular weight distribution.

CFR citations: 40 CFR 721.10849 (P–15–115) and 40 CFR 721.10850 (P–15–116)

V. Rationale and Objectives of the Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are subject to these SNURs, EPA concluded that for 2 of the 22 chemical substances, regulation was warranted under TSCA section 5(e), pending the development of information sufficient to make reasoned evaluations of the health or environmental effects of the chemical substances. The basis for such findings is outlined in Unit IV. Based on these findings, TSCA section 5(e) consent orders requiring the use of appropriate exposure controls were negotiated with the PMN submitters. The SNUR provisions for these chemical substances are consistent with the provisions of the TSCA section 5(e) consent orders. These SNURs are promulgated pursuant to § 721.160 (see Unit VI.).

In the other 20 cases, where the uses are not regulated under a TSCA section 5(e) consent order, EPA determined that one or more of the criteria of concern established at § 721.170 were met, as discussed in Unit IV.

B. Objectives

EPA is issuing these SNURs for specific chemical substances which have undergone premanufacture review because the Agency wants to achieve the following objectives with regard to the significant new uses designated in this rule:

- EPA will receive notice of any person's intent to manufacture or process a listed chemical substance for the described significant new use before that activity begins.
- EPA will have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- EPA will be able to regulate prospective manufacturers or processors of a listed chemical substance before the described significant new use of that chemical substance occurs, provided that regulation is warranted pursuant to TSCA sections 5(e), 5(f), 6, or 7.
- EPA will ensure that all manufacturers and processors of the same chemical substance that is subject to a TSCA section 5(e) consent order are subject to similar requirements.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the Internet at *http://www.epa.gov/opptintr/existingchemicals/pubs/tscainventory/index.html.*

VI. Direct Final Procedures

EPA is issuing these SNURs as a direct final rule, as described in § 721.160(c)(3) and § 721.170(d)(4). In accordance with § 721.160(c)(3)(ii) and § 721.170(d)(4)(i)(B), the effective date of this rule is August 4, 2015 without further notice, unless EPA receives written adverse or critical comments, or notice of intent to submit adverse or critical comments before July 6, 2015.

If EPA receives written adverse or critical comments, or notice of intent to submit adverse or critical comments, on one or more of these SNURs before July 6, 2015, EPA will withdraw the relevant sections of this direct final rule before its effective date. EPA will then issue a proposed SNUR for the chemical substance(s) on which adverse or critical comments were received, providing a 30-day period for public comment.

This rule establishes SNURs for a number of chemical substances. Any person who submits adverse or critical comments, or notice of intent to submit adverse or critical comments, must identify the chemical substance and the new use to which it applies. EPA will not withdraw a SNUR for a chemical substance not identified in the comment.

VII. Applicability of the Significant New Use Designation

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule have undergone premanufacture review. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for chemical substances for which an NOC

has not been submitted EPA concludes that the designated significant new uses are not ongoing.

When chemical substances identified in this rule are added to the TSCA Inventory, EPA recognizes that, before the rule is effective, other persons might engage in a use that has been identified as a significant new use. However, TSCA section 5(e) consent orders have been issued for 2 of the 22 chemical substances, and the PMN submitters are prohibited by the TSCA section 5(e) consent orders from undertaking activities which would be designated as significant new uses. The identities of 16 of the 22 chemical substances subject to this rule have been claimed as confidential and EPA has received no post-PMN *bona fide* submissions (per §§ 720.25 and 721.11). Based on this, the Agency believes that it is highly unlikely that any of the significant new uses described in the regulatory text of this rule are ongoing.

Therefore, EPA designates June 5, 2015 as the cutoff date for determining whether the new use is ongoing. Persons who begin commercial manufacture or processing of the chemical substances for a significant new use identified as of that date would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and wait until the notice review period, including any extensions, expires. If such a person met the conditions of advance compliance under § 721.45(h), the person would be considered exempt from the requirements of the SNUR. Consult the **Federal Register** document of April 24, 1990 for a more detailed discussion of the cutoff date for ongoing uses.

VIII. Test Data and Other Information

EPA recognizes that TSCA section 5 does not require developing any particular test data before submission of a SNUN. The two exceptions are:

1. Development of test data is required where the chemical substance subject to the SNUR is also subject to a test rule under TSCA section 4 (see TSCA section 5(b)(1)).

2. Development of test data may be necessary where the chemical substance has been listed under TSCA section 5(b)(4) (see TSCA section 5(b)(2)).

In the absence of a TSCA section 4 test rule or a TSCA section 5(b)(4) listing covering the chemical substance, persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. In cases where EPA issued a TSCA section 5(e) consent order that requires or recommends certain testing, Unit IV. lists those tests. Unit IV. also lists recommended testing for non-5(e) SNURs. Descriptions of tests are provided for informational purposes. EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection. To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.'' The Organisation for Economic Co-operation and Development (OECD) test guidelines are available from the OECD Bookshop at *http://www.oecdbookshop.org* or SourceOECD at *http://www.sourceoecd.org.*

In the TSCA section 5(e) consent orders for several of the chemical substances regulated under this rule, EPA has established production volume limits in view of the lack of data on the potential health and environmental risks that may be posed by the significant new uses or increased exposure to the chemical substances. These limits cannot be exceeded unless the PMN submitter first submits the results of toxicity tests that would permit a reasoned evaluation of the potential risks posed by these chemical substances. Under recent TSCA section 5(e) consent orders, each PMN submitter is required to submit each study before reaching the specified production limit. Listings of the tests specified in the TSCA section 5(e) consent orders are included in Unit IV. The SNURs contain the same production volume limits as the TSCA section 5(e) consent orders. Exceeding these production limits is defined as a significant new use. Persons who intend to exceed the production limit must notify the Agency by submitting a SNUN at least 90 days in advance of commencement of non-exempt commercial manufacture, or processing.

The recommended tests specified in Unit IV. may not be the only means of addressing the potential risks of the chemical substance. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA section 5(e), particularly if satisfactory test results have not been obtained from a prior PMN or SNUN submitter. EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Potential benefits of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

IX. Procedural Determinations

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI, at 40 CFR 721.1725(b)(1).

Under these procedures a manufacturer or processor may request EPA to determine whether a proposed use would be a significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance and must identify the specific use for which it intends to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers and processors can combine the *bona fide* submission under the procedure in § 721.1725(b)(1) with that under § 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, *i.e.,* the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the aggregate annual production volume does not exceed that identified in the *bona fide* submission to EPA. Because of confidentiality concerns, EPA does not typically disclose the actual production volume that constitutes the use trigger. Thus, if the person later intends to

exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

X. SNUN Submissions

According to § 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and § 721.25. E–PMN software is available electronically at *http://www.epa.gov/opptintr/newchems.*

XI. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2015–0220.

XII. Statutory and Executive Order Reviews

A. Executive Order 12866

This action establishes SNURs for several new chemical substances that were the subject of PMNs, or TSCA section 5(e) consent orders. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993).

B. Paperwork Reduction Act (PRA)

According to PRA (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 that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. EPA is amending the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this action. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. This Information Collection Request (ICR) was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to amend this table without further notice and comment.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act (RFA)

On February 18, 2012, EPA certified pursuant to RFA section 605(b) (5 U.S.C. 601 *et seq.*), that promulgation of a SNUR does not have a significant economic impact on a substantial number of small entities where the following are true:

1. A significant number of SNUNs would not be submitted by small entities in response to the SNUR.

2. The SNUR submitted by any small entity would not cost significantly more than $8,300.

A copy of that certification is available in the docket for this action.

This action is within the scope of the February 18, 2012 certification. Based on the Economic Analysis discussed in Unit XI. and EPA's experience promulgating SNURs (discussed in the certification), EPA believes that the following are true:

- A significant number of SNUNs would not be submitted by small entities in response to the SNUR.
- Submission of the SNUN would not cost any small entity significantly more than $8,300.

Therefore, the promulgation of the SNUR would not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this action. As such, EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132

This action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999).

F. Executive Order 13175

This action does not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This action does not significantly nor uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this action.

G. Executive Order 13045

This action is not subject to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211

This action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That

Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

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

J. Executive Order 12898

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

XIII. Congressional Review Act

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

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

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

Dated: May 28, 2015.

Maria J. Doa,

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

Therefore, 40 CFR parts 9 and 721 are amended as follows:

PART 9—[AMENDED]

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

Authority: 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1, add the following sections in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
Significant New Uses of Chemical Substances	
* * * * *	
721.10830	2070–0012
721.10831	2070–0012
721.10832	2070–0012
721.10833	2070–0012
721.10834	2070–0012
721.10835	2070–0012
721.10836	2070–0012
721.10837	2070–0012
721.10838	2070–0012
721.10839	2070–0012
721.10840	2070–0012
721.10841	2070–0012
721.10842	2070–0012
721.10843	2070–0012
721.10844	2070–0012
721.10845	2070–0012
721.10846	2070–0012
721.10847	2070–0012
721.10848	2070–0012
721.10849	2070–0012
721.10850	2070–0012
* * * * *	

* * * * *

PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add § 721.10830 to subpart E to read as follows:

§ 721.18030 2-Butene, 1,1,1,4,4,4-hexafluoro-, (2Z)-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-butene, 1,1,1,4,4,4-hexafluoro-, (2Z)- (PMN P–11–549; CAS No. 692–49–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (j), and (o).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 5. Add § 721.10831 to subpart E to read as follows:

§ 721.18031 Aluminum phosphate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as aluminum phosphate (PMN P–13–690) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance that has been completely reacted (cured) or entrained into a polymer matrix.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4) and (a)(6)(1). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. A National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an Assigned Protection Factor (APF) of at least 10 meet the requirements of § 721.63(a)(4).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=87).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 6. Add § 721.10832 to subpart E to read as follows:

§ 721.10832 Alkyl triazine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkyl triazine (PMN P–13–872) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=130).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 7. Add § 721.10833 to subpart E to read as follows:

§ 721.10833 Substituted bis 2,6-xylenol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted bis 2,6-xylenol (PMN P–13–930) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance that have been incorporated into an article or has been incorporated into a polymer matrix.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (a)(4), (a)(6)(i), (a)(6)(ii), (b)(concentration set at 1.0 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 50 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified power air-purifying respirator with a hood or helmet and with appropriate gas/vapor (acid gas, organic vapor, or substance specific) cartridges in combination with HEPA filters.

(B) NIOSH-certified continuous flow supplied-air respirator equipped with a loose fitting facepiece, hood, or helmet.

(C) NIOSH-certified negative pressure (demand) supplied-air respirator with a full facepiece.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a), (b), (c), (d), (e), (f)(concentration set at 1.0 percent), (g)(1)(The PMN substance may cause sensitization, eye irritation, internal organ effects, and developmental effects), (g)(2), (g)(3), (g)(4)(i), and (g)(5).

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (q).

(iv) *Release to water.* (A) Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) N=6. However the requirements of § 721.91(a)(4) do not apply. Instead, if control technologies are in place to treat the waste stream containing the PMN substance, the amount of the PMN substance reasonably likely to be removed from the waste stream by such treatment may be subtracted in calculating the number of kilograms releases. No more than 40 percent removal efficiency may be attributed to such treatment.

(B) In lieu of calculating the quotient, monitoring or alternative calculations may be used to predict the surface water concentrations expected to result from the intended release of the substance, if the monitoring procedures or calculations have been approved for such purposes by EPA.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 8. Add § 721.10834 to subpart E to read as follows:

§ 721.10834 Heteropolycyclic diacrylate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as heteropolycyclic diacrylate (PMN P–14–20) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iii), (a)(3), (a)(4), (a)(6)(i), (a)(6)(ii), (b) (concentration set at 1.0 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified power air-purifying respirator with a hood or helmet and with appropriate gas/vapor (acid gas, organic vapor, or substance specific) cartridges in combination with HEPA filters.

(B) NIOSH-certified continuous flow supplied-air respirator equipped with a loose fitting facepiece, hood, or helmet.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=120).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 9. Add § 721.10835 to subpart E to read as follows:

§ 721.10835 1,6-Hexanediamine, N1-(6-aminohexyl)-, polymer with 2-(chloromethyl)oxirane, *N*-(dithiocarboxy) derivs., sodium salts.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,6-Hexanediamine, N1-(6-aminohexyl)-, polymer with 2-(chloromethyl)oxirane, *N*-(dithiocarboxy) derivs., sodium salts

(PMN P–14–66; CAS No. 1459738–70–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 10. Add § 721.10836 to subpart E to read as follows:

§ 721.10836 Dimethylaminoalkyl alkene amide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as dimethylaminoalkyl alkene amide (PMN P–14–209) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 11. Add § 721.10837 to subpart E to read as follows:

§ 721.10837 Substituted naphthalene polymer glycidyl ether (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted naphthalene polymer glycidyl ether (PMN P–14–452) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 12. Add § 721.10838 to subpart E to read as follows:

§ 721.10838 Alkylpolycarboxylic acid, derivative, tris(fluorinatedalkoxy)alkyl ester salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkylpolycarboxylic acid, derivative, tris(fluorinatedalkoxy)alkyl ester salt (PMN P–14–473) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=6).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 13. Add § 721.10839 to subpart E to read as follows:

§ 721.10839 Tricyclo[3.3.1.13,7]decan-1-amine, *N,N*-dimethyl-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as tricyclo[3.3.1.13,7]decan-1-amine, *N,N*-dimethyl- (PMN P–14–476; CAS No. 3717–40–6) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=8).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 14. Add § 721.10840 to subpart E to read as follows:

§ 721.10840 Sulfosuccinic acid ester, alkylamine derivs., sodium salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfosuccinic acid ester, alkylamine derivs., sodium salt (PMN P–14–510) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=94).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 15. Add § 721.10841 to subpart E to read as follows:

§ 721.10841 Bismuth nitrate oxide ($Bi_3(NO_3)O_4$).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as bismuth nitrate oxide ($Bi_3(NO_3)O_4$) (PMN P–14–603; CAS No. 1417164–49–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4), (a)(6)(i), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general

and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an assigned protection factor (APF) of at least 10 meets the minimum requirements for § 721.63(a)(4): NIOSH-certified air-purifying elastomeric half-mask respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters.

(ii) *Industrial commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (d), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 16. Add § 721.10842 to subpart E to read as follows:

§ 721.10842 Substituted cyclosiloxane (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted cyclosiloxane (PMN P–14–605) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial commercial, and consumer activities.* A significant new use is any use other than as a refractive index modifier component for light-emitting diode (LED) chips.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 17. Add § 721.10843 to subpart E to read as follows:

§ 721.10843 Substituted amide aromatic carboxylic acid, metal salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as substituted amide aromatic carboxylic acid, metal salt (PMNs P–14–666 and P–14–668) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 18. Add § 721.10844 to subpart E to read as follows:

§ 721.10844 Graphene nanoplatelets having a predominant thickness of 1–10 layers with lateral dimension predominantly less than 2 microns.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as graphene nanoplatelets having a predominant thickness of 1–10 layers with lateral dimension predominantly less than 2 microns (PMN P–14–763) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance that have been embedded or incorporated into a polymer matrix that itself has been reacted (cured); embedded in a permanent solid polymer form that is not intended to undergo further processing, except mechanical processing; or imported into an article as defined at 40 CFR 720.3(c).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(3), (a)(4), (a)(6)(i), (a)(6)(ii), (b) (concentration set at 1.0 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified power air-purifying, tight-fitting full-face respirator equipped with an N–100, P–100, or R–100 cartridge.

(B) NIOSH-certified power air-purifying particulate respirator with an assigned protection factor (APF) of at least 50.

(ii) Industrial, commercial, and consumer activities. Requirements as specified in § 721.80(k), (q), and (y)(1).

(iii) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 19. Add § 721.10845 to subpart E to read as follows:

§ 721.10845 Methanaminium, *N*-[4-[[4-(dimethylamino)phenyl]phenylmethylene]-2,5-cyclohexadien-1-ylidene]-*N*-methyl-, ethanedioate, ethanedioate (2:2:1).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as methanaminium, *N*-[4-[[4-(dimethylamino)phenyl]phenylmethylene]-2,5-cyclohexadien-1-ylidene]-*N*-methyl-, ethanedioate, ethanedioate (2:2:1) (PMN P–14–781; CAS No. 2437–29–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial commercial, and consumer activities.* Requirements as specified in § 721.80(f).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 20. Add § 721.10846 to subpart E to read as follows:

§ 721.10846 Sulfurized hydrocarbon (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfurized hydrocarbon (PMN P–14–811) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial commercial, and consumer activities.* Requirements as specified in § 721.80. A significant new use is any use where less than 80 percent of the low molecular weight species are greater than 1,000 daltons.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 21. Add § 721.10847 to subpart E to read as follows:

§ 721.10847 Oxiranemethanaminium, *N,N,N*-trimethyl-, bromide.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxiranemethanaminium, *N,N,N*-trimethyl-, bromide (PMN P–14–821; CAS No. 13895–77–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial commercial, and consumer activities.* Requirements as specified in § 721.80(v)(1), (w)(1), and (x)(1).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=28).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 22. Add § 721.10848 to subpart E to read as follows:

§ 721.10848 Aryloxyalkyl amine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as aryloxyalkyl amine (PMN P–14–875) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=44).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 23. Add § 721.10849 to subpart E to read as follows:

§ 721.10849 Phenol-biphenyl-formaldehyde polycondensate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as phenol-biphenyl-formaldehyde polycondensate (PMN P–15–115) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=5).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 24. Add § 721.10850 to subpart E to read as follows:

§ 721.10850 Polymer of phenol, biphenyl and resorcinol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polymer of phenol, biphenyl and resorcinol (PMN P–15–116) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=5).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 2015–13670 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2014–0528; FRL–9928–59–Region 7]

Approval and Promulgation of Implementation Plans; State of Kansas; Infrastructure SIP Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to

approve elements of a State Implementation Plan (SIP) submission from the State of Kansas addressing the applicable requirements of Clean Air Act (CAA) section 110 for the 2010 National Ambient Air Quality Standards (NAAQS) for Sulfur Dioxide (SO_2), which requires that each state adopt and submit a SIP to support implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: This final rule is effective July 6, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2014–0528. All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219 from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; *telephone number:* (913) 551–7214; *fax number:* (913) 551–7065; *email address: kemp.lachala@epa.gov.*

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

I. Background
II. Summary of SIP Revision
III. Final Action
IV. Statutory and Executive Order Review

I. Background

On March 6, 2015, (80 FR 12109), EPA published a notice of proposed rulemaking (NPR) for the State of Kansas. The NPR proposed approval of Kansas' submission that provides the basic elements specified in section 110(a)(2) of the CAA, or portions thereof, necessary to implement, maintain, and enforce the 2010 SO_2 NAAQS.

II. Summary of SIP Revision

On July 15, 2013, EPA received a SIP submission from the state of Kansas that address the infrastructure elements specified in section 110(a)(2) for the 2010 SO_2 NAAQS. The submissions addressed the following infrastructure elements of section 110(a)(2): (A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). Specific requirements of section 110(a)(2) of the CAA and the rationale for EPA's proposed action to approve the SIP submission are explained in the NPR and will not be restated here. No public comments were received on the NPR.

III. Final Action

EPA is approving Kansas' submission which provides the basic program elements specified in section 110(a)(2)(A), (B), (C), (D)(i)(II) (prongs 3 and 4), (D)(ii) (E), (F), (G), (H), (J), (K), (L), and (M) of the CAA, or portions thereof, necessary to implement, maintain, and enforce the 2010 SO_2 NAAQS, as a revision to the Kansas SIP. This action is being taken under section 110 of the CAA. As discussed in each applicable section of the NPR, EPA is not acting on section 110(a)(2)(D)(i)(I), and section 110(a)(2)(I)—Nonattainment Area Plan or Plan Revisions Under part D.

IV. Statutory and Executive Order Review

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Sulfur dioxide, Reporting and recordkeeping requirements.

Dated: May 21, 2015.

Becky Weber,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA is amending 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart R—Kansas

■ 2. In § 52.870(e), the table is amended by adding entry (40) in numerical order to read as follows:

§ 52.870 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED KANSAS NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic area or nonattainment area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
(40) Section 110(a)(2) Infrastructure Requirements for the 2010 SO_2 NAAQS.	Statewide	7/15/2013	6/5/2015 and [Insert **Federal Register** citation].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M), except as noted.

[FR Doc. 2015–13402 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0423; FRL–9928–78–Region 3]

Approval and Promulgation of Implementation Plans; West Virginia; Regional Haze Five-Year Progress Report State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of West Virginia (West Virginia) through the West Virginia Department of Environmental Protection (WVDEP). West Virginia's SIP revision addresses requirements of the Clean Air Act (CAA) and EPA's rules that require states to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the state's existing implementation plan addressing regional haze (regional haze SIP). EPA is approving West Virginia's SIP revision on the basis that it addresses the progress report and adequacy determination requirements for the first implementation period for regional haze.

DATES: This final rule is effective on July 6, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2013–0423. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, *i.e.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of West Virginia's submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Asrah Khadr, (215) 814–2071, or by email at *khadr.asrah@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 14, 2014 (79 FR 14460), EPA published a notice of proposed rulemaking (NPR) for West Virginia. In the NPR, EPA proposed approval of West Virginia's progress report SIP, a report on progress made in the first implementation period towards RPGs for Class I areas in and outside West Virginia that are affected by emissions from West Virginia's sources. This progress report SIP and accompanying cover letter also included a determination that West Virginia's existing regional haze SIP requires no substantive revision to achieve the established regional haze visibility improvement and emissions reduction goals for 2018. On March 10, 2015 (80 FR 12607), EPA published a supplemental NPR (SNPR) to address the potential effects on EPA's proposed approval from the April 29, 2014 decision of the United States Supreme Court in *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014), remanding to the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) EPA's Cross-State Air Pollution Rule (CSAPR) for further proceedings and the D.C. Circuit's decision to lift the stay of CSAPR.

States are required to submit a progress report in the form of a SIP revision every five years that evaluates progress towards the RPGs for each mandatory Class I Federal area [1] within the state and in each mandatory Class I Federal area outside the state which may be affected by emissions from within the state. *See* 40 CFR 51.308(g). In addition, the provisions under 40 CFR 51.308(h) require states to submit, at the same time as the 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing regional haze SIP. The first progress report SIP is due five years after submittal of the initial regional haze SIP. On June 18, 2008, WVDEP submitted its regional haze SIP in accordance with the requirements of 40 CFR 51.308.[2] The progress report SIP revision was submitted by West Virginia on April 30, 2013 and EPA finds that it satisfies the requirements of 40 CFR 51.308(g) and (h).

[1] Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977. *42 U.S.C. 7472(a).* In accordance with section 169A of the CAA, EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility is identified as an important value. 44 FR 69122 (November 30, 1979). The extent of a mandatory Class I area includes subsequent changes in boundaries, such as park expansions. *42 U.S.C. 7472(a).* Although states and tribes may designate as Class I additional areas which they consider to have visibility as an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to ''mandatory Class I Federal areas.'' Each mandatory Class I Federal area is the responsibility of a ''Federal Land Manager.'' *42 U.S.C. 7602(i).* When we use the term ''Class I area'' in this action, we mean a ''mandatory Class I Federal area.''

[2] On March 23, 2012 (77 FR 16937), EPA finalized a limited approval and limited disapproval of West Virginia's June 18, 2008 regional haze SIP to address the first implementation period for regional haze. The limited disapproval of this SIP was a result of West Virginia's reliance on the Clean Air Interstate Rule (CAIR) to meet certain regional haze requirements. EPA addressed the deficiency identified in its limited disapproval with a federal implementation plan (FIP) in June 2012 that replaced West Virginia's reliance upon CAIR for certain regional haze requirements with reliance on CSAPR, a rule that EPA had issued in August 2011 to replace CAIR. 77 FR 33642 (final action on FIP to address certain West Virginia regional haze requirements). *See also* 76 FR 48208 (August 8, 2011) (promulgation of CSAPR). The D.C. Circuit initially vacated CSAPR in *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), cert. granted 133 U.S. 2857 (2013); however, the United States Supreme Court vacated that decision and remanded CSAPR to the D.C. Circuit for further proceedings. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). EPA began implementing CSAPR on January 1, 2015 after the D.C. Circuit lifted its stay of CSAPR. Order of Dec. 30, 2011, in *EME Homer City Generation, L.P.* v. *EPA,* D.C. Cir. No. 11–1302. *See* 79 FR 71663 (December 3, 2014) (interim final rulemaking clarifying how EPA will implement CSAPR).

II. Summary of SIP Revision

On April 30, 2013, West Virginia submitted a SIP revision to describe the progress made towards the RPGs of Class I areas in and outside West Virginia that are affected by emissions from West Virginia's sources. This progress report SIP also includes a determination of the adequacy of West Virginia's existing regional haze SIP to achieve these RPGs.

West Virginia has two Class I areas within its borders: Dolly Sods Wilderness Area (Dolly Sods) and Otter Creek Wilderness Area (Otter Creek). West Virginia notes in its progress report SIP that West Virginia sources were also identified, through an area of influence modeling analysis based on back trajectories, as potentially impacting nine Class I areas in five neighboring states: Brigantine Wilderness in New Jersey; Great Smoky Mountains National Park in North Carolina and Tennessee; James River Face Wilderness in Virginia; Linville Gorge Wilderness in North Carolina; Monmouth Cave National Park in Kentucky; and Shenandoah National Park in Virginia.

The provisions in 40 CFR 51.308(g) require a progress report SIP to address seven elements. EPA finds that West Virginia's progress report SIP addressed each element under 40 CFR 51.308(g). The seven elements and EPA's conclusion are briefly summarized in this rulemaking action.

The provisions in 40 CFR 51.308(g) require progress report SIPs to include a description of the status of measures in the approved regional haze SIP; a summary of emissions reductions achieved; an assessment of visibility conditions for each Class I area in the state; an analysis of changes in emissions from sources and activities within the state; an assessment of any significant changes in anthropogenic emissions within or outside the state that have limited or impeded progress in Class I areas impacted by the state's sources; an assessment of the sufficiency of the approved regional haze SIP; and a review of the state's visibility monitoring strategy. As explained in detail in the NPR and SNPR, EPA finds that West Virginia's progress report SIP addressed each element and has therefore satisfied the requirements under 40 CFR 51.308(g).

In addition, pursuant to 40 CFR 51.308(h), states are required to submit, at the same time as the progress report SIP, a determination of the adequacy of their existing regional haze SIP and to take one of four possible actions based on information in the progress report. One possible action is submission of a negative declaration to EPA that no further substantive revision to the state's existing regional haze SIP is needed. In its progress report SIP, West Virginia submitted a negative declaration that it had determined that its existing regional haze SIP requires no further substantive revision to achieve the RPGs for the Class I areas that are affected by emissions from West Virginia's sources. As explained in detail in the NPR and SNPR, EPA concludes West Virginia has adequately addressed 40 CFR 51.308(h) because the visibility data trends at the Class I areas impacted by West Virginia's sources and the emissions trends of the largest emitters of visibility-impairing pollutants both indicate that the RPGs for 2018 will be met or exceeded. Therefore, EPA concludes West Virginia's progress report SIP meets the requirements of 40 CFR 51.308(h).

III. Summary of Public Comments and EPA Response

EPA received comments on the proposed rulemaking from the National Parks Conservation Association (Commenter). EPA received one additional comment on the SNPR from the Utility Air Regulatory Group (SNPR Commenter) in support of our proposed approval of West Virginia's progress report SIP. A full set of the comments are provided in the docket for today's final rulemaking action. A summary of the significant comments and the EPA's response is provided in this section.

Comment 1: The Commenter stated that EPA should not approve the West Virginia progress report SIP revision because the report does not meet the requirements of 40 CFR 51.308(g)(2). The Commenter stated that the West Virginia progress report describes emission reductions in West Virginia but fails to detail specific reductions achieved through implementation of specific measures in the West Virginia regional haze SIP. The Commenter claimed that the report neither demonstrates that regional haze SIP measures are working nor that emission reductions or visibility improvement has resulted from enforceable requirements in the regional haze SIP and not from ''outside forces.'' More specifically, the Commenter claimed that reductions in sulfur dioxide (SO_2) emissions from electric generating units (EGUs) from shutdowns, fuel switches, addition of controls, shifting to the use of cleaner units, and a decrease in demand were reversible if not enforceable. The Commenter stated that emission reductions cannot be relied upon if not enforceable and requested

EPA provide the reductions achieved through West Virginia's regional haze SIP and revise its assessment of the SIP revision.

Response 1: EPA disagrees with the Commenter's assertion that West Virginia has not adequately addressed 40 CFR 51.308(g)(2) and that EPA cannot accordingly approve West Virginia's progress report SIP revision. While the regulations at 40 CFR 51.308(g)(2) require a summary of the emissions reductions achieved in the State through the measures in its regional haze SIP, there is nothing in this provision requiring a detailed, causal analysis pinpointing or linking specific emission reductions to specific regional haze SIP measures.

The Commenter's argument that West Virginia must specifically link specific measures in the regional haze SIP to changes in emissions inventories appears to be based on a misunderstanding of the design of the regional haze program and the purpose of the mid-course progress reports. The Regional Haze Rule,[3] which was promulgated not long after the 1997 revisions to the ozone and fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS), was explicitly designed to facilitate the coordination of emissions management strategies for regional haze with those needed to implement the NAAQS. *See* 64 FR 35713, 35719–35720 (July 1, 1999). More generally, the Regional Haze Rule requires states to include all air quality improvements that will be achieved by other CAA programs and state air pollution control requirements when assessing changes in emissions and visibility to be expected during the period of their regional haze SIP. 64 FR at 35733. This is made clear in the haze regulations which prohibit states from adopting RPGs that represent less visibility improvement than is expected to result from the implementation of other CAA requirements during the planning period. 40 CFR 51.308(d)(1)(vi). Given this requirement, states included in their regional haze SIPs a number of Federal regulations for mobile and stationary sources that had or were expected to come into effect after the baseline period and that were anticipated to result in reductions of visibility impairing pollutants. These regulations included NAAQS implementation measures as well as other CAA requirements, such as mobile source rules or Maximum Achievable Control Technology (MACT) standards issued under section 112 of the CAA. As one example, West Virginia included the 2007 Heavy-Duty Highway Rule (40 CFR part 86, subpart P) in its regional haze SIP. In short, West Virginia, like other states, included in its regional haze SIP anticipated reductions in emissions during the baseline period arising from a number of Federal CAA measures, as required by the Regional Haze Rule.

Thus, states took into account the anticipated emission reductions from a wide range of measures in setting RPGs. To model the visibility conditions in 2018, states used projected emission inventories based on the best information before them. Given the significance of emissions from EGUs to haze, these projections were based, among other things, on expected changes in energy demand affecting capacity utilization of power plants. States also sometimes included an emissions buffer to account for the possible construction of new power plants or other types of facilities. States also took into account, as described above, anticipated reductions in emissions resulting from recent Federal rules addressing non-visibility-related requirements, as well as consent decrees, significant measures adopted by nearby states, and specific measures to address the requirements of the visibility program. Thus, in forecasting future visibility conditions, states by design took into account to the extent possible ''outside forces'' and a host of overlapping requirements.

The type of analysis underlying the RPGs established in regional haze SIPs involves a fair degree of uncertainty. Changes in economic conditions, fluctuations in the prices of fuels, the remand of a CAA requirement by the courts, or the passage of new regulations are some of the factors that may occur and can impact emissions inventories and monitored visibility conditions. Because each planning period requires states to forecast conditions ten or more years into the future, EPA required a mid-course evaluation of the regional haze SIP. The purpose of this progress report is to ''check in'' with the state to determine whether its predictions regarding future visibility remain reasonable. The purpose of summarizing the emission reductions throughout the state from the measures in the regional haze SIP is to ensure that no dramatic or unexpected changes in emissions inventories have rendered unreliable the earlier projections of emissions in 2018.

In West Virginia's progress report SIP, EPA believes that West Virginia provided a reasonable summary of the emissions reductions achieved through the measures in the regional haze SIP by focusing on those sources of pollution in West Virginia with the biggest impact on haze. Because SO_2 reductions from West Virginia's EGUs are the key element of the State's regional haze strategy, West Virginia discussed in its progress report SIP the significant SO_2 emission reductions from EGUs since submittal of its regional haze SIP. West Virginia also assessed the downward trend in SO_2 emissions and emission rates in comparison to heat input at these units and concluded that overall the data was indicative of the fact that the reductions were the result of the installation of controls and the use of cleaner burning fuels. *See* West Virginia State Implementation Plan Revision: Regional Haze 5-Year Periodic Report (Covering 2008–2013), Section 3.1 (April 30, 2013).[4] Although West Virginia did not link the specific reductions in the emission inventory to specific measures in the regional haze SIP, the State did provide source-specific information on its coal-fired EGUs. For each of these units, the State identified the current status of SO_2 controls and shutdowns as well as the projected controls and shutdowns that were included in the regional haze SIP and the estimated and actual SO_2 reductions in 2009. *Id.* at p. 50–54 (Table 16). Taken together, West Virginia's summary of the SO_2 emissions reductions is sufficient for the State to evaluate whether a mid-course correction in its regional haze SIP is needed. As West Virginia's progress report shows, emissions from these facilities are far below what was projected in its regional haze SIP.

In sum, EPA believes West Virginia sufficiently discussed in its progress report SIP revision the emission reductions which resulted from numerous enforceable requirements found in West Virginia's regional haze SIP. West Virginia's progress report discussed numerous Federal and state enforceable measures which are responsible for emissions reductions in West Virginia and which correlate to improved visibility, including the Clean Air Interstate Rule (CAIR), the MACT programs, the 2007 Heavy-Duty

[3] EPA promulgated a rule to address regional haze on July 1, 1999 (64 FR 35713) known as the Regional Haze Rule. The Regional Haze Rule revised the existing visibility regulations to integrate into the regulation provisions addressing regional haze impairment and established a comprehensive visibility protection program for Class I areas. The requirements for regional haze, are included in the EPA's visibility protection regulations at 40 CFR 51.300–309.

[4] The April 30, 2013 West Virginia State Implementation Plan Revision: Regional Haze 5-Year Periodic Report (Covering 2008–2013) is available in the docket for this action under Docket ID Number EPA–R03–OAR–2013–0423 at *www.regulations.gov.*

Highway Rule, the Tier 2 Vehicle and Gasoline Sulfur Program, the Nonroad Diesel Emissions Program, Federal consent decrees resolving enforcement actions against EGUs and non-EGUs, and best available retrofit technology (BART) determinations for sources located within West Virginia and sources within a 300 kilometer radius of Dolly Sods or Otter Creek. West Virginia also discussed measures from other states which may have led to improvements in visibility in West Virginia including the North Carolina Clean Smokestacks Act, Georgia Multipollutant Control for Electric Utility Steam Generating Units, and the Maryland Health Air Act. Additionally, in the progress report SIP revision, West Virginia compared emissions inventories prior to and after the implementation of the West Virginia regional haze SIP, a comparison which show substantial reductions of visibility impairing pollutants such as SO_2. Because West Virginia demonstrated that these Federal and state enforceable measures contributed to the reduction of visibility impairing pollutants, EPA concluded West Virginia adequately addressed 40 CFR 51.308(g)(2) requirements for a summary of emission reductions in its progress report. Therefore, EPA disagrees with the Commenter that EPA should disapprove the West Virginia progress report SIP and disagrees that any further information or analysis is required.

Comment 2: The Commenter claimed that West Virginia's progress report SIP revision did not meet the requirements of 40 CFR 51.308(g)(3) because the visibility data presented by West Virginia appeared within a graph and was not quantified in a clear, tabular manner. Additionally, the Commenter alleged that West Virginia confused the State's meeting the uniform rate of progress for Dolly Sods with meeting its RPGs for Dolly Sods.

Response 2: EPA disagrees with the Commenter that West Virginia's progress report is lacking the required visibility monitoring information. 40 CFR 51.308(g)(3) only requires the following visibility information measured in deciviews for the most impaired and least impaired days for each area, with values expressed in terms of five-year averages of these annual values: (1) Current visibility conditions; (2) the difference between current visibility conditions and baseline visibility conditions; and (3) the change in visibility impairment over the past five years. Nothing in 40 CFR 51.308(g)(3) requires the visibility data to be provided in a tabular format versus the graphical format used in West Virginia's progress report, even though a tabular format may facilitate easier review of the data. As stated in our NPR, EPA believes West Virginia provided the required information regarding visibility conditions and changes to meet the requirements under 40 CFR 51.308(g)(3), specifically providing current conditions based on the latest available Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring data, the difference between current visibility conditions and baseline visibility conditions, and the change in visibility impairment over the most recent five-year period for which data were available at the time of the progress report SIP development. EPA believes the fact that West Virginia presented this required information in graphical versus tabular format is irrelevant to our conclusion that West Virginia adequately addressed requirements in 40 CFR 51.308(g)(3).

While EPA agrees with the Commenter that West Virginia did inadvertently state in its progress report on one page that it was ''meeting its RPG'' for Dolly Sods, EPA disagrees with the Commenter that this inadvertent misstatement has any relevance to the approvability of West Virginia's progress report generally or to EPA's conclusion that West Virginia has adequately addressed 40 CFR 51.308(g)(3) specifically, as discussed above and in the NPR. In particular, West Virginia appropriately discussed in its progress report on pages 59–60 that an analysis of emission reductions in West Virginia indicates the State is ''on track to achieve'' its RPGs in 2018 at Dolly Sods and that visibility at Dolly Sods had significantly improved since 2000. West Virginia's progress report also graphically displayed the State's progress towards its RPGs at Dolly Sods for 2018. Therefore, EPA views West Virginia's statement on one page that it is ''meeting its RPG'' as inadvertent as West Virginia otherwise correctly indicates in its progress report that the State is making reasonable progress towards achieving its RPGs at Dolly Sods by 2018. While EPA agrees with the Commenter that further emission reductions are needed for West Virginia to meet fully its RPGs in 2018 at Dolly Sods, EPA concludes West Virginia has appropriately addressed requirements of 40 CFR 51.308(g)(3) through its presentation of visibility data. For the reasons discussed herein and discussed more fully in our NPR, EPA believes West Virginia has demonstrated it is making reasonable progress towards its RPGs for 2018 and that its regional haze SIP is adequate, requiring no further revisions to the regional haze SIP at this time for any additional emission reduction requirements for West Virginia to achieve its RPGs in 2018.

Comment 3: The Commenter alleged that West Virginia's progress report SIP revision does not meet the requirements of 40 CFR 51.308(g)(6). The Commenter stated EPA's proposed approval of the West Virginia progress report SIP left unexamined West Virginia's assertion it was on track to meet its RPGs in 2018 and did not quantify how West Virginia's emission reductions would continue. The Commenter claimed projected emission reductions from Federal programs like the Mercury Air Toxics Standards (MATS) for EGUs and the 2010 SO_2 NAAQS are neither quantified nor necessarily enforceable at this time. Additionally, the Commenter claimed none of the annual visibility values for Dolly Sods have yet achieved the RPGs and therefore more emission reductions are necessary. The Commenter stated EPA and West Virginia have avoided review of additional controls on non-EGUs. The Commenter claimed West Virginia committed in its regional haze SIP to review the need for additional controls at non-EGUs in its five-year progress report and therefore inappropriately concluded in its progress report that additional controls on non-EGUs were not necessary as the State was making progress towards its RPGs. The Commenter asserted some initial emission reductions in West Virginia resulted from controls, fuel switches, and shutdowns and as such are not necessarily enforceable. The Commenter claimed these reductions must be maintained and additional enforceable reductions from other source categories will be needed for West Virginia to meet its RPGs by 2018.

Response 3: EPA disagrees with the Commenter's allegation that West Virginia's progress report SIP revision does not meet the requirements of 40 CFR 51.308(g)(6). EPA views this requirement as a qualitative assessment, in light of emissions and visibility trends and other readily available information, as to whether Class I areas affected by emissions from a state are on track to meet their 2018 RPGs. *See Progress Report General Principles* at 16. In the NPR, EPA has described in detail how West Virginia's progress report provides such a qualitative assessment that Class I areas impacted by emissions from sources within West Virginia are on track to achieve their RPGs by 2018. EPA believes that the enforceable measures taken into consideration in West Virginia's

regional haze SIP have contributed to the significant emissions reductions in West Virginia as discussed in the progress report, particularly in the visibility impairing pollutant SO_2. West Virginia's progress report included visibility monitoring data which clearly demonstrated visibility improvement in the Class I areas impacted by West Virginia sources. Even though the emissions reductions are not specifically linked causally to specific measures in the State's regional haze SIP, EPA believes the enforceable measures in the SIP do and will continue to contribute to reductions in emissions and that these measures have led to the visibility improvement indicated by monitored data contained in West Virginia's progress report SIP revision submittal. While West Virginia in its progress report did identify several factors not in the West Virginia regional haze SIP such as shutdowns and fuel switches that have reduced emissions from sources within the State, West Virginia did not rely on these to demonstrate that the implementation plan for the State is sufficient for purposes of this review. West Virginia included a discussion of these factors in the progress report to make clear that additional factors beyond the measures in the SIP and federal implementation plan (FIP) have contributed to the large emissions reductions seen throughout the state, particularly in SO_2 emissions which have been identified as the primary contributor to visibility impairment in West Virginia and in the Visibility Improvement State and Tribal Association of the Southeast (VISTAS) region. West Virginia did not account for these factors in its original regional haze SIP as the shutdowns and fuel switches occurred after the development of the regional haze SIP and in many cases are not enforceable, as noted by the commenter. However, for this progress report SIP revision and to address requirements in 40 CFR 51.308(g)(1)–(7), including 40 CFR 51.308(g)(6) specifically, West Virginia only needed to show that it is on track to achieve its RPGs in 2018. According to the monitored visibility data presented in the State's progress report SIP submittal, West Virginia is on the glidepath to meeting its RPGs by 2018, and the Class I areas impacted by West Virginia sources are also on track to meet their RPGs by 2018. In addition, as discussed in the West Virginia progress report SIP submittal, many of the Federal and state measures in West Virginia's regional haze SIP are just beginning to be implemented and as such further emission reductions, particularly in SO_2 emissions, can be expected which will enable West Virginia to continue to make further progress towards its RPGs for 2018.[5] Therefore, EPA disagrees with the commenters' assertion that more emissions reduction measures particularly from non-EGUs are needed for West Virginia's regional haze SIP for Dolly Sods and Otter Creek (or other Class I areas impacted by West Virginia emissions) to meet RPGs.

Comment 4: The Commenter stated that EPA cannot approve West Virginia's progress report as it relies on CAIR. The Commenter stated CAIR was ''struck down'' by the D.C. Circuit as fundamentally flawed. The Commenter also generally challenged the legality of using CAIR to meet any regional haze requirements. The Commenter ''reiterated'' its prior comments that CAIR is ill-suited to address regional haze and that EPA cannot use a ''cap-and-trade'' program with yearly averaging to address sources with hourly effects on Class I areas. The Commenter stated the lack of source-specific BART is an impediment to the implementation of the regional haze program. In addition, the Commenter stated that EPA had previously issued a limited disapproval of West Virginia's regional haze SIP due to reliance on CAIR. The Commenter stated EPA had also previously said in a rulemaking on Florida's regional haze SIP that the five year progress report would be the appropriate time to address any necessary changes to reasonable progress goal demonstrations and long term strategies. The Commenter mentioned both West Virginia's regional haze SIP and progress report SIP rely heavily on CAIR for modeling assumptions, controls, emission estimates, and as an alternative to source-specific BART requirements for EGUs. The Commenter mentioned EPA only addressed CAIR in the proposed approval of the progress report when discussing the limited disapproval of West Virginia's regional haze SIP and stated EPA's approval of the West Virginia progress report was inconsistent with prior EPA positions, unsupported by the facts and arbitrary and capricious as a matter of law.

Response 4: EPA disagrees with the Commenter that EPA cannot approve West Virginia's five year progress report because the progress report relies on emission reductions from CAIR or because portions of West Virginia's regional haze SIP relied on CAIR.[6] On March 23, 2012 (77 FR 16937), EPA finalized a limited approval and limited disapproval of West Virginia's June 18, 2008 regional haze SIP to address the first implementation period for regional haze.[7] There was a limited disapproval of this SIP because of West Virginia's reliance on CAIR to meet certain regional haze requirements.[8] In our

[5] Specifically, EPA notes that additional SO_2 reductions will likely result from full implementation of MATS at West Virginia EGUs during this first implementation period, from additional implementation and restrictions from full implementation of CSAPR which EPA promulgated to replace CAIR and is expected to lead to further EGU emission reductions, and from West Virginia's implementation of the 2010 SO_2 NAAQS. Many coal-fired EGUs have also announced plans to deactivate in 2015 including several plants in West Virginia, including Albright, Kammer, Kanawha River, Phillip Sporn and Rivesville, as well as plants or individual units at plants in states neighboring West Virginia including Glen Lynn, Walter C. Beckjord, Muskingum River, Elrama, Clinch River, Eastlake, Ashtabula, and Big Sandy. Additional SO_2 reductions will likely result from the deactivations of these coal-fired EGUs. For a listing of EGUs planning to deactivate in the states which are part of PJM Interconnection, L.L.C., a regional transmission organization which coordinates the movement of wholesale electricity within states including West Virginia, see *http://www.pjm.com/planning/generation-deactivation/gd-summaries.aspx.*

[6] To address interstate transport of air pollution, CAIR required certain states like West Virginia to reduce emissions of SO_2 and nitrogen oxides (NO_X) that significantly contribute to downwind nonattainment of the 1997 NAAQS for $PM_{2.5}$ and ozone. *See* 70 FR 25162 (May 12, 2005). CAIR relied upon cap-and-trade programs to reduce SO_2 and NO_X emissions and applied to 27 eastern states, including West Virginia. EPA approved West Virginia's regulations implementing CAIR as part of the Federally enforceable West Virginia SIP on August 4, 2009. 74 FR 38536.

[7] Although EPA gave limited approval to West Virginia's regional haze SIP (77 FR 16932) due to West Virginia's reliance on CAIR, a limited approval results in approval of the entire SIP submittal, even of those parts that are deficient and prevent EPA from granting a full approval pursuant to sections 301(a) and 110(k)(6) of the CAA and EPA's long-standing guidance. *See* Processing of State Implementation Plan (SIP) Revisions, EPA Memorandum from John Calcagni, Director, Air Quality Management Division, OAQPS, to Air Division Directors, EPA Regional Offices I–X, September 7, 1992, (1992 Calcagni Memorandum) located at *http://www.epa.gov/ttn/caaa/t1/memoranda/siproc.pdf.* Thus, the limited approval status of West Virginia's regional haze SIP does not impact EPA's approval of this five year progress report SIP in any way.

[8] In 2008, the United States Court of Appeals for the District of Columbia Circuit initially vacated CAIR, *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008), but ultimately remanded the rule to EPA without vacatur to preserve the environmental benefits provided by CAIR, *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008). Therefore, EPA disagrees with the Commenter's characterization that CAIR was ''struck down'' by the Court as the D.C. Circuit has only remanded CAIR to EPA without vacatur. After much litigation on CAIR and its replacement CSAPR as discussed in our SNPR, EPA sunset CAIR in December 2014 and began implementing CSAPR on January 1, 2015. *See* 79 FR 71663 (December 3, 2014) (interim final rulemaking EPA issued an interim final rule to clarify how EPA will implement CSAPR consistent with the Order from D.C. Circuit order lifting the stay of CSAPR and tolling the rule's deadlines).

SNPR, EPA described the litigation history and status of CAIR in great detail, including the fact that CAIR was replaced with CSAPR (76 FR 48208 (August 8, 2011)) after West Virginia had developed and submitted its regional haze SIP. CSAPR requires substantial reductions of SO_2 and NO_X emissions from EGUs in 28 states in the Eastern United States that significantly contribute to downwind nonattainment of the 1997 $PM_{2.5}$ and ozone NAAQS and 2006 $PM_{2.5}$ NAAQS. On January 1, 2015, EPA sunset CAIR and began implementing CSAPR after the D.C. Circuit lifted the stay on CSAPR following the Supreme Court's decision upholding CSAPR.

As explained in detail in the SNPR and here in summary fashion, EPA does not believe that the status of CAIR or CSAPR affects the approvability of West Virginia's progress report SIP for several reasons. First, CAIR was in effect for the period of time addressed by West Virginia's progress report (2008–2013). Therefore, West Virginia appropriately evaluated and relied on CAIR reductions from EGUs of significant emissions of NO_X and SO_2 to demonstrate the State's progress towards meeting its RPGs.[9] EPA's intention in requiring the progress reports pursuant to 40 CFR 51.308(g) was for the states to demonstrate progress achieved during the *current implementation period* addressed by the regional haze SIP. Thus, West Virginia appropriately relied upon CAIR reductions for demonstrating progress towards its RPGs from 2008–2013. And as explained in the SNPR, given that CAIR was in place until recently, it is appropriate to rely on CAIR emission reductions during this period for purposes of assessing the adequacy of West Virginia's progress report pursuant to 40 CFR 51.308(g) and (h).

Second, the State's regional haze program now includes reliance on CSAPR for SO_2 and NO_X reductions, at least throughout the remainder of this first implementation period until 2018. EPA's June 7, 2012 FIP replaced West Virginia's reliance on CAIR with reliance on CSAPR to meet certain regional haze requirements. Because the Regional Haze Rule discusses requirements for ''implementation plans'' which are defined in the visibility program to include approved SIPs or FIPs, EPA considered measures in its June 7, 2012 regional haze FIP as well as in the State's regional haze SIP in assessing the State's progress report for 40 CFR 51.308(g) and (h). EPA explained in the SNPR that the requirements of the regional haze program are fully addressed in West Virginia through its SIP and the FIP issued by EPA. As also discussed in the SNPR, EPA expects the SO_2 and NO_X emissions reductions at EGUs in West Virginia to continue through the remainder of the first implementation period in 2018 due to implementation of CSAPR.

Finally, the Regional Haze Rule provides for continual evaluation and assessment of a state's reasonable progress towards achieving the national goal of natural visibility conditions. West Virginia has the opportunity to reassess its RPGs and the adequacy of its regional haze SIP, including reliance upon CSAPR for emission reductions from EGUs, when it prepares and submits its second regional haze SIP to cover the implementation period from 2018 through 2028 or when the State prepares its next periodic progress report. However, as evaluated for this progress report, emissions of SO_2 from EGUs are presently far below original projections for 2018, visibility data provided by West Virginia show the Federal Class I areas impacted by West Virginia sources are all on track to achieve their RPGs, and EPA expects SO_2 emission reductions in West Virginia to continue through CSAPR and MATS and through expected EGU deactivations scheduled for 2015. These continued emission reductions will assist West Virginia in making reasonable progress towards natural visibility conditions in 2064. As further measures will be needed to make continued progress towards the national goal, West Virginia has the opportunity to include such measures in subsequent SIPs for future implementation periods. *See Commonwealth of Virginia, et al.,* v. *EPA,* 108 F.3d 1397, 1410 (D.C. Cir. 1997) (citing *Natural Resources Defense Council, Inc.* v. *Browner,* 57 F.3d 1122, 1123 (D.C. Cir. 1995)) (discussing that states have primary responsibility for determining an emission reductions program for its areas subject to EPA approval).

Thus, neither the status of CAIR (which has now sunset) nor CSAPR (which is being implemented) impacts our decision to approve West Virginia's progress report SIP. This SIP includes an adequate discussion of the implementation of regional haze SIP measures—including CAIR—and of the significant emission reductions achieved.

In addition, EPA disagrees with Commenter that EPA's approval of West Virginia's progress report which relies on CAIR reductions is inconsistent with EPA's prior actions. In fact, EPA has approved redesignations of areas to attainment of the 1997 $PM_{2.5}$ NAAQS in which states relied on CAIR as an ''enforceable measure.'' *See* 77 FR 76415 (December 28, 2012); 78 FR 59841 (September 30, 2013); and 78 FR 56168 (September 12, 2013).

Because EPA expects SO_2 and NO_X emissions from EGUs to continue through CSAPR and other measures and because future West Virginia regional haze SIP submissions due pursuant to 40 CFR 51.308(f) and (g) will continue to evaluate West Virginia's progress towards natural conditions, EPA believes it is appropriate to approve fully West Virginia's progress report as meeting requirements of 40 CFR 51.308(g)(1)–(7) and (h) at this time. Thus, EPA disagrees with the Commenter that EPA's approval of the West Virginia progress report is inconsistent with EPA's prior position, unsupported by the facts, or arbitrary and capricious as a matter of law.

Further, EPA disagrees with the Commenter's ''reiterated'' statements concerning the validity of using an emissions trading program, such as CAIR or CSAPR, to meet regional haze requirements such as BART. As EPA's 2012 review of the West Virginia regional haze SIP explains, the State relied on CAIR to achieve significant reductions in emissions to meet both the BART requirements and to address impacts from West Virginia sources in Class I areas. 77 FR 16932. West Virginia's reliance upon CAIR as an alternative to source-specific BART at the time of the submittal of West Virginia's regional haze SIP in 2008 to EPA was supported by precedent from the D.C. Circuit as well as EPA's regulations at 40 CFR 51.308(e). CAIR was specifically upheld as an alternative to BART in accordance with the requirements of section 169A of the CAA by the D.C. Circuit in *Utility Air Regulatory Group* v. *EPA.* 471 F.3d 1333 (D.C. Cir. 2006). The D.C. Circuit concluded that the EPA's two-pronged test for determining whether an alternative program achieves greater reasonable progress was a reasonable one and also agreed with EPA that nothing in the CAA required the EPA to ''impose a separate technology mandate for sources whose emissions affect Class I areas, rather than piggy-backing on solutions devised under other statutory categories, where such solutions meet the statutory requirements.'' *Id.* at 1340. *See also Center for Energy and Economic Development* v. *EPA,* 398 F.3d 653, 660 (D.C. Cir. 2005) (finding

[9] EPA discussed in the NPR the significance of reductions in SO_2 as West Virginia and VISTAS identified SO_2 as the largest contributor pollutant to visibility impairment in West Virginia specifically and in the VISTAS region generally.

reasonable EPA's interpretation of section 169A(b)(2) of the CAA as requiring BART only as necessary to make reasonable progress). Thus, EPA disagrees with the Commenter that EPA cannot use cap-and-trade programs to address effects of sources in Class I areas and disagrees that the use of alternatives to source-specific BART is an impediment to states achieving reasonable progress as required by section 169A of the CAA.

EPA also notes in general that the comments regarding CAIR as adequate for regional haze requirements are beyond the scope of this rulemaking action. In this rulemaking action, EPA is finalizing approval of West Virginia's progress report SIP and did not propose to find that participation in CSAPR or CAIR is an alternative to BART in this rulemaking action. Moreover, EPA did not reopen discussions on the CAIR or CSAPR provisions as they relate to BART in assessing the progress report.[10]

Finally, EPA also generally disagrees with the Commenter that EPA did not discuss CAIR in EPA's NPR. EPA discussed CAIR, as well as emission reductions from CAIR, when assessing West Virginia's five year progress report as meeting requirements in 40 CFR 51.308(g)(1) and (2). CAIR, as an EGU control strategy, was one measure from West Virginia's regional haze SIP discussed in EPA's analysis of implementation of SIP measures for 40 CFR 51.308(g)(1), and emission reductions of SO_2 and NO_X from EGUs generally resulting from implementation of CAIR are discussed in EPA's analysis of West Virginia's progress report for 40 CFR 51.308(g)(2). *See* 79 FR at 11462–11463. In addition, in EPA's SNPR, EPA discussed the litigation history and status of CAIR and CSAPR and the effects of those programs on West Virginia's regional haze SIP in detail and provided an opportunity for comment on these issues. 80 FR at 12609–12611.

In summary, EPA does not view West Virginia's reliance through December 2014 upon CAIR for BART or for any other part of the regional haze SIP as a reason to disapprove the West Virginia progress report.

Comment 5: The Commenter expressed support for the maintenance of the IMPROVE visibility monitoring network. The Commenter stated it would like funding to continue for this monitoring network and would like EPA to advocate for funding of this network. The Commenter also stated its support for continuing funding for VISTAS' work for additional ''understanding of source contributions to $PM_{2.5}$ mass and visibility impairment or continued operation of VISTAS Web site.''

Response 5: EPA thanks the Commenter for expressing its support for the IMPROVE monitoring network and for the work by VISTAS. In its progress report SIP, West Virginia summarized the existing visibility monitoring network at Dolly Sods and Otter Creek and discussed the State's intended continued reliance on the IMPROVE monitoring network for its visibility planning. West Virginia concluded that the existing network is adequate and that no modifications to visibility monitoring strategy were necessary. In EPA's NPR, EPA concluded that West Virginia adequately addressed the sufficiency of its monitoring strategy as required by 40 CFR 51.308(g)(7), and EPA accordingly proposed approval of the West Virginia progress report. Additional funding concerns for VISTAS as raised by the Commenter are beyond the scope of this rulemaking.

Comment 6: The SNPR Commenter stated that EPA's reasons to approve the progress report are sound and stated it supported approval of the progress report SIP. The SNPR Commenter stated that CAIR was in the West Virginia SIP and in effect and enforceable throughout the period relevant to West Virginia's assessment of progress. The SNPR Commenter also agreed with EPA that EPA may consider a FIP as well as a SIP in evaluating a regional haze program under 40 CFR 51.308(g)(6) and (h). Finally, the SNPR Commenter stated EPA had a sound basis to approve the West Virginia progress report SIP based on the status of CAIR and CSAPR and stated reliance on CSAPR for further progress toward applicable RPGs in West Virginia and other affected states was appropriate as CSAPR has taken effect. The SNPR Commenter noted, however, that EPA had no valid basis for its limited disapproval of West Virginia's regional haze SIP based on West Virginia's reliance upon CAIR as a BART alternative.

Response 6: EPA appreciates the supportive comments from the SNPR Commenter and its agreement with EPA's analysis in the NPR and SNPR. The SNPR Commenter's statement regarding EPA's prior limited approval of West Virginia's regional haze SIP is beyond the scope of this rulemaking and therefore no further response is provided.

IV. Final Action

EPA is approving West Virginia's regional haze five-year progress report SIP revision, submitted on April 30, 2013, as meeting the applicable regional haze requirements as set forth in 40 CFR 51.308(g) and 51.308(h).

V. Statutory and Executive Order Reviews

A. General Requirements

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

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

[10] In a separate action, EPA found CSAPR is ''Better than BART.'' *See* 76 FR 82219 (December 30, 2011) (proposal of CSAPR as ''Better than BART'') and 77 FR 33641 (June 7, 2012) (addressing comments concerning CSAPR as a BART alternative in the final action). EPA's responses to these comments can be found in Docket ID No. EPA–HQ–OAR–2011–0729 at *www.regulations.gov.*

practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

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 August 4, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action to approve West Virginia's regional haze five-year progress report SIP revision may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: May 26, 2015.

William C. Early,

Acting Regional Administrator, Region III.

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 XX—West Virginia

■ 2. In § 52.2520, the table in paragraph (e) is amended by adding an entry for Regional Haze Five-Year Progress Report at the end of the table to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Regional Haze Five-Year Progress Report	Statewide	4/30/13	6/5/15 [*Insert* ***Federal Register*** *Citation*].	

[FR Doc. 2015–13801 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0228; FRL–9928–07–Region 9]

Revisions to the California State Implementation Plan, Eastern Kern Air Pollution Control District, Mojave Desert Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Eastern Kern Air Pollution Control District (EKAPCD) and Mojave Desert Air Quality Management District (MDAQMD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from polyester resin operations and oil-water separators. The EPA is approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: These rules are effective on August 4, 2015 without further notice, unless the EPA receives adverse comments by July 6, 2015. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2015–0228 by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *Email: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to the EPA, your email address will be automatically captured and included as part of the public comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75

Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Nancy Levin, EPA Region IX, (415) 972–3848, *levin.nancy@epa.gov.*

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

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this proposal with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board.

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted/ amended	Submitted
EKAPCD	432	Polyester Resin Operations	03/13/2014	07/25/2014
MDAQMD	464	Oil-Water Separators	06/23/2014	11/6/2014

On September 11, 2014, the EPA determined that the submittal for EKAPCD Rule 432 met the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review. On December 18, 2014, the EPA determined that the submittal for MDAQMD Rule 464 met the completeness criteria in 40 CFR part 51, appendix V.

B. Are there other versions of these rules?

There are no previous versions of Rule 432 in the SIP. We approved an earlier version of Rule 464 into the SIP on September 27, 1995 (60 FR 49772).

C. What is the purpose of the submitted rules?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions.

The purpose of Rule 432 is to reduce VOC emissions from polyester resin operations. Rule 432 requires that for open molding processes, operators must use materials that comply with limits specified in Table 1 of the rule. It also sets requirements for non-monomer VOC content and for the use of resins containing a vapor suppressant. Rule 432 requires use of a closed-mold system or installation and operation of a VOC emission control system that meets specific requirements, including an overall capture and control efficiency of at least 90 percent by weight. In addition, the rule sets requirements for touch up, repair, and small jobs, spray application, organic solvents used in cleaning operations, and solvent storage and disposal. Rule 432 provides exemptions for small uses and certain solvent cleaning operations. It includes recordkeeping requirements, test methods, and compliance schedules.

The purpose of Rule 464 is to reduce VOC emissions from oil-water separators. Revised Rule 464 updates the rule's applicability to include additional oil-water separators, specifies cover seal tolerances, updates the required overall control efficiency from 90% to 95%, addresses the processing of oil or tar skimmed from separators, reduces the threshold for fugitive leak violations, clarifies exemptions, extends the recordkeeping requirement to 5 years, and adds test methods.

EPA's technical support documents (TSDs) have more information about these rules.

II. EPA's Evaluation and Action

A. How is the EPA evaluating the rules?

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Guidance and policy documents that we use to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations'' (''the Bluebook,'' U.S. EPA, May 25, 1988; revised January 11, 1990).
2. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies'' (''the Little Bluebook'', EPA Region 9, August 21, 2001).

Generally, SIP rules must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each VOC major source in ozone nonattainment areas classified as moderate or above (see sections 182(b)(2) and 182(f)).

The EPA has designated the EKAPCD as a Moderate nonattainment area for the 1997 8-hour ozone standard and as a Marginal nonattainment area for the 2008 8-hour ozone standard. See 40 CFR 81.305. Rule 432 must implement RACT for the 1997 8-hour ozone standard because RACT requirements apply in areas designated as Moderate or above (*i.e.,* or Serious, Severe, or Extreme).

The EPA has designated a portion of the MDAQMD as a Severe nonattainment area for both the 1997 and 2008 8-hour ozone standards. Rule 464 must implement RACT because RACT requirements apply in areas designated as Moderate or above.

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSDs have more information on our evaluation.

C. The EPA's Recommendations To Further Improve the Rules

The TSDs describe additional rule revisions that we recommend for the

next time the local agencies modify the rules but are not currently the basis for rule disapproval.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, the EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register,** we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by July 6, 2015, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on August 4, 2015. This will incorporate these rules into the federally enforceable SIP.

Please note that if the EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide 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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. 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 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 August 4, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 8, 2015.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Part 52, 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.*

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(447)(i)(D) and (c)(457)(i)(B) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(447) * * *

(i) * * *

(D) Eastern Kern Air Pollution Control District.

(*1*) Rule 432, ''Polyester Resin Operations,'' adopted on March 13, 2014.

* * * * *

(457) * * *

(i) * * *

(B) Mojave Desert Air Quality Management District.

(*1*) Rule 464, ''Oil-Water Separators,'' amended on June 23, 2014.

* * * * *

[FR Doc. 2015–13680 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0265; FRL–9927–65]

n-Butyl benzoate; Exemptions From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes exemptions from the requirement of a tolerance for residues of n-butyl benzoate (CAS Reg. No. 136–60–7) when used as an inert ingredient (solvent) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, and animals and when used as an inert ingredient in antimicrobial formulations in food-contact surface sanitizer products at a maximum level in the end-use concentration of 15,000 parts per million (ppm). Exponent, Inc., on behalf Huntsman Corp., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of n-butyl benzoate.

DATES: This regulation is effective June 5, 2015. Objections and requests for hearings must be received on or before August 4, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0265, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0265 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before August 4, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0265, by one of the following methods:

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

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Petition for Exemption

In the **Federal Register** of October 24, 2014 (Vol. 79 FR 63594) (FRL–9916–03), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10682) by Exponent, Inc., 1150 Connecticut Ave. NW., Suite 1100, Washington, DC 20035 on behalf Huntsman Corp., 8600 Gosling Road, The Woodlands, TX 77381. The petition requested that 40 CFR 180.910, 180.930, and 180.940 be amended by establishing an exemption from the requirement of a tolerance for residues of n-butyl benzoate (CAS Reg. No. 136–60–7) when used as an inert ingredient (solvent) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, and animals and when used as an inert

ingredient in antimicrobial formulations in food-contact surface sanitizer products. That document referenced a summary of the petition prepared by Exponent, Inc., on behalf Huntsman Corp., the petitioner, which is available in the docket, *http://www.regulations.gov.* No tolerance-related comments were received on the notice of filing.

Based on a review of the data submitted in support of this petition, EPA has modified the exemption requested by limiting the amount of n-butyl benzoate allowed in food contact sanitizing solutions to a maximum 15,000 ppm (1.5%). This limitation is based on the Agency's risk assessment which can be found at *http://www.regulations.gov* in document ''n-Butyl Benzoate; Human Health Risk Assessment and Ecological Effects Assessment to Support Proposed Exemption from the Requirement of a Tolerance When Used as an Inert Ingredient in Pesticide Formulations,'' in docket ID number EPA–HQ–OPP–2014–0265.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

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

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

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for n-butyl benzoate including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with n-butyl benzoate follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by n-butyl benzoate as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

In acute oral, dermal, and inhalation toxicity studies in rats, n-butyl benzoate was found to be slightly toxic to nontoxic. In primary eye and dermal irritation studies in rabbits, n-butyl benzoate was found to be minimally irritating. In a dermal sensitization study in guinea pigs, n-butyl benzoate was not a dermal sensitizer.

In a combined repeated dose toxicity study with the reproduction/developmental toxicity screening test, n-butyl benzoate was administered daily to rats by gavage at doses of 0 (vehicle control), 250, 500 and 1,000 mg/kg bw/day. The NOAEL for parental toxicity was 1,000 mg/kg/day; the highest dose tested. The LOAEL for parental toxicity was not observed in this study. The NOAEL for embryo-fetal toxicity was 500 mg/kg bw/day based on increased pup mortality on post-natal day zero observed at the LOAEL of 1,000 mg/kg/day.

No positive mutagenic response was observed for n-butyl benzoate in a reverse bacterial mutation assay.

No chronic toxicity data for n-butyl benzoate are available.

There are no cancer studies available for n-butyl benzoate. n-Butyl benzoate is metabolized by esterase mediated hydrolysis resulting in the formation of two major polar metabolites, n-butyl alcohol and benzoic acid. Each metabolite enters other degradation pathways to be rapidly metabolized and/or excreted. Based on predicted rapid metabolism and excretion, the lack of specific target organ toxicity in the OCSPP Harmonized Test Guideline 870.3650 study, the results of genotoxicity testing being negative, and a Quantitative Structure Activity Relationship (QSAR) expert model, DEREK Nexus, that indicates no structural alerts for carcinogenicity, n-butyl benzote is not expected to be carcinogenic.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest

dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

1. *Acute dietary (all populations).* There were no adverse effects observed attributable to a single dose for the general population (including infants and children) or females 13–49 years of age.

2. *Chronic dietary (all populations).* The chronic population adjusted dose (cPAD) of 5 mg/kg/day is established based on the NOAEL of 500 mg/kg/day from a combined repeated dose toxicity study with the reproduction/developmental toxicity screening test in rats. The adverse effects seen in this study were increased pup mortality observed at the LOAEL of 1,000 mg/kg/day. The Food Quality Protection Act (FQPA) safety factor/database uncertainty factor of 1X and 10X intra- and interspecies uncertainty factors are utilized for dietary risk assessment.

3. *Dermal, short- and intermediate-term.* The level of concern (LOC) for short- and intermediate-term dermal exposure is a margin of exposure (MOE) of 100 and the assessment is based on the NOAEL (500 mg/kg/day) from the combined repeated dose toxicity study with the reproduction/developmental toxicity screening test in rats.

4. *Inhalation, short- and intermediate term.* The LOC for short- and intermediate-term inhalation exposure is a MOE of 100 and the assessment is based on the NOAEL (500 mg/kg/day) from the combined repeated dose toxicity study with the reproduction/developmental toxicity screening test in rats.

5. Quantification of cancer risk is not appropriate since there are no concerns for cancer based on data that n-butyl benzoate is metabolized by esterase mediated hydrolysis resulting in the formation of two major polar metabolites, n-butyl alcohol and benzoic acid, neither substance being a concern for cancer. In addition, there is a lack of specific target organ toxicity in the OCSPP Harmonized Test Guideline 870.3650 study, the results of genotoxicity testing for n-butyl benzoate are negative, and QSAR expert model, DEREK Nexus, indicates that there are no structural alerts for carcinogenicity. As such, n-butyl benzote is not expected to be carcinogenic.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to n-butyl benzoate, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from n-butyl benzoate in food as follows:

The Agency assessed the dietary exposures to n-butyl benzoate as an inert ingredient for use in pesticide formulations applied to growing crops, raw agricultural commodities, and livestock as well as an inert ingredient for use in food-contact surface sanitizing solutions. In the case of dietary exposures to n-butyl benzoate as an inert ingredient used in pesticide formulations applied to growing crops, raw agricultural commodities, and livestock, a chronic dietary exposure assessment was conducted using the Dietary Exposure Evaluation Model/Food Commodity Intake Database (DEEM–FCID)TM, Version 3.16. EPA used food consumption information from the U.S. Department of Agriculture's National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). This dietary survey was conducted from 2003 to 2008. As to residue levels in food, no residue data were submitted for n-butyl benzoate. In the absence of specific residue data, EPA has developed an approach that uses surrogate information to derive upper bound exposure estimates for the subject inert ingredient. Upper bound exposure estimates are based on the highest tolerance for a given commodity from a list of high-use insecticides, herbicides, and fungicides. A complete description of the general approach taken to assess inert ingredient risks in the absence of residue data is contained in the memorandum entitled ''Alkyl Amines Polyalkoxylates (Cluster 4): Acute and Chronic Aggregate (Food and Drinking Water) Dietary Exposure and Risk Assessments for the Inerts.'' (D361707, S. Piper, 2/25/09) and can be found at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2008–0738.

In the case of the proposed use of n-butyl benzoate as an inert ingredient in food-contact sanitizing pesticide products, EPA has utilized a conservative, health-protective method of estimating dietary intake that is based upon conservative assumptions related to the amount of residues that can be transferred to foods as a result of the proposed use. This same methodology has been utilized by FDA in estimating dietary exposures to antimicrobial pesticides used in food-handling settings. A complete description of the approach used to assess dietary exposures resulting from food contact sanitizing solution uses of n-butyl benzoate can be found at *http://www.regulations.gov* in document ''n-Butyl Benzoate; Human Health Risk Assessment and Ecological Effects Assessment to Support Proposed Exemption from the Requirement of a Tolerance When Used as an Inert Ingredient in Pesticide Formulations,'' pp. 13–15 in docket ID number EPA–HQ–OPP–2014–0265.

The exposures from food and food contact sanitizing are then added together for the final dietary exposure assessment.

2. *Dietary exposure from drinking water.* For the purpose of the screening level dietary risk assessment to support this request for an exemption from the requirement of a tolerance for n-butyl benzoate, a conservative drinking water concentration value of 100 ppb based on screening level modeling was used to assess the contribution to drinking water for the chronic dietary risk assessments for parent compound. These values were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

There are no current or proposed residential uses for n-butyl benzoate, however it is possible that n-butyl benzoate may be used as an inert ingredient in pesticide products that may have uses resulting in potential residential exposures. A complete description of the approach used to assess possible residential exposures from n-butyl benzoate can be found at *http://www.regulations.gov* in document ''n-Butyl Benzoate; Human Health Risk Assessment and Ecological Effects Assessment to Support Proposed Exemption from the Requirement of a Tolerance When Used as an Inert Ingredient in Pesticide Formulations,'' pp. 16 in docket ID number EPA–HQ–OPP–2014–0265.

4. *Cumulative effects from substances with a common mechanism of toxicity.*

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

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

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is an evidence of increased susceptibility of infants and children in the OECD 422 study in rats. In this study, the NOAEL for parental toxicity was 1,000 mg/kg/day; the highest dose tested while the NOAEL for embryo-fetal toxicity was 500 mg/kg/day based on increased pup mortality on post-natal day zero seen at the LOAEL of 1,000 mg/kg/day. However, the concern for this susceptibility is low because there is clear NOAEL established in the study protecting the offspring, and regulatory doses were selected to be protective of these effects. No other residual uncertainties were identified with respect to susceptibility. The endpoints and doses selected for the dietary risk assessment of n-butyl benzoate are protective of adverse effects in both offspring and adults.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for n-butyl benzoate contains acute toxicity, subchronic toxicity, reproductive toxicity, developmental toxicity, and genotoxicity data. No immunotoxicity or neurotoxicity study is available; however, there was no evidence of any triggers for immunotoxicity or neurotoxicity in the database. Therefore, there is no need for immunotoxicity or neurotoxicity study at this time and no need for additional uncertainty factor for the lack of those studies.

ii. Although there is evidence that n-butyl benzoate results in increased susceptibility in the combined repeated dose toxicity study with the reproduction/developmental toxicity screening test in rats, that study identified a clear NOAEL for offspring effects, which the Agency is using as the endpoint for its assessment. Therefore, the concern for these effects is low and there is no need for an additional uncertainty factor.

iii. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100% CT and tolerance-level residues, as well as conservative assumptions for food-contact surface sanitizers. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to n-butyl benzoate in drinking water. These assessments will not underestimate the exposure and risks posed by n-butyl benzoate.

E. Aggregate Risks and Determination of Safety

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, n-butyl benzoate is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to n-butyl benzoate from food and water will utilize 21.0% of the cPAD for the U.S. population and 94.1% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). While n-butyl benzoate is not currently used as an inert ingredient in pesticide products that are registered for uses that could result in short- or intermediate-term residential exposure, it is possible that n-butyl benzoate could be used in such products and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with potential short- and intermediate-term residential exposures to n-butyl benzoate.

Using the exposure assumptions described in this unit for short-and intermediate-term exposures, EPA has concluded the combined food, water, and residential exposures result in aggregate short- and intermediate-term MOEs of 320 for adults and 100 for children (1–2 years old). EPA's level of concern for n-butyl benzoate is a MOE of 100 or below; however these MOEs are not of concern based on the highly conservative assumptions made regarding residential and dietary exposures to n-butyl benzoate as described in Unit IV. Section C.

4. *Aggregate cancer risk for U.S. population.* Based on data that n-butyl benzoate is metabolized by esterase mediated hydrolysis resulting in the formation of two major polar metabolites, n-butyl alcohol and benzoic acid. Each metabolite enters other degradation pathways to be rapidly metabolized and/or excreted, n-butyl benzoate is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to n-butyl benzoate residues.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method for enforcement purposes is not required for n-butyl benzoate in pesticide formulations that include uses on crops for pre- and post-harvest, and on animals, since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

An analytical method is also not required for enforcement purposes for n-butyl benzoate on food-contact surfaces in antimicrobial applications since the Agency is not establishing a numerical tolerance for residues of n-butyl benzoate in or on any food commodities. EPA is establishing a

limitation on the amount of n-butyl benzoate that may be used in food-contact surface antimicrobial applications. That limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (''FIFRA''), 7 U.S.C. 136 *et seq.* EPA will not register any food-contact surface antimicrobial applications for sale or distribution that contains greater than 15,000 ppm (1.5%) of n-butyl benzoate by weight.

VI. Conclusions

Therefore, exemptions from the requirement of a tolerance are established under 40 CFR 180.910, 180.930, and 180.940(a) for n-butyl benzoate (CAS Reg. No. 136–60–7) when used as an inert ingredient (solvent) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, and animals, and when used as an inert ingredient in antimicrobial formulations in food-contact surface sanitizer products at a maximum level in the end-use concentration of 15,000 parts per million (ppm).

VII. Statutory and Executive Order Reviews

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

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: May 29, 2015.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.910, add alphabetically the inert ingredient to the table to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * * * *		
n-Butyl benzoate (CAS Reg. No.136–60–7).	.....	Solvent.
* * * * *		

■ 3. In § 180.930, add alphabetically the inert ingredient to the table to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * * * *		
n-Butyl benzoate (CAS RN 136–60–7).	.....	Solvent.
* * * * *		

■ 4. In § 180.940(a) add alphabetically the inert ingredient to the table to read as follows:

§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).

* * * * *

(a) * * *

Pesticide chemical	CAS Reg. No.	Limits
*	*	* * * * *
n-Butyl benzoate	136–60–7	When ready for use, the end-use concentration is not to exceed 15,000 ppm.
*	*	* * * * *

* * * * *

[FR Doc. 2015–13818 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0207; FRL–9927–66]

Aluminum Sulfate; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of aluminum sulfate (CAS Reg. No. 10043–01–3) under 40 CFR 180.940(a). This regulation eliminates the need to establish a maximum permissible level for residues of aluminum sulfate.

DATES: This regulation is effective June 5, 2015. Objections and requests for hearings must be received on or before August 4, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0207, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

C. How can I file an objection or hearing request?

Under the Federal Food, Drug, and Cosmetic Act (FFDCA) section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0207 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before August 4, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0207, by one of the following methods:

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

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Findings

In the **Federal Register** of May 2, 2012, (77 FR 25954) (FRL–9346–1), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 1E7933) by Exponent Inc., 1150 Connecticut Ave. NW., Suite 1100, Washington, DC 20036, on behalf of Ecolab, Inc., 370 N. Wabasha Street, St. Paul, MN 55102. The petition requested that 40 CFR part 180.940(a) be amended by establishing an exemption from the requirement of a tolerance for residues of aluminum sulfate for use as an inert ingredient in antimicrobial pesticide formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils at a maximum end use concentration not to exceed 50 parts per million (ppm). That document referenced a summary of the petition prepared by the petitioner Exponent,

Inc., which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

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

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by aluminum sulfate is discussed in this unit.

The acute oral toxicity of aluminum sulfate is low. The acute oral lethal dose $(LD)_{50}$ in male rats is >5,000 milligram/kilogram (mg/kg). No acute dermal or inhalation toxicity studies are available on aluminum sulfate. It is not a dermal irritant and is minimally irritating to the eyes. No skin sensitization studies are available.

The points of departure (PODs) used for the chronic and short-term risk assessments for aluminum sulfate were based on an Organization for Economic Cooperation and Development (OECD) Guideline 416, 2-generation rat oral reproduction study with aluminum sulfate (equivalent to OCSPP Harmonized Test Guideline 870.3800) in which the lowest-observed-adverse-effect level (LOAEL) was 188 milligram/kilogram/day (mg/kg/day) (equivalent to 37 mg aluminum (Al)/kg/day) based on decreased body weight from pups and parents and delay in vaginal opening. The no-observed-adverse-effect level (NOAEL) was 41 mg/kg/day aluminum sulfate (equivalent to 8.06 mg Al/kg/day.

Apart from the 2-generation rat oral reproduction study described above, limited data are available on aluminum sulfate. However, since ingested aluminum sulfate will readily dissociate in the stomach to aluminum (as will many other aluminum compounds), toxicology data on aluminum compounds as well as aluminum sulfate are considered in determining the acceptability and completeness of the toxicological data relevant to aluminum sulfate.

Aluminum compounds have been evaluated by the Agency for Toxic Substances and Disease Registry (ASTDR, 2008) and as part of the toxicological profile of aluminum, ASTDR notes that ''There is a rather extensive database on the oral toxicity of aluminum in animals. These studies clearly identify the nervous system as the most sensitive target of aluminum toxicity and most of the animal studies have focused on neurotoxicity and neurodevelopmental toxicity. Other adverse effects that have been observed in animals orally exposed to aluminum include impaired erythropoiesis in rats exposed to 230 mg Al/kg/day and higher; erythrocyte damage (as evidenced by decreases in hemoglobin, hematocrit, and erythrocyte osmotic fragility, and altered erythrocyte morphology) in rats exposed to 230 mg Al/kg/day and higher; increased susceptibility to infection in mouse dams exposed to 155 mg Al/kg/day; delays in pup maturation following exposure of rats to 53 mg Al/kg/day; and decreases in pup body weight gain in rats and mice exposed to 103 mg Al/kg/day and higher. Oral studies in rats and mice have not found significant histopathological changes in the brain under typical exposure conditions; however, altered myelination was found in the spinal cord of mouse pups exposed to 330 mg Al/kg/day on gestation day 1 through postnatal day 35. Overt signs of neurotoxicity are rarely reported at the doses tested in the available animal studies (≤330mg Al/kg/day for bioavailable aluminum compounds); rather, exposure to these doses is associated with subtle neurological effects detected with neurobehavioral performance tests. Significant alterations in motor function, sensory function, and cognitive function have been detected following exposure to adult or weanling rats and mice or following gestation and/or lactation exposure of rats and mice to aluminum lactate, aluminum nitrate, and aluminum chloride. The most consistently affected performance tests were forelimb and/or hindlimb grip strength, spontaneous motor activity, thermal sensitivity, and startle responsiveness. Significant impairments in cognitive function have been observed in some studies, although this has not been found in other studies even at higher doses. Adverse neurological effects have been observed in rats and mice at doses of 100–200 mg Al/kg/day and neurodevelopmental effects have been observed in rats and mice at doses of 103–330 mg Al/kg/day.''

There are no available carcinogenicity studies with aluminum sulfate; however, in a cancer study with aluminum potassium sulfate, there were no exposure-related increased incidences of tumors, other proliferative lesions, or non-neoplastic lesions in B6C3F1 mice that ingested ≤979 mg Al/kg/day as aluminum potassium sulfate in the diet for 20 months. Based on this information, aluminum sulfate is not expected to be a carcinogen.

Specific information on the studies received and the nature of the adverse effects caused by aluminum sulfate as well as the NOAEL and the LOAEL from the toxicity studies are discussed in ''Aluminum Sulfate: Human Health Risk Assessment and Ecological Effects Assessment for Proposed Exemption from the Requirement for a Tolerance When Used as an Inert Ingredient in Antimicrobial Pesticide Formulations Applied to Food-Contact Surfaces'' in docket ID number EPA–HQ–OPP–2012–0267.

A. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological POD and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis

for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which the NOAEL and the LOAEL are identified. Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a RfD—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for aluminum sulfate used for human risk assessment is discussed below:

Acute Dietary Endpoint. No appropriate endpoint was identified from any of the aluminum sulfate studies in the database, including developmental toxicity studies in the rat. Consequently, EPA determined that there was no basis for selecting a dose and endpoint for an acute POD for the general population or females 13–49 years old.

Chronic Dietary Endpoint. A 2-generation reproduction study of aluminum sulfate in rats was considered critical in establishing the POD for chronic dietary risk assessment. The study supports a NOAEL of 41 mg/kg/day and a LOAEL of 188 mg/kg/day for decreased body weight in parents and pups and a delay in vaginal opening and should be used as the POD for all durations and exposure scenarios. An uncertainty factor (UF) of 100X (10X for interspecies extrapolation and 10X for intraspecies variation) is applied to obtain a chronic reference dose (cRfD) of 0.41 mg/kg/day. The Food Quality Protection Act (FQPA) factor is reduced to 1X. The chronic population adjusted dose (cPAD) is 0.41 mg/kg/day. This cPAD is protective of potential neurotoxicological effects of aluminum compounds.

B. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Exposures to aluminum sulfate can occur following ingestion of foods with residues from food-contact surface sanitizing solutions for public eating places, treated dairy- and food-processing equipment and utensils as well as pre-harvest crop uses. In evaluating dietary exposure to aluminum sulfate, EPA considered exposure under the requested exemption from the requirement of a tolerance as well as exposures from existing uses of aluminum sulfate under the extant exemption from the requirement of a tolerance under 40 CFR 180.920. EPA assessed dietary exposures from aluminum sulfate in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide chemical, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for aluminum sulfate; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* The chronic dietary exposure assessment for this inert ingredient utilizes the Dietary Exposure Evaluation Model Food Commodity Intake Database (DEEM–FCID), Version 3.16, EPA, which includes food consumption information from the U.S. Department of Agriculture's National Health and Nutrition Examination Survey, ''What We Eat In America'', (NHANES/WWEIA). This dietary survey was conducted from 2003 to 2008. In the absence of actual residue data, the inert ingredient evaluation is based on a highly conservative model that assumes that the residue level of the inert ingredient would be no higher than the highest established tolerance for an active ingredient on a given commodity. Implicit in this assumption is that there would be similar rates of degradation between the active and inert ingredient (if any) and that the concentration of inert ingredient in the scenarios leading to these highest of tolerances would be no higher than the concentration of the active ingredient. The model assumes 100 percent crop treated (PCT) for all crops and that every food eaten by a person each day has tolerance-level residues. A complete description of the general approach taken to assess inert ingredient risks in the absence of residue data is contained in the memorandum entitled ''Alkyl Amines Polyalkoxylates (Cluster 4): Acute and Chronic Aggregate (Food and Drinking Water) Dietary Exposure and Risk Assessments for the Inerts'' (D361707, S. Piper, 2/25/09) and can be found at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2008–0738.

Additionally, a dietary exposure assessment of aluminum sulfate resulting from the requested use in antimicrobial food-contact surface sanitizing solutions was conservatively assumed that 100% of the diet results from food treated with food-contact surface sanitizers and that 100% of the sanitizing solution is transferred into food. A highly conservative model based on FDA assumptions regarding transfer of food contact sanitizing solution residues to food is utilized.

The dietary exposure values derived from both the conservative model used to estimate residues from application to growing crops are combined with the exposures estimated from the antimicrobial food-contact sanitizer uses.

iii *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that aluminum sulfate is not expected to pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

2. *Dietary exposure from drinking water.* For the purpose of the screening level dietary risk assessment to support this request for an exemption from the requirement of a tolerance for aluminum sulfate, a conservative drinking water concentration value of 100 parts per billion (ppb) based on screening level modeling was used to assess the contribution to drinking water for the chronic dietary risk assessment of aluminum sulfate. This value was directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

There are no registered pesticide products containing aluminum sulfate as an inert ingredient for any specific use patterns that would result in residential exposure.

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

EPA has not found aluminum sulfate to share a common mechanism of toxicity with any other substances, and aluminum sulfate does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that aluminum sulfate does not

have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

C. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* In a 2-generation reproduction toxicity study, there was no evidence of increased susceptibility of infants and children to aluminum sulfate. In this study, the offspring and parental toxicity NOAEL was 41 mg/kg/day based on decreased weight gain in offspring, decreased body weight in parental animals, and a delay in vaginal opening seen at the LOAEL of 188 mg/kg/day.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for aluminum sulfate includes a 2-generation reproduction study, as well as chronic/carcinogenicity studies, mutagenicity studies, neurotoxicity studies and developmental neurotoxicity studies on other related aluminum compounds. The Agency concludes that for this ingredient, the results of these studies provide a reliable basis for assessing the range of potential effects to infants and children, such that the Agency has determined that no additional data are necessary at this time to evaluate effects to infants and children.

ii. There are available data on neurotoxicity and developmental neurotoxicity on aluminum compounds. The point of departure selected for risk assessment is based on a 2-generation rat reproductive toxicity study with aluminum sulfate, in which adverse effects were identified at dose levels below the dose levels at which neurotoxic effects or developmental neurotoxicological effects were observed and is therefore protective of those effects; no additional UFs are required to account for neurotoxicity.

iii. There is no evidence of increased susceptibility due to pre-or post-natal exposure to aluminum in infants and children.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and residues equivalent to the highest established tolerance-level residues for every food commodity. EPA made conservative (protective) assumptions utilizing a 100 ppb default value in the ground and surface water modeling used to assess exposure to aluminum sulfate in drinking water. In addition, highly conservative assumptions were utilized in assessing exposures to aluminum sulfate resulting from the proposed use in food-contact surface antimicrobial pesticide formulations. These assessments will not underestimate the exposure and risks posed by aluminum sulfate.

D. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and cPAD. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified, therefore, an acute dietary exposure assessment was not conducted.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to aluminum sulfate from food and water will utilize 6.7% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure.

3. *Short-term and intermediate-term risk.* Short-term and intermediate-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). A short-term/intermediate-term adverse effect was identified; however, aluminum sulfate is not used as inert ingredient in any pesticide product registered for any use patterns that would result in short-term or intermediate-term residential exposure. Because there is no short-term or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short-term risk for aluminum sulfate.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in a rodent carcinogenicity study with aluminum potassium sulfate, aluminum sulfate is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to aluminum sulfate residues.

VII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation. EPA is establishing a limitation on the amount of aluminum sulfate that may be used in food-contact surface antimicrobial applications. That limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* EPA will not register any food-contact surface antimicrobial applications for sale or distribution that contains greater than 50 ppm of aluminum sulfate by weight.

VIII. Conclusion

Therefore, an exemption is established for residues of aluminum sulfate for use as an inert ingredient in antimicrobial pesticide formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils at a maximum end use concentration not to exceed 50 ppm.

IX. Statutory and Executive Order Reviews

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

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

X. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: May 29, 2015.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.940, add alphabetically the following inert ingredient to the table in paragraph (a) to read as follows:

§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).

* * * * *

(a) * * *

Pesticide chemical	CAS Reg. No.	Limits
*	*	* * * * *
Aluminum sulfate	10043–01–3	When ready for use, the end-use concentration is not to exceed 50 ppm.
*	*	* * * * *

* * * * *

[FR Doc. 2015–13821 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Part 51–6

Military Resale Commodities

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Final rule.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee) has in its procurement program nonprofit agencies that sell products to military commissary stores for resale. The items sold are assigned to specific number series so that the nonprofit agencies, the Committee, and the military stores may identify the specific products. The number series are only used for identification of specific products sold in the military stores. These product numbers are internal only to the Committee, the nonprofit agencies, and the military commissaries. This rule adds additional number series to the authorized series so that replacement products may have their own unique identifying numbers.

DATES: Effective June 5, 2015.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: The Committee's regulation at 41 CFR 51–6.4, Military Resale Commodities, requires military commissary stores and other military resale outlets to stock

certain products in the Committee's program, which are identified by special military resale number series. 41 CFR 51–6.4 references number series 0– (0–99), 200–, 300–, 400–, 500–, 600–, 700–, 800–, 900–, 1000–, 1100–, 1200– (1200–9999), and 10000– (10000–10999), with the 300–800–, 900–, 1000–, 1100–, and 10000–(10000–10999) series being stocked exclusively and all series being stocked in as broad a range as practicable. Additional number series are required because the numbers cannot be re-used after being assigned to a product. The expansion of the number series will not expand the scope of the military resale products, rather it will allow for the effective administration and maintenance of the military resale program at its current level. This final rule adds series 11000 (11000–11999); 12000 (12000–12999); 13000 (13000–13999); 14000 (14000–14999); 15000 (15000–15999); and 16000 (16000–16999) to 41 CFR 51–6.4(b), (c)(2), (c)(4), and (d) to be stocked in as broad a range as practicable.

Executive Order 12866: This agency has made the determination that this rule is not significant for the purposes of EO 12866.

Administrative Procedure Act: The Committee finds under 5 U.S.C. 553(b)(3)(B) that good cause exists to waive prior notice and opportunity for public comment. This final rule simply adds numbers to a series of number that already exist. These series are internal to this agency and have no impact on nonprofit agencies not working in the military resale area. National Industries for the Blind, a central nonprofit agency in the Committee's program, requested these specific number series on behalf of the nonprofit agencies that participate in the military resale arena. The Defense Commissary Agency also asked the Committee to take this action. Since both the Federal and nonprofit agencies requested these number series, it is highly unlikely that there would be any adverse comments on this rule. Because this amendment is not a substantive change to the regulation, it is unnecessary to provide notice and opportunity for public comment. Further, pursuant to 5 U.S.C. 553(b)(3)(A), this rule of agency organization, procedure and practice is not subject to the requirement to provide prior notice and opportunity for public comment. The Committee also finds that the 30-day delay in effectiveness, required under 5 U.S.C. 553(d), is inapplicable because this rule is not a substantive rule. This final rule merely expands the series of item numbers for use in the military resale program.

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

List of Subjects in 41 CFR Part 51–6

Procurement procedures.

For the reasons set out in the preamble, the committee amends 41 CFR part 51 as follows:

PART 51–6—PROCUREMENT PROCEDURES

■ 1. The authority citation for part 51–6 is revised to read as follows:

Authority: 41 U.S.C. 8501–8506.

■ 2. In § 51–6.4 revise paragraphs (b), (c)(2), (c)(4), and (d) to read as follows:

§ 51–6.4 Military resale commodities.

* * * * *

(b) Authorized resale outlets shall stock military resale commodities in as broad a range as practicable. Authorized resale outlets may stock commercial items comparable to military resale commodities they stock, except that military commissary stores shall stock military resale commodities in the 300–800–, 900–, 1000–, 1100–, 10000–(10000–10999), 11000 (11000–11999); 12000 (12000–12999); 13000 (13000–13999); 14000 (14000–14999); 15000 (15000–15999); and 16000 (16000–16999) series exclusively, unless an exception has been granted on an individual store basis for the stocking of comparable commercial items for which there is a significant customer demand.

(c) * * *

(2) Require the stocking in commissary stores of military resale commodities in the 0– (0–99), 200–, 300–, 400–, 500–, 600–, 700–, 800–, 900–, 1000–, 1100–, 1200– (1200–9999), 10000– (10000–10999), 11000 (11000–11999); 12000 (12000–12999); 13000 (13000–13999); 14000 (14000–14999); 15000 (15000–15999); and 16000 (16000–16999) series in as broad a range as is practicable.

* * * * *

(4) Establish policies and procedures which reserve to its agency headquarters the authority to grant exceptions to the exclusive stocking of 300–, 800–, 900–, 1000–, 1100–, 10000– (10000–10999), 11000 (11000–11999); 12000 (12000–12999); 13000 (13000–13999); 14000 (14000–14999); 15000 (15000–15999); and 16000 (16000–16999) series military resale commodities.

(d) The Defense Commissary Agency shall provide the Committee a copy of each directive which relates to the stocking of military resale commodities in commissary stores, including exceptions authorizing the stocking of commercial items in competition with 300–, 800–, 900–, 1000–, 1100–, 10000–(10000–10999), 11000 (11000–11999); 12000 (12000–12999); 13000 (13000–13999); 14000 (14000–14999); 15000 (15000–15999); and 16000 (16000–16999) series military resale commodities.

* * * * *

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2015–13793 Filed 6–4–15; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 10

[Docket No. OST–2014–0142]

RIN 2105–AE36

Maintenance of and Access to Records Pertaining to Individuals

AGENCY: Office of the Secretary (OST), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: On October 2, 2014, the Department published an interim final rule requesting comment to conform the DOT's regulations on Maintenance of and Access to Records Pertaining to Individuals to the applicable System of Records Notices (SORNs) and current DOT practice. No comments were received in response to the interim final rule. As a result, this document confirms that the October 2, 2014, interim final rule will not be changed, and its effective date is October 2, 2014.

DATES: Effective June 5, 2015.

FOR FURTHER INFORMATION CONTACT: Claire Barrett, Departmental Chief Privacy Officer, Office of the Chief Information Officer, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590 or *claire.barrett@dot.gov* or (202) 366–8135.

SUPPLEMENTARY INFORMATION: As the Department received no comments on its interim final rule published on October 2, 2014, we are making no changes to the rule and its effective date

is October 2, 2014. For regulatory analyses and notices associated with this action, please see the interim final rule published at 79 FR 59448.

PART 10—MAINTENANCE OF AND ACCESS TO RECORDS PERTAINING TO INDIVIDUALS

Accordingly, the interim rule amending 49 CFR part 10 which was published at 79 FR 59448 on October 2, 2014, is adopted as a final rule without change.

Issued in Washington, DC, on May 19, 2015, under authority delegated in 49 CFR 1.27(c).

Kathryn B. Thomson,

General Counsel.

[FR Doc. 2015–13760 Filed 6–4–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 140429387–4971–02]

RIN 0648–XD980

Atlantic Highly Migratory Species; Commercial Blacknose Sharks and Non-Blacknose Small Coastal Sharks in the Atlantic Region

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the fisheries for commercial blacknose sharks and non-blacknose small coastal sharks (SCS) in the Atlantic region. This action is necessary because the commercial landings of Atlantic blacknose sharks for the 2015 fishing season have exceeded 80 percent of the available commercial quota as of May 29, 2015, and the blacknose shark and non-blacknose SCS fisheries are quota-linked under current regulations.

DATES: The commercial fisheries for blacknose sharks and non-blacknose SCS in the Atlantic region are closed effective 11:30 p.m. local time June 7, 2015 until the end of the 2015 fishing season on December 31, 2015, or until and if NMFS announces via a notice in the **Federal Register** that additional quota is available and the season is reopened.

FOR FURTHER INFORMATION CONTACT: Alexis Jackson or Karyl Brewster-Geisz 301–427–8503; fax 301–713–1917.

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP), its amendments, and its implementing regulations (50 CFR part 635) issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Under § 635.5(b)(1), dealers must electronically submit reports on sharks that are first received from a vessel on a weekly basis through a NMFS-approved electronic reporting system. Reports must be received by no later than midnight, local time, of the first Tuesday following the end of the reporting week unless the dealer is otherwise notified by NMFS. Under § 635.28(b)(2), the quotas of certain species and/or management groups are linked. The quotas for blacknose sharks and the non-blacknose SCS management group in the Atlantic region are linked (§ 635.28(b)(3)(iii)). Under § 635.28(b)(2), when NMFS calculates that the landings for any species and/or management group of a linked group has reached or is projected to reach 80 percent of the available quota, NMFS will file for publication with the Office of the Federal Register a notice of closure for all of the species and/or management groups in a linked group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until and if NMFS announces, via a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for all linked species and/or management groups are closed, even across fishing years.

On December 2, 2014 (79 FR 71331), NMFS announced that the 2015 commercial Atlantic blacknose shark quota is 17.5 metric tons (mt) dressed weight (dw) (38,638 lb dw) and the non-blacknose SCS quota is 176.1 mt dw (388,222 lb dw).

Dealer reports recently received through May 29, 2015, indicated that 16.3 mt dw or 93 percent of the available Atlantic blacknose shark quota had been landed and 86.1 mt dw or 49 percent of the available Atlantic non-blacknose SCS quota had been landed. Based on these dealer reports, landings of Atlantic blacknose sharks have already exceeded 80 percent of the quota. Accordingly, NMFS is closing both the commercial blacknose shark fishery and non-blacknose SCS management group in the Atlantic region as of 11:30 p.m. local time June 7, 2015. The only shark species or management groups that remain open in the Atlantic region are research large coastal sharks, sandbar sharks within the shark research fishery, blue shark, and pelagic sharks other than porbeagle or blue shark management groups. On July 1, 2015, in the Atlantic region, the aggregated large coastal shark and hammerhead shark management groups will open.

At § 635.27(b)(1), the boundary between the Gulf of Mexico region and the Atlantic region is defined as a line beginning on the East Coast of Florida at the mainland at 25°20.4′ N. lat, proceeding due east. Any water and land to the south and west of that boundary is considered, for the purposes of monitoring and setting quotas, to be within the Gulf of Mexico region.

During the closure, retention of blacknose sharks and non-blacknose SCS in the Atlantic region is prohibited for persons fishing aboard vessels issued a commercial shark limited access permit (LAP) under § 635.4. However, persons aboard a commercially permitted vessel that is also properly permitted to operate as a charter vessel or headboat for highly migratory species (HMS) and is engaged in a for-hire trip could fish under the recreational retention limits for sharks and ''no sale'' provisions (§ 635.22(a) and (c)).

During this closure, a shark dealer issued a permit pursuant to § 635.4 may not purchase or receive blacknose sharks or non-blacknose SCS in the Atlantic region from a vessel issued a shark LAP, except that a permitted shark dealer or processor may possess blacknose sharks and/or non-blacknose SCS in the Atlantic region that were harvested, off-loaded, and sold, traded, or bartered prior to the effective date of the closure and were held in storage consistent with § 635.28(b)(5). Similarly, a shark dealer issued a permit pursuant to § 635.4, in accordance with relevant state regulations, may purchase or receive blacknose sharks and/or non-blacknose SCS in the Atlantic region if the sharks were harvested, off-loaded, and sold, traded, or bartered from a vessel that fishes only in state waters and that has not been issued a shark LAP, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (AA), finds that providing prior notice and public comment for this action is impracticable and contrary to the public interest because the fisheries are currently underway and any delay in this action would result in

overharvest of the Atlantic blacknose SCS quota and be inconsistent with management requirements and objectives. Similarly, affording prior notice and opportunity for public comment on this action is contrary to the public interest because if the quota is exceeded, the stock may be negatively affected and fishermen ultimately could experience reductions in the available quota and a lack of fishing opportunities in future seasons. For these reasons, the AA also finds good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553(d)(3). This action is required under § 635.28(b)(2) and is exempt from review under Executive Order 12866.

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

Dated: June 2, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–13795 Filed 6–2–15; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 108
Friday, June 5, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AN17

Prevailing Rate Systems; Special Wage Schedules for U.S. Army Corps of Engineers Flood Control Employees of the Vicksburg District in Mississippi

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing a proposed rule to establish special wage schedules specific to nonsupervisory, leader, and supervisory wage employees of the U.S. Army Corps of Engineers (USACE) who work at flood control dams (also known as reservoir projects) at the Vicksburg District of the Mississippi Valley Division. The four lakes of the District are currently in two separate wage areas. The Department of Defense (DOD) would be assigned lead agency responsibility for establishing and issuing these special wage schedules. The special wage schedules would be established at the same time and with rates identical to the Memphis, TN, appropriated fund Federal Wage System (FWS) wage schedule.

DATES: We must receive comments on or before July 6, 2015.

ADDRESSES: You may submit comments, identified by ''RIN 3206–AN17,'' using any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Brenda L. Roberts, Deputy Associate Director for Pay and Leave, Employee Services, U.S. Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415–8200.

Email: pay-leave-policy@opm.gov.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, by telephone at (202) 606–2858 or by email at *pay-leave-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: OPM is issuing a proposed rule to establish special wage schedules for USACE nonsupervisory, leader, and supervisory wage employees who work at flood control dams (also known as reservoir projects) and whose duty station is located at one of the lakes that comprise the Vicksburg District of the Mississippi Valley Division. DOD would be assigned lead agency responsibility for establishing and issuing these special wage schedules. The special wage schedules would be established at the same time and with rates identical to the Memphis, TN, appropriated fund FWS wage schedule.

The Vicksburg District of the Mississippi Valley Division is comprised of the following four lakes:

Lakes	County	Wage area
Arkabutla Lake	Tate County, MS	Memphis, TN.
Enid Lake	Yalobusha County, MS	Northern Mississippi.
Grenada Lake	Grenada County, MS	Northern Mississippi.
Sardis Lake	Panola County, MS	Memphis, TN.

Grenada and Yalobusha Counties have been defined to the area of application of the Northern Mississippi (previously called Columbus-Aberdeen, MS) wage area since the FWS was established in 1972. In 1978, OPM redefined Tate County from the Columbus-Aberdeen area of application to the Memphis, TN, area of application. In 1996, OPM added Grenada County to the Northern Mississippi survey area. In 2011, OPM redefined Panola County from the Northern Mississippi area of application to the Memphis area of application. Panola County is the location of the District headquarters for USACE employees of the four lake projects.

At the request of the labor members of the Federal Prevailing Rate Advisory Committee (FPRAC), the Committee has reexamined the definition of Grenada and Yalobusha Counties to see if a change in their definition is warranted. During the review of this subject, the Committee heard local testimony indicating that there is considerable workforce interaction between the four lakes in the Vicksburg District and presents a unique pay situation that is detrimental to the efficient functioning of the lake projects in the District.

Regulatory Criteria Under 5 CFR 532.211

OPM considers the following regulatory criteria under 5 CFR 532.211 when defining FWS wage area boundaries:

(i) Distance, transportation facilities, and geographic features;

(ii) Commuting patterns; and

(iii) Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

Except for the transportation facilities and geographic features criteria, the analysis of the regulatory criteria for Grenada and Yalobusha Counties favors the Northern Mississippi wage area.

Based on this analysis, OPM has determined that Grenada and Yalobusha Counties are appropriately defined to the Northern Mississippi wage area.

Special Wage Schedules

Because there exists a unique situation in the Vicksburg District to the point that all four lakes may be considered to be managed as one installation, FPRAC recommended by majority vote that DOD establish and issue special wage schedules for USACE employees whose duty station is located in one of the lakes that comprise the Vicksburg District of the Mississippi Valley Division. OPM is proposing to create a special wage schedule practice in this unique circumstance as recommended by FPRAC. The special wage schedules would be established using rates identical to the Memphis appropriated fund FWS wage schedule.

These special wage schedules would apply on the first day of the first

applicable pay period beginning on or after 60 days following publication of the final regulations. USACE employees with duty stations in one of the lakes of the Vicksburg District would transfer to the new special wage schedules on a step-by-step basis. No current employee will have his or her pay rate reduced as a result of implementing these new special wage schedules.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

Executive Order 13563 and Executive Order 12866

This proposed rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 13563 and Executive Order 12866.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

Accordingly, the U.S. Office of Personnel Management is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

■ 2. Subpart B is amended by adding § 532.289 to read as follows:

§ 532.289 Special Wage Schedules for U.S. Army Corps of Engineers Flood Control Employees of the Vicksburg District in Mississippi.

(a)(1) The Department of Defense will establish special wage schedules for wage employees of the U.S. Army Corps of Engineers who work at flood control dams (also known as reservoir projects) and whose duty station is located in one of the lakes that comprise the Vicksburg District of the Mississippi Valley Division.

(2) These special wage schedules will provide rates of pay for nonsupervisory, leader, and supervisory employees. These special schedule positions will be identified by pay plan codes XR (nonsupervisory), XT (leader), and XU (supervisory).

(b) The Vicksburg District of the Mississippi Valley Division is comprised of the following four lakes:

(1) Grenada Lake in Grenada County, MS
(2) Enid Lake in Yalobusha County, MS
(3) Sardis Lake in Panola County, MS
(4) Arkabutla Lake in Tate County, MS

(c) Special wage schedules shall be established at the same time and with rates identical to the Memphis, TN, appropriated fund wage schedule.

[FR Doc. 2015–13778 Filed 6–4–15; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 925

[Doc. No. AMS–FV–14–0049; FV14–925–3]

Grapes Grown in a Designated Area of Southeastern California; Proposed Amendments to Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rulemaking invites comments on three proposed amendments to Marketing Order No. 925 (order), which regulates the handling of table grapes grown in a designated area of southeastern California. Two amendments are based on proposals made by the California Desert Grape Administrative Committee (Committee), which is responsible for the local administration of the order. These proposed amendments would increase term lengths for Committee members and alternates from one to four fiscal periods and would allow new members and alternates to agree to accept their nominations prior to selection. The proposals are intended to increase the Committee's effectiveness and bolster industry participation in Committee activities.

In addition to the Committee's proposals, the Agricultural Marketing Service (AMS) proposes an amendment that would add authority for periodic continuance referenda to allow producers to indicate whether or not there exists continuing support for the order.

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

ADDRESSES: Written comments should be submitted to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register**. All comments submitted in response to this proposed rule will be included in the record and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Geronimo Quinones, Marketing Specialist, or Michelle P. Sharrow, Rulemaking Branch Chief, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Geronimo.Quinones@ams.usda.gov* or *Michelle.Sharrow@ams.usda.gov.*

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

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Order No. 925, as amended (7 CFR part 925), regulating the handling of table grapes grown in a designated area of southeastern California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' Section 608c(17) of the Act and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900) authorizes amendment of the order through this informal rulemaking action. AMS will consider comments received in response to this rule, and based on all the information available, will determine if order amendment is warranted. If AMS determines amendment of the order is warranted, a subsequent proposed rule and referendum order would be issued and producers would be allowed to vote for or against the proposed order amendments. AMS would then issue a final rule effectuating any amendments

approved by producers in the referendum.

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

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule shall not be deemed to preclude, preempt, or supersede any State program covering table grapes grown in southeastern California.

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

Section 1504 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) (Pub. L. 110–246) amended section 18c(17) of the Act, which in turn required the addition of supplemental rules of practice to 7 CFR part 900 (73 FR 49307; August 21, 2008). The amendment of section 18c(17) of the Act and additional supplemental rules of practice authorize the use of informal rulemaking (5 U.S.C. 553) to amend Federal fruit, vegetable, and nut marketing agreements and orders. USDA may use informal rulemaking to amend marketing orders based on the nature and complexity of the proposed amendments, the potential regulatory and economic impacts on affected entities, and any other relevant matters.

AMS has considered these factors and has determined that the amendment proposals are not unduly complex and the nature of the proposed amendments is appropriate for utilizing the informal rulemaking process to amend the order. A discussion of the potential regulatory and economic impacts on affected entities is discussed later in the ''Initial Regulatory Flexibility Analysis'' section of this rule.

Two of the proposed amendments were unanimously recommended by the Committee following deliberations at a public meeting held on November 5, 2013. The Committee's proposed amendments would amend the marketing order by: (1) Increasing the length of the term of office for Committee members and alternates from one to four fiscal periods; and (2) allowing new members and alternates to agree to accept their nominations prior to selection.

In addition to these proposed amendments, AMS proposes to add authority to provide for periodic continuance referenda. AMS has determined that continuance referenda are an effective means to allow the industry to indicate whether or not there exists continuing support for the marketing order. AMS would also consider all other relevant information concerning the operation of the order and the relative benefits and disadvantages to the industry.

Proposal Number 1—Term of Office

Section 925.21 of the order provides that terms of office for Committee members and alternates is one fiscal period. The nomination and selection process for the 12 members and 12 alternates is conducted annually and may take a number of months to complete.

This proposal would amend § 925.21 by increasing the length of the term of office for Committee members and alternates from one to four fiscal periods. The proposed change would provide more time for new members and alternates to learn the details of the Committee's operations and business during their tenure. In addition, because the industry is relatively small with a limited number of qualified candidates available to fill positions, longer terms would eliminate the annual turnover of the Committee and the perennial need for new members and alternates. If this amendment is adopted, members and alternate members would be selected for a four-year term of office beginning with the first term after the amendments become effective.

For the reasons stated above, it is proposed that § 925.21 be modified to increase the length of the term of office for Committee members and alternates from one to four fiscal periods.

Proposal Number 2—Qualification and Acceptance

This proposal would modify § 925.25 to allow new members and alternates to agree to accept their nominations prior to selection for the Committee by the Secretary.

Currently, Committee members and alternates are nominated by their peers to serve and are then selected by the Secretary. After the selections are made, Committee members and alternates are required to formally accept the appointment by signing and submitting an acceptance letter indicating they are willing to serve. The Committee believes this final step in the selection process is redundant and not efficient. The order provision would be revised to specify that before a person is selected as a member or alternate member of the Committee, that person must complete a questionnaire outlining their qualifications. The proposal would eliminate the requirement to complete and submit a separate acceptance letter after being nominated. Because the nominee qualifications questionnaire already includes a statement indicating the person is willing to serve on the Committee, if selected by the Secretary, AMS modified the proposed regulatory text originally submitted by the Committee.

For the reasons stated above, it is proposed that § 925.25 be revised to remove the requirement to file a written acceptance with the Secretary after being notified of selection.

Proposal Number 3—Continuance Referenda

AMS proposes an amendment to § 925.63, Termination, to require that continuance referenda be conducted every six years to gauge industry support for the order. Currently, there is no provision in the marketing order that requires periodic continuance referenda. Continuance referenda provide an industry with a means to measure grower support for the marketing order program. Since marketing orders benefit growers, it follows that they should be afforded the opportunity to express whether they support the programs on a periodic basis. Under this proposal, the Department would consider termination of the order if less than two-thirds of the producers voting in the referendum or producers of less than two-thirds of the volume of table grapes represented in the referendum favor continuance. In evaluating the merits of continuance versus termination, USDA would not only consider the results of the referendum. The Department would also consider all other relevant information concerning the operation of the order and its relative benefits and disadvantages in order to determine whether continued operation of the order would tend to effectuate the declared policy of the Act.

Therefore, it is recommended that § 925.63—Termination, be amended by redesignating paragraph (c) as paragraph (d) and adding a new paragraph (c) to

provide that a continuance referendum shall be conducted six years after the amendment becomes effective and every six years thereafter. The new paragraph (c) of § 925.63 should further specify that the Department may terminate the order if continuance is not favored by two-thirds of the growers participating in the referendum, or voters representing two-thirds of the production volume represented in the referendum.

Initial Regulatory Flexibility Analysis

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

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

There are approximately 15 handlers of southeastern California table grapes who are subject to regulation under the marketing order and approximately 41 grape producers in the production area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those whose annual receipts are less than $750,000 (13 CFR 121.201).

Ten of the 15 handlers subject to regulation have annual grape sales of less than $7,000,000 according to USDA Market News Service and Committee data. Based on information from the Committee and USDA's Market News Service, it is estimated that at least 10 of the 41 producers have annual receipts of less than $750,000. Thus, it may be concluded that a majority of grape handlers regulated under the order and about 10 of the producers could be classified as small entities under SBA definitions.

The amendments proposed by the Committee would provide authority to increase the term length for members and alternates from one to four fiscal periods under the Federal marketing order for California table grapes. They also would allow new members and alternates of the Committee to agree to accept their nominations before the selection process begins. An amendment proposed by AMS would provide for continuance referenda every six years.

The Committee's proposed amendments were unanimously recommended at a public meeting on November 5, 2013. If these proposals are approved in referendum, there would be no direct financial effects on producers or handlers. However, eliminating the need to complete the election process every year would save considerable amounts of time and reduce expenses for the industry and the Committee. In addition, eliminating the acceptance letter would reduce paperwork and the time spent completing it.

The Committee believes these changes represent the needs of the Committee and industry. No economic impact is expected if the amendments are approved because they would not establish any regulatory requirements on handlers, nor do they contain any assessment or funding implications. There would be no change in financial costs, reporting, or recordkeeping requirements if either of these proposals is approved.

AMS' proposal to add a provision for continuance referenda is expected to afford producers the opportunity to indicate continuing support for the order and its programs. Support for the program is expected to benefit all producers and handlers by ensuring that the program continues to meet the industry's needs.

Alternatives to these proposals, including making no changes at this time, were considered. However, the Committee believes it would be beneficial to streamline the nomination and selection process to reduce the costs required for completing the process annually and to provide new members and alternates with more time to learn the details of the Committee's operations and business during their tenure.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the termination of the Letter of Acceptance was previously submitted to and approved by the Office of Management and Budget (OMB). As a result, the current number of hours associated with OMB No. 0581–0189, Generic Fruit Crops, would remain the same: 7,786.71 hours.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

The Committee's meeting was widely publicized throughout the California table grape production area. All interested persons were invited to attend the meeting and encouraged to participate in Committee deliberations on all issues. Like all Committee meetings, the November 5, 2013, meeting was public, and all entities, both large and small, were encouraged to express their views on these proposals.

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

Following analysis of any comments received on the amendments proposed in this rule, AMS will evaluate all available information and determine whether to proceed. If appropriate, a proposed rule and referendum order would be issued, and producers would be provided the opportunity to vote for or against the proposed amendments. Information about the referendum, including dates and voter eligibility requirements, would be published in a future issue of the **Federal Register**. A final rule would then be issued to effectuate any amendments favored by producers participating in the referendum.

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

General Findings

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

1. The marketing order as hereby proposed to be amended and all of the

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

2. The marketing order as hereby proposed to be amended regulates the handling of table grapes grown in a designated area of southeastern California in the same manner as, and is applicable only to, persons in the respective classes of commercial and industrial activity specified in the marketing order;

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

4. The marketing order as hereby proposed to be amended prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of table grapes produced or packed in the production area; and

5. All handling of table grapes produced or packed in the production area as defined in the marketing order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

A 60-day comment period is provided to allow interested persons to respond to these proposals. Any comments received on the amendments proposed in this rule will be analyzed, and if AMS determines to proceed based on all the information presented, a producer referendum would be conducted to determine producer support for the proposed amendments. If appropriate, a final rule would then be issued to effectuate the amendments favored by producers participating in the referendum.

List of Subjects in 7 CFR Part 925

Grapes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 925 is proposed to be amended as follows:

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

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

Authority: 7 U.S.C. 601–674.

■ 2. Revise the first sentence of 925.21 to read as follows:

§ 925.21 Term of office.

The term of office of the members and alternates shall be four fiscal periods.* * *

■ 3. Revise 925.25 to read as follows:

§ 925.25 Qualification and acceptance.

Any person selected as a member or alternate member of the Committee shall, prior to such selection, qualify by filing a qualifications questionnaire advising the Secretary that he or she agrees to serve in the position for which nominated.

■ 4. Amend 925.63 by redesignating paragraph (c) as (d) and adding a new paragraph (c) to read as follows:

§ 925.63 Termination.

* * * * *

(c) Within six years of the effective date of this part the Secretary shall conduct a referendum to ascertain whether continuance of this part is favored by producers. Subsequent referenda to ascertain continuance shall be conducted every six years thereafter. The Secretary may terminate the provisions of this part at the end of any fiscal period in which the Secretary has found that continuance of this part is not favored by a two thirds majority of voting producers, or a two thirds majority of volume represented thereby, who, during a representative period determined by the Secretary, have been engaged in the production for market of table grapes in the production area. Such termination shall be announced on or before the end of the production year.

* * * * *

Dated: June 1, 2015.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–13647 Filed 6–4–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Chapter I

[Docket ID FFIEC–2014–0001]

FEDERAL RESERVE SYSTEM

12 CFR Chapter II

[Docket No. R–1510]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996

AGENCY: Office of the Comptroller of the Currency (''OCC''), Treasury; Board of Governors of the Federal Reserve System (''Board''); and Federal Deposit Insurance Corporation (''FDIC'').

ACTION: Notice of regulatory review; request for comments.

SUMMARY: The OCC, Board, and FDIC (each an ''Agency''; together ''we'' or ''Agencies'') are conducting a review of the regulations we have issued in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions, as required by the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA). EGRPRA requires the Agencies to organize the regulations into categories and publish groups of categories for comment. In this notice, the Agencies are seeking public comment on regulations in the following categories: Consumer Protection; Directors, Officers and Employees; and Money Laundering.

In addition, in order to be as inclusive as possible, the Agencies are expanding the scope of the EGRPRA review to include newly issued rules. The Agencies will solicit comment on all rules finalized by the Agencies before the publication of the last EGRPRA notice in the series, which we intend to publish by the end of this year. We have included with today's notice a chart that lists additional rules in their respective categories, to which we will add any other rules issued prior to the final EGRPRA notice. The public also may comment on these rules at any time during an open comment period.

DATES: Written comments must be received by no later than September 3, 2015.

ADDRESSES: Any interested individual may submit comments through the EGRPRA Web site during open comment periods at: *http://egrpra.ffiec.gov/submit-comment/submit-comment-index.html.* On this site, click ''Submit a Comment'' and follow the instructions. Alternatively, comments also may be submitted through the Federal eRulemaking Portal ''Regulations.gov'' at: *http://www.regulations.gov.* Enter ''Docket ID FFIEC–2014–0001'' in the Search Box, click ''Search,'' and click ''Comment Now.'' Those who wish to submit their comments by an alternate means may do so as indicated by each Agency below.

OCC:

The OCC encourages commenters to submit comments through the Federal eRulemaking Portal, Regulations.gov, in accordance with the previous paragraph. Alternatively, comments may be emailed to *regs.comments@occ.treas.gov* or sent by mail to Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Mail Stop 9W–11, 400 7th Street SW., Washington, DC 20219. Comments also may be faxed to (571) 465–4326 or hand delivered or sent by courier to 400 7th Street SW., Washington, DC 20219. For comments submitted by any means other than Regulations.gov, you must include ''OCC'' as the Agency name and ''Docket ID FFIEC–2014–0001'' in your comment.

In general, the OCC will enter all comments received into the docket and publish them without change on Regulations.gov. Comments received, including attachments and other supporting materials, as well as any business or personal information you provide, such as your name and address, email address, or phone number, are part of the public record and subject to public disclosure. Therefore, please do not include any information with your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may inspect and photocopy in person all comments received by the OCC at 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect or photocopy comments. You may make an appointment by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to a security screening.

Board:

The Board encourages commenters to submit comments regarding the Board's regulations by any of the following methods:

- Agency Web site: *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.* Follow the instructions for submitting comments on the Agency Web site.
- Federal eRulemaking Portal, in accordance with the directions above.
- Email: *regs.comments@federalreserve.gov.* Include ''EGRPRA'' and Docket No. R–1510 in the subject line of the message.
- FAX: (202) 452–3819.
- Mail: Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

In general, the Board will enter all comments received into the docket and publish them without change on the Board's public Web site, *www.federalreserve.gov*; Regulations.gov; and *http://egrpra.ffiec.gov.* Comments received, including attachments and other supporting materials, as well as any business or personal information you provide, such as your name and address, email address, or phone number, are part of the public record and subject to public disclosure. Therefore, please do not enclose any information with your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may inspect and photocopy in person all comments received by the Board in Room 3515, 1801 K Street NW. (between 18th and 19th Street NW.), Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may make an appointment by calling (202) 452–3000. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to a security screening.

FDIC:

The FDIC encourages commenters to submit comments through the Federal eRulemaking Portal, ''Regulations.gov,'' in accordance with the directions above. Alternatively, you may submit comments by any of the following methods:

- Agency Web site: *http://www.fdic.gov/regulations/laws/federal.* Follow instructions for submitting comments on the Agency Web site.
- Email: *Comments@FDIC.gov.* Include ''EGRPRA'' in the subject line of the message.
- Mail: Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- Hand Delivery/Courier: Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m. (EDT).

The FDIC will post all comments received to *http://www.fdic.gov/regulations/laws/federal* without change, including any personal information provided. Comments may be inspected and photocopied in the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226, between 9 a.m. and 5 p.m. (EDT) on business days. Paper copies of public comments may be ordered from the Public Information Center by calling (877) 275–3342.

FOR FURTHER INFORMATION CONTACT: *OCC:* Karen McSweeney, Counsel (202) 649–6295; Heidi M. Thomas, Special Counsel, (202) 649–5490; Rima Kundnani, Attorney, (202) 649–5545; for persons who are deaf or hard of hearing, TTY (202) 649–5597.

Board: Claudia Von Pervieux, Counsel (202) 452–2552; Matthew Bornfreund, Attorney (202) 452–3818; for persons who are deaf or hard of hearing, TTY (202) 263–4869.

FDIC: Ruth R. Amberg, Assistant General Counsel, (202) 898–3736; Ann Taylor, Supervisory Counsel (202) 898–3573; for persons who are deaf or hard of hearing, TTY 1–800–925–4618.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 2222 of EGRPRA [1] requires that, not less frequently than once every 10 years, the Federal Financial Institutions Examination Council (FFIEC),[2] along with the Agencies,[3]

[1] Public Law 104–208 (1996), codified at 12 U.S.C. 3311.

[2] The FFIEC is an interagency body empowered to prescribe uniform principles, standards, and report forms for the Federal examination of financial institutions and to make recommendations to promote uniformity in the supervision of financial institutions. The FFIEC does not issue regulations that impose burden on financial institutions and, therefore, we have not separately captioned the FFIEC in this notice.

[3] The FFIEC is comprised of the OCC, Board, FDIC, National Credit Union Administration (NCUA), Consumer Financial Protection Bureau (CFPB), and State Liaison Committee. Of these, only the OCC, Board, and FDIC are statutorily required to undertake the EGRPRA review. The NCUA elected to participate in the first EGRPRA review 10 years ago, and the NCUA Board again has elected to participate in this review process. Consistent with its approach during the first EGRPRA review, NCUA will separately issue notices and requests for comment on its rules. The CFPB is required to review its significant rules and publish a report of its review no later than five years after they take effect. *See* 12 U.S.C. 5512(d). This process is separate from the EGRPRA process.

conduct a review of their regulations to identify outdated or otherwise unnecessary requirements imposed on insured depository institutions.[4] The EGRPRA regulatory review provides an opportunity for the public and the Agencies to look at groups of related regulations and to identify opportunities for burden reduction. For example, the EGRPRA review may facilitate the identification of statutes and regulations that share similar goals or complementary methods where one or more Agencies could eliminate overlapping requirements. Alternatively, commenters may identify regulations or statutes that impose requirements that are no longer consistent with the way that business is conducted and that the Agencies should eliminate or revise.

In addition to providing an opportunity to consider burden reduction generally, the EGRPRA review also provides the Agencies and the public with an opportunity to consider burden reduction on community banks and other small, insured depository institutions or holding companies. We are keenly aware of the role that these institutions play in providing consumers and businesses across the nation with essential financial services and access to credit, and we are concerned about the impact of regulatory burden on these smaller institutions. We understand that when an Agency issues a new regulation or amends a current regulation, smaller institutions may have to devote considerable resources to determine if and how the regulation will affect them. Through the public comment process, the EGRPRA review can help the Agencies identify and target regulatory changes to reduce unnecessary burden on these smaller institutions.

Burden reduction must, however, be consistent with the Agencies' statutory mandates, many of which require the issuance of regulations. These mandates include ensuring the safety and soundness of insured depository institutions, their affiliates, and the financial system as a whole. EGRPRA recognizes that effective burden reduction may require legislative change. Accordingly, as part of this review, we specifically ask the public to comment on the relationships among burden reduction, regulatory requirements, and statutory mandates.

In addition, we note that the Agencies consider potential regulatory burden each time we propose, adopt, or amend a rule. For example, under the Paperwork Reduction Act of 1995 and the Regulatory Flexibility Act, the Agencies assess each rulemaking with respect to the burdens the rule might impose. Furthermore, we invite the public to comment on every rule we propose, as required by the Administrative Procedure Act (APA).

II. The EGRPRA Review Process

Taken together for purposes of EGRPRA, the Agencies' regulations covering insured depository institutions encompass more than 100 subjects.[5] Consistent with the EGRPRA statute, the Agencies grouped these regulations into the following 12 regulatory categories: Applications and Reporting; Banking Operations; Capital; Community Reinvestment Act; Consumer Protection;[6] Directors, Officers and Employees; International Operations; Money Laundering; Powers and Activities; Rules of Procedure; Safety and Soundness; and Securities. To determine these categories, we divided the regulations by type and sought to have no category be too large or broad.

To carry out the EGRPRA review, the Agencies will publish four **Federal Register** notices, each addressing one or more categories of rules. Each **Federal Register** notice will have a 90-day comment period. On June 4, 2014, the Agencies published the first such notice, seeking comment on three categories of rules: Applications and Reporting, Powers and Activities, and International Operations.[7] On February 13, 2015, the Agencies published the second notice, seeking comment on three additional categories of rules: Banking Operations, Capital, and the Community Reinvestment Act.[8] Today, we are publishing the third notice, addressing the categories of Consumer Protection; Directors, Officers and Employees; and Money Laundering. We invite the public to identify outdated, otherwise unnecessary, or unduly burdensome regulatory requirements imposed on insured depository institutions and their holding companies in these three categories. Chart A in Section IV lists the Agencies' rules that fall within these categories.

After comments have been received, the Agencies will review the comments and decide whether further action is appropriate with respect to the regulations. The Agencies will make this decision jointly in the case of rules that we have issued on an interagency basis. Similarly, we will undertake any rulemaking to amend or repeal those rules on an interagency basis. For rules issued by an Agency, the issuing Agency will review the comments received and independently determine whether amendments to or repeal of its rules are appropriate. If so, that Agency will initiate a rulemaking to effect such change. In all cases, the Agencies will provide the public with an opportunity to comment on any proposed amendment to or repeal of a regulation, as required by the APA.

Further, as part of the EGRPRA review, the Agencies are holding a series of outreach meetings to provide an opportunity for bankers, consumer and community groups, and other interested persons to present their views directly to senior management and staff of the Agencies on any of the categories of regulations in the EGRPRA review. More information about the outreach meetings can be found on the Agencies' EGRPRA Web site, *http://egrpra.ffiec.gov.*

Finally, EGRPRA also requires the FFIEC or the Agencies to publish in the **Federal Register** a summary of the comments received, identifying significant issues raised and commenting on these issues. It also directs the Agencies to eliminate unnecessary regulations to the extent that such action is appropriate. The statute additionally requires the FFIEC to submit to Congress a report that summarizes any significant issues raised in the public comments and the relative merits of such issues. The report also must include an analysis of whether the Agencies are able to address the regulatory burdens associated with such issues or whether these burdens must be addressed by legislative action.

III. The Agencies' Expansion of the Scope of the EGRPRA Review

To be as inclusive as possible, the Agencies are expanding the scope of the EGRPRA review to include rules that the Agencies have recently finalized (Newly Listed Rules), including those

[4] Insured depository institutions also are subject to regulations that are not required to be reviewed under the EGRPRA process. Examples include rules for which rulemaking authority has transferred to the CFPB and anti-money laundering regulations issued by the Department of the Treasury's Financial Crimes Enforcement Network, among others. If, during the EGRPRA review, the Agencies receive a comment about a regulation that is not subject to the EGRPRA review, we will forward that comment to the appropriate agency.

[5] Consistent with EGRPRA's focus on reducing burden on insured depository institutions, the Agencies have not included their internal, organizational, or operational regulations in this review.

[6] As we have previously noted, the Agencies are seeking comment only on those consumer protection regulations for which we retain rulemaking authority for insured depository institutions and regulated holding companies following passage of section 1061 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203 (2010) (Dodd-Frank Act), codified at 12 U.S.C. 5581(b).

[7] 79 FR 32172 (First Notice).

[8] 80 FR 7980 (Second Notice).

issued pursuant to the Dodd-Frank Act and the recent domestic capital and liquidity rules. We will seek specific comment on these Newly Listed Rules in the fourth EGRPRA **Federal Register** notice, which we plan to issue by the end of this year. (There are no Newly Listed Rules in the three categories covered by this notice.) As noted below, the Agencies will also accept comment at any time on any of our regulations during an open comment period as part of the EGRPRA process.

The Agencies have identified the Newly Listed Rules and placed them into the 12 categories established for this review. Chart B in Section IV contains these Newly Listed Rules. Prior to the publication of the fourth and final notice of the EGRPRA review, the Agencies will add to the Newly Listed Rules any additional rules finalized by that time. Furthermore, it has been the practice of the Agencies to accept comments on any of the Agencies' rules during the EGRPRA review. We will continue this practice and accept comments at any time during an open comment period on any of the rules of the Agencies, including those contained in Charts A and B, as well as those rules published in the prior **Federal Register** notices.

IV. Request for Burden Reduction Comments on Regulations in the Consumer Protection; Directors, Officers and Employees; and Money Laundering Categories

As stated previously in this notice, the Agencies are asking the public to comment on regulations in the Consumer Protection; Directors, Officers and Employees; and Money Laundering categories to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions and their regulated holding companies. Where possible, we ask commenters to cite specific regulatory language or provisions. We also welcome suggested alternative provisions or language in support of a comment, where appropriate. Where implementation of a suggestion would require modification of a statute, we ask the commenter to identify the statute and the needed change, where possible.

Specific issues for commenters to consider. The Agencies specifically invite comment on the following issues as they pertain to the Agencies' Consumer Protection; Directors, Officers and Employees; and Money Laundering rules addressed in this notice.

- *Need for statutory change.* (1) Do any statutory requirements underlying the rules in these categories impose outdated or otherwise unnecessary regulatory requirements? (2) If so, please identify the statutes and indicate how they should be amended.
- *Need and purpose of the regulations.* (1) Have there been changes in the financial services industry, consumer behavior, or other circumstances that cause any regulations in these categories to be outdated or otherwise unnecessary? (2) If so, please identify and indicate how they should be amended. (3) Do any of these regulations impose burdens not required by their underlying statutes? (4) If so, please identify the regulations and indicate how they should be amended.
- *Overarching approaches/flexibility.* (1) With respect to the regulations in these categories, could an Agency use a different approach to lessen the burden imposed by the regulations and achieve statutory intent? (2) Do any of these rules impose unnecessarily inflexible requirements? (3) If so, please identify the regulations and indicate how they should be amended.
- *Effect on competition.* (1) Do any of the regulations or underlying statutes create competitive disadvantages for one part of the financial services industry compared to another or for one type of insured depository institution compared to another? (2) If so, please identify the regulations and indicate how they should be amended.
- *Reporting, recordkeeping and disclosure requirements.* (1) Do any of the regulations or underlying statutes in these categories impose outdated or otherwise unnecessary reporting, recordkeeping, or disclosure requirements on insured depository institutions or their holding companies? (2) Could a financial institution fulfill any of these requirements electronically (if it is not already permitted to do so) and experience burden reduction? (3) If so, please identify the regulations and indicate how they should be amended.
- *Unique characteristics of a type of institution.* (1) Do any of the regulations or underlying statutes in these categories impose requirements that are unwarranted by the unique characteristics of a particular type of insured depository institution or holding company? (2) If so, please identify the regulations and indicate how they should be amended.
- *Clarity.* (1) Are the regulations in these categories clear and easy to understand? (2) Are there specific regulations for which clarification is needed? (3) If so, please identify the regulations and indicate how they should be amended.
- *Burden on community banks and other smaller, insured depository institutions.* (1) Are there regulations or underlying statutes in these categories that impose outdated or otherwise unnecessary requirements on a substantial number of community banks or other smaller, insured depository institutions or holding companies? (2) Have the Agencies issued regulations pursuant to a common statute that, as applied by the Agencies, create redundancies or impose inconsistent requirements? (3) Should any of these regulations be amended or repealed in order to minimize this impact? (4) If so, please identify the regulations and indicate how they should be amended.
- *Scope of rules.* (1) Is the scope of each rule in these categories consistent with the intent of the underlying statute(s)? (2) Could we amend the scope of a rule to clarify its applicability or reduce burden, while remaining faithful to statutory intent? (3) If so, please identify the regulations and indicate how they should be amended.

Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
7. Consumer Protection [9]						
Interagency Regulations						
Consumer Protection in Sales of Insurance.	12 CFR Part 14 ...	12 CFR Part 208, Subpart H [Reg. H].	12 CFR Part 343	12 CFR Part 14 ...	12 CFR Part 390, Subpart I.	

Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
Fair Housing	12 CFR Part 27	.....	12 CFR Part 338	12 CFR Part 128 (including other non-discrimination requirements).	12 CFR Part 390, Subpart G.	
Loans in Identified Flood Hazard Areas.	12 CFR Part 22	12 CFR 208.25 [Reg. H] (See also proposal to amend Part 208 at 78 FR 65108 (Oct. 30, 2013)).	12 CFR Part 339 (See also proposal to amend Part 339 at 78 FR 65108 (Oct. 30, 2013))..	12 CFR Part 172	12 CFR Part 391, Subpart D (See also proposal to apply proposed amendments to Part 339 to state savings associations at 78 FR 65108 (Oct. 30, 2013)).	
Prohibition Against Use of Interstate Branches Primarily for Deposit Production.	12 CFR Part 25, Subpart E.	12 CFR 208.7 [Reg. H].	12 CFR Part 369	.....	.....	
Safeguarding Customer Information.	12 CFR Part 30, Appx. B.	12 CFR Part 208, Appx. D–2 [Reg. H].	12 CFR Part 364, Appx. B.	12 CFR Part 30, Appx. B.	12 CFR 391.14, Appx. B.	12 CFR Part 225, Appx. F [Reg. Y].
Fair Credit Reporting Act: Duties of Users of Consumer Reports Regarding Address Discrepancies Records Disposal.	12 CFR Part 41, Subpart I.	12 CFR Part 222, Subpart I [Reg. V].	12 CFR Part 334, Subpart I.	12 CFR Part 41, Subpart I.	12 CFR Part 391, Subpart C.	
Fair Credit Reporting Act: Consumer Information and Identity Theft Red Flags.	12 CFR Part 41, Subpart J.	12 CFR Part 222, Subpart J [Reg. V].	12 CFR Part 334, Subpart J.	12 CFR Part 41, Subpart J.	12 CFR Part 391, Subpart C.	
OCC Regulations						
Federal Savings Association Advertising.	.....	.....	.....	12 CFR 163.27	.....	
Federal Savings Association Tying Restriction Exception.	.....	.....	.....	12 CFR 163.36	.....	
FDIC Regulations						
State Savings Association Tying Restriction Exception.	.....	.....	.....	.....	12 CFR 390.335	
Advertisement of Membership.	12 CFR Part 328	12 CFR Part 328	12 CFR Part 328	12 CFR Part 328	12 CFR Part 328 (See also 12 CFR 390.333).	
Deposit Insurance Coverage.	12 CFR Part 330	12 CFR Part 330	12 CFR Part 330	12 CFR Part 330	12 CFR Part 330 (See also 12 CFR 390.231).	
Certification of Assumption of Deposits and Notification of Changes of Insured Status.	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307 (See also 12 CFR 390.332).	
8. Directors, Officers and Employees Interagency Regulations						
Disclosure of Financial Information.	12 CFR Part 18	.....	12 CFR Part 350	.....	.....	

Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
Golden Parachute and Indemnification Programs.	12 CFR Part 359	12 CFR Part 359	12 CFR Part 359	12 CFR Part 359 (See also 12 CFR 145.121).	12 CFR Part 359	12 CFR Part 359. 12 CFR Part 359.
Limits on Extensions of Credit to Executive Officers, Directors and Principal Shareholders; Related Disclosure Requirements.	12 CFR Part 31 ...	12 CFR Part 215 [Reg. O].	12 CFR 337.3; 12 CFR Part 349.	12 CFR 163.43 ...	12 CFR 390.338	
Management Official Interlocks.	12 CFR Part 26 ...	12 CFR Part 212 [Reg. L].	12 CFR Part 348	12 CFR Part 26 ...	12 CFR Part 390, Subpart V.	12 CFR Part 212 [Reg. L]. 12 CFR Part 238, Subpart J [Reg. LL].
OCC Regulations						
National Bank Activities and Operations—Corporate Practices.	12 CFR Part 7, Subpart B.	.....	.....	.....	.....	
Federal Savings Association Board of Directors Composition.	.....	.....	.....	12 CFR 163.33 ...	.....	
Federal Savings Association Bond Coverage.	.....	.....	.....	12 CFR 163.190–.191.	.....	
Federal Savings Association Employment Contracts, Compensation, Pension Plans.	.....	.....	.....	12 CFR 163.39; 12 CFR 163.47; 12 CFR 163.161.	.....	
Federal Savings Association Restrictions on Transactions with Officers, Directors, and Others.	.....	.....	.....	12 CFR 160.130; 12 CFR 163.200–.201.	.....	
FDIC Regulations						
State Savings Association Directors, Officers, and Employees.	.....	.....	.....	.....	12 CFR 390.334	
State Savings Association Bond Coverage.	.....	.....	.....	.....	12 CFR 390.356–.357.	
State Savings Association Employment Contracts, Compensation, Pension Plans.	.....	.....	.....	.....	12 CFR 390.336; 12 CFR 390.332; 12 CFR 390.339.	
State Savings Association Restrictions on Transactions with Officers, Directors, and Others.	.....	.....	.....	.....	12 CFR 390.269	
9. Money Laundering Interagency Regulations						
Bank Secrecy Act Compliance.	12 CFR Part 21, Subpart C.	12 CFR 208.63 [Reg. H].	12 CFR Part 326, Subpart B.	12 CFR 21, Subpart C.	12 CFR 390.354	
Reports of Crimes or Suspected Crimes.	12 CFR Part 21, Subpart B.	12 CFR 208.62–.63 [Reg. H].	12 CFR Part 353	12 CFR 163.180(d).	12 CFR 390.355	12 CFR 225.4(f) [Reg. Y].

Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
1. Applications and Reporting Board Regulations						
Concentration Limits.	12 CFR Part 251 [Reg. XX].	12 CFR Part 251 [Reg. XX].	12 CFR Part 251 [Reg. XX].	12 CFR Part 251 [Reg. XX].	12 CFR Part 251 [Reg. XX].	12 CFR Part 251 [Reg. XX]. 12 CFR Part 251 [Reg. XX].
2. Powers and Activities Interagency Regulations						
Proprietary Trading and Relationships with Covered Funds.	12 CFR Part 44 ...	12 CFR Part 248 [Reg. VV].	12 CFR Part 351	12 CFR Part 44 ...	12 CFR Part 351	12 CFR Part 248 [Reg. VV]. 12 CFR Part 248 [Reg. VV].
Retail Foreign Exchange Transactions.	12 CFR Part 48 ...	12 CFR Part 240 [Reg. NN].	12 CFR Part 349	12 CFR Part 48 ...	12 CFR Part 349	12 CFR Part 240 [Reg. NN].
Board Regulations						
Proprietary Trading and Relationships with Covered Funds.	.....	.....	.....	.....	.....	12 CFR Part 225, Subpart K [Reg. Y]. 12 CFR Part 225, Subpart K [Reg. Y].
3. International Operations Board Regulations						
Foreign Banking Organizations: Stress Tests, Risk Committee, and Enhanced Prudential Standards.	.....	.....	.....	.....	.....	12 CFR Part 252 Subparts L–O [Reg. YY].
Swaps Entities	.....	12 CFR Part 237 [Reg. KK].	.....	.....	.....	12 CFR Part 237 [Reg. KK].
4. Banking Operations Board Regulations						
Assessment of Fees.	.....	.....	.....	.....	.....	12 CFR Part 246 [Reg. TT]. 12 CFR Part 246 [Reg. TT].
Debit Card Interchange Fees.	12 CFR Part 235 [Reg. II].	12 CFR Part 235 [Reg. II].	12 CFR Part 235 [Reg. II].	12 CFR Part 235 [Reg. II].	12 CFR Part 235 [Reg. II].	
5. Capital Interagency Regulations						
Capital Adequacy: General Ratio and Buffers Definition of Capital Transition.	12 CFR Part 3, Subparts A–C, G–J.	12 CFR Part 217, Subparts A–C, G [Reg. Q].	12 CFR Part 324, Subparts A–C, G. [Previously found in 12 CFR Part 325].	12 CFR Part 3, Subparts A–C, G–J.	12 CFR Part 324, Subparts A–C, G. [Previously found in 12 CFR Part 390, Subpart Z].	12 CFR Part 217, Subparts A–C, G [Reg. Q]. 12 CFR Part 217, Subparts A–C, G [Reg. Q].
Capital Adequacy: Risk-Weighted Assets—Standardized Approach.	12 CFR Part 3, Subpart D.	12 CFR Part 217, Subpart D [Reg. Q].	12 CFR Part 324, Subpart D. [Previously found in 12 CFR Part 325 Appx. A].	12 CFR Part 3, Subpart D.	12 CFR Part 324, Subpart D. [Previously found in 12 CFR Part 390, Subpart Z, Appx. A].	12 CFR Part 217, Subpart D [Reg. Q]. 12 CFR Part 217, Subpart D [Reg. Q].
Capital Adequacy: Risk-Weighted Assets—Advanced Measurement Approaches.	12 CFR Part 3, Subpart E.	12 CFR Part 217, Subpart E [Reg. Q].	12 CFR Part 324, Subpart E. [Previously found in 12 CFR Part 325 Appx. D].	12 CFR Part 3, Subpart E.	12 CFR Part 324, Subpart E. [Previously found in 12 CFR Part 390, Subpart Z, Appx. A].	12 CFR Part 217, Subpart E [Reg. Q]. 12 CFR Part 217, Subpart E [Reg. Q].

Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
Capital Adequacy: Risk-Weighted Assets—Market Risk.	12 CFR Part 3, Subpart F.	12 CFR Part 217, Subpart F [Reg. Q].	12 CFR Part 324, Subpart F. [Previously found in 12 CFR Part 325 Appx. C].	12 CFR Part 3, Subpart F.	12 CFR Part 324, Subpart F. [Previously found in 12 CFR Part 390, Subpart Z, Appx. A].	12 CFR Part 217, Subpart F [Reg. Q]. 12 CFR Part 217, Subpart F [Reg. Q].
Capital Adequacy Guidelines.	12 CFR Part 3, Appx. A and B.	12 CFR Part 208, Appx. A, B, and E [Reg. H].	12 CFR Part 324 [Previously found in 12 CFR Part 325 Appx. A–D].	12 CFR Part 3, Appx. A and B.	12 CFR Part 324 [Previously found in 12 CFR Part 390, Subpart Z, Appx. A].	12 CFR Part 225, Appx. A, B, D, and E [Reg. Y].
Prompt Corrective Action.	12 CFR Part 6	12 CFR Part 208, Subpart D [Reg. H]; 12 CFR Part 263, Subpart H.	12 CFR Part 325, Subpart B.	12 CFR Part 6; 12 CFR 165.8;12 CFR 165.9.	12 CFR Part 390, Subpart Y.	12 CFR Part 208, Subpart D [Reg. H]; 12 CFR Part 263, Subpart H.
OCC Regulations						
Annual Stress Tests	12 CFR Part 46 ...	.....	.....	12 CFR Part 46 ...	.....	
Board Regulations						
Capital Planning	.....	.....	.....	.....	.....	12 CFR Part l225.8 [Reg. Y].
Stress Tests—U.S. Organizations Company Run and Supervisory.	.....	12 CFR Part 252, Subparts B, E, and F [Reg. YY].	.....	.....	.....	12 CFR Part 252, Subparts B, E, and F [Reg. YY]. 12 CFR Part 252, Subpart B [Reg. YY].
FDIC Regulations						
Annual Stress Tests	.....	.....	12 CFR Part 325, Subpart C.	.....	12 CFR Part 325, Subpart C.	
6. Community Reinvestment Act						
All rules under this category were included in the charts published in the First Notice.						
7. Consumer Protection						
All rules under this category were included in the charts published in the First Notice.						
8. Directors, Officers, and Employees						
All rules under this category were included in the charts published in the First Notice.						
9. Money Laundering						
All rules under this category were included in the charts published in the First Notice.						
10. Rules of Procedure FDIC Regulations						
Orderly Liquidation Authority.	.....	.....	.....	.....	.....	12 CFR Part 380. 12 CFR Part 380.

Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
11. Safety and Soundness Interagency Regulations						
Appraisals: Higher-priced Mortgages.	12 CFR Part 34, Subpart G.	12 CFR 226.43;12 CFR Part 226, Appx. N and O, and Supp. I [Reg. Z].	12 CFR Part 1026 [Reg. Z].	12 CFR Part 34, Subpart G.	.....	12 CFR 226.43; 12 CFR Part 226, Appx. N and O, and Supp. I [Reg. Z]. 12 CFR 226.43; 12 CFR Part 226, Appx. N and O, and Supp. I [Reg. Z].
Credit Risk Retention.	12 CFR Part 43 ...	12 CFR Part 244 [Reg. RR].	12 CFR Part 373	12 CFR Part 43 ...	12 CFR Part 373	12 CFR Part 244 [Reg. RR]. 12 CFR Part 244 [Reg. RR].
Liquidity Risk	12 CFR Part 50 ...	12 CFR Part 249 [Reg. WW].	12 CFR Part 329	12 CFR Part 50 ...	12 CFR Part 329	12 CFR Part 249[Reg. WW]. 12 CFR Part 249 [Reg. WW].
Resolution Plans	.....	.....	.....	.....	.....	12 CFR Part 381; 12 CFR Part 243 [Reg. QQ].
FDIC Regulations						
Resolution Plans	12 CFR Part 360.10.	12 CFR Part 360.10.	12 CFR Part 360.10.	12 CFR Part 360.10.	12 CFR Part 360.10.	
OCC Regulations						
Heightened Expectations Guidelines.	12 CFR Part 30, Appx. D.	.....	.....	12 CFR Part 30, Appx. D.	.....	
Board Regulations						
Appraisals: Appraiser Independence.	.....	12 CFR 226.42;12 CFR Part 226, Supp. I [Reg. Z].	12 CFR Part 1026 [Reg. Z].	.....	.....	12 CFR 226.42; 12 CFR Part 226, Supp. I [Reg. Z]. 12 CFR 226.42; 12 CFR Part 226, Supp. I [Reg. Z].
Definitions related to the Financial Stability Oversight Council.	.....	.....	.....	.....	.....	12 CFR Part 242 [Reg. PP].
Enhanced Prudential Standards Risk Committee Requirement (for certain BHCs) Standards for BHCs with consolidated assets $50 billion or more.	.....	.....	.....	.....	.....	12 CFR Part 252, Subparts B and C [Reg. YY].
Financial Market Utilities.	.....	12 CFR Part 234 [Reg. HH].	.....	.....	.....	
Securities Holding Companies.	.....	.....	.....	.....	.....	12 CFR Part 241 [Reg. OO].
12. Securities						
All rules under this category were included in the charts published in the First Notice.						

Dated: May 27, 2015.

Thomas J. Curry,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, May 29, 2015.

Michael Lewandowski,

Associate Secretary of the Board.

Dated: May 29, 2015.

By order of the Board of Directors. Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–13749 Filed 6–4–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1427; Directorate Identifier 2013–NM–203–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 96–18–06 for certain Airbus Model A320–211 and –231 airplanes. AD 96–18–06 currently requires visual inspections to detect cracks of the pressurized floor fittings at frame (FR) 36, and renewal of the zone protective finish or replacement of fittings with new fittings if necessary. Since we issued AD 96–18–06, an extended service goal analysis by the manufacturer revealed that the compliance times and repetitive inspection intervals should be reduced to meet the design service goal. This proposed AD would retain the requirements of AD 96–18–06, with reduced compliance times and repetitive inspection intervals. This proposed AD would also add Model A320–212 airplanes to the applicability. We are proposing this AD to detect and correct fatigue cracking in the pressurized floor fittings at FR 36, which could result in failure of a floor fitting and subsequent depressurization of the fuselage.

DATES: We must receive comments on this proposed AD by July 20, 2015.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, 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.

For service information identified in this proposed AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1427; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–1427; Directorate Identifier 2013–NM–203–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On August 23, 1996, we issued AD 96–18–06, Amendment 39–9730 (61 FR 46703, September 5, 1996). AD 96–18–06 requires actions intended to address an unsafe condition on certain Airbus Model A320–211 and –231 airplanes.

Since we issued AD 96–18–06, Amendment 39–9730 (61 FR 46703, September 5, 1996), an extended service goal analysis by the manufacturer revealed that the compliance times and repetitive inspection intervals must be reduced to meet the design service goal.

The European Aviation Safety Agency (EASA), which is the Technical Agency for the Member States of the European Union, has issued EASA Airworthiness Directive 2013–0226, dated September 23, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for Airbus Model A320–211, –212, and –231 airplanes. The MCAI states:

> During center fuselage certification full scale fatigue test, damage was found on the pressurized floor fittings at Frame 36, below the lower surface panel. This condition, if not detected and corrected, could affect the structural integrity of the aeroplane.
>
> To prevent such damage, Airbus developed modification 21282, which was introduced in production from [manufacturer serial number] MSN 0105, to reinforce the pressurized floor fitting lower surface by changing material. For affected in-service aeroplanes, Airbus issued Service Bulletin (SB) A320–57–1028, introducing repetitive inspections, and SB A320–57–1029, which provides modification instructions.
>
> DGAC [Direction Générale de l'Aviation Civile] France issued [an] AD * * * [for Model A320–111, –211, and –231 airplanes] to require these repetitive inspections and, depending on findings, corrective action(s), while the modification was specified in that AD as optional terminating action for these inspections.
>
> Following new analysis in the frame of ESG (Extended Service Goal) exercise, the inspection thresholds and intervals have been revised to meet the original DSG (Design Service Goal).

[9] Regulations for which rulemaking authority has transferred to the CFPB are not included in this Consumer Protection category. As described in the Supplementary Information section of this notice, the CFPB is required to review its significant rules and publish a report of its review no later than five years after they take effect, in a process separate from the EGRPRA process.

For the reasons described above, this [EASA] AD retains the requirements of [a] DGAC France AD * * *, which is superseded, but requires these actions within reduced compliance times. [This EASA AD also adds Model A320–212 airplanes to its applicability.]

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2015–1427.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013. The service information describes procedures for an inspection to detect cracks of the pressurized floor fittings at frame (FR) 36, renewal of the zone protective finish, and replacement of fittings with new fittings.

Airbus has also issued Service Bulletin A320–57–1029, Revision 02, dated June 16, 1999. The service information describes procedures for modification of the pressurized floor fittings at FR 36.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Unlike the required actions in the MCAI, this proposed AD would not permit further flight if damage (cracking) is detected during any inspection of the pressurized floor fittings at FR 36. Instead, this proposed AD would require repair of any damage before further flight. We find that, to achieve an adequate level of safety for the affected fleet, damaged structural elements must be replaced prior to further flight. This difference has been coordinated with EASA.

Costs of Compliance

We estimate that this proposed AD affects 13 airplanes of U.S. registry.

The actions required by AD 96–18–06, Amendment 39–9730 (61 FR 46703, September 5, 1996), and retained in this proposed AD, take about 3 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost about $0 per product. Based on these figures, the estimated cost of the actions that are required by AD 96–18–06 is $255 per product.

We also estimate that it would take about 11 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $12,155, or $935 per product.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 96–18–06, Amendment 39–9730 (61 FR 46703, September 5, 1996), and adding the following new AD:

Airbus: Docket No. FAA–2015–1427; Directorate Identifier 2013–NM–203–AD.

(a) Comments Due Date

We must receive comments by July 20, 2015.

(b) Affected ADs

This AD replaces AD 96–18–06, Amendment 39–9730 (61 FR 46703, September 5, 1996).

(c) Applicability

This AD applies to Airbus Model A320–211, –212, and –231 airplanes, certificated in any category, manufacturer serial numbers 0002 through 0104 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by an extended service goal analysis by the manufacturer, which revealed that the compliance times and repetitive inspection intervals should be reduced to meet the design service goal. We are issuing this AD to detect and correct fatigue cracking in the pressurized floor fittings at FR 36, which could result in failure of a floor fitting and subsequent depressurization of the fuselage.

(f) Compliance

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

(g) Retained Inspection

This paragraph restates the requirements of paragraph (a) of AD 96–18–06, Amendment 39–9730 (61 FR 46703, September 5, 1996), with revised service information for Airbus Model A320–211 and –231 airplanes. Prior to the accumulation of 16,000 total landings, or within 6 months after October 10, 1996 (the effective date of AD 96–18–06), whichever occurs later, perform a visual inspection to detect cracks of the 6 fittings of the pressurized floor at frame 36 under the lower surface panel, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1028, Revision 1, dated April 19, 1996; or Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013. As of the effective date of this AD, use only Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013, for accomplishing the actions required by this paragraph. Accomplishment of the initial inspection required by paragraph (i) of this AD terminates the actions required by this paragraph.

(1) If no cracking is found, prior to further flight, renew the zone protective finish, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1028, Revision 1, dated April 19, 1996; or Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013. As of the effective date of this AD, use only Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013, for accomplishing the actions required by this paragraph. Repeat the visual inspection thereafter at intervals not to exceed 12,000 landings.

(2) If only 1 of the 6 fittings is found to be cracked and that crack is less than or equal to 0.59 inch (15 mm) in length, prior to further flight, replace the cracked fitting with a new fitting, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1028, Revision 1, dated April 19, 1996; or Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013. Thereafter, prior to the accumulation of 500 landings following accomplishment of this replacement, replace the remaining 5 fittings with new fittings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1028, Revision 1, dated April 19, 1996; or Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013. As of the effective date of this AD, use only Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013, for accomplishing the actions required by this paragraph.

(3) If only 1 of the 6 fittings is found to be cracked, and that crack is greater than 0.59 inch (15 mm) in length, prior to further flight, replace all six fittings with new fittings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1028, Revision 1, dated April 19, 1996; or Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013. As of the effective date of this AD, use only Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013, for accomplishing the actions required by this paragraph.

(4) If 2 or more fittings are found to be cracked, prior to further flight, replace all 6 fittings with new fittings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1028, Revision 1, dated April 19, 1996; or Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013. As of the effective date of this AD, use only Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013, for accomplishing the actions required by this paragraph.

(h) Retained Optional Terminating Action

This paragraph restates the provisions of paragraph (b) of AD 96–18–06, Amendment 39–9730 (61 FR 46703, September 5, 1996), with revised service information for Airbus Model A320–211 and –231 airplanes. Replacement of all 6 fittings with new fittings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1028, Revision 01, dated April 19, 1996; or Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013; constitutes terminating action for the inspection requirements of paragraph (g) of this AD.

(i) New Inspection

(1) At the latest of the times in paragraph (i)(1)(i), (i)(1)(ii), or (i)(1)(iii) of this AD: Do a detailed inspection of the pressurized floor fittings at frame 36, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1028, Revision 02, dated June 3, 2013. Repeat the inspection thereafter, at intervals not to exceed 9,300 flight cycles or 18,600 flight hours, whichever occurs first. Accomplishment of the initial inspection required by this paragraph terminates the actions required by paragraph (g) of this AD.

(i) Prior to the accumulation of 20,900 total flight cycles or 41,800 total flight hours, whichever occurs first.

(ii) Prior to the accumulation of 9,300 flight cycles or 18,600 flight cycles since the most recent inspection required by paragraph (g) or (i) of this AD, whichever occurs first.

(iii) At the earlier of the times specified in paragraph (i)(iii)(A) and (i)(iii)(B) of this AD.

(A) Prior to the accumulation of 1,250 flight cycles or 2,500 flight hours after the effective date of this AD, whichever occurs first.

(B) Prior to the accumulation of 12,000 flight cycles since the most recent inspection required by paragraph (g) or (i) of this AD.

(2) If any crack is found during any inspection required by paragraph (i)(1) of this AD: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(j) New Optional Terminating Action

Modification (replacement of aluminum fittings with titanium fittings) of the pressurized floor fittings at frame 36, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1029, Revision 02, dated June 16, 1999, is terminating action for the repetitive inspections required by paragraphs (g) and (i) of this AD.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(ii) AMOCs approved previously for AD 96–18–06, Amendment 39–9730 (61 FR 46703, September 5, 1996), are approved as AMOCs for the corresponding provisions of this AD.

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

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0226, dated September 23, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1427.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 19, 2015.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–13340 Filed 6–4–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1426; Directorate Identifier 2013–NM–200–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 97–20–07, for certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). AD 97–20–07 requires repetitive inspections to detect fatigue cracking in the left and right wings in the area where the top skin attaches to the center spar, and repair or modification of this area if necessary. Since we issued AD 97–20–07, we have determined that the inspection compliance time and repetitive inspection interval must be reduced to allow timely detection of cracking in the left and right wings in the area where the top skin attaches to the center spar. This proposed AD would reduce the inspection compliance time and repetitive inspection intervals. We are proposing this AD to detect and correct this cracking, which could reduce the residual strength of the top skin of the wings, and consequently affect the structural integrity of the airframe.

DATES: We must receive comments on this proposed AD by July 20, 2015.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, 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.

For service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1426; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–1426; Directorate Identifier 2013–NM–200–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On September 17, 1997, we issued AD 97–20–07, Amendment 39–10145 (62 FR 50251, September 25, 1997). AD 97–20–07 requires actions intended to address an unsafe condition on the products listed above. Since we issued AD 97–20–07, we have determined that the inspection compliance time and repetitive inspection interval must be reduced to allow timely detection of cracking in the left and right wings in the area where the top skin attaches to the center spar.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2013–0221, dated September 19, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The MCAI states:

> During fatigue tests conducted in the early 1990's, cracks were found on the top skin of the wing at the centre spar joint between ribs 1 and 7.
>
> Consequently, Airbus developed production mod. 10089 and issued Service Bulletin (SB) A300–57–6041, involving installation of a reinforcing plate on the affected area. Despite this improvement, subsequent cases of cracks were reported by operators.
>
> This condition, if not detected and corrected, could adversely affect the structural integrity of the aeroplane.
>
> To address this potential unsafe condition, Airbus issued SB A300–57–6044 and DGAC [Direction Générale de l'Aviation Civile] France issued AD 95–086–180 (later revised twice) to require repetitive inspections of the affected area and, depending on findings, accomplishment of applicable corrective action(s).
>
> Since [DGAC] AD 1995–086–180(B)R2 [which corresponds to FAA AD 97–20–07, Amendment 39–10145 (62 FR 50251, September 25, 1997)] was issued, a fleet survey and updated Fatigue and Damage Tolerance Analyses were performed in order to substantiate the second A300–600 Extended Service Goal (ESG2) exercise. The results of these analyses have shown that the inspection thresholds and intervals must be reduced to allow timely detection of these cracks and accomplishment of an applicable corrective action.
>
> Prompted by these findings, Airbus issued SB A300–57–6044 Revision 04 [dated August 19, 2011].
>
> For the reasons described above, this [EASA] AD retains the requirements of DGAC France AD 1995–086–180(B)R2, which is superseded, but requires the repetitive inspections to be accomplished at reduced thresholds and intervals and, depending on findings, corrective actions.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2015–1426.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. The service information describes procedures for inspections to detect fatigue cracking in the left and right wings in the area where the top skin attaches to the center spar, and repair or modification of this area. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 47 airplanes of U.S. registry.

The actions that are required by AD 97–20–07, Amendment 39–10145 (62 FR 50251, September 25, 1997), and retained in this proposed AD take about 3 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 97–20–07 is $255 per product.

We also estimate that it would take about 5 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $19,975, or $425 per product.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 97–20–07, Amendment 39–10145 (62 FR 50251, September 25, 1997), and adding the following new AD:

Airbus: Docket No. FAA–2015–1426; Directorate Identifier 2013–NM–200–AD.

(a) Comments Due Date

We must receive comments by July 20, 2015.

(b) Affected ADs

This AD replaces AD 97–20–07, Amendment 39–10145 (62 FR 50251, September 25, 1997).

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers except those on which Airbus Modification 10160 has been done in production.

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

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

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

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

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a determination that the inspection compliance time and repetitive inspection interval must be reduced to allow timely detection of cracking in the left and right wings in the area where the top skin attaches to the center spar. We are issuing this AD to detect and correct this cracking, which could reduce the residual strength of the top skin of the wings, and consequently affect the structural integrity of the airframe.

(f) Compliance

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

(g) Retained Repetitive Inspections and Corrective Actions With Revised Service information

This paragraph restates the requirements of paragraph (a) of AD 97–20–07, Amendment 39–10145 (62 FR 50251, September 25, 1997), with revised service information. For airplanes on which Airbus Modification 10089 has not been installed: Prior to the accumulation of 18,000 total landings, or within 1,500 landings after October 30, 1997 (the effective date of AD 97–20–07), whichever occurs later, conduct either a detailed visual inspection or a high frequency eddy current (HFEC) inspection to detect fatigue cracking in the left and right wings in the area where the top skin attaches to the center spar between ribs 1 and 7, in accordance with Airbus Service Bulletin A300–57–6044, Revision 02, dated September 6, 1995, including Appendix 1; or Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. As of the effective date of this AD, use only Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. Accomplishment of the inspection required by paragraph (i) of this AD terminates the inspection requirements of this paragraph.

(1) If no cracking is detected, conduct repetitive inspections thereafter at the following intervals:

(i) If the immediately preceding inspection was conducted using detailed visual techniques, conduct the next inspection within 5,000 landings.

(ii) If the immediately preceding inspection was conducted using HFEC techniques, conduct the next inspection within 9,500 landings.

(2) If any cracking is detected or suspected during any detailed visual inspection required by paragraph (g), (g)(1), or (g)(3)(i) of this AD, prior to further flight, confirm this finding and the length of this cracking by conducting an HFEC inspection, in accordance with Airbus Service Bulletin A300–57–6044, Revision 02, dated September 6, 1995, including Appendix 01; or Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. As of the effective date of this AD, use only Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. If no cracking is confirmed during the HFEC inspection, accomplish the repetitive inspection required by paragraph (g)(1)(ii) of this AD at the time specified in that paragraph.

(3) If any cracking is detected or confirmed during any HFEC inspection required by paragraph (g), (g)(1), or (g)(2) of this AD:

(i) If the cracking is 75 millimeters (mm) or less per rib bay, prior to further flight, repair in accordance with Airbus Service Bulletin A300–57–6044, Revision 02, dated September 6, 1995, including Appendix 01; or Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. As of the effective date of this AD, use only Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. Thereafter, conduct repetitive detailed visual inspections of the repaired area at intervals not to exceed 50 landings, in accordance with Airbus Service Bulletin A300–57–6044, Revision 02, dated September 6, 1995, including Appendix 01; or Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. As of the effective date of this AD, use only Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011.

(ii) If the cracking exceeds 75 mm per rib bay, prior to further flight, install Airbus Modification 10089, in accordance with Airbus Service Bulletin A300–57–6044, Revision 02, dated September 6, 1995, including Appendix 01; or Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. As of the effective date of this AD, use only Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. Thereafter, conduct a low frequency eddy current inspection in accordance with the requirements of paragraph (h) of this AD.

Note 1 to paragraph (g) of this AD: Airbus Service Bulletin A300–57–6044, Revision 02, dated September 6, 1995, including Appendix 01 references Airbus Service Bulletin A300–57–6041, Revision 04, dated November 16, 1995, as an additional source of guidance for installing Airbus Modification 10089.

(h) Retained Repetitive Inspections and Corrective Actions for Certain Airplanes with Revised Service Information and Repair Instructions

This paragraph restates the requirements of paragraph (b) of AD 97–20–07, Amendment 39–10145 (62 FR 50251, September 25, 1997), with revised service information and repair instructions. For airplanes on which Airbus Modification 10089 has been installed: Prior to the accumulation of 22,000 total landings after this modification has been installed, or within 1,500 landings after October 30, 1997 (the effective date of AD 97–20–07), whichever occurs later, conduct a low frequency eddy current (LFEC) inspection to detect fatigue cracking in the inboard and rear edges of the top skin reinforcing plates, in accordance with Airbus Service Bulletin A300–57–6044, Revision 02, dated September 6, 1995, including Appendix 01; or Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. As of the effective date of this AD, use only Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. Accomplishment of the inspection required by paragraph (k) of this AD terminates the inspection requirements of this paragraph.

(1) If no cracking is detected, repeat this inspection thereafter at intervals not to exceed 11,000 landings.

(2) If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. As of the effective date of this AD, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). Thereafter, repeat this inspection at intervals not to exceed 11,000 landings.

(i) New Requirement of This AD: Initial Inspections

For airplanes on which Airbus Modification 10089 has not been installed: At the applicable time specified in paragraphs (i)(1) and (i)(2) of this AD, do either a detailed visual inspection or an HFEC inspection to detect fatigue cracking in the left and right wings in the area where the top skin attaches to the center spar between ribs 1 and 7, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. Accomplishment of the inspection required by this paragraph terminates the inspection requirements of paragraph (g) of this AD.

(1) For airplanes whose flight time average is equal to or more than 1.5 hours, at the later of the times specified in paragraphs (i)(1)(i) and (i)(1)(ii) of this AD.

(i) Before the accumulation of 14,000 total flight cycles or 30,300 total flight hours, whichever occurs first.

(ii) Within 1,500 flight cycles or 3,200 flight hours after the effective date of this AD, whichever occurs first.

(2) For airplanes whose flight time average is less than 1.5 hours, at the later of the times specified in paragraphs (i)(2)(i) and (i)(2)(ii) of this AD.

(i) Before the accumulation of 15,100 total flight cycles or 22,700 total flight hours, whichever occurs first.

(ii) Within 1,600 flight cycles or 2,500 flight hours after the effective date of this AD, whichever occurs first.

(j) New Requirement of This AD: Repetitive Inspections

Repeat the inspections specified in paragraph (i) of this AD thereafter at the applicable interval specified in paragraphs (j)(1) and (j)(2) of this AD.

(1) For airplanes whose flight time average is equal to or more than 1.5 hours, at the applicable interval specified in paragraphs (j)(1)(i) and (j)(1)(ii) of this AD.

(i) For a detailed inspection, at intervals not to exceed 3,900 flight cycles or 8,400 flight hours, whichever occurs first.

(ii) For an HFEC inspection, at intervals not to exceed 7,400 flight cycles or 16,000 flight hours, whichever occurs first.

(2) For airplanes whose flight time average is less than 1.5 hours at the applicable interval specified in paragraphs (j)(2)(i) and (j)(2)(ii) of this AD.

(i) For a detailed inspection, at intervals not to exceed 4,200 flight cycles or 6,300 flight hours, whichever occurs first.

(ii) For an HFEC inspection, at intervals not to exceed 8,000 flight cycles or 11,900 flight hours, whichever occurs first.

(k) New Requirement of This AD: Initial Inspection for Certain Airplanes

For airplanes on which Airbus Modification 10089 has been installed: At the applicable time specified in paragraphs (k)(1) and (k)(2) of this AD, do an LFEC inspection to detect fatigue cracking in the inboard and rear edges of the top skin reinforcing plates, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. Accomplishment of the inspection required by this paragraph terminates the inspection requirements of paragraph (h) of this AD.

(1) For airplanes whose flight time average is equal to or more than 1.5 hours, at the later of the times specified in paragraphs (k)(1)(i) and (k)(1)(ii) of this AD.

(i) Before the accumulation of 17,000 total flight cycles or 37,100 total flight hours, whichever occurs first.

(ii) Within 1,500 flight cycles or 3,200 flight hours after the effective date of this AD, whichever occurs first.

(2) For airplanes whose flight time average is less than 1.5 hours, at the later of the times specified in paragraphs (k)(2)(i) and (k)(2)(ii) of this AD.

(i) Before the accumulation of 18,500 total flight cycles or 27,800 total flight hours, whichever occurs first.

(ii) Within 1,600 flight cycles or 2,500 flight hours after the effective date of this AD, whichever occurs first.

(l) New Requirement of This AD: Repetitive Inspections for Certain Airplanes

Repeat the inspection specified in paragraph (k) of this AD thereafter at the applicable interval specified in paragraphs (l)(1) and (l)(2) of this AD.

(1) For airplanes whose flight time average is equal to or more than 1.5 hours, at intervals not to exceed 8,500 flight cycles or 18,500 flight hours, whichever occurs first.

(2) For airplanes whose flight time average is less than 1.5 hours, at intervals not to exceed 9,200 flight cycles or 13,700 flight hours, whichever occurs first.

(m) New Requirement of This AD: Corrective Actions

(1) If any cracking is detected or suspected during any detailed visual inspection required by paragraph (i) or (j) of this AD: Before further flight, confirm this finding and the length of this cracking by conducting an HFEC inspection, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011, except as specified in paragraph (o) of this AD. If no cracking is confirmed during the HFEC inspection, accomplish the applicable repetitive inspections required by paragraphs (j) and (l) of this AD at the applicable time specified in those paragraphs.

(2) If any cracking is found during any HFEC inspection required by paragraph (i), (j), (k) or (l) of this AD: Before further flight, do the applicable actions specified in paragraphs (m)(2)(i) and (m)(2)(ii) of this AD.

(i) If the cracking is 75 mm or less per each rib bay: Before further flight, repair the cracking, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011, except as specified in paragraph (o) of this AD. Do repetitive detailed visual inspections of the repaired area thereafter at intervals not to exceed 50 flight cycles or 110 flight hours, whichever occurs first, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. Within 250 flight cycles or 550 flight hours, whichever occurs first after doing the temporary repair, do a permanent repair of the repaired area, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011.

(ii) If the cracking exceeds 75 mm per any rib bay: Before further flight, install Airbus Modification 10089, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011. Do an LFEC inspection thereafter at the intervals specified in paragraph (l) of this AD.

(3) If any cracking is found during any inspection required by this AD at fastener holes 1A, 1, or 2: Before further flight, repair the cracking, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011.

(n) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (i) through (l) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–57–6044, Revision 03, dated April 7, 1999, including Appendix 01, which is not incorporated by reference in this AD.

(o) Exception to Service Information Specification

Although Airbus Service Bulletin A300–57–6044, Revision 04, including Appendix 01, dated August 19, 2011, specifies to submit information to Airbus, this AD does not require that submission.

(p) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0221, dated September 19, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1426.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 19, 2015.

Dionne Palmero,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–13335 Filed 6–4–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1423; Directorate Identifier 2014–NM–173–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 757–200 Series Airplanes Modified by Supplemental Type Certificate (STC) ST01529SE or STC ST02278SE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 757–200 series airplanes modified by particular STCs. This proposed AD was prompted by reports of a main cargo door being blown past its full open position while on the ground during gusty wind conditions, which resulted in uncontrolled fall down to its closed position. This proposed AD would require installing a new placard and bracket, replacement of an existing placard, and replacement of the main cargo door control panel. We are proposing this AD to prevent damage to the main cargo door, which could result in rapid decompression, leading to in-flight breakup.

DATES: We must receive comments on this proposed AD by July 20, 2015.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Precision

Conversions LLC, 4900 SW Griffith Drive, Suite 133, Beaverton, OR 97005; ATTN: Steven A. Lopez; phone: 503–601–3001; email: *Steven.Lopez@precisionaircraft.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1423; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Narinder Luthra, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6513; fax: 425–917–6590; email: *Narinder.Luthra@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–1423; Directorate Identifier 2014–NM–173–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We received reports of a main cargo door being blown past its full open position during gusty wind conditions, resulting in a subsequent uncontrolled fall down to its closed position. It was determined that the Precision Conversions freighter conversion installs a main cargo door that, in certain wind conditions, can rotate open past the full-open position. This can result in damage to the door and surrounding structure, which can go unnoticed by the crew. If a damaged airplane takes off and is pressurized per normal procedures the cargo door could fail. This condition, if not corrected, could result in rapid decompression, leading to in-flight breakup.

Related Service Information Under 1 CFR Part 51

We reviewed Precision Conversions LLC Service Bulletin PC–757–11–0023, dated August 1, 2014. The service information describes procedures for installing a new placard and bracket, replacement of an existing placard, and replacement of the main cargo door control panel. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 9 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation	6 work-hours × $85 per hour = $510	$0	$510	$4,590

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2015–1423; Directorate Identifier 2014–NM–173–AD.

(a) Comments Due Date

We must receive comments by July 20, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 757–200 series airplanes modified by the applicable supplemental type certificate identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) ST01529SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/0AF09C3701A237EE86257A5D0064B3AA?OpenDocument&Highlight=st01529se*).

(2) ST02278SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/E54B5289A2E9F6EF86257B7F0056EDAF?OpenDocument&Highlight=st02278se*).

(d) Subject

Air Transport Association (ATA) of America Code 11, Placards and Markings.

(e) Unsafe Condition

This AD was prompted by reports of a main cargo door being blown past its full open position while on the ground during gusty wind conditions, which resulted in uncontrolled fall down to its closed position. We are issuing this AD to prevent damage to the main cargo door, which could result in rapid decompression, leading to in-flight breakup.

(f) Compliance

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

(g) Installation

Within 90 days after the effective date of this AD, install a new placard and bracket, replace the existing placard, and replace the main cargo door control panel, in accordance with the Accomplishment Instructions of Precision Conversions LLC Service Bulletin PC–757–11–0023, dated August 1, 2014.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (i)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Related Information

(1) For more information about this AD, contact Narinder Luthra, Aerospace Engineer, Airframe Branch, ANM 120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6513; fax: 425–917–6590; email: *Narinder.Luthra@faa.gov.*

(2) For service information identified in this AD, contact Precision Conversions LLC, 4900 SW Griffith Drive, Suite 133, Beaverton, OR 97005; ATTN: Steven A. Lopez; phone: 503–601–3001; email: *Steven.Lopez@precisionaircraft.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 18, 2015.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–13358 Filed 6–4–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1422; Directorate Identifier 2014–NM–125–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 98–18–26, for certain Airbus Model A320 series airplanes. AD 98–18–26 currently requires repetitive inspections to detect fatigue cracking of the front spar vertical stringers on the wings; and repair, if necessary. Since we issued AD 98–18–26, we have received reports that indicate new repetitive inspections having new thresholds and intervals are needed and that additional work is needed to accomplish the inspections on airplanes on which a previous modification has been accomplished. This proposed AD would require repetitive high frequency eddy current (HFEC) inspections for cracking of the radius of the front spar vertical stringers and the horizontal floor beam on frame 36, and a rototest inspection for cracking of the fastener holes of the front spar vertical stringers on frame 36, and repair if necessary. We are proposing this AD to detect and correct fatigue cracking of the front spar vertical stringers on the wings, which could result in the reduced structural integrity of the airframe.

DATES: We must receive comments on this proposed AD by July 20, 2015.

ADDRESSES: You may send comments by any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Fax: 202–493–2251.
- Mail: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- Hand Delivery: U.S. Department of Transportation, Docket Operations, M–30, 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.

For service information identified in this proposed AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1422; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday,

except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–1422; Directorate Identifier 2014–NM–125–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On August 28, 1998, we issued AD 98–18–26, Amendment 39–10742 (63 FR 47423, September 8, 1998). AD 98–18–26 requires repetitive inspections to detect fatigue cracking of the front spar vertical stringers on the wings, which could result in the reduced structural integrity of the airframe on certain Airbus Model A320 series airplanes. AD 98–18–26 contains a modification that provides a terminating action for the repetitive inspection requirements.

Since we issued AD 98–18–26, Amendment 39–10742 (63 FR 47423, September 8, 1998), we have received reports that indicate new repetitive inspections having new thresholds and intervals are needed and that additional work is needed to accomplish the inspections on airplanes where shims were installed under the heads of 2 fasteners at the top end of the front spar vertical stringers using Airbus Service Bulletin A320–57–1017, dated September 3, 1991; or Airbus Service Bulletin A320–57–1017, Revision 01, dated March 17, 1997, or on which modification 21290P1546 was accomplished during production.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0069, dated March 19, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on certain Airbus Model A320–211, –212, and –231 airplanes. The MCAI states:

> During center fuselage certification full scale fatigue test, cracks were found on the front vertical stringer at frame 36. Analysis of these findings indicated that a number of in-service aeroplanes could be similarly affected.
>
> This condition, if not detected and corrected, could lead to crack propagation and consequent deterioration of the structural integrity of the aeroplane.
>
> To address this potential unsafe condition, [Directorate General for Civil Aviation] DGAC France AD 97–311–105 [which corresponds to FAA AD 98–18–26, Amendment 39–10742 (63 FR 47423, September 8, 1998)] was issued to require repetitive [HFEC] inspections [for cracking] in accordance with the instruction of Airbus Service Bulletin (SB) A320–57–1016. At the same time, the modification provided by Airbus SB A320–57–1017 was considered to be terminating action for the repetitive inspections required by DGAC France AD 97–311–105.
>
> Since that [DGAC] AD was issued, and following new analysis, modification per Airbus SB A320–57–1017 is no longer considered to be terminating action for the repetitive inspections as required by DGAC France AD 97–311–105.
>
> Aeroplanes with [manufacturer serial number] MSN 0080 up to 0155 inclusive have been delivered with the addition of a 5 [millimeter] mm thick light alloy shim under the heads of 2 fasteners at the top end of the front spar vertical stringers (Airbus modification 21290P1546, which is the production line equivalent to in-service modification through Airbus SB A320–57–1017). From MSN 0156 and higher, all aeroplanes are delivered with vertical stiffeners of the forward wing spar upper end with stiffener cap thickness increased from 4 to 6 mm (Airbus modification 21290P1547).
>
> Prompted by these findings, Airbus issued SB A320–57–1178 to introduce new repetitive inspections with new thresholds and intervals.
>
> For the reasons described above, DGAC France AD 97–311–105 is superseded and this [EASA] AD requires the repetitive inspections at new thresholds and intervals.
>
> After EASA issued [proposed airworthiness directive] PAD 14–021, it was discovered that additional work [HFEC inspections for cracking of the radius of spar vertical stringers and horizontal beam in the center fuselage of frame 36, and a rototest inspection for cracking of the fastener holes of the spar vertical stringers radius on Frame 36 and repair if necessary], to be included in Revision 01 of Airbus SB A320–57–1178, is required to accomplish the inspections. This Final [EASA] AD has been amended accordingly.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1422.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–57–1178, Revision 01, including Appendix 01, dated May 28, 2014. The service information describes procedures for inspecting the radius of the front spar vertical stringers and the horizontal floor beam on frame 36 for cracking. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

Although EASA AD 2014–0069, dated March 19, 2014, specifies to accomplish an HFEC inspection for cracking of the vertical stiffeners radius, this proposed AD would require accomplishing an HFEC inspection for cracking of the radius of the front spar vertical stringers, since Airbus Service Bulletin A320–57–1178, Revision 01, Appendix 01, dated May 28, 2014, specifies the inspection is of the front spar vertical stringers.

Costs of Compliance

We estimate that this proposed AD affects 17 airplanes of U.S. registry.

We also estimate that it would take about 24 work-hours per product to comply with the basic requirements of this proposed AD. The average labor

rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $34,680, or $2,040 per product.

In addition, we estimate that any necessary follow-on actions would take about 49 work-hours and require parts costing $1,210, for a cost of $5,375 per product. We have no way of determining the number of aircraft that might need this action.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 98–18–26, Amendment 39–10742 (63 FR 47423, September 8, 1998), and adding the following new AD:

Airbus: Docket No. FAA–2015–1422; Directorate Identifier 2014–NM–125–AD.

(a) Comments Due Date

We must receive comments by July 20, 2015.

(b) Affected ADs

This AD replaces AD 98–18–26, Amendment 39–10742 (63 FR 47423, September 8, 1998).

(c) Applicability

This AD applies to Airbus Model A320–211, –212, and –231 airplanes, certificated in any category, manufacturer serial numbers 0001 through 0155 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by cracks found on the front vertical stringer at frame 36. This AD was also prompted by reports that indicate new repetitive inspections having new thresholds and intervals are needed and that additional work is needed to accomplish the inspections on airplanes on which a previous modification has been accomplished. We are issuing this AD to detect and correct fatigue cracking of the front spar vertical stringers on the wings, which could result in the reduced structural integrity of the airframe.

(f) Compliance

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

(g) Inspections

Within the applicable compliance times specified in paragraphs (h)(1) through (h)(4) of this AD, do a high frequency eddy current (HFEC) inspection for cracking of the radius of the front spar vertical stringers and the horizontal floor beam on frame 36, and do a rototest inspection for cracking of the fastener holes of the front spar vertical stringers on frame 36, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1178, Revision 01, including Appendix 01, dated May 28, 2014. Repeat the inspections thereafter at the compliance times specified in paragraphs (g)(1) and (g)(2) of this AD.

(1) For Configuration 1 airplanes identified in paragraph (h)(1) of this AD: At intervals not to exceed 8,800 flight cycles or 17,700 flight hours, whichever occurs first.

(2) For Configuration 2, 3, and 4 airplanes identified in paragraphs (h)(2) through (h)(4) of this AD: At intervals not to exceed 24,900 flight cycles or 49,800 flight hours, whichever occurs first.

(h) Compliance Times for Initial Inspections Required by Paragraph (g) of This AD

Do the initial inspections required by paragraph (g) of this AD within the applicable compliance times specified in paragraphs (h)(1) through (h)(4) of this AD.

(1) For Configuration 1 airplanes, having manufacturer serial number (MSN) 0001 though MSN 0079 inclusive, on which the modification specified by Airbus Service Bulletin A320–57–1017, dated September 3, 1991; or Airbus Service Bulletin A320–57–1017, Revision 01, dated March 17, 1997, has not been accomplished: At the later of the times specified by paragraphs (h)(1)(i) through (h)(1)(iii) of this AD:

(i) The later of the times specified by paragraphs (h)(1)(i)(A) and (h)(1)(i)(B) of this AD:

(A) Within 24,000 flight cycles or 48,000 flight hours, whichever occurs first since airplane first flight.

(B) Within 60 days after the effective date of this AD.

(ii) Within 8,800 flight cycles or 17,700 flight hours, whichever occurs first, since the last inspection specified in Airbus Service Bulletin A320–57–1016 was accomplished.

(iii) Within 850 flight cycles or 1,700 flight hours, whichever occurs first, after the effective date of this AD, without exceeding 14,000 flight cycles after the last inspection specified in Airbus Service Bulletin A320–57–1016 was accomplished.

(2) For Configuration 2 airplanes, having MSN 0001 to 0079 inclusive, on which the actions specified by Airbus Service Bulletin A320–57–1016, have not been done prior to accomplishing the actions specified by Airbus Service Bulletin A320–57–1017, dated September 3, 1991; or Airbus Service Bulletin A320–57–1017, Revision 01, dated March 17, 1997: At the later of the times specified by paragraphs (h)(2)(i) and (h)(2)(ii) of this AD:

(i) Within 8,800 flight cycles or 17,700 flight hours, whichever occurs first, since the modification specified in Airbus Service Bulletin A320–57–1017, dated September 3, 1991; or Airbus Service Bulletin A320–57–1017, Revision 01, dated December 6, 1995, was accomplished.

(ii) Within 850 flight cycles or 1,700 flight hours, whichever occurs first, after the effective date of this AD.

(3) For Configuration 3 airplanes, having MSN 0001 to 0079 inclusive, on which the actions specified by Airbus Service Bulletin A320–57–1016, have been done prior to accomplishing the actions specified by Airbus Service Bulletin A320–57–1017, dated September 3, 1991; or Airbus Service Bulletin A320–57–1017, Revision 01, dated

March 17, 1997: At the later of the times specified by paragraphs (h)(3)(i) and (h)(3)(ii) of this AD:

(i) Within 24,900 flight cycles or 49,800 flight hours, whichever occurs first, since the modification specified in Airbus Service Bulletin A320–57–1017, dated September 3, 1991; or Airbus Service Bulletin A320–57–1017, Revision 01, dated March 17, 1997, was accomplished.

(ii) Within 850 flight cycles or 1,700 flight hours, whichever occurs first, after the effective date of this AD.

(4) For Configuration 4 airplanes, having MSN 0080 to 0155 inclusive:

At the later of the times specified in paragraphs (h)(4)(i) or (h)(4)(ii) of this AD:

(i) Before exceeding 54,300 flight cycles or 108,600 flight hours, whichever occurs first since airplane first flight.

(ii) Within 60 days after the effective date of this AD.

(i) Repair

If any crack is detected during any inspection required by paragraph (g) of this AD: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0069, dated March 19, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1422.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 18, 2015.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–13342 Filed 6–4–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1421; Directorate Identifier 2014–NM–177–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 767–300 and –300F series airplanes. This proposed AD was prompted by reports of fatigue cracking on airplanes with Aviation Partners Boeing winglets installed. This proposed AD would require a high frequency eddy current (HFEC) inspection for cracking of the lower outboard wing skin, and repair or modification if necessary. This proposed AD would also require one of three follow-on actions: Repeating the HFEC inspections; modifying certain internal stringers and oversizing and plugging the existing fastener holes of the lower wing; or modifying the external doubler/tripler and doing repetitive post-modification inspections. We are proposing this AD to prevent fatigue cracking in the lower outboard wing skin, which could result in failure and subsequent separation of the wing and winglet and consequent reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by July 20, 2015.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Aviation Partners Boeing, 2811 S. 102nd Street, Suite 200, Seattle, WA 98168; telephone 206–762–1171; Internet *https://www.aviationpartnersboeing.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1421; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Allen Rauschendorfer, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6487; fax: 425–917–6590; email: *Allen.Rauschendorfer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–1421; Directorate Identifier 2014–NM–177–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the

closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We have received reports of fatigue cracking in the lower outboard wing skin at the inboard fastener of stringer L–9.5 on Model 767–300 airplanes with Aviation Partners Boeing winglets installed. The cracks were found at the fastener holes common to the inboard end of the outboard stringer L–9.5 on the left- and right-hand wings. Investigation revealed that these were fatigue cracks related to Aviation Partners Boeing STC ST01920SE winglet retrofit kit installations. If not corrected, these cracks could extend to adjacent structure and could lead to reduced load carrying capability in the lower skin. Later investigation revealed more cracking along the lower wing skin as a result of fatigue due to higher-than-predicted fastener loads and skin stress peaking at the inboard end of stringer L–9.5. These conditions, if not corrected, could result in failure and subsequent separation of the wing and winglet, and consequent reduced controllability of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014. The service information describes procedures for inspecting for cracking of the external surface of the lower outboard wing skin, and repair or modification if necessary. The service information also includes certain follow-on actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Difference Between this Proposed Rule and the Service Information.''

Difference Between Proposed Rule and Service Information

Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD affects 140 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS—REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	3 work-hours × $85 per hour = $255	$0	$255	$35,700

ESTIMATED COSTS—OPTIONAL ACTIONS

Action	Labor cost	Parts cost	Cost per product
Repetitive inspections	3 work-hours × $85 per hour = $255 per inspection cycle	$0	$255
Repair/Modification	262 work-hours × $85 per hour = $22,270	0	22,270
Terminating Modification	262 work-hours × $85 per hour = $22,270	0	22,270

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2015–1421; Directorate Identifier 2014–NM–177–AD.

(a) Comments Due Date

We must receive comments by July 20, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 767–300 and –300F series airplanes, certificated in any category, with Aviation Partners Boeing winglets installed; as identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of fatigue cracking in the lower outboard wing skin at the inboard fastener of stringer L–9.5 on airplanes with winglets installed per Supplemental Type Certificate ST01920SE. We are issuing this AD to prevent fatigue cracking in the lower outboard wing skin, which could result in failure and subsequent separation of the wing and winglet and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Inspection and Repair or Modification and Post-Repair or Modification Inspections

At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014, except as required by paragraph (j) of this AD: Do a high frequency eddy current (HFEC) inspection for cracking of the lower outboard wing skin, as specified in paragraph (g)(1) or (g)(2) of this AD, as applicable.

(1) For Groups 1 and 2 airplanes: Do an internal HFEC inspection at the inboard fasteners of stringer L–9.5, in accordance with PART 1 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014; and do the applicable actions required by paragraph (g)(1)(i) or (g)(1)(ii) of this AD.

(i) If any cracking is found, before further flight, do the repair or modification specified in paragraph (h) of this AD.

(ii) If no cracking is found, do the applicable actions specified in paragraph (g)(1)(ii)(A), (g)(1)(ii)(B), or (g)(1)(ii)(C) of this AD at the time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014.

(A) Repeat the HFEC inspection.

(B) Do a preventive modification of the external doubler/tripler filler and stringer L–6.5, in accordance with PART 2 through 6, or PART 8, as applicable, of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014. If PART 8 was done, do repetitive HFEC inspections for cracking of the lower outboard wing skin common to the external doubler/tripler repair, in accordance with PART 9 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014, except as required by paragraph (j)(2) of this AD. If any cracking is found: Before further flight, do a repair or modification using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(C) Do a repair or modification in accordance with PART 8, and do repetitive HFEC inspections for cracking of the lower outboard wing skin common to the external doubler/tripler repair, in accordance with PART 9 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014, except as required by paragraph (j)(2) of this AD. If any cracking is found: Before further flight, do a repair or modification using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(2) For Group 3 airplanes: Do an internal HFEC inspection at the inboard fasteners of stringer L–9.5, in accordance with PART 7a of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014. Do an external HFEC inspection at the inboard fasteners of stringer L–6.5 in accordance with PART 7b of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014; and do the applicable actions required by paragraph (g)(2)(i) or (g)(2)(ii) of this AD, at the time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014.

(i) If any cracking is found: Before further flight, do a repair or modification using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(ii) If no cracking is found: Repeat the HFEC inspections at the time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014.

(h) Terminating Modification and Repair and Post-Repair or Modification Inspections

Modification of the external doubler/tripler filler and stringer L–6.5, in accordance with PART 2 through PART 6, or repair or modification in accordance with PART 8, of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014, except as required by paragraph (j)(2) of this AD, terminates the repetitive inspections specified in paragraph (g)(1)(ii)(A) of this AD, provided the conditions specified in paragraphs (h)(1) and (h)(2) of this AD are met. If any cracking is found: Before further flight, do a repair or modification using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(1) The repair or modification must be done within the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014, except as required by paragraph (j) of this AD.

(2) Repetitive post-repair or modification inspections for cracking of the lower outboard wing skin common to the external doubler/tripler repair must be done in accordance with PART 9 of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014, within the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014, except as required by paragraph (j)(2) of this AD. If any cracking is found: Before further flight, do a repair or modification using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(i) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraph (i)(1), (i)(2), or (i)(3) of this AD; which is not incorporated by reference in this AD.

(1) Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 2, dated January 23, 2014.

(2) Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 4, dated April 22, 2014.

(3) Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 6, dated August 15, 2014.

(j) Exceptions to Service Information Specifications

(1) Where paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November

4, 2014, specifies a compliance time ''after the initial issue date on this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 7, dated November 4, 2014, specifies to contact Boeing for repair instructions: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

(l) Related Information

(1) For more information about this AD, contact Allen Rauschendorfer, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6487; fax: 425–917–6590; email: *Allen.Rauschendorfer@faa.gov.*

(2) For service information identified in this AD, contact Aviation Partners Boeing, 2811 S. 102nd Street, Suite 200, Seattle, WA 98168; telephone 206–762–1171; Internet *https://www.aviationpartnersboeing.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 13, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–13328 Filed 6–4–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1419; Directorate Identifier 2014–NM–183–AD]

RIN 2120–AA64

Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Model 188 series airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating the left and right lower surface panels of the wings are subject to widespread fatigue damage (WFD). This proposed AD would require repetitive inspections for cracking at these panels, and repair if necessary. The proposed AD would also require a one-time bolt-hole eddy current inspection of all open holes for cracking, repair if necessary, and modification. We are proposing this AD to prevent fatigue cracking of the left and right lower surface panels of the wings, which could result in reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by July 20, 2015.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Lockheed Martin Corporation/Lockheed Martin Aeronautics Company, Airworthiness Office, Dept. 6A0M, Zone 0252, Column P–58, 86 S. Cobb Drive, Marietta, GA 30063; telephone 770–494–5444; fax 770–494–5445; email *ams.portal@lmco.com;* Internet *http://www.lockheedmartin.com/ams/tools/TechPubs.html*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1419; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Carl Gray, Aerospace Engineer, Airframe Branch, ACE–117A, FAA, Atlanta Aircraft Certification Office (ACO), 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5554; fax: 404–474–5605; email: *carl.w.gray@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–1419; Directorate Identifier 2014–NM–183–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits,

dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally. Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site-damage and multiple-element-damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as WFD. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

This proposed AD was prompted by an evaluation by the DAH indicating that the left and right lower surface panels of the wings are subject to WFD. The root cause of WFD is fatigue cracks manifesting and growing simultaneously at similar structural details and stress levels on the outer wings. Fatigue cracking is increasingly likely as the airplane is being operated and is aging; without intervention, fatigue cracking of the left and right lower surface panels of the wings on the inboard and outboard sides of the buttock line (BL) 65 splice joint could result in reduced structural integrity of the airplane.

Related Service Information Under 1 CFR part 51

We reviewed Lockheed Martin Electra Service Bulletin 88/SB–707C, Revision C, dated April 30, 2014. The service information describes procedures for repetitive inspections for cracking of the left and right lower surface panels of the wings on the inboard and outboard sides of the BL 65 splice joint, and repair if necessary. This service information also describes procedures for a one-time bolt-hole eddy current inspection of all open holes for cracking, repair if necessary, and modification of the BL 65 wing root joint. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

Related ADs

This proposed AD is related to AD 81–03–53, Amendment 39–4243 (Docket No. 81–NW–7–AD) (46 FR 52090, October 26, 1981); and AD 81–03–53R1, Amendment 39–4301 (Docket No. 81–NW–97–AD) (47 FR 3347, January 25, 1982); for all Lockheed Model L–188 series airplanes. AD 81–03–53R1 requires inspecting for fuel leakage and fatigue cracks, and replacement, as necessary, of defective parts on the wing lower BL 65 splice joints.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type designs.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously.

Explanation of Compliance Time

The compliance time for the modification specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is replaced before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Costs of Compliance

We estimate that this proposed AD affects 4 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
X-ray or ultrasonic inspections.	Up to 40 work-hours × $85 per hour = up to $3,400	$0	Up to $3,400	Up to $13,600.
Bolt hole inspections	60 work-hours × $85 per hour = $5,100	0	$5,100	$20,400.
Modification	400 work-hours × $85 per hour = $ 34,000	5,000	$39,000	$156,000.

We estimate the following costs to do any necessary repairs that would be required based on the results of the proposed inspections. We have no way of determining the number of aircraft that might need these repairs.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	500 work-hours × $85 per hour = $42,500	$0	$42,500

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

(4) Will have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Lockheed Martin Corporation/Lockheed Martin Aeronautics Company: Docket No. FAA–2015–1419; Directorate Identifier 2014–NM–183–AD.

(a) Comments Due Date

We must receive comments by July 20, 2015.

(b) Affected ADs

This AD affects AD 81–03–53, Amendment 39–4243 (Docket No. 81–NW–7–AD) (46 FR 52090, October 26, 1981); and AD 81–03–53R1, Amendment 39–4301 (Docket No. 81–NW–97–AD) (47 FR 3347, January 25, 1982).

(c) Applicability

This AD applies to Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Model 188A and 188C airplanes, certificated in any category, serial numbers 1001 and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder indicating the left and right lower surface panels of the wings are subject to widespread fatigue damage. We are issuing this AD to prevent fatigue cracking of the left and right lower surface panels of the wings on the inboard and outboard sides of the buttock line (BL) 65 splice joint, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Inspections and Repair

At the later of the times specified in paragraphs (g)(1) and (g)(2) of this AD: Inspect for cracking of the inboard and outboard sides of the lower splice joint at BL 65, using X-ray, ultrasonic, and bolt-hole eddy current inspection techniques, as applicable, and repair any cracking found, in accordance with the Accomplishment Instructions of Lockheed Martin Electra Service Bulletin 88/SB–707C, Revision C, dated April 30, 2014. All applicable repairs must be done before further flight. Repeat the inspections at intervals not to exceed 2,000 flight hours, until the modification required by paragraph (h) of this AD has been done. Accomplishing the inspections required by this paragraph terminates the inspections required by paragraphs A. and B. of AD 81–03–53, Amendment 39–4243 (Docket No. 81–NW–7–AD) (46 FR 52090, October 26, 1981); and AD 81–03–53R1, Amendment 39–4301 (Docket No. 81–NW–97–AD) (47 FR 3347–01, January 25, 1982).

(1) Before the accumulation of 19,000 total flight hours.

(2) Within 600 flight hours or 365 days after the effective date of this AD, whichever occurs first.

(h) Modification

At the later of the times specified in paragraphs (h)(1) and (h)(2) of this AD: Do a bolt-hole eddy current inspection of all open holes for cracking, repair any cracking found before further flight, and modify the BL 65 wing root lower joint, in accordance with the Accomplishment Instructions of Lockheed Martin Electra Service Bulletin 88/SB–707C, Revision C, dated April 30, 2014. Accomplishing this modification terminates the inspections required by paragraph (g) of this AD.

(1) Before the accumulation of 29,000 total flight hours.

(2) Within 600 flight hours or 365 days after the effective date of this AD, whichever occurs first.

(i) No Reporting Required

Although Lockheed Martin Electra Service Bulletin 88/SB–707C, Revision C, dated April 30, 2014, specifies to submit a report of crack findings, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (k)(1) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Related Information

(1) For more information about this AD, contact Carl Gray, Aerospace Engineer, Airframe Branch, ACE–117A, FAA, Atlanta ACO, 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5554; fax: 404–474–5605; email: *carl.w.gray@faa.gov*.

(2) For service information identified in this AD, contact Lockheed Martin Corporation/Lockheed Martin Aeronautics Company, Airworthiness Office, Dept. 6A0M, Zone 0252, Column P–58, 86 S. Cobb Drive, Marietta, GA 30063; telephone 770–494–5444; fax 770–494–5445; email *ams.portal@lmco.com;* Internet *http://www.lockheedmartin.com/ams/tools/TechPubs.html*. You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 14, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–13339 Filed 6–4–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1935; Directorate Identifier 2014–SW–008–AD]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Agusta S.p.A. (Agusta) Model AB139 and AW139 helicopters. This proposed AD would require visually inspecting certain subfloor frames for a crack. This proposed AD is prompted by reports of cracks on in-service helicopters. The proposed actions are intended to detect or prevent a crack in the subfloor frame, which could result in failure of the pilot and co-pilot pedal support frame and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by August 4, 2015.

ADDRESSES: You may send comments by any of the following methods:

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed AD, contact AgustaWestland, Product Support Engineering, Via del Gregge, 100, 21015 Lonate Pozzolo (VA) Italy, ATTN: Maurizio D'Angelo; telephone 39–0331–664757; fax 39–0331–664680; or at *http://www.agustawestland.com/technical-bulletins*. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *robert.grant@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2014–0048, dated March 4, 2014, to correct an unsafe condition for Agusta Model AB139 and AW139 helicopters with a serial number (S/N) 31005 through 31517 (except S/N 31007, 31415, 31431, 31491, 31500, 31508, and 31516) and S/N 41001 through 41356 (except S/N 41355). EASA advises that cracks have been reported in the subfloor frame at station (STA) 2105 on in-service helicopters. This condition, if not detected and corrected, could lead to failure of the pedals supporting the frame, which in turn could lead to the pedals being inoperative and subsequent loss of control of the helicopter, EASA advises.

The EASA AD requires repetitive inspections of the subfloor frame at STA 2105 for a crack. The EASA AD also requires installation of frame reinforcements before further flight if there is a crack or within 1,200 flight hours if there is no crack. The EASA AD provides that installation of the frame reinforcements constitutes terminating action for the repetitive inspections required by the AD.

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

We reviewed AgustaWestland Bolletino Tecnico No. 139–311, Revision B, dated June 4, 2014 (BT), for certain serial-numbered Agusta Model

AB139 and AW139 helicopters. The BT calls for visual inspections of the subfloor frames within 30 flight hours or two months, whichever occurs first, and thereafter at intervals of 300 flight hours or 6 months, whichever comes first, until frame reinforcements are installed to prevent future failures. The BT also specifies installing the frame reinforcements immediately if a crack is found and within 1,200 flight hours if a crack is not found. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

Proposed AD Requirements

This proposed AD would require:

• Within 30 hours time-in-service (TIS) and thereafter at intervals not to exceed 300 hours TIS, using a light, inspecting all visible surfaces of the subfloor frames at station (STA) 2105 for a crack.

• If there is a crack, before further flight, and if there are no cracks, within 1200 hours TIS, installing frame STA 2105 retromod part number (P/N) 3G5306P47211. This terminates the repetitive inspection requirements of this AD.

Differences Between This Proposed AD and the EASA AD

The EASA AD requires conducting the initial inspection within 30 flight hours or 2 months, whichever occurs first, and thereafter, at intervals not to exceed 300 flight hours or 6 months, whichever occurs first. The proposed AD would require conducting the initial inspection within 30 TIS, and thereafter, at intervals not to exceed 300 hours TIS.

Costs of Compliance

We estimate that this proposed AD would affect 102 U.S.-registered helicopters and that labor costs average $85 a work hour. Based on these estimates, we expect the following costs:

• The visual inspection would require 2 work-hours for a labor cost of $170 per helicopter. No parts would be needed, so the cost would total $170 per helicopter, $17,340 for the U.S. fleet.

• If there are no cracks, installing the frame reinforcements would require 240 work-hours for a labor cost of $20,400 and parts would cost $2,274. The total cost would be $22,674 per helicopter.

• If there is a crack, installing the frame reinforcements would require 240 work-hours for a labor cost of $20,400 and parts would cost $3,401. The total cost would be $23,801 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Agusta S.p.A.: Docket No. FAA–2015–1935; Directorate Identifier 2014–SW–008–AD.

(a) Applicability

This AD applies to Agusta S.p.A. Model AB139 and AW139 helicopters, serial number (S/N) 31005 through 31517 (except S/N 31007, 31415, 31431, 31491, 31500, 31508, and 31516) and S/N 41001 through 41356 (except S/N 41355), certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a subfloor frame. This condition could result in failure of the pilot and co-pilot pedal support frame and subsequent loss of control of the helicopter.

(c) Comments Due Date

We must receive comments by August 4, 2015.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 30 hours time-in-service (TIS) and thereafter at intervals not to exceed 300 hours TIS, using a light, inspect all visible surfaces of the left hand subfloor frame, right hand subfloor frame, and middle subfloor frame at station (STA) 2105 for a crack as shown in Figures 10 through 13 of AgustaWestland Bollettino Tecnico No. 139–311, Revision B, dated June 4, 2014 (BT 139–311).

(2) If there is a crack, before further flight, install frame STA 2105 retromod part number (P/N) 3G5306P47211 by following the Compliance Instructions, Part II, paragraphs 7 through 7.10. of BT 139–311.

(3) If there are no cracks, within 1200 hours TIS, install frame STA 2105 retromod P/N 3G5306P47211 by following the Compliance Instructions, Part II, paragraphs 7 through 7.10. of BT 139–311.

(4) Installing frame STA 2105 retromod P/N 3G5306P47211 terminates the repetitive inspection requirements in paragraph (e)(1) of this AD.

(f) Special Flight Permit

Special Flight Permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management

Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *robert.grant@faa.gov*.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

The subject of this AD is addressed in the European Aviation Safety Agency (EASA) No. 2014–0048, March 4, 2014. You may view the EASA AD on the Internet at *http://www.regulations.gov* in the AD Docket.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 5300, Fuselage Structure (General).

Issued in Fort Worth, Texas, on May 26, 2015.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–13354 Filed 6–4–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–1345; Airspace Docket No. 14–AWP–13]

RIN 2120–AA66

Proposed Establishment of Multiple Air Traffic Service (ATS) Routes; Western United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish 13 high altitude Area Navigation (RNAV) routes (Q-routes), and one low altitude RNAV route (T-route) in the western United States. The routes would promote operational efficiencies for users and provide connectivity to current and proposed RNAV en route and terminal procedures.

DATES: Comments must be received on or before July 20, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (202) 366–9826. You must identify FAA Docket No. FAA–2015–1345 and Airspace Docket No. 14–AWP–13 at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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 would modify the route structure in the western U.S. to preserve the safe and efficient flow of air traffic within the NAS.

Background

The development of new RNAV Standard Instrument Departure (SID) and Standard Terminal Arrival (STAR) routes requires incorporation of these proposed Q and T routes into the NAS Route Structure in order to maximize the benefits of increased safety in high volume en route sectors.

The Los Angeles Air Route Traffic Control Center (ARTCC) currently does not have routes that join the Performance Based Navigation (PBN) arrival and departure procedures. The existing conventional jet route structure does not serve the new SID/STAR designs. Routes made up of ground based navigational aids are not capable of delivering aircraft onto the RNAV based arrival and departure procedures in an efficient manner. Developing these predictable and repeatable flight paths (Q and T routes) through a complex area confined by restricted areas will improve throughput and safety for Los Angeles ARTCC.

This first phase of a two phase project will align a network of Q-Routes with the new SID's and STAR's. The Q-Route structure is projected to optimize descent/climb profiles to/from several airports in southern California and create segregated arrival/departure paths to reduce airspace complexity.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2015–1345 and Airspace Docket No. 14–AWP–13) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2015–1345 and Airspace Docket No. 14–AWP–13.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 1601 Lind Ave SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.9Y, airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the **ADDRESSES** section of this proposed rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish U.S. RNAV routes Q–70, Q–73, Q–74, Q–78, Q–86, Q–88, Q–90, Q–94, Q–96, Q–98, Q–114, Q–168, T–326, and Q–842, which is an extension of a current Canadian RNAV route and therefore retains the Canadian numbering. The proposed routes would connect to new SID and STAR procedures as designed in the Southern California (SoCal) Metroplex. The proposed routes are outlined below.

Q–70: Q–70 is proposed from the HAILO, CA, waypoint (WP) to the SAKES, UT, WP to support departures from Los Angeles basin airports to the northeast.

Q–73: Q–73 would be established from the MOMAR, CA, WP to the CORDU, ID, WP to accommodate arrivals to San Diego airport.

Q–74: Q–74 is proposed from the NATEE, NV, WP to the DEANN, UT, WP and would support arrivals to John Wayne, Long Beach and Ontario airports from the northeast.

Q–78: Q–78 would be established from the MARUE, NV, WP to the TOADD, AZ, WP to support arrivals to John Wayne, Long Beach and Ontario airports from the east and northeast.

Q–86: Q–86 is proposed from the TTRUE, AZ, WP to the PLNDL, AZ, WP for arrivals to San Diego and Ontario airports from the east.

Q–88: Q–88 would be established from the HAKMN, NV, WP to the CHESZ, UT, WP to support Los Angeles airport arrivals from the northeast.

Q–90: Q–90 is proposed from the DNERO, CA, WP to the JASSE, AZ, WP and would be the primary RNAV route to Los Angeles from Denver ARTCC.

Q–94: Q–94 is proposed from the WELUM, NV, WP to the ROOLL, AZ, WP to support Denver ARTCC arrivals to Burbank, Van Nuys, Camarillo, and Oxnard airports.

Q–96: Q–96 would be established from the PURSE, NV, WP to the KIMMR, UT, WP to support arrivals to Burbank, Van Nuys, Camarillo, and Oxnard airports from the Salt Lake ARTCC.

Q–98: Q–98 is proposed from the HAKMN, NV, WP to the PEEWE, AZ, WP to support Denver ARTCC arrivals to Los Angeles and San Diego airports.

Q–114: Q–114 would extend from the NATEE, NV, WP to the BUGGG, UT, WP to support Salt Lake ARTCC arrivals to Long Beach, Ontario, and Orange County airports.

Q–168: Q–168 would extend from the FNNDA, CA, WP to the JASSE, AZ, WP and would be the primary arrival route for Los Angeles airport from the Denver ARTCC.

Q–842: Existing Canadian route Q–842 would extend south into U.S. airspace. The proposed route would begin at the BEALE, NV, WP and extend north to the existing TOVUM, AB, WP in Canada. This would provide routing for departures from Los Angeles, Long Beach, Ontario, and Orange County airports to airports in Calgary and Edmonton, Canada.

T–326: Finally, this rule would establish low altitude RNAV route T–326, from the Mission Bay, CA, VORTAC (MZB) to the Imperial, CA, VORTAC (IPL) to transition from the San Diego area to the east, remaining south of restricted airspace R–2510 and the Kane Military Operations Area (MOA).

High altitude United States RNAV routes are published in paragraph 2006, high altitude Canadian RNAV routes are published in paragraph 2007, and low altitude United States RNAV routes are published in paragraph 6011 of FAA Order 7400.9Y dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The high altitude United States RNAV routes (Q-routes), low altitude United States RNAV routes (T-routes), and high altitude Canadian RNAV routes listed in this document would be subsequently published in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of

Transportation (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 will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues 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.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, is amended as follows:

Paragraph 2006. United States Area Navigation Routes

* * * * *

Q–70 HAILO, CA TO SAKES, UT (NEW)

HAILO, CA	WP	(Lat. 35°38′14.00″ N., long. 115°58′16.00″ W.)
LAS, NV	VOR	(Lat. 36°04′46.93″ N., long. 115°09′35.27″ W.)

IFEYE, NV	WP	(Lat. 36°24′56.04″ N., long. 114°47′49.32″ W.)
BLIPP, NV	WP	(Lat. 36°42′41.31″ N., long. 114°28′26.45″ W.)
EEVUN, UT	WP	(Lat. 37°02′52.90″ N., long. 113°42′42.56″ W.)
BLOBB, UT	WP	(Lat. 37°17′45.63″ N., long. 113°06′52.16″ W.)
BAWER, UT	WP	(Lat. 37°38′06.68″ N., long. 112°16′45.89″ W.)
SAKES, UT	WP	(Lat. 38°50′00.51″ N., long. 110°16′16.52″ W.)

* * * * *

Q–73 MOMAR, CA TO CORDU, ID (NEW)

MOMAR, CA	WP	(Lat. 33°30′54.13″ N., long. 115°56′40.14″ W.)
CABIC, CA	WP	(Lat. 33°46′17.01″ N., long. 115°49′28.71″ W.)
CHADT, CA	WP	(Lat. 33°55′18.49″ N., long. 115°45′03.26″ W.)
LVELL, CA	WP	(Lat. 34°12′37.38″ N., long. 115°36′53.25″ W.)
HAKMN, NV	WP	(Lat. 35°30′28.31″ N., long. 115°04′47.04″ W.)
ZZYZX, NV	WP	(Lat. 35°39′53.52″ N., long. 114°51′54.99″ W.)
LAKRR, AZ	WP	(Lat. 36°05′07.72″ N., long. 114°17′09.16″ W.)
GUNTR, AZ	WP	(Lat. 36°24′39.65″ N., long. 114°02′11.55″ W.)
ZAINY, AZ	WP	(Lat. 36°39′24.73″ N., long. 113°54′03.50″ W.)
EEVUN, UT	WP	(Lat. 37°02′52.90″ N., long. 113°42′42.56″ W.)
WINEN, UT	WP	(Lat. 37°56′00.00″ N., long. 113°30′00.00″ W.)
CRITO, NV	WP	(Lat. 39°18′00.00″ N., long. 114°33′00.00″ W.)
BROPH, ID	WP	(Lat. 42°43′15.71″ N., long. 114°52′31.80″ W.)
DERSO, ID	FIX	(Lat. 43°21′42.63″ N., long. 115°08′01.66″ W.)
SAWTT, ID	WP	(Lat. 44°37′35.52″ N., long. 115°43′55.55″ W.)
HELLS, ID	WP	(Lat. 45°25′07.35″ N., long. 116°07′15.53″ W.)
ZATIP, ID	WP	(Lat. 46°13′17.48″ N., long. 116°31′37.57″ W.)
CORDU, ID	WP	(Lat. 48°10′46.10″ N., long. 116°40′21.84″ W.)

Q–74 NATEE, NV TO DEANN, UT (NEW)

NATEE, NV	WP	(Lat. 35°37′14.00″ N., long. 115°22′26.00″ W.)
BLD, NV	VOR	(Lat. 35°59′44.84″ N., long. 114°51′48.88″ W.)
ZAINY, AZ	WP	(Lat. 36°39′24.73″ N., long. 113°54′03.50″ W.)
FIZZL, AZ	WP	(Lat. 36°56′03.37″ N., long. 113°16′23.91″ W.)
GARDD, UT	WP	(Lat. 37°03′12.91″ N., long. 112°37′54.38″ W.)
DEANN, UT	WP	(Lat. 37°12′34.00″ N., long. 111°42′47.00″ W.)

Q–78 MARUE, NV TO TOADD, AZ (NEW)

MARUE, NV	WP	(Lat. 35°15′23.00″ N., long. 114°52′55.00″ W.)
DUGGN, AZ	WP	(Lat. 35°44′06.83″ N., long. 113°23′24.52″ W.)
TOADD, AZ	WP	(Lat. 36°17′45.60″ N., long. 111°30′37.21″ W.)

* * * * *

Q–86 TTRUE, AZ TO PLNDL, AZ (NEW)

TTRUE, AZ	WP	(Lat. 34°38′01.53″ N., long. 114°23′05.05″ W.)
YORRK, AZ	WP	(Lat. 34°52′03.23″ N., long. 113°55′58.14″ W.)
SCHLS, AZ	WP	(Lat. 35°14′18.55″ N., long. 113°09′42.77″ W.)
CUTRO, AZ	WP	(Lat. 35°36′16.98″ N., long. 112°23′00.00″ W.)
VALEQ, AZ	WP	(Lat. 35°44′01.73″ N., long. 112°06′31.44″ W.)
PLNDL, AZ	WP	(Lat. 35°50′17.43″ N., long. 111°52′40.71″ W.)

Q–88 HAKMN, NV TO CHESZ, UT (NEW)

HAKMN, NV	WP	(Lat. 35°30′28.31″ N., long. 115°04′47.04″ W.)
ZZYZX, NV	WP	(Lat. 35°39′53.52″ N., long. 114°51′54.99″ W.)
LAKRR, NV	WP	(Lat. 36°05′07.72″ N., long. 114°17′09.16″ W.)
NOOTN, AZ	WP	(Lat. 36°37′32.63″ N., long. 113°20′40.25″ W.)
GARDD, UT	WP	(Lat. 37°03′12.91″ N., long. 112°37′54.38″ W.)
VERKN, UT	WP	(Lat. 37°23′00.05″ N., long. 112°04′21.69″ W.)
PROMT, UT	WP	(Lat. 37°30′06.70″ N., long. 111°52′12.94″ W.)
CHESZ, UT	WP	(Lat. 38°16′59.03″ N., long. 110°02′11.31″ W.)

Q–90 DNERO, CA TO JASSE, AZ (NEW)

DNERO, CA	WP	(Lat. 35°02′07.14″ N., long. 114°54′16.39″ W.)
ESGEE, NV	WP	(Lat. 35°08′00.50″ N., long. 114°37′21.64″ W.)
AREAF, AZ	WP	(Lat. 35°36′31.77″ N., long. 113°13′50.46″ W.)
JASSE, AZ	WP	(Lat. 36°04′15.53″ N., long. 111°48′45.81″ W.)

Q–94 WELUM, NV TO ROOLL, AZ (NEW)

WELUM, NV	WP	(Lat. 35°22′56.00″ N., long. 114°55′59.00″ W.)
MNGGO, AZ	WP	(Lat. 35°51′13.55″ N., long. 113°28′23.59″ W.)
ROOLL, AZ	WP	(Lat. 36°27′37.93″ N., long. 111°28′54.98″ W.)

Q–96 PURSE, NV TO KIMMR, UT (NEW)

PURSE, NV	WP	(Lat. 35°34′54.00″ N., long. 115°11′53.00″ W.)
DODDL, NV	WP	(Lat. 35°49′28.80″ N., long. 114°51′51.29″ W.)
BFUNE, AZ	WP	(Lat. 36°06′10.73″ N., long. 114°28′40.09″ W.)
GUNTR, AZ	WP	(Lat. 36°24′39.65″ N., long. 114°02′11.55″ W.)
PIIXR, AZ	WP	(Lat. 36°36′29.27″ N., long. 113°45′02.40″ W.)
FIZZL, AZ	WP	(Lat. 36°56′03.37″ N., long. 113°16′23.91″ W)

BAWER, UT	WP	(Lat. 37°38′06.68″ N., long. 112°16′45.89″ W.)
ROCCY, UT	WP	(Lat. 37°49′41.63″ N., long. 111°59′59.84″ W.)
SARAF, UT	WP	(Lat. 38°36′03.84″ N., long. 110°53′24.20″ W.)
KIMMR, UT	WP	(Lat. 39°13′45.24″ N., long. 109°57′30.10″ W.)

Q–98 HAKMN, NV TO PEEWE, AZ (NEW)

HAKMN, NV	WP	(Lat. 35°30′28.31″ N., long. 115°04′47.04″ W.)
ZZYZX, NV	WP	(Lat. 35°39′53.52″ N., long. 114°51′54.99″ W.)
LAKRR, NV	WP	(Lat. 36°05′07.72″ N., long. 114°17′09.16″ W.)
DUZIT, AZ	WP	(Lat. 36°24′51.20″ N., long. 113°24′51.53″ W.)
EEEZY, AZ	WP	(Lat. 36°44′33.18″ N., long. 112°21′40.77″ W.)
PEEWE, AZ	WP	(Lat. 36°58′08.69″ N., long. 111°36′40.81″ W.)

* * * * *

Q–114 NATEE, NV TO BUGGG, UT (NEW)

NATEE, NV	WP	(Lat. 35°37′14.00″ N., long. 115°22′26.00″ W.)
BLD, NV	VOR	(Lat. 35°59′44.84″ N., long. 114°51′48.88″ W.)
ZAINY, AZ	WP	(Lat. 36°39′24.73″ N., long. 113°54′03.50″ W.)
AHOWW, UT	WP	(Lat. 37°07′14.56″ N., long. 113°11′34.04″ W.)
BAWER, UT	WP	(Lat. 37°38′06.68″ N., long. 112°16′45.89″ W.)
BUGGG, UT	WP	(Lat. 38°39′18.31″ N., long. 109°29′48.01″ W.)

* * * * *

Q–168 FNNDA, CA TO JASSE, AZ (NEW)

FNNDA, CA	WP	(Lat. 34°45′14.96″ N., long. 114°45′18.49″ W.)
SHIVA, AZ	WP	(Lat. 34°58′12.28″ N., long. 114°17′24.65″ W.)
KRINA, AZ	WP	(Lat. 35°28′02.52″ N., long. 113°11′35.60″ W.)
JASSE, AZ	WP	(Lat. 36°04′15.53″ N., long. 111°48′45.81″ W.)

* * * * *

Paragraph 2007. Canadian Area Navigation Routes

Q–842 BEALE, NV TO TOVUM, AB CANADA (NEW)

BEALE, NV	WP	(Lat. 36°10′56.60″ N., long. 114°49′34.81″ W.)
BLIPP, NV	WP	(Lat. 36°42′41.31″ N., long. 114°28′26.45″ W.)
WINEN, UT	WP	(Lat. 37°56′00.00″ N., long. 113°30′00.00″ W.)
TABLL, UT	WP	(Lat. 38°39′56.31″ N., long. 113°10′35.15″ W.)
PICHO, UT	WP	(Lat. 39°58′00.00″ N., long. 112°35′00.00″ W.)
PATIO, UT	WP	(Lat. 41°16′00.00″ N., long. 112°32′00.00″ W.)
PROXI, UT	WP	(Lat. 41°58′20.81″ N., long. 112°31′33.79″ W.)
VAANE, ID	WP	(Lat. 45°18′12.53″ N., long. 112°44′58.36″ W.)
KEETA, MT	WP	(Lat. 47°20′39.01″ N., long. 112°52′51.46″ W.)
TOVUM, AB, Canada	WP	(Lat. 49°14′29.00″ N., long. 112°48′53.00″ W.)

Excluding the airspace within Canada.

* * * * *

Paragraph 6011. United States Area Navigation Routes

T–326 MISSION BAY, CA TO IMPERIAL, CA (NEW)

Mission Bay, CA (MZB)	VORTAC	(Lat. 32°46′55.93″ N., long. 117°13′31.49″ W.)
HAILE, CA	WP	(Lat. 32°46′45.70″ N., long. 117°00′51.71″ W.)
BLLYJ, CA	WP	(Lat. 32°49′38.06″ N., long. 116°45′56.45″ W.)
STAXS, CA	WP	(Lat. 32°52′16.70″ N., long. 116°32′17.69″ W.)
GILYY, CA	WP	(Lat. 32°52′12.12″ N., long. 116°21′05.24″ W.)
KUMBA, CA	WP	(Lat. 32°45′43.18″ N., long. 116°03′13.37″ W.)
Imperial, CA (IPL)	VORTAC	(Lat. 32°44′55.92″ N., long. 115°30′30.90″ W.)

Issued in Washington, DC, on May 26, 2015.

Gary A. Norek,

Manager, Airspace Policy & Regulations Group.

[FR Doc. 2015–13504 Filed 6–4–15; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0228; FRL–9928–08–Region 9]

Revisions to the California State Implementation Plan, Eastern Kern Air Pollution Control District, Mojave Desert Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Eastern Kern Air Pollution Control District (EKAPCD) and Mojave Desert Air Quality Management District (MDAQMD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from polyester resin operations and oil-water separators. The EPA is proposing to approve local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: Any comments on this proposal must arrive by July 6, 2015.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2015–0228, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov*. Follow the on-line instructions.
2. *Email: steckel.andrew@epa.gov*.
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to the EPA, your email address will be automatically captured and included as part of the public comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Nancy Levin, EPA Region IX, (415) 972–3848, *levin.nancy@epa.gov*.

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: EKAPCD Rule 432 Polyester Resin Operations and MDAQMD Rule 464 Oil-Water Separators. In the Rules and Regulations section of this **Federal Register,** the EPA is approving these local rules in a direct final action without prior proposal because the EPA believes these SIP revisions are not controversial. If the EPA receives adverse comments, however, the EPA will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if the EPA receives adverse comment on an amendment, paragraph or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

The EPA does not plan to open a second comment period, so anyone interested in commenting should do so at this time. If the EPA does not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: May 8, 2015.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2015–13682 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2015–0274; FRL–9928–77–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Prevention of Significant Deterioration; Plantwide Applicability Limits for Greenhouse Gases

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve aMay 12, 2014 State Implementation Plan (SIP) revision submitted for the Commonwealth of Virginia by the Virginia Department of Environmental Quality (VADEQ). This revision will add Plantwide Applicability Limit (PAL) provisions for Greenhouse Gases (GHGs) to Virginia's Prevention of Significant Deterioration (PSD) program. This action is being taken under the Clean Air Act (CAA).

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

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2015–0274 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: campbell.dave@epa.gov.*

C. *Mail:* EPA–R03–OAR–2015–0274, David Campbell, Associate Director, Office of Permits and Air Toxics, Mailcode 3AP10, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2015–0274. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through *www.regulations.gov* or email. The *www.regulations.gov* Web

site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the Commonwealth's submittal are available at the Virginia Department of Environmental Quality, 629 E. Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT: David Talley, (215) 814–2117, or by email at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION: On May 12, 2014, VADEQ submitted a proposed revision to the Virginia SIP.

I. Background

The proposed SIP revision incorporates amendments to Chapter 85 under Article 9 of the Virginia Administrative Code (9VAC5). In a June 3, 2010 final rulemaking action, EPA promulgated regulations known as ''the Tailoring Rule,'' which phased in permitting requirements for GHG emissions from stationary sources under the CAA PSD and title V permitting programs. *See* 75 FR 31514. For Step 1 of the Tailoring Rule, which began on January 2, 2011, PSD or title V requirements applied to sources of GHG emissions only if the sources were subject to PSD or title V ''anyway'' due to their emissions of non-GHG pollutants. These sources are referred to as ''anyway sources.'' Step 2 of the Tailoring Rule, which began on July 1, 2011, applied the PSD and title V permitting requirements under the CAA to sources that were classified as major, and, thus, required to obtain a permit, based solely on their potential GHG emissions and to modifications of otherwise major sources that required a PSD permit because they increased only GHGs above applicable levels in the EPA regulations. Subsequently, on May 13, 2011, EPA took final action to approve a revision to Virginia's PSD SIP, incorporating preconstruction permitting requirements for major stationary sources and major modifications of GHGs, consistent with the Federal PSD requirements at the time. *See* 76 FR 27898.

In a June 12, 2012 final rulemaking action entitled ''Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits,'' [1] (hereafter, Tailoring Rule Step 3), EPA promulgated a number of streamlining measures intended to improve the administration of GHG PSD permitting programs. Included in that rulemaking were provisions to allow sources to obtain GHG PALs on a carbon dioxide equivalent (CO_2e) [2] basis, rather than strictly on a mass basis. A PAL is an emissions limitation for a single pollutant expressed in tons per year (tpy) that is enforceable as a practical matter and is established source-wide in accordance with specific criteria. *See* 40 CFR 52.21(aa)(2)(v). PALs offer an alternative method for determining major New Source Review (NSR) applicability: If a source can maintain its overall emissions of the PAL pollutant below the PAL level, the source can make a change without triggering PSD review. Virginia's May 12, 2014 submittal incorporates PAL provisions into Virginia's PSD program, consistent with EPA's Tailoring Rule Step 3.

On June 23, 2014, the United States Supreme Court, in *Utility Air Regulatory Group* v. *Environmental Protection Agency,*[3] issued a decision addressing the Tailoring Rule and the application of PSD permitting requirements to GHG emissions. The Supreme Court said that the EPA may not treat GHGs as an air pollutant for purposes of determining whether a source is a major source required to obtain a PSD permit. The Court also said that the EPA could continue to require that PSD permits, otherwise required based on emissions of pollutants other than GHGs, contain limitations on GHG emissions based on the application of Best Available Control Technology (BACT). The Supreme Court decision effectively upheld PSD permitting requirements for GHG emissions under Step 1 of the Tailoring Rule for ''anyway sources'' and invalidated PSD permitting requirements for Step 2 sources.

In accordance with the Supreme Court decision, on April 10, 2015, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issued an amended judgment vacating the regulations that implemented Step 2 of the Tailoring Rule, but not the regulations that implement Step 1 of the Tailoring Rule.[4] The amended judgment preserves, without the need for additional rulemaking by the EPA, the application of the BACT requirement to GHG emissions from sources that are required to obtain a PSD permit based on emissions of pollutants other than GHGs (*i.e.,* the ''anyway'' sources). The D.C. Circuit's judgment vacated the regulations at issue in the litigation, including 40 CFR 51.166(b)(48)(v), ''to the extent they require a stationary source to obtain a PSD permit if greenhouse gases are the only pollutant (i) that the source emits or has the potential to emit above the applicable major source thresholds, or (ii) for which there is a significant emissions increase from a modification.'' [5]

EPA may need to take additional steps to revise federal PSD rules in light of the Supreme Court decision and recent D.C. Circuit judgment. In addition, EPA anticipates that many states will revise their existing SIP-approved PSD programs. EPA is not expecting states to have revised their existing PSD program regulations at this juncture. However, EPA is evaluating PSD program submissions to assure that the state's program correctly addresses GHGs consistent with both decisions.

Virginia's currently approved PSD SIP continues to require that PSD permits (otherwise required based on emissions of pollutants other than GHGs) contain limitations on GHG emissions based on the application of BACT when sources emit or increase GHGs in the amount of

[1] *See* 77 FR 41051.

[2] CO_2e is defined as the mass of the specific GHG (in tons), multiplied by its Global Warming Potential, as codified in 40 CFR part 98.

[3] *See* 134 S.Ct. 2427.

[4] *Coalition for Responsible Regulation* v. *EPA,* D.C. Cir., No. 09–1322, 06/26/20, judgment entered for No. 09–1322 on 04/10/2015.

[5] *Id.*

75,000 tpy, measured as CO_2e. Although Virginia's SIP may also currently contain provisions that are no longer necessary in light of the D.C. Circuit's judgment or the Supreme Court decision, this does not prevent the EPA from approving the submission addressed in this rule. Virginia's May 12, 2014 SIP submission does not add any GHG permitting requirements that are inconsistent with either decision.

Likewise, the GHG PAL provisions included in Virginia's May 12, 2014 submittal include some provisions that may no longer be appropriate in light of both the D.C. Circuit judgment and the Supreme Court decision. Since the Supreme Court has determined that sources and modifications may not be defined as ''major'' solely on the basis of the level of GHGs emitted or increased, PALs for GHGs may no longer have value in some situations where a source might have triggered PSD based on GHG emissions alone. However, PALs for GHGs may still have a role to play in determining whether a modification that triggers PSD for a pollutant other than GHGs should also be subject to BACT for GHGs. These provisions, like the other GHG provisions discussed previously, may be revised at some future time. However, these provisions do not add new requirements for sources or modifications that only emit or increase GHGs above the major source threshold or the 75,000 tpy GHG level in § 52.21(b)(49)(iv). Rather, the PAL provisions provide increased flexibility to sources that wish to address their GHG emissions in a PAL. Since this flexibility may still be valuable to sources in at least one context described above, EPA believes that it is appropriate to approve these provisions into the Virginia SIP at this juncture.

II. Summary of SIP Revision

The proposed revision includes amendments to 9VAC5–85: ''Permits for Stationary Sources of Pollutants Subject to Regulation.'' Specifically, 9VAC5–85–40: ''Prevention of Significant Deterioration Area Permit Actions,'' and 9VAC5–85–50: ''Definitions'' are being amended. Additionally, 9VAC5–85–55: ''Actual plantwide applicability limits,'' is being added to the SIP. The proposed amendments are consistent with the GHG PAL provisions of 40 CFR 52.21 as promulgated by EPA on July 12, 2012. *See* 77 FR 41072–41075.

III. Proposed Action

EPA's review of this material indicates the proposed SIP revision is consistent with the CAA and the Federal PSD regulations at 40 CFR 52.21. EPA is proposing to approve Virginia's May 12, 2014 submittal as a revision to the Virginia SIP, in accordance with CAA section 110. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this proposed rulemaking action, EPA is proposing to include in a final EPA rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference Virginia's GHG PAL regulations, as discussed in section II of this preamble. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1 1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1 1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1 1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its PSD program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission

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

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

In addition, this proposed rule, relating to Virginia's PSD program, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: May 26, 2015.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2015–13804 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 80, No. 108

Friday, June 5, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0006]

Hot Water Treatment of Oversized Mangoes; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice; Correction.

SUMMARY: We are correcting an error in a notice announcing the availability of a revision to hot water treatment schedule T102–a to treat additional mango commodities. The notice was published in the **Federal Register** on April 23, 2015.

FOR FURTHER INFORMATION CONTACT: Dr. Inder P.S. Gadh, Senior Risk Manager–Treatments, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2018.

SUPPLEMENTARY INFORMATION: In a notice [1] published in the **Federal Register** on April 23, 2015 (80 FR 22702–22703, Docket No. APHIS–2015–0006), we amended hot water treatment schedule T102–a in the Plant Protection and Quarantine Treatment Manual to extend the applicability of the treatment to additional mango (*Mangifera indica*) commodities.

In the notice, we stated that that the T102–a treatment schedule of 110-minute fruit immersion in a constant 70 °F (41.6 °C) hot-water bath is an efficacious phytosanitary treatment for eggs and larvae of *Ceratitis capitata* and *Anastrepha* spp. fruit flies in mangoes weighing 651 to 900 grams. The temperature should read 115 °F (46.1 °C).

[1] To view the notice and related documents, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0006.*

Done in Washington, DC, this 1st day of June 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–13780 Filed 6–4–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Tri County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Tri County Resource Advisory Committee (RAC) will meet in Deer Lodge, Montana. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://www.fs.usda.gov/main/bdnf/workingtogether/advisorycommittees.*

DATES: The meeting will be held June 24, 2015, from 5 p.m. to 9 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at USDA Service Center, 1002 Hollenbeck Lane, Deer Lodge, Montana.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at 420 Barrett Street, Dillon, Montana. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Patty Bates, RAC Coordinator by phone at (406) 683–3979 or via email at *pbates@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and recommend projects for Title II funding.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by June 19, 2015 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Patty Bates, RAC Coordinator, 420 Barrett Street, Dillon, MT 59749; or by email to *pbates@fs.fed.us,* or via facsimile to (406) 683–3844.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: June 1, 2015.

Melany Glossa,

Forest Supervisor.

[FR Doc. 2015–13762 Filed 6–4–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Rico West Dolores Roads and Trails Project (Travel Management); Dolores District of the San Juan National Forest; Colorado

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service intends to prepare an environmental impact statement to analyze and disclose the environmental effects of adjustments to

the road and trail system in the Rico West Dolores area. A project-level amendment to the San Juan Land and Resource Management Plan is also proposed. The analysis area is in Dolores and Montezuma Counties approximately 5 miles north of the Town of Dolores and includes National Forest Lands surrounding the Town of Rico.

DATES: If you have supplementary comments which meet the description in Scoping Process, below, they must be received by July 6, 2015.

ADDRESSES: If you have supplementary comments which meet the description in Scoping Process, below, submit them in writing to Derek Padilla, District Ranger, Dolores Ranger District, 29211 Highway 184, Dolores, CO 81323; comments may also be emailed to *dkill@fs.fed.us* or sent by facsimile to 970–882–6841. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying.

FOR FURTHER INFORMATION CONTACT: Deborah Kill, NEPA Coordinator and Interdisciplinary Team Leader, telephone 970–882–7296. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Previous Scoping Period

A previous scoping period, including public input occurred from December 12th 2014 through January 30th 2015. That scoping period met the requirement for scoping for the Environmental Impact Statement. Written comments that were submitted during the previous scoping period are considered and filed in the project record. The Forest Service requests that you do not resubmit the same comments. Because of extensive public input, the scope of issues to be analyzed in the Environmental Impact Statement has already been well examined.

This notice of intent initiates a supplementary scoping process, which is intended to provide an additional opportunity for the public to comment on the scope of issues to be analyzed in the Environmental Impact Statement only if there is new or different information that has not been previously considered. To determine whether your comment or concern has previously been submitted, please read the Scoping Report found on the project Web page at *http://www.fs.usda.gov/project/?project=44918* or call Deborah Kill at 970–882–6822.

Proposed Action

The Proposed Action document and maps located at *http://www.fs.usda.gov/project/?project=44918* describes proposed actions in detail. There has been no change to the proposals since this Proposed Action document was published for the first scoping period in December, except that additional language has been added to the Purpose and Need statement below to add clarification. Briefly, the proposals include (1) minor adjustments to the main graveled roads, (2) re-configuration of some native surface roads which includes converting some native surface roads to ATV trails, (3) setting limits for day-use and overnight parking off of the roads, (4) changing to the type of uses allowed on some of the single track trails, (5) new timing restrictions on motorcycle use of single track trails, (6) re-alignment of single track trails at select locations, and (7) additional single track trails added to the system. As stated in the Proposed Action document, it will be necessary to adjust the Forest Plan's Over-Ground Travel Suitability Map and the Recreation Opportunity Spectrum Map and these Forest Plan changes would apply only to the Rico-West Dolores analysis area.

Purpose and Need

The purpose of the Proposed Action is to manage over-ground wheeled motorized vehicle use in accordance with the requirements of the Travel Management Rule (36 CFR 212). The Rule requires the Forest Service to designate a system of roads, trails, and areas for motorized use by vehicle class and, if appropriate, by time of year. The travel rule at 36 CFR 212.55 also lists criteria for designation of roads, trails and areas as follows, (a) General criteria for designation of National Forest System roads, National Forest System trails, and areas on National Forest System lands. In designating National Forest System roads, National Forest System trails, and areas on National Forest System lands for motor vehicle use, the responsible official shall consider effects on National Forest System natural and cultural resources, public safety, provision of recreational opportunities, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration. (b) Specific criteria for designation of trails and areas. In addition to the criteria in paragraph (a) of this section, in designating National Forest System trails and areas on National Forest System lands, the responsible official shall consider effects on the following, with the objective of minimizing: (1) Damage to soil, watershed, vegetation, and other forest resources; (2) Harassment of wildlife and significant disruption of wildlife habitats; (3) Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands; and (4) Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands. In addition, the responsible official shall consider: (5) Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors.

The purpose of this action is to balance the current and future recreational desires of the public with Forest Service responsibilities for wildlife and fisheries management, water resources management, and forest management as well as the desires of local communities and affected private land owners. This action is needed to develop a sustainable system of trails and roads where motorized travel is appropriate and will strive to improve both the motorized and non-motorized user's experience.

Decision To Be Made

The decision to be made is whether to implement the proposed action, or to meet the purpose and need for action through some other combination of activities, or to take no action at this time.

Dates

Another opportunity for public comment will occur when the Draft Environmental Impact Statement describing alternatives in detail will be made available for public comment later in 2015. At that time, public comments on the draft EIS will be received for 45 days from the date the Environmental Protection Agency publishes the notice of availability of the draft EIS in the **Federal Register**. A draft decision is expected in late 2015.

Administrative Review Processes

For project-level decisions about the road and trail system, the Forest Service will apply its pre-decisional administrative review process described in 36 CFR part 218, subparts A and B. Preliminary project-level decisions

about the road and trail system will be described in a draft Record of Decision.

The proposed forest plan amendment, if selected, will be subject to 1982 Planning Rule regulations 219.17(f) which state that 'If the change resulting from the amendment is determined not to be significant for the purposes of the planning process, the Forest Supervisor may implement the amendment following appropriate public notification and satisfactory completion of NEPA procedures.'

The Forest Service will apply the pre-decisional objection process at 36 CFR 219 subpart B to the Forest Plan amendment.

Responsible Official and Lead Agency

The USDA Forest Service is the lead agency for this proposal. District Ranger Derek Padilla is the responsible official for project decisions while Kara Chadwick, Forest Supervisor is the responsible official for the Forest Plan amendment.

Dated: May 29, 2015.

Derek Padilla,

Dolores District Ranger.

[FR Doc. 2015–13761 Filed 6–4–15; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 150519465–5465–01]

Streamlining Summary Level 070 Tables in the 5-Year American Community Survey

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Census Bureau's American Community Survey (ACS) collects detailed demographic, social, economic, and housing data from about 3.5 million addresses in the United States and 36,000 in Puerto Rico each year. Annual data products are released in the form of 1-Year and 5-Year estimates with 5-Year estimates being produced for over 578,000 geographies by 87 different summary levels. Most summary levels and their corresponding geographies are then produced for approximately 1,000 detailed tables. As a cost-saving measure and to improve usability of the estimates, the Census Bureau is reviewing the data products released by the ACS for usefulness and necessity. Beginning with the 2010–2014 ACS 5-Year estimates, the Census Bureau plans to streamline the production and release of Summary Level 070 tables (state/county/county subdivision/place remainder (or part)) to 15 tables. This very small summary level was created to allow for the delineation of metropolitan, micropolitan, and related statistical areas by the Office of Budget and Management (OMB). The Census Bureau recommends only tabulating and releasing those 15 tables for Summary Level 070 that are necessary for the delineation of metropolitan, micropolitan, and related statistical areas (particularly for identification of New England City and Town Area principal cities), commuting analysis, and basic demographic and housing analysis.

DATES: To ensure consideration, written comments must be received by July 6, 2015.

ADDRESSES: Direct all written comments to KaNin Reese, Rm. 7H176F, U.S. Census Bureau, Social, Economic and Housing Statistics Division, Washington, DC 20233 or via email at *kanin.l.reese@census.gov.*

FOR FURTHER INFORMATION CONTACT: KaNin Reese, Rm. 7H176F, U.S. Census Bureau, Social, Economic, and Housing Statistics Division, Washington, DC 20233, by phone at 301–763–3493 or via email at *kanin.l.reese@census.gov.*

SUPPLEMENTARY INFORMATION: Beginning with the 2010–2014 ACS 5-Year tables, the Census Bureau plans to streamline the production and release of Summary Level 070 tables (state/county/county subdivision/place remainder (or part)) to the 15 tables necessary for the delineation of metropolitan, micropolitan, and related statistical areas (particularly for identification of New England City and Town Area principal cities) by the Office of Budget and Management (OMB), for other commuting analysis, and for basic demographic and housing analysis. The Census Bureau conducts the ACS program under 13 U.S.C. Sections 141 and 193. In our latest release, this summary level was produced for 69,939 unique geographies with approximately 70 percent of all estimates produced as zero since place parts in the county subdivision represent very small areas. In addition to the data quality of these small geographies, the user statistics show that these tables are not widely accessed by data users.

Since the ACS was created as the replacement for the Census long-form, the ACS began by producing the same summary levels that were produced in Census 2000. The purpose of Summary Level 070 (state/county/county subdivision/place remainder (or part)) is for the delineation of metropolitan, micropolitan, and related statistical areas (particularly for identification of New England City and Town Area principal cities) under OMB standards. However, not all 1,000 detailed tables being produced for this summary level are needed for delineation. The Census Bureau has identified ten commuting tables necessary for the delineation process and for other commuting analysis, and five basic demographic and housing tables necessary for the production and release of the summary level.

The 15 tables to remain for Summary Level 070 include:

1. B01001—Sex by Age
2. B01003—Total Population
3. B02001—Race
4. B08007—Sex of Workers by Place of Work—State and County Level
5. B08008—Sex of Workers by Place of Work—Place Level
6. B08009—Sex of Workers by Place of Work—Minor Civil Division Level for 12 Selected States (CT, ME, MA, MI, MN, NH, NJ, NY, PA, RI, VT, WI)
7. B08301—Means of Transportation to Work
8. B08302—Time Leaving Home to Go to Work
9. B08303—Travel Time to Work
10. B08601—Means of Transportation to Work for Workplace Geography
11. B08602—Time Arriving at Work from Home for Workplace Geography
12. B08603—Travel Time to Work for Workplace Geography
13. B08604—Worker Population for Workplace Geography
14. B25001—Housing Units
15. B25003—Tenure

The Census Bureau has been reviewing and documenting the utility of releasing Summary Level 070 by all 1,000 tables for several years. Not only is the data quality insufficient for many of the individual geographies, but very few data users are accessing the tables on American Factfinder or our summary files on our FTP site. Further, we have an increasing concern that some data users may be using the summary level incorrectly, mistaking these place parts in the county subdivision for the place-level geographies.

By releasing only a few key demographic, social, and housing tables for this summary level, we believe we are still maintaining the true purpose and integrity of the summary level while eliminating a great deal of additional resources needed for the full production of the product. Streamlining the tables in this summary level will

save the Census Bureau almost $100,000 over a 5-year period. If data users believe that additional tables are necessary for this summary level, we welcome those suggestions.

Specifically, comments are invited on: (a) Whether Summary Level 070 (state/county/county subdivision/place remainder (or part)) is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) whether the 15 tables planned for release are sufficient for data user needs for these geographies; and (c) if there are additional tables beyond the 15 listed for Summary Level 070 that are necessary for the 5-Year release.

Dated: May 29, 2015.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2015–13771 Filed 6–4–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–9–2015]

Authorization of Production Activity, Foreign-Trade Zone 134, Volkswagen Group of America Chattanooga Operations, LLC, (Passenger Motor Vehicles), Chattanooga, Tennessee

On January 23, 2015, the Chattanooga Chamber Foundation, grantee of FTZ 134, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Volkswagen Group of America Chattanooga Operations, LLC, within FTZ 134, in Chattanooga, Tennessee.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 9693–9694, 2–24–2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: May 26, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–13813 Filed 6–4–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–36–2015]

Foreign-Trade Zone (FTZ) 122—Corpus Christi, Texas, Notification of Proposed Production Activity, Voestalpine Texas, LLC, (Hot Briquetted Iron), Portland, Texas

The Port of Corpus Christi Authority, grantee of FTZ 122, submitted a notification of proposed production activity to the FTZ Board on behalf of voestalpine Texas, LLC (voestalpine), located in Portland, Texas. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on May 22, 2015.

The voestalpine facility is located within Subzone 122T in Portland, Texas. The facility is currently under construction and will be used for the production of hot briquetted iron using foreign-sourced iron ore pellets. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt voestalpine from customs duty payments on the foreign-status iron ore pellets (duty free) used in export production. On its domestic sales, voestalpine would be able to choose the duty rate during customs entry procedures that applies to the hot briquetted iron (duty free) for the foreign-status iron ore pellets. The submission indicates that most of the plant's output will be exported. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is July 15, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

FOR FURTHER INFORMATION CONTACT: Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: May 29, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–13812 Filed 6–4–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–848]

Certain Stilbenic Optical Brightening Agents From Taiwan: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain stilbenic optical brightening agents (OBAs) from Taiwan. The period of review (POR) is May 1, 2013, through April 30, 2014. The review covers one producer/exporter of the subject merchandise, Teh Fong Ming International Co., Ltd. (TFM). We preliminarily find that TFM has sold subject merchandise at less than normal value. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* June 5, 2015.

FOR FURTHER INFORMATION CONTACT: Catherine Cartsos or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1757, and (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the *Order* [1] is OBAs and is currently classifiable under subheadings 3204.20.8000, 2933.69.6050, 2921.59.4000 and 2921.59.8090 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.[2]

[1] *See Certain Stilbenic Optical Brightening Agents From Taiwan: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 77 FR 27419 (May 10, 2012) (*Order*).

[2] A full description of the scope of the *Order* is contained in the memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and

Continued

Methodology

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 0.71 percent exists for TFM for the period May 1, 2013, through April 30, 2014.

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c)(ii), interested parties may submit cases briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[3] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[4]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance. All documents must be filed electronically using ACCESS which is available to registered users at *http://access.trade.gov.* An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time, within 30 days after the date of publication of this notice.[5] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon issuance of the final results, the Department shall determine and CBP shall assess antidumping duties on all appropriate entries covered by this review. If TFM's weighted-average dumping margin continues to be above *de minimis* in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). If TFM's weighted-average dumping margin is zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews, i.e.,* ''{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis,* no antidumping duties will be assessed.''[6]

For entries of subject merchandise during the POR produced by TFM for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[7]

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

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of OBAs from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for TFM will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the manufacturer of the merchandise for the most recently completed segment of this proceeding; (3) the cash deposit rate for all other manufacturers or exporters will continue to be 6.19 percent.[8] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h)(1).

Dated: May 29, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

Countervailing Duty Operations, ''Certain Stilbenic Optical Brightening Agents from Taiwan: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2013–2014'' dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

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

[4] *See* 19 CFR 351.309(c)(2) and (d)(2) and 19 CFR 351.303 (for general filing requirements).

[5] *See* 19 CFR 351.310(c).

[6] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8102 (February 14, 2012).

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

[8] The all-others rate established in the *Order.*

List of Topics Discussed in the Preliminary Decision Memorandum

Summary
Background
Scope of the Order
Discussion of the Methodology
Comparisons to Normal Value
A. Determination of Comparison Method
B. Results of the Differential Pricing Analysis
Product Comparisons
Date of Sale
Constructed Export Price
Normal Value
A. Home Market Viability and Comparison Market
B. Level of Trade
C. Calculation of Normal Value Based on Comparison Market Prices
D. Calculation of Normal Value Based on Constructed Value
Currency Conversion
Recommendation

[FR Doc. 2015–13811 Filed 6–4–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–964]

Seamless Refined Copper Pipe and Tube From the People's Republic of China: Final Results of 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 its *Preliminary Results* of the 2012–2013 administrative review of the antidumping duty order on seamless refined copper pipe and tube (''copper pipe'') from the People's Republic of China (''PRC'').[1] The period of review (''POR'') is November 1, 2012 through October 31, 2013. We invited parties to comment on our *Preliminary Results.* Based on our analysis of the comments received, we made certain changes to our margin calculations for the mandatory respondent Golden Dragon Precise Copper Tube Group, Inc., Hong Kong GD Trading Co., Ltd., and Golden Dragon Holding (Hong Kong) International, Ltd. (collectively, ''Golden Dragon''). The final weighted-average dumping margins for this review are listed in the ''Final Results'' section below.

DATES: *Effective date:* June 5, 2015.

FOR FURTHER INFORMATION CONTACT: James Martinelli, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2923.

Background

On December 1, 2014, the Department published its *Preliminary Results.* On January 7, 2015, and January 12, 2015, Cerro Flow Products, LLC, Wieland Copper Products, LLC, Mueller Copper Tube Products Inc., and Mueller Copper Tube Company, Inc. (collectively, ''Petitioners''), and Golden Dragon submitted case briefs and rebuttal briefs, respectively.[2] On February 11, 2015, the Department held a public hearing on the final results of this proceeding in the Herbert Clark Hoover Building.[3] On March 25, 2015, the Department extended the time period for issuing the final results of this review by 30 days, until April 30, 2015.[4] On April 28, 2015, the Department extended the time period for issuing the final results of this review by an additional 30 days, until May 30, 2015.[5]

Scope of the Order

The merchandise subject to the order is seamless refined copper pipe and tube. The product is currently classified under Harmonized Tariff Schedule of the United States (''HTSUS'') item numbers 7411.10.1030 and 7411.10.1090. Products subject to this order may also enter under HTSUS item numbers 7407.10.1500, 7419.99.5050, 8415.90.8065, and 8415.90.8085. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope of this order remains dispositive.[6]

Withdrawals of Administrative Review Requests

In the *Preliminary Results,* the Department rescinded this administrative review with regard to Luvata Tube (Zhongshan) Ltd. & Luvata Alltop (Zhongshan) Ltd. (collectively, ''Luvata''), Shanghai Hailiang Copper Co., Ltd., and Zhejiang Hailiang Co., Ltd., as parties timely withdrew all review requests with respect to these companies, which all had a separate rate from a prior completed segment of this proceeding.[7]

Reviews were also requested for 11 additional companies listed in the *Initiation Notice,* and those requests were also timely withdrawn.[8] However, for the final results, we are not rescinding the reviews for these 11 companies because they did not have a separate rate at the time of initiation of this review, and, therefore, each company will remain part of the PRC-wide entity. The PRC-wide entity is

[1] *See Seamless Refined Copper Pipe and Tube From the People's Republic of China: Preliminary Results and Partial Rescission of Administrative Review; 2011–2012,* 79 FR 71089 (December 1, 2014) (''*Preliminary Results*'').

[2] *See* Letter from Petitioners, ''Seamless Refined Copper Pipe and Tube from the People's Republic of China: Petitioners' Case Brief,'' (January 7, 2015); *see also* Letter from Golden Dragon, ''Case Brief; Seamless Refined Copper Pipe and Tube from China,'' (January 7, 2015); *see also* Letter from Petitioners, ''Seamless Refined Copper Pipe and Tube from the People's Republic of China: Petitioners' Rebuttal Brief,'' (January 12, 2015); *see also* Letter from Golden Dragon, ''Rebuttal Brief; Seamless Refined Copper Pipe and Tube from China,'' (January 12, 2015).

[3] *See* Enforcement and Compliance Public Hearing in the Matter of: Seamless Refined Copper Pipe and Tube Third Administrative Review, Before: Abdelali Elouaradia, Director, Office IV, Antidumping and Countervailing Duty Operations, (February 11, 2015).

[4] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, through Howard Smith, Acting Office Director, Antidumping and Countervailing Duty Operations, Office IV, from James Martinelli, International Trade Compliance Analyst, Antidumping and Countervailing Duty Operations, Office IV ''Seamless Refined Copper Pipe and Tube from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review'' (March 25, 2015).

[5] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, through Howard Smith, Acting Office Director, Antidumping and Countervailing Duty Operations, Office IV, from James Martinelli, International Trade Compliance Analyst, Antidumping and Countervailing Duty Operations, Office IV ''Seamless Refined Copper Pipe and Tube from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review'' (April 28, 2015). Because May 30, 2015 is a non-business day, the deadline is the next business day, June 1, 2015.

[6] For a complete description of the scope of this order, *see* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, regarding ''Decision Memorandum for the Final Results of the 2012–2013 Administrative Review of the Antidumping Duty Order on Seamless Refined Copper Pipe and Tube from the People's Republic of China'' (''Decision Memorandum'') dated concurrently with, and hereby adopted by, this notice.

[7] *See Preliminary Results* at 71090.

[8] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 79392 (December 30, 2013) (''*Initiation Notice*''). The 11 companies include: China Hailiang Metal Trading, Foshan Hua Hong Copper Tube Co., Ltd., Guilin Lijia Metals Co., Ltd., Hong Kong Hailiang Metal, Ningbo Jintian Copper Tube Co., Ltd., Shanghai Hailiang Metal Trading Limited, Sinochem Ningbo Ltd. & Sinochem Ningbo Import & Export Co., Ltd., Taicang City Jinxin Copper Tube Co., Ltd., Zhejiang Jiahe Pipes Inc., and Zhejiang Naile Copper Co., Ltd. These companies are not included in the collapsed entity of Hong Kong Hailiang Metal Trading Limited, Zhejiang Hailiang Co., Ltd., and Shanghai Hailiang Copper Co., Ltd.

currently subject to this administrative review.[9]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Decision Memorandum. A list of the issues that parties raised and to which we responded in the Decision Memorandum follows as an appendix to this notice. The Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov*, and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* we made revisions to the margin calculations for Golden Dragon.[10] We made the following changes to the margin calculation for Golden Dragon.

- We included Golden Dragon's recycled copper, which is reintroduced into the production process, in the calculation of the copper consumption rate. We also gave Golden Dragon a by-product offset for the reintroduced copper.[11]
- We revised the calculation for the truck freight calculation using factual information available on the record.[12]
- We removed import data from outside of the POR that was inadvertently included.[13]

Final Results

We determine that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted-average dumping margin (percent)
Golden Dragon Precise Copper Tube Group, Inc., Hong Kong GD Trading Co., Ltd., and Golden Dragon Holding (Hong Kong) International, Ltd	10.50
PRC-Wide Entity[14]	60.85

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

For Golden Dragon, the Department calculated importer-specific assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate is not zero or *de minimis* (*i.e.,* less than 0.5 percent). Where an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the PRC-wide entity, the Department will instruct CBP to liquidate all appropriate entries as an assessment rate for antidumping duties equal to the weighted-average dumping margin listed above in the Final Results section.

The Department announced a refinement to its assessment practice in non-market economy (''NME'') cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the rate for the NME-wide entity. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the rate for the NME-wide entity.[15]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters identified above, the cash deposit rate will be equal to their weighted-average dumping margin in these final results of review; (2) for previously investigated or reviewed PRC and non-PRC exporters that received a separate rate in a previously completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled a separate rate, the cash deposit rate will be that for the PRC-wide entity (*i.e.,* 60.85 percent); and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed regarding these final results within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Notification to Importers Regarding the Reimbursement of Duties

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 POR. Failure to comply with this requirement could

[9] *See, e.g., Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review,* 77 FR 47363, 47365 (August 8, 2012), unchanged in *Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010–2011,* 78 FR 10130 (February 13, 2013). A change in practice with respect to the conditional review of the PRC-wide entity is not applicable to this administrative review. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65964, 65969–70 (November 4, 2013) (apply the change in practice to reviews for which the notice of opportunity to request an administrative review is published on or after December 4, 2013).

[10] *See* Decision Memorandum.

[11] *Id.* at Comments 3 and 4.

[12] *Id.* at Comment 6.

[13] *Id.* at Comment 7.

[14] The PRC-Wide Entity includes, *inter alia,* Shanghai Hailiang Metal Trading Limited, Hong Kong Hailiang Metal, China Hailiang Metal Trading, Foshan Hua Hong Copper Tube Co., Ltd., Guilin Lijia Metals Co., Ltd., Sinochem Ningbo Import & Export Co., Ltd., Sinochem Ningbo Ltd., Taicang City Jinxin Copper Tube Co., Ltd., Ningbo Jintian Copper Tube Co., Ltd., Zhejiang Jiahe Pipes Inc., and Zhejiang Naile Copper Co., Ltd.

[15] For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

Notifications to All Parties

This notice also serves as a 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, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: May 29, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

Summary
Background
Scope of the Order
List of Abbreviations and Acronyms
Discussion of the Issues
- Comment 1: Whether the Department Properly Adjusted for VAT
- Comment 2: Whether the Department Properly Applied Its Differential Pricing Analysis
- Comment 3: Whether Golden Dragon Accurately Reported Its Copper Consumption Rate
- Comment 4: Whether Golden Dragon Is Entitled to a By-Product Offset
- Comment 5: Whether the Department Accurately Calculated Credit Expenses
- Comment 6: Whether the Department Accurately Calculated the Truck Surrogate Value
- Comment 7: Whether the Department Accurately Calculated the Solvents Surrogate Value

Recommendation

[FR Doc. 2015–13809 Filed 6–4–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Antidumping Duty Administrative Review and Notice of Amended Final Results of the 2009–2010 Antidumping Duty Administrative Review

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

SUMMARY: On May 21, 2015, the United States Court of International Trade (''CIT'' or ''Court'') sustained the Final Remand Results [1] issued by the Department of Commerce (''Department'') concerning the 2009–2010 administrative review of the antidumping duty order on pure magnesium from the People's Republic of China.[2] In the Final Remand Results, the Department changed the data source for inland freight and selected different financial statements for the calculation of the surrogate financial ratios, while it continued to find that the untimely and thus previously rejected factual information was irrelevant and showed no ''fraud'' on the part of the respondent, Tianjin Magnesium International Co., Ltd. (''TMI'').

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (''CAFC'') in *Timken,*[3] as clarified by *Diamond Sawblades,*[4] the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the administrative review of the antidumping duty order on pure magnesium from the People's Republic of China covering the period of review (''POR'') from May 1, 2009, through April 30, 2010.[5]

DATES: *Effective Date:* May 31, 2015

FOR FURTHER INFORMATION CONTACT: Eve Wang, AD/CVD Operations Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6231.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 2011, the Department issued the *Final Results.*[6] US Magnesium LLC (''USM'') challenged certain aspects of the Department's *Final Results.* On January 22, 2013, the Court remanded the *Final Results* to the Department: (1) To consider whether previously rejected factual information contained *prima facie* evidence of fraud by TMI in accordance with the factors outlined in *Home Products,*[7] and (2) to explain its rationale for selecting Infobanc data based on substantial evidence on the record or, alternatively, to select a new surrogate value for truck freight.[8] Additionally, the Department requested a voluntary remand to reconsider: (1) The selection of Hindalco Industries Limited's (''Hindalco'') financial statements for calculating surrogate financial ratios, and (2) USM's claim that the Department made errors when calculating the surrogate value for labor.[9]

In accordance with *TMI I,* the Department opened the administrative record to accept the previously rejected factual information and concluded that this factual information did not demonstrate *prima facie* evidence of fraud by TMI.[10] The Department also determined that the Infobanc data did not constitute the best information available to value truck freight and, instead, selected World Bank data for the Final Remand Results.[11] Additionally, the Department selected Madras Aluminum Company's financial statements to value the surrogate financial ratios. Lastly, the Department corrected errors in its calculation of the labor rate.[12] On May 21, 2015, the Court entered judgement sustaining the Final Remand Results entirely.

Timken Notice

In *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section

[1] *See Final Results of Redetermination Pursuant to Court Remand,* Court Order No. 12–00006, Slip Op. 13–9 (CIT 2013), dated January 22, 2013 (''Final Remand Results'').

[2] *See US Magnesium LLC* v. *United States,* Court Order No. 12–00006, Slip Op. 15–47 (CIT May 21, 2015) (''*TMI II*'').

[3] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*'').

[4] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (''*Diamond Sawblades*'').

[5] *See Pure Magnesium from the People's Republic of China: Final Results of the 2009–2010 Antidumping Duty Administrative Review of the Antidumping Duty Order,* 76 FR 76945 (December 9, 2011) and accompanying Issues and Decision Memorandum (''*Final Results*'').

[6] *See Final Results.*

[7] *See Home Prods. Int'l* v. *United States,* 633 F.3d 1369 (Fed. Cir. 2011) (''*Home Products*'').

[8] *See US Magnesium LLC* v. *United States,* Court Order No. 12–00006, Slip Op. 13–9 (CIT January 22, 2013) (''*TMI I*'').

[9] *Id.*

[10] *See* Final Remand Results.

[11] *Id.*

[12] *Id.*

516A(e) of the Tariff Act of 1930, as amended (''the Act''), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The Court's judgment in *TMI II* sustaining the Final Remand Results constitutes a final decision of the Court that is not in harmony with the Department's *Final Results.* This notice is published in fulfillment of the publication requirement of *Timken.*

Amended Final Results

Because there is now a final court decision, the Department is amending the *Final Results* with respect to the surrogate value for truck freight and financial ratios, in addition to correcting the errors in its calculation of the labor rate. The revised weighted-average dumping margin for TMI during the period May 1, 2009, through April 30, 2010, is as follows:

WEIGHTED-AVERAGE DUMPING MARGIN:

Exporter	Weighted-average dumping margin (percent)
TMI	51.26

Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the Court's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise exported by the above listed exporter at the rate listed above.

Cash Deposit Requirements

Since the *Final Remand Results,* the Department has established a new cash deposit rate for TMI.[13] Therefore, the cash deposit rate for TMI does not need to be updated as a result of these amended final results.

[13] *See Pure Magnesium From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 94 (January 2, 2014); *Pure Magnesium From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014,* 80 FR 26541 (May 8, 2015).

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: May 29, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–13828 Filed 6–4–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–501]

Welded Carbon Steel Standard Pipe and Tube Products From Turkey: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

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

SUMMARY: In response to a request by interested parties,[1] the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on welded carbon steel standard pipe and tube products (welded pipe and tube) from Turkey.[2] The period of review (POR) is May 1, 2013, to April 30, 2014. This review covers the following companies: Borusan Istikbal Ticaret T.A.S., and Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (collectively ''Borusan''); ERBOSAN Erciyas Boru Sanayi ve Ticaret A.S. (Erbosan); Toscelik Profil ve Sac Endustrisi A.S. (Toscelik) and Tosyali Dis Ticaret A.S. (Tosyali) (collectively ''Toscelik'').[3] The Department preliminarily determines that Borusan and Toscelik both made U.S. sales of subject merchandise below normal value. In addition, the Department preliminarily finds that Erbosan had no shipments. The preliminary results are listed below in the section titled ''Preliminary Results of Review.''

DATES: *Effective Date:* June 5, 2015.

FOR FURTHER INFORMATION CONTACT: Fred Baker, Deborah Scott, or Robert James at (202) 482–2924, (202) 482–2657, or (202) 482–0649, respectively; AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is welded pipe and tube. The welded pipe and tube subject to the order is currently classifiable under subheading 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheading is provided for convenience and customs purposes. A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Welded Carbon Steel Standard Pipe and Tube Products from Turkey; 2013–2014 Administrative Review'' (Preliminary Decision Memorandum), which is hereby adopted by this notice. The written description of the scope of the order is dispositive.

Methodology

The Department has conducted this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The

[1] Wheatland Tube Company, Borusan Mannesmann Boru Sanayi ve Ticaret A.S., and Borusan Istikbal Ticaret requested the instant administrative review.

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 36462 (June 27, 2014) (*Initiation Notice*). The *Initiation Notice* inadvertently referenced the incorrect order title. This **Federal Register** notice and the decision memorandum accompanying these preliminary results use the original and correct order title, as reflected in the original 1986 order. *See Antidumping Duty Order; Welded Carbon Steel Standard Pipe and Tube Products from Turkey,* 51 FR 17784 (May 15, 1986).

[3] In prior segments of this proceeding, we treated Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Borusan Istikbal Ticaret T.A.S. as the same legal entity. *See, e.g., Welded Carbon Steel Standard Pipe and Tube Products From Turkey: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 71087, 71088 (December 1, 2014). We preliminarily determine that there is no evidence on the record for altering such treatment of these two parties, referred to collectively as Borusan. Similarly, in prior segments of this proceeding we treated Toscelik and Tosyali as the same legal entity. *See, e.g., id.* There is also no record evidence for altering this treatment. Therefore, for these preliminary results, we are treating Toscelik and Tosyali as the same legal entity.

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

Preliminary Determination of No Shipments

On July 15, 2014, Erbosan submitted a letter certifying that it had no exports, sales, or entries of subject merchandise to the United States during the POR, and that it did not know or have reason to know that any of its customers would subsequently export or sell subject merchandise exported by Erbosan to the United States. On August 22, 2014, the Department issued a ''No Shipment Inquiry'' to U.S. Customs and Border Protection (CBP) to confirm that there were no entries of welded pipe and tube from Turkey exported by Erbosan during the POR. In response, CBP communicated to the Department that its data indicated that subject merchandise exported by Erbosan may have entered the United States during the POR. Therefore, we obtained U.S. entry documents for these shipments, and upon analysis conclude that the record does not support finding that Erbosan had knowledge that the destination for these shipments was the United States.[4] The Department also requested clarification from Erbosan regarding these shipments, and Erbosan again confirmed that during the POR, it did not export subject merchandise to any customer in the United States or to any customer outside the United States knowing the final destination was the United States. Erbosan also certified that it did not sell subject merchandise to any domestic customer which purchased the subject merchandise for export to the United States, nor did it have knowledge that any of its customers would subsequently export or sell Erbosan's subject merchandise to the United States. As previously noted, we have found nothing in the U.S. entry documents or elsewhere on the record that contradicts these claims.

Based on Erbosan's certifications and our analysis of the other information on the record referenced above, we preliminarily determine that Erbosan had no shipments during the POR. However, consistent with our practice, the Department finds that it is not appropriate to rescind the review with respect to Erbosan, but rather to complete the review with respect to Erbosan, and to issue appropriate instructions to CBP based on the final results of this review.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the weighted-average dumping margins for the period May 1, 2013 through April 30, 2014 are as follows:

Producer or exporter	Weighted-Average dumping margin (percent)
Borusan Mannesmann Boru Sanayi ve Ticaret A.S [5]	3.16
Toscelik Profil ve Sac Endustrisi A.S [6]	1.77

[5] Also includes Borusan Istikbal Ticaret T.A.S. *See* footnote 3.

[6] Also includes Tosyali Dis Ticaret A.S. *See* footnote 3.

Disclosure and Public Comment

The Department will disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[7] Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.[8] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the due date for filing case briefs.[9] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[10] Case and rebuttal briefs should be filed using ACCESS.[11] In order to be properly filed, ACCESS must successfully receive an electronically-filed document in its entirety by 5 p.m. Eastern Time.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 30 days after the date of publication of this notice.[12] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.

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

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

If Borusan's or Toscelik's weighted-average dumping margins are not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where either a respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

With respect to Erbosan, if we continue to find that Erbosan had no shipments of subject merchandise in the final results, we will instruct CBP to liquidate any existing entries of merchandise produced by Erbosan, but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate.[13]

[4] *See* Memorandum to the File from Fred Baker, ''U.S. Entry Documents—Welded Carbon Steel Standard Pipe and Tube Products from Turkey,'' dated January 30, 2015.

[7] *See* 19 CFR 351.224(b).

[8] *See* 19 CFR 351.309(c)(1)(ii).

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

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] *See* 19 CFR 351.303.

[12] *See* 19 CFR 351.310(c).

[13] *See, e.g., Magnesium Metal From the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal From the Russian Federation: Final Results of*

Continued

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Borusan and Toscelik will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for other manufacturers and exporters covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 14.74 percent, the all-others rate established in the LTFV investigation.[14] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(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.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Antidumping Duty Administrative Review, 75 FR 56989 (September 17, 2010).

[14] *See Antidumping Duty Order; Welded Carbon Steel Standard Pipe and Tube Products From Turkey,* 51 FR 17784 (May 15, 1986).

Dated: May 29, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Preliminary Determination of No Shipments
5. Comparisons to Normal Value
6. Product Comparisons
7. Date of Sale
8. Export Price
9. Normal Value
10. Currency Conversion
11. Recommendation

[FR Doc. 2015–13807 Filed 6–4–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Preliminary Intent To Rescind the New Shipper Review of Jinxiang Kaihua Imp & Exp Co., Ltd.

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

SUMMARY: The Department of Commerce (''the Department'') is conducting a new shipper review of Jinxiang Kaihua Imp & Exp Co., Ltd. (Kaihua) regarding the antidumping duty order on fresh garlic from the People's Republic of China (''the PRC''). The period of review (''POR'') is November 1, 2013 through April 30, 2014. The Department has preliminarily determined that Kaihua's new shipper sale is not *bona fide.* Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* June 5, 2015.

FOR FURTHER INFORMATION CONTACT: Milton Koch, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2584.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 2014, the Department published notice of initiation of a new shipper review of fresh garlic from the People's Republic of China for the period November 1, 2013 through April 30, 2014.[1] On December 15, 2014, the Department extended the deadline for the preliminary results to June 3, 2015.[2]

Scope of the Order

The merchandise covered by this order is all grades of garlic, whether whole or separated into constituent cloves.[3] The subject merchandise is currently classifiable under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings: 0703.20.0000, 0703.20.0005, 0703.20.0010, 0703.20.0015, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, 0711.90.6500, 2005.90.9500, 2005.90.9700, and 2005.99.9700. A full description of the scope of the order is contained in the Preliminary Decision Memorandum. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description is dispositive.

Methodology

The Department is conducting this review in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.214. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's centralized electronic service system (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov* and in the Department's Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

[1] *See Fresh Garlic from the People's Republic of China: Initiation of Antidumping Duty New Shipper Review; 2013–2014,* 79 FR 46250 (August 7, 2014).

[2] *See* the Department Memorandum ''Fresh Garlic from the People's Republic of China: Extension of Deadline for Preliminary Results of Antidumping Duty New Shipper Review,'' dated December 12, 2014.

[3] *See* the Department Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty New Shipper Review of Fresh Garlic from the People's Republic of China: Jinxiang Kaihua Imp & Exp Co., Ltd.'' dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum), for a complete description of the Scope of the Order.

Preliminary Rescission of Kaihua

For the reasons detailed in the Preliminary Decision Memorandum, the Department preliminarily finds that Kaihua's sale under review is not *bona fide,* and therefore, does not provide a reasonable or reliable basis for calculating a dumping margin. The Department reached this conclusion based on the totality of the circumstances, including: (a) The atypical nature of Kaihua's price; (b) Kaihua's failure to demonstrate that it received payment for the sale; and (c) the atypical circumstances surrounding the sale. As result, the Department is preliminarily rescinding the new shipper review of Kaihua.

Disclosure and Public Comment

The Department will disclose the analysis performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit written comments by no later than 30 days after the date of publication of these preliminary results of review.[4] Rebuttals, limited to issues raised in the written comments, may be filed by no later than five days after the written comments are filed.[5]

Any interested party may request a hearing within 30 days of publication of this notice.[6] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.[7]

The Department intends to issue the final results of this new shipper review, which will include the results of its analysis of issues raised in any such comments, within 90 days of publication of these preliminary results, pursuant to section 751(a)(2)(B)(iv) of the Act.

Assessment Rates

Upon completion of the final results, pursuant to 19 CFR 351.212(b), the Department will determine, and the U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. If we proceed to a final rescission of the new shipper review, Kaihua's entries will be assessed at the rate entered.[8] If we do not proceed to a final rescission of the new shipper review, pursuant to 19 CFR 351.212(b)(1), we will calculate importer-specific assessment rates. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis.*[9]

Although the Department intends to rescind the new shipper review for Kaihua, the Department is currently conducting an administrative review for the POR November 1, 2013, through October 31, 2014, which could include the entries subject to this new shipper review. Accordingly, we will instruct CBP to continue to suspend entries during the period November 1, 2013, through October 31, 2014, of subject merchandise exported by Kaihua until CBP receives instructions relating to the administrative review covering the period November 1, 2013, through October 31, 2014.

Cash Deposit Requirements

Effective upon publication of the final rescission or the final results of this NSR, we will instruct CBP to discontinue the option of posting a bond or security in lieu of a cash deposit for entries of subject merchandise by Kaihua. If the Department proceeds to a final rescission of the new shipper review, the cash deposit rate will continue to be the PRC-wide rate. If we issue final results of the new shipper review for Kaihua, we will instruct CBP to collect cash deposits, effective upon the publication of the final results, at the rates established therein.

Notification to Importers

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

The Department is issuing and publishing these results in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act and 19 CFR 351.214 and 351.221(b)(4).

Dated: May 29, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Recommendation

[FR Doc. 2015–13805 Filed 6–4–15; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See* 19 CFR 351.309(c).
[5] *See* 19 CFR 351.309(d).
[6] *See* 19 CFR 351.310(c).
[7] *See* 19 CFR 351.310(d).
[8] *See* 19 CFR 351.212(c).
[9] *See* 19 CFR 351.106(c)(2).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD947

International Trade Data System Test Concerning the Electronic Submission of Certain Data Required for Imports

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

ACTION: Notice; request for comments.

SUMMARY: NMFS announces a pilot test of the International Trade Data System (ITDS) involving the electronic submission of forms and/or data, related to importations of fish products regulated by NMFS, using the Partner Government Agency (PGA) Message Set and Document Imaging System (DIS) components of the Automated Commercial Environment (ACE). The U.S. Customs and Border Protection (CBP) and NMFS have developed a pilot plan to test and assess the electronic transmission of import data for tuna, swordfish and toothfish.

The pilot test will involve using the ACE, the NMFS PGA Message Set, the DIS and the Automated Broker Interface (ABI) to transmit the data required for admissibility determinations for entries of tuna, swordfish and toothfish. ABI is the electronic data interchange that enables participants to file electronically required import data with CBP and transfers that data into ACE. Initially, under this test, NMFS PGA Message Set data may be submitted only for formal and informal consumption entries (entry types 01 and 11), filed at certain ports.

DATES: The test will commence after July 1, 2015 and will continue until concluded by publication of a notice in the **Federal Register** ending the test. Participants should consult the following Web site to determine which ports are operational for the test and the

date that they become operational: *http://www.cbp.gov/document/guidance/list-aceitds-pga-message-set-pilot-ports.* Comments will be accepted through the duration of the test.

ADDRESSES: To submit comments concerning this test program, send an email to Josephine Baiamonte (*Josephine.Baiamonte@dhs.gov*), Director, Business Transformation, ACE Business Office (ABO), Office of International Trade. In the subject line of an email, please use, ''*Comment on PGA Message Set Test FRN*''.

Any party seeking to participate in the PGA Message Set test should contact their client representative. Interested parties without an assigned client representative should submit an email to Steven Zaccaro at *steven.j.zaccaro@cbp.dhs.gov* with the subject heading ''*PGA Message Set Test FRN-Request to Participate*''.

FOR FURTHER INFORMATION CONTACT: For technical questions related to the Automated Commercial Environment (ACE) or ABI transmissions, contact your assigned client representative. Interested parties without an assigned client representative should direct their questions to Steven Zaccaro at *steven.j.zaccaro@cbp.dhs.gov.* For PGA related questions, contact Emi Wallace (CBP) at mailto:*emi.r.wallace@cbp.dhs.gov* and for NMFS related questions contact Dale Jones (NMFS) at *dale.jones@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

I. The National Customs Automation Program (NCAP)

NCAP was established in Subtitle B of Title VI—Customs Modernization, in the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057, 2170, December 8, 1993) (Customs Modernization Act). *See* 19 U.S.C. 1411. Through NCAP, the initial thrust of customs modernization was on trade compliance and the development of ACE, the planned successor to the Automated Commercial System (ACS). ACE is an automated and electronic system for commercial trade processing which is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for CBP and all of its communities of interest. The ability to meet these objectives depends on successfully modernizing CBP's business functions and the information technology that supports those functions.

CBP's modernization efforts are accomplished through phased releases of ACE component functionality designed to replace a specific legacy ACS function. Each release will begin with a test and will end with mandatory use of the new ACE feature, thus retiring the legacy ACS function. Each release builds on previous releases and sets the foundation for subsequent releases. ABI allows participants to electronically file required import data with CBP and transfers that data into ACE.

II. International Trade Data System

This test is in furtherance of the ITDS, which is statutorily authorized by section 405 of the Security and Accountability for Every (SAFE) Port Act of 2006, Public Law 109–347. The purpose of ITDS, as defined by section 4 of the SAFE Port Act of 2006, is to eliminate redundant information filing requirements, efficiently regulate the flow of commerce, and effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by CBP, for the collection and distribution of standard electronic import and export data required by all participating Federal agencies.

III. Partner Government Agency Message Set

The PGA Message Set is the data needed to satisfy the PGA reporting requirements. For purposes of this test, the affected PGA is the NMFS. ACE enables the message set by acting as the ''single window'' for the submission of trade-related data required by the PGAs only once to CBP. This data must be submitted at any time prior to the arrival of the merchandise on the conveyance transporting the cargo to the United States as part of an ACE Entry/Cargo Release or Entry Summary. The data will be validated and made available to the relevant PGAs involved in import, export, and transportation-related decision making. The data will be used to fulfill merchandise entry and entry summary requirements and will allow for earlier release decisions and more certainty for the importer in determining the logistics of cargo delivery. Also, by virtue of being electronic, the PGA Message Set will eliminate the necessity for the submission and subsequent handling of paper documents. All PGA Message Set participants are required to use a software program that has completed ACE certification testing for the PGA Message Set.

Alternatively, test participants may transmit required PGA data using the DIS as ACE is ready to receive imaged copies of NMFS forms and documents through the DIS. For information regarding the use of DIS, and for a list of PGA forms and documents which may be transmitted to ACE using DIS, please see *http://www.cbp.gov/trade/ace/features.* At this time, ACE is prepared to accept certain PGA data elements for NMFS for type ''01'' (consumption) and type ''11'' (informal) commercial entries filed at specified ports. CBP plans on expanding to include Type ''02'' (quota) entries in the near future.

The PGA data elements comprising the test are generally those found in the current paper forms (NOAA Form 370, Bluefin Tuna Catch Document, Swordfish Statistical Document, Bigeye Statistical Document, *Dissostichus* Catch Document, and the associated re-export certificates, if any), which are currently handled via fax, email, and/or paper communication with NMFS. These data elements are set forth in the supplemental Customs and Trade Automated Interface Requirements (CATAIR) guidelines for NMFS. These technical specifications, including the CATAIR chapters can be found at the following link: *http://www.cbp.gov/trade/ace/catair.*

Upon commencement of this test, a limited number of ports will be accepting PGA Message Set data and DIS documents and forms. A list of those ports and the date they become operational is provided on the following Web site: *http://www.cbp.gov/document/guidance/list-aceitds-pga-message-set-pilot-ports.* CBP may expand to additional ports in the future. Test participants and interested parties should consult the above-referenced Web site for changes/additions to the list of ports where NMFS data and DIS forms and documents may be sent.

IV. The National Marine Fisheries Service Test

This ITDS test is in furtherance of key CBP ITDS initiatives as provided in SAFE Port Act of 2006. The goal is to establish ACE as the ''single window'' for the Government and trade community by automating and enhancing the interaction between international trade partners, CBP, and PGAs by facilitating electronic collection, processing, sharing, and review of trade data and documents required by Federal agencies during the cargo import and export process. Processing trade data through ITDS and ACE will significantly increase efficiency and reduce costs over the manual, paper-based interactions that are currently in place. The PGA Message Set and DIS will improve

communication between NMFS and entry filers regarding imports and, for eligible entries, will allow test participants to submit the required data once rather than submitting data separately to CBP and NMFS, resulting in quicker processing. During this test, participants will collaborate with CBP and NMFS to examine the effectiveness of the ''single window'' capability.

NMFS programmatic requirements are separated into three different programs: the Highly Migratory Species (HMS) Program which includes various tunas and swordfish, the Antarctic Marine Living Resources (AMLR) program which covers fresh and frozen toothfish (*Dissostichus* species), and the NOAA Tuna Tracking and Verification Program (NOAA Form 370) which covers a variety of canned, frozen, pouched and other processed tuna but not fresh tuna. Under this test, NMFS required data will be transmitted electronically through ACE utilizing the PGA Message Set and DIS for any merchandise or combination thereof covered by any of these programs.

For approved participants, the pilot test may include all modes of transport at the selected port(s), and all commodities regulated under the three NMFS import monitoring programs when imported at one of the selected ports. The import filing process for the NMFS will require the submission of specifically designated data/information. Both the designated Partner Government Agency (PGA) Message Set and the Document Imaging System (DIS) will be utilized to collect the specified information that is required by NMFS.

The PGA Message Set data will be submitted to the CBP Automated Commercial Environment (ACE) system through the use of ABI at the time of the filing in addition to the CBP required import Entry or Entry Summary data. Scanned copies of specific documents required will be submitted at the time of filing to the CBP DIS, either through uploading the file copies to the ABI system or by sending them to the DIS as email attachments.

Examples of the kind of data that will be submitted as part of the PGA Message set are; the importer's permit number, a code for the ocean area of the harvest, a code for the type of gear used to harvest the fish or the code providing the country of registry for the fishing vessel that harvested the product. Examples of the types of scanned images that will be submitted to the DIS are; the international statistical documents pertaining to the harvest, re-export documents for product imported and re-exported from another country before shipment to the United States, or other specific and required catch/harvest documentation pertaining to the product being imported.

For information regarding merchandise regulated by NMFS and data, information, forms and documents required by NMFS, see the implementation guidelines for the NMFS at: *http://www.cbp.gov/sites/default/files/documents/NMFS%20PGA%20Message%20Set%20Guidlines.pdf.*

V. Test Participation Criteria and Participation Procedure

Any party seeking to participate in this test must provide CBP, in their request to participate, their filer code and the port(s) at which they are interested in filing the appropriate PGA Message Set and DIS information. Requests to participate in this test will be accepted throughout the duration of the test. To be eligible to apply for this pilot, the applicant must be a self-filing importer who has the ability to file ACE Entry Summaries certified for cargo release and ACE cargo release or a broker who has the ability to file ACE Entry Summaries certified for cargo release and ACE cargo release; and the applicant files entries for NMFS commodities that are the subject of this test. All PGA Message Set participants are required to use a software program that has completed ACE certification testing for the PGA Message Set. At this time, PGA Message Set data and DIS submissions may be submitted only for ''01'', and ''11'' type entries filed at certain ports. CBP plans on expanding to include Type ''02'' entries in the near future. Test participants should contact their client representative regarding the expansion to additional entry types (*See* **ADDRESSES**). A current listing of the participating ports and the date each port becomes operational for the test may be found on the designated Web site (*See* **DATES**).

VI. Anticipated Process Changes

The current paper process for the NMFS–NOAA 370 Program, Highly Migratory Species (HMS) Program and the Antarctic Marine Living Resources (AMLR) Program will be replaced by a the submittal of data and scanned document images through a combination of the PGA Message Set and DIS. This test covers communication and coordination among the agencies and the filers for the importation of these fisheries products. The agencies will also be testing new operational processes in real time with actual ACE filings in the production environment that include test messages of errors in filing and release status updates to the port and to the filer. Entry data submissions will be subject to validation edits and any applicable PGA business rules programmed into ACE. Once entry data has cleared the initial stage of validation edits and PGA business rules, the filer will receive messages, automatically generated or manually initiated by NMFS, thus keeping the filer informed as to the status of the shipment from the time of entry data submission until the time of release. Once all of the PGAs have concluded their review of the shipment and have unset any remaining holds, CBP will send a one U.S. Government release message to the filer to indicate that the filer has fulfilled all U.S. Government filing requirements for the shipment.

VII. Confidentiality

All data submitted and entered into ACE is subject to the Trade Secrets Act (18 U.S.C. 1905) and is considered confidential, except to the extent as otherwise provided by law. As stated in previous notices, participation in this or any of the previous ACE tests is not confidential and upon a written Freedom of Information Act (FOIA) request, a name(s) of an approved participant(s) will be disclosed by CBP in accordance with 5 U.S.C. 552.

Authority: 19 U.S.C. 1411.

Dated: June 2, 2015.

John Henderschedt,

Director, Office for International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2015–13767 Filed 6–4–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD981

Vessel Monitoring System, Enhanced Mobile Transceiver Unit Type-Approvals

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

ACTION: Notice.

SUMMARY: This document provides notice that three enhanced mobile transceiver units (EMTU) that were previously approved for use to comply with vessel monitoring system (VMS) requirements in United States federal fisheries are no longer approved for use.

This document also provides a link to the continually updated, online list of NOAA Fisheries Service Type-Approved VMS Units.

ADDRESSES: To obtain copies of the list of NMFS-approved VMS mobile transmitting units and NMFS-approved VMS communications service providers (including specifications), please go to: *http://www.nmfs.noaa.gov/ole/about/our_programs/vessel_monitoring.html,* and click on the ''Approved VMS Units'' link.

You may also contact the VMS Support Center at phone (888) 219–9228, fax (301) 427–0049, or write to NMFS Office for Law Enforcement (OLE), VMS, 1315 East West Highway, Suite 3301, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: The public may acquire this notice and relevant updates by calling the VMS support center, email: *ole.helpdesk@noaa.gov,* phone (888) 219–9228, fax (301) 427–0049. For questions regarding the status of VMS provider evaluations, contact Kelly Spalding, VMS Management Analyst, phone (301) 427–2300; fax (301) 427–0049.

SUPPLEMENTARY INFORMATION: In December 2014, the National Marine Fisheries Service (NMFS) published in the **Federal Register** a final regulation governing the technical requirements for, and NMFS' approval of VMS units used in U.S. federal fisheries (79 FR 77399 (Dec. 24, 2014); 50 CFR part 600, subpart Q). One of the requirements set out in the regulation is a type-approval renewal process. Under the type-approval renewal process, VMS vendors are required to apply for a renewal of their type-approved EMTUs/services every three years. CLS America, Inc. and SkyMate Inc. did not submit completed applications for type-approval renewal for some or all of their type-approved EMTUs/services. As a result, the following EMTU/communication-services did not receive renewal, and are therefore no longer approved for compliance with VMS requirements in United States federal fisheries, after September 30, 2015:

Skymate	Stellar ST2500G (with messaging terminal).
	Stellar ST2500G (with closed Dell laptop).
CLS America	Thorium TST (*The Thorium TST A2.0 and the Thorium LEO A2.0 are still approved*).

Current Type-Approvals

The list of type-approved EMTUs is continually changing. For the most up to date list of type-approved VMS EMTUs, by fishery/region, please go to *http://www.nmfs.noaa.gov/ole/about/our_programs/vessel_monitoring.html,* and click on the ''Approved VMS Units'' link.

Dated: June 1, 2015.

Samuel D. Rauch III,

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

[FR Doc. 2015–13675 Filed 6–4–15; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletion from the Procurement List.

SUMMARY: The Committee is proposing to add products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes a service previously provided by such agency.

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

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and service are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

Product Name(s)/NSN(s):

Badge Reel, ID, Retractable, Bulldog Clip, Black 8455–00–NIB–0003

Flight Line Lanyard, Cord Style, Breakaway, with Holder, Black, 36″ x .25″/ 8455–00–NIB–0050

Holder, Badge, Vinyl, Re-Sealable, Clear, 3¾″ x 2⅝″ 8455–00–NIB–0051

Mandatory Purchase For: Total Government Requirement

Mandatory Source of Supply: West Texas Lighthouse for the Blind, San Angelo, TX

Contracting Activity: General Services Administration, Fort Worth, TX

Distribution: A-List

Product Name/ NSN(s): Wrench, Combination, Chrome

5120–00–NIB–0120—12 Pt, ¼″

5120–00–NIB–0121—12 Pt, 5/16″

5120–00–NIB–0122—12 Pt, 11/32″

5120–00–NIB–0123—12 Pt, ⅜″

5120–00–NIB–0124—12 Pt, 7/16″

5120–00–NIB–0125—12 Pt, ½″

5120–00–NIB–0126—12 Pt, 9/16″

5120–00–NIB–0127—12 Pt, ⅝″

5120–00–NIB–0128—12 Pt, 11/16″

5120–00–NIB–0129—12 Pt, ¾″

5120–00–NIB–0130—12 Pt, 13/16″

5120–00–NIB–0131—12 Pt, ⅞″

5120–00–NIB–0132—12 Pt, 15/16″

5120–00–NIB–0133—12 Pt, 1″

5120–00–NIB–0139—12pt, ⅜″–1″

5120–00–NIB–0147—12 Pt, 10MM

5120–00–NIB–0148—12 Pt, 11MM

5120–00–NIB–0149—12 Pt, 12MM

5120–00–NIB–0150—12 Pt, 13MM

5120–00–NIB–0151—12 Pt, 14MM

5120–00–NIB–0152—12 Pt, 15MM

5120–00–NIB–0153—12 Pt, 16MM

5120–00–NIB–0154—12 Pt, 17MM

5120–00–NIB–0155—12 Pt, 18MM

5120–00–NIB–0156—12 Pt, 19MM

5120–00–NIB–0157—12pt, 10MM–19MM

Mandatory Purchase For: Broad Government Requirement

Mandatory Source of Supply: Industries for the Blind, Inc., West Allis, WI

Contracting Activity: General Services Administration, Kansas City, MO

Distribution: B-List

Product Name/NSN(s): Set, Bag Clip, 5 pc/ MR 843

Mandatory Purchase For: Requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency

Mandatory Source of Supply: Industries for the Blind, Inc., West Allis, WI

Contracting Activity: Defense Commissary Agency, Fort Lee, VA

Distribution: C-List

Product Name/NSN(s): Cup, Disposable, Paper, Squat-Style, Hot Food, White, 12 oz. 7350–00–641–4518

Mandatory Purchase For: Total Government Requirement

Mandatory Source of Supply: The Lighthouse for the Blind in New Orleans, Inc., New Orleans, LA

Contracting Activity: General Services Administration, Fort Worth, TX

Distribution: A-list

Product Name/NSN(s): Gravy Mix

8940–01–E62–4753—Brown, 8/12 oz. Containers

8940–01–E62–4754—Chicken, 8/12 oz. Containers

8940–01–E62–4755—Brown, Low Sodium, 8/12 oz. Containers
8940–01–E62–4756—Country, 8/20 oz. Containers
8940–01–E62–4757—Turkey, 8/12 oz. Containers
8940–01–E62–4758—Chicken, Low Sodium, 8/12 oz. Containers
Mandatory Purchase For: 100% of the requirement of the Department of Defense
Mandatory Source of Supply: CW Resources, Inc., New Britain, CT
Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA
Distribution: C-List

Product Name/NSN(s): Label, Address, Recycled, Laser and Inkjet, White
7530–00–NIB–1158—1″ x 4″
7530–00–NIB–1159—2″ x 4″
7530–00–NIB–1160—1⅓″ x 4″
Mandatory Purchase For: Total Government Requirement
Mandatory Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: General Services Administration, New York, NY
Distribution: A-List

Service

Service Type: Healthcare Housekeeping and Related Service
Service Mandatory For: US Army, Reynolds Army Community Hospital & Multiple Medical Treatment Facilities, 4301 Wilson Street, Fort Sill, OK
Mandatory Source of Supply: Professional Contract Services, Inc., Austin, TX
Contracting Activity: Dept of the Army, W40M USA MEDCOM HCAA, Fort Sam Houston, TX

Deletion

The following service is proposed for deletion from the Procurement List:

Service

Service Type: Grounds Maintenance
Service Mandatory For: Fort Ord, CA
Mandatory Source of Supply: Unknown
Contracting Activity: Dept of the Army, W40M Northern Region Contract Office, Fort Belvoir, VA

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2015–13791 Filed 6–4–15; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare a Supplemental Environmental Impact Statement/Supplemental Overseas Environmental Impact Statement for Employment of Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) Sonar

AGENCY: Department of the Navy; DoD.

ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), Executive Order 12114 (Environmental Effects Abroad of Major Federal Actions), and in compliance with OPNAVINST 5090.1D the Navy is announcing its intent to prepare a Supplemental Environmental Impact Statement (SEIS)/Supplemental Overseas Environmental Impact Statement (SOEIS) for the worldwide employment of SURTASS LFA sonar.

DATES: The Draft SEIS/SOEIS is expected to be available in June 2016, at which time the public comment period will be open for 45 days. The Final SEIS/SOEIS is expected to be completed by June 2017.

FOR FURTHER INFORMATION CONTACT: Chief of Naval Operations, Code N2/N6F24, c/o SURTASS LFA Sonar SEIS/SOEIS Program Manager, 4350 Fairfax Drive, Suite 600, Arlington, Virginia 22203; or email: *eisteam@surtass-lfa-eis.com.*

SUPPLEMENTARY INFORMATION: In continuance of the Navy's commitment to responsible stewardship of the marine environment and building upon analyses and information included in the Navy's 2001 Final Environmental Impact Statement (EIS)/Overseas EIS (OEIS), 2007 Final SEIS, 2012 Final SEIS/SOEIS, and 2015 Final SEIS/SOEIS, the Navy intends to prepare a comprehensive assessment of the environmental effects associated with employment of SURTASS LFA [1] sonar systems. The SEIS/SOEIS and associated analysis will be used to support consultations associated with expiring regulatory permits and authorizations in 2017.

The Navy proposes to continue employing up to four SURTASS LFA sonar systems onboard U.S. Navy surveillance ships for routine training, testing, and military operations in the Pacific, Atlantic, and Indian oceans, and the Mediterranean Sea with certain geographical restrictions and other preventive measures designed to mitigate adverse effects on the marine environment. As part of the SEIS/SOEIS analyses, the Navy will continue to assess potential impacts of SURTASS LFA sonar systems to offshore biologically important areas (OBIAs). Effectiveness of the mitigation measures that are the foundation of the Navy's operation of SURTASS LFA sonar will also be re-assessed in the context of new technologies and methodologies as well as operational practicability.

[1] "SURTASS LFA sonar systems" refers to both the LFA and compact LFA (CLFA) systems, each having similar acoustic transmission characteristics.

In addition to the No Action alternative, alternatives will include the alternative chosen in the Navy's 2012 Record of Decision and an analysis of potential additional new or modified OBIAs developed from the Adaptive Management process and a comprehensive review of relevant scientific information/data during the SEIS/SOEIS review process.

The National Marine Fisheries Service has been asked to be a cooperating agency under 40 CFR 1501.6 for the development of the SEIS/SOEIS. The SEIS/SOEIS will comply with both NEPA and Executive Order 12114 as well as other relevant environmental statutes.

Additional information concerning SURTASS LFA sonar and pertinent environmental documents are available at: *http://www.surtass-lfa-eis.com.*

Dated: June 1, 2015.

N.A. Hagerty-Ford,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2015–13772 Filed 6–4–15; 8:45 am]

BILLING CODE 3810–FF–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Public Availability of Defense Nuclear Facilities Safety Board FY 2013 Service Contract Inventory Analysis/FY 2014 Service Contract Inventory

AGENCY: Defense Nuclear Facilities Safety Board (DNFSB).

ACTION: Notice of Public Availability of FY 2013 Service Contract Inventory Analysis/FY 2014 Service Contract Inventories.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), DNFSB is publishing this notice to advise the public of the availability of (1) its analysis of the FY 2013 Service Contract inventories and (2) the FY 2014 Service Contract inventories. This inventory provides information on service contract actions over $25,000 that were made in FY 2014. The information is organized by function to show how contracted resources are distributed throughout the agency. The inventory has been developed in accordance with guidance issued on December 19, 2011 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventory-guidance.pdf.* DNFSB has posted its FY 2013 analysis

and FY 2014 inventory and a summary of the inventory on the DNFSB homepage at the following link: *http://www.dnfsb.gov/open.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to Sherrill King at 202–694–7070 or *Mailbox@dnfsb.gov.*

Dated: June 1, 2015.

Mark T. Welch,

General Manager.

[FR Doc. 2015–13708 Filed 6–4–15; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0031]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Formula Grant EASIE Annual Performance Report

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before July 6, 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–0031 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 2E117, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kimberly Smith, 202–453–6459.

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: Formula Grant EASIE Annual Performance Report.

OMB Control Number: 1810—NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 1,300.

Total Estimated Number of Annual Burden Hours: 20,800.

Abstract: The purpose of Indian Education Formula Grant to Local Agencies, as authorized under Title VII, part A, subpart 1 of the Elementary and Secondary Education Act, as amended (sections 7111–7119, 20 U.S.C. 7421–7429) is to assist applicants to provide Indian students with the opportunity to meet the same challenging state standards as all other students and meet the unique educational and culturally related academic needs of American Indian and Alaska Native students. The Indian Education Formula Grant (CFDA 84.060A) is not competitive or discretionary and requires the annual submission of the application from either a local education agency (LEA) and/or tribe. The amount of the award for each applicant is determined by a formula based on the reported number of American Indian/Alaska Native students identified in the application, the state per pupil expenditure, and the total appropriation available. The 524B Annual Performance Report (APR) was designed for discretionary grants, however the title VII program is a formula grant program. Therefore, the EASIE APR goes beyond the generic 524B APR and facilitates the collection of more specific and comprehensive data due to grantees entering project specific data into an online database. This will allow for a comparison of LEAs across objectives. By entering information into the EASIE APR database, data will be able to be generated quickly and uniformly to facilitate data collection, as required under 34 CFR 75.720, and 2 CFR part 200.301. This APR will improve the quality of data collected that can be used for evaluation and to help make policy decisions, reduce burden on the grantees, and allow ED to inform Congress on the outcomes of this grant program.

Dated: June 1, 2015.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–13720 Filed 6–4–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0033]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Transition to Teaching Evaluation

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 6, 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–0033 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 2E117, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beatriz Ceja, 202–205–5009.

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: Transition to Teaching Evaluation.

OMB Control Number: 1855–0018.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 42.

Total Estimated Number of Annual Burden Hours: 42.

Abstract: This is a request for approval to collect information from Transition to Teaching (TTT) grantees that will be used to describe the extent to which local education agencies that received TTT grant funds have met the goals relating to teacher recruitment and retention described in their application. TTT grantees are funded for a period of five years. Currently, grantees are required by statute to submit an interim project evaluation to the Department of Education (ED) at the end of the third project year and a final project evaluation at the project's end. In turn, the TTT program is required to prepare and submit to the Secretary and to Congress interim and final program evaluations containing the results of these grantee project evaluation reports. An analysis of these reports has provided some data on grantee activities, prior to the usage of the TTT survey, missing or incomplete data made it difficult to aggregate data across grantees in order to accurately describe to Congress the extent of program implementation. This data collection allows ED to gather data on a common set of indicators across grantees in order to describe and improve program implementation with the end goal of improving program performance.

Dated: June 1, 2015.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–13721 Filed 6–4–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13163–004]

Bishop Tungsten Development, LLC; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Request to amend exemption.

b. *Project No.:* 13163–004.

c. *Date Filed:* March 3, 2015, and supplemented March 31, 2015, and May 14, 2015.

d. *Applicant:* Bishop Tungsten Development, LLC.

e. *Name of Project:* Pine Creek Mine Water Discharge System Sites 1 and 2 Project.

f. *Location:* On the applicant's mine water discharge system in Inyo County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Lynn Goodfellow, Bishop Tungsten Development, LLC, 679 Marina Drive, Boulder City, Nevada 89005, (702) 293–1627, *lgoodfellow@goodfellowcrushers.com.*

i. *FERC Contact:* Mr. Jeremy Jessup, (202) 502–6779, *Jeremy.Jessup@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests, is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests 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/doc-sfiling/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–13163–004.

k. *Description of Request:* The application explains that the applicant installed generating equipment that is different than the equipment approved in the exemption. The applicant is requesting to revise the authorized installed capacity of the project from 150 kW to 250 kW to reflect the generating equipment installed at the project. The application states that the installation of generating equipment with a higher generating capacity does not impact the operation and hydraulic discharge of the project.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via

email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov*, for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions to Intervene, or Protests:* Anyone may submit comments, a motion to intervene, or a protest in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, motions to intervene, or protests must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''MOTION TO INTERVENE'', or ''PROTEST'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person intervening or protesting; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the application. Agencies may obtain copies of the application directly from the applicant. A copy of any motion to intervene or protest must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: May 29, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13740 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–67–000]

Linden VFT, LLC v. PJM Interconnection, L.L.C.; Notice of Complaint

Take notice that on May 22, 2015, pursuant to sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824(e) and 825(e) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Linden VFT, LLC (Complainant), filed a formal complaint against PJM Interconnection, L.L.C. (PJM or Respondent), alleging that the Respondent's proposed cost allocations for projects resulting from PJM's 2013 Regional Transmission Expansion Plan, including Public Service Electric and Gas Company upgrades, are unjust, unreasonable, unduly discriminatory, and preferential, as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts for the Respondent as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 11, 2015.

Dated: May 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13735 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD15–11–000]

Electronic Filing Protocols for Commission Forms; Supplemental Notice of Conference With North American Energy Standards Board

As announced in the Notice of Technical Conference issued on May 1, 2015, the Federal Energy Regulatory Commission (Commission) staff will lead a technical conference that will include the North American Energy Standards Board (NAESB) and interested members of the public and industry to discuss the transition to a new submission format for certain forms required by the Commission,[1] and NAESB's assistance in that process. The agenda for the technical conference is as follows:

10:00 a.m.–10:15 a.m. Opening Remarks from Chairman Norman Bay

10:15 a.m.–10:45 a.m. FERC Staff Overview Presentation

10:45 a.m.–11:15 a.m. FERC Staff IT Presentation

11:15 a.m.–11:45 a.m. North American Energy Standards Board Presentation

11:45 a.m. Question & Answer Session

Conferences held at the Federal Energy Regulatory Commission are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov*

[1] Forms 1, 1–F, 2, 2–A, 3–Q electric, 3–Q natural gas, 6, 6–Q, FERC–60, and FERC–714.

or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

Prior to the conference, Commission staff will post conference materials on the Commission's Web site, *www.ferc.gov* (navigate to Documents & Filings, then Forms, then eForms Refresh). The conference will also be webcast and transcribed. The webcast will be available through a link on the Commission's Calendar of Events, available at *http://www.ferc.gov.* An email account has been created for off-site participants to submit questions for the question and answer session at the technical conference. Please email questions at any time to *eForms.Refresh@ferc.gov.*

For more information about this conference please contact Robert Hudson (Technical Information), Office of Enforcement, at (202) 502–6620 or *Robert.Hudson@ferc.gov* or Sarah McKinley (Logistical Information), Office of External Affairs at (202) 502–8368 or *Sarah.McKinley@ferc.gov.*

Dated: May 29, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–13725 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP15–492–000]

Dominion Transmission, Inc.; Notice of Application

Take notice that on May 15, 2015, Dominion Transmission, Inc. (DTI), filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) and part 157 of the Commission's Regulations, for a certificate of public convenience and necessity to construct and operate the Leidy South Project (the ''Project''). The various parts of the Project will be located in Clinton, Franklin, and Centre Counties, Pennsylvania; Frederick County, Maryland; and Loudoun and Fauquier Counties, Virginia. The filing may be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Matthew R. Bley, Director Gas Transmission Certificates, Dominion Transmission, Inc., 701 E. Cary Street, Richmond, VA 23219, call at (804) 771–4399, or email *Matthew.R.Bley@dom.com.*

Specifically, DTI proposes to replace two 1,100 horsepower (hp) compressor units with one 10,915 hp unit at the Finnefrock Compressor Station in Clinton County, PA; install one suction filter/separator at the Centre Compressor Station in Centre County, PA; install one 13,220 hp unit at the Chambersburg Compressor Station in Franklin County, PA; install one 15,900 hp unit at the Myersville Compressor Station in Frederick County, MD; install one 8,000 hp unit at the Leesburg Compressor Station in Loudoun County, VA; install a new cooler and filter separator at the Quantico Compressor Station in Fauquier County, VA; and construct a new meter station at the Panda Stonewall Power Project in Loudoun County, VA. The Project will allow DTI to provide an incremental 155 MMcf per day of firm transportation service to three electric power generation facilities. The total cost of the Project will be approximately $209,657,857.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 5 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: 5 p.m. Eastern Time on June 17, 2015.

Dated: May 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13733 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–149–000.
Applicants: American Transmission Company LLC.
Description: Application for Authority to Acquire Transmission Facilities Under Section 203 of the FPA of American Transmission Company LLC.
Filed Date: 5/29/15.
Accession Number: 20150529–5347.
Comments Due: 5 p.m. ET 6/19/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–136–003; ER13–135–003; ER13–137–003; ER13–138–003; ER13–141–003; ER13–142–003.
Applicants: Georgia-Pacific Brewton LLC.
Description: Supplement to December 30, 2014 Updated Market Power Analysis in Southeast Region of the Georgia-Pacific Entities.
Filed Date: 5/29/15.
Accession Number: 20150529–5284.
Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1812–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–05–29_SA 2790 ATC-Alliant Energy Operating Agreement to be effective 7/29/2015.
Filed Date: 5/29/15.
Accession Number: 20150529–5245.
Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1813–000.
Applicants: The Connecticut Light and Power Company.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Joint Market Based Tariff to be effective 5/30/2015.
Filed Date: 5/29/15.
Accession Number: 20150529–5294.
Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1814–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–05–29_SA 2790 Notice of Termination ATC-Alliant OA to be effective 7/29/2015.
Filed Date: 5/29/15.
Accession Number: 20150529–5315.
Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1815–000.
Applicants: Public Service Company of New Hampshire.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Joint Market Based Tariff to be effective 5/30/2015.
Filed Date: 5/29/15.
Accession Number: 20150529–5316.
Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1816–000.
Applicants: Western Massachusetts Electric Company.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Joint Market Based Tariff to be effective 5/30/2015.
Filed Date: 5/29/15.
Accession Number: 20150529–5322.
Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1817–000.
Applicants: San Diego Gas & Electric Company.
Description: Fourth Annual Informational Filing [Cycle 4] of Fourth Transmission Owner Rate Formula rate mechanism of San Diego Gas & Electric Company.
Filed Date: 5/29/15.
Accession Number: 20150529–5344.
Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1818–000.
Applicants: Southern Company Services, Inc.
Description: Notice of Termination of Service Agreement for Network Integration Transmission Service and Network Operating Agreement between City of Seneca, South Carolina and Southern Company Services, Inc., as agent for Southern Companies.
Filed Date: 5/29/15.
Accession Number: 20150529–5346.
Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1819–000.
Applicants: CED Atwell Island West, LLC.
Description: Initial rate filing per 35.12 CED Atwell West LLC Co-Tenancy Filing to be effective 5/31/2015.
Filed Date: 5/29/15.
Accession Number: 20150529–5359.
Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1820–000.
Applicants: SPS Atwell Island, LLC.
Description: Initial rate filing per 35.12 Filing of Co-Tenancy and Common Facilities Agreement to be effective 5/29/2015.
Filed Date: 5/29/15.
Accession Number: 20150529–5424.
Comments Due: 5 p.m. ET 6/19/15.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR15–10–000.
Applicants: North American Electric Reliability Corp.
Description: North American Electric Reliability Corporation's Report of Budgeted to Actual Costs for 2014 for NERC and the Regional Entities.
Filed Date: 5/29/15.
Accession Number: 20150529–5246.
Comments Due: 5 p.m. ET 6/19/15.

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: May 29, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–13727 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–493–000]

Notice of Application; El Paso Natural Gas Company, LLC

Take notice that on May 19, 2015, El Paso Natural Gas Company, L.L.C. (El Paso), P.O. Box 1087, Colorado Springs, Colorado 80944, filed an application pursuant to section 3 of the Natural Gas Act (NGA) and Part 153 of the Commission's regulations to amend its Monument 90 Presidential Permit to establish a maximum export capacity of 56.9 million cubic feet per day at its existing international border crossing from the United States into Mexico located in Cochise County, Arizona, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in

the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions concerning this application may be directed to Francisco Tarin, Director, Regulatory Affairs Department, El Paso Natural Gas Company, L.L.C., P.O. Box 1087, Colorado Springs, Colorado 80904, by telephone at (719) 667–7517.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

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 seven 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 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on June 17, 2015.

Dated: May 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13734 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–7658–000]

Notice of Filing; Malandro, Michael E.

Take notice that on May 28, 2015, Michael E. Malandro filed an application to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d (b) and Part 45 of Title 18 of the Code of Federal Regulations, 18 CFR part 45.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 18, 2015.

Dated: May 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13739 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt

off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP15–138–000	5–19–15	William and Delores Smith, et al.[1]
2. CP15–17–000	5–21–15	Dinorah Hall and Wynn Page
Exempt:		
3. CP14–96–000	5–12–15	Hon. Nita M. Lowey
4. CP14–96–000	5–12–15	Hons. Edward J. Markey and Elizabeth Warren
5. CP14–17–000	5–13–15	Hon. Patrick J. Toomey
6. ER14–1409–000	5–14–15	Members of Congress.[2]
ER15–117–000		
EL14–99–000		
7. CP13–552–001	5–19–15	FERC Staff.[3]
CP13–553–001		
8. CP13–552–000	5–21–15	Louisiana Department of Natural Resources.[4]
9. CP13–552–000	5–21–15	State of Louisiana Representatives.[5]
10. CP13–552–000	5–21–15	FERC Staff.[6]
11. CP13–552–000	5–21–15	Members of Congress.[7]
12. CP13–483–000	5–28–15	FERC Staff.[8]
CP13–492–000		

[1] John Timothy Gross, Dennis and Beverly Schaeffer, and C. Brian and Deborah Martin.
[2] Hons. Sheldon Whitehouse, Jack Reed, James R. Langevin, and David N. Cicilline.
[3] Record of 5–19–15 telephone call with Senator Vitter.
[4] Paul Miller.
[5] Reps. Chuck Kleckey, Ted James, Jack Montoucet, Patrick Connick, Stuart Bishop, John Guinn, Joe Harrison, Jerry Gisclair, Neil Abramson, Clay Schexnayder, Blake Miguez, Chris Leopold, Nick Lorusso, Chris Broadwater, Walt Leger, Greg Miller, Bob Hensgens, Cameron Henry, Michael Danahay, Charles Chaney, Eddie Lambert, Gordon Dove, Jim Morris, Ray Garofalo, Mike Huval, Frank Foil, Joel Robideaux, Barry Ivey, Robert Johnson, Jonny Berthelot, Taylor Barras, Alred Williams, Karen St. Germain, James Armes, Henry Burns, Rob Shadoin, Mike Johnson, Michael Pugh, Alan Seabaugh, Tim Burns, Bernard LeBas, Kenny Havard, Terry Brown, (continued . . .) Ledricka Thierry, Erich Ponti, Terry Landry, Harold Ritchie, Major Thibaut, Scott Simon, Thomas Willmott, Sam Jones, Andy Anders, Nancy Landry, Kirk Talbot, and Jay Morris.
[6] May 13, 2015 eMail from Senator Luke Tomanelli.
[7] Hons. David Vitter, Bill Cassidy, M.D., Charles W. Boustany Jr., M.D., Steve Scalise, John Fleming, M.D., Cedric Richmond, Garret Graves, and Ralph Abraham, M.D.
[8] Notes from 5–27–15 telephone conference call with federal cooperating agencies.

Dated: May 29, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–13732 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. AD15–7–000, RR15–2–000]

Reliability Technical Conference, North American Electric Reliability Corporation; Supplemental Notice With Final Agenda

As announced in the Notice of Technical Conference issued on April 9, 2015, the Commission will hold a technical conference on Thursday, June 4, 2015 from 10:00 a.m. to 4:00 p.m. to discuss policy issues related to the reliability of the Bulk-Power System. The agenda for this conference, with panelists, is attached. Commission members will participate in this conference.

Registration is not required, but is encouraged. Attendees may register at: *https://www.ferc.gov/whats-new/registration/06-04-15-form.asp*.

After the close of the conference, the Commission will accept written comments regarding the matters discussed at the technical conference. Any person or entity wishing to submit

written comments regarding the matters discussed at the conference should submit such comments in Docket No. AD15–7–000 on or before July 9, 2015.

Information on this event will be posted on the Calendar of Events on the Commission's Web site, *www.ferc.gov,* prior to the event. The conference will be transcribed. Transcripts will be available for a fee from Ace Reporting Company (202–347–3700). A free webcast of this event is also available through *www.ferc.gov.* Anyone with Internet access who desires to listen to this event can do so by navigating to *www.ferc.gov* Calendar of Events and locating this event in the Calendar. The event will contain a link to the webcast. The Capitol Connection provides technical support for webcasts and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about this conference, please contact: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Dated: May 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13737 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Equitrans, L.P.; Docket Nos. CP15–41–000; CP15–41–001]

Supplemental Notice of Intent To Prepare an Environmental Assessment for the Proposed Ohio Valley Connector Project Amendment and Request for Comments on Environmental Issues

On August 29, 2014, the Federal Energy Regulatory Commission (FERC or Commission) issued in Docket No. PF14–13–000 a *Notice of Intent to Prepare an Environmental Assessment for the Planned Ohio Valley Connector Project and Request for Comments on Environmental Issues* (NOI). Since its application in the above-referenced docket, Equitrans, L.P. (Equitrans) has amended the original proposal to no longer include the H–313 Pipeline Loop [1] and incorporate route modifications along the remaining pipeline segments. This Supplemental Notice is being issued to seek comments on the revised pipeline alignment and opens a new scoping period for interested parties to file comments on environmental issues specific to these facilities.

The August 29, 2014 NOI announced that the FERC staff will prepare an environmental assessment (EA) to address the environmental impacts of the Ohio Valley Connector Project (Project). Please refer to the NOI for more information about the facilities proposed by Equitrans in West Virginia and Ohio. The Commission will use this EA in its decision-making process to determine whether the Project is in the public convenience and necessity.

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before June 29, 2015.

The Commission previously solicited public input on the Project in the fall of 2014. We [2] are specifically seeking comments on the pipeline route modifications to help the Commission staff determine what issues need to be evaluated in the EA. If you have previously submitted comments during the pre-filing review in docket no. PF14–13–000, you do not need to resubmit your comments. Please note that this special scoping period will close on June 29, 2015.

This Supplemental Notice is being sent to the Commission's current environmental mailing list for this Project, with the exception that only those landowners that are newly affected by the proposed pipeline route modifications, or those that were previously affected by the H–313 Pipeline Loop are receiving this Notice. State and local government representatives are asked to notify their constituents of this proposed Project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if the easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister*.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing;'' or

[1] A loop is a segment of pipeline constructed parallel to an existing pipeline that ties into the existing system to increase capacity.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of Project Modifications

Since Equitrans filed its application for the Project, it has incorporated the following changes:

- No longer proposing the 14-mile-long, 24-inch-diameter pipeline (also known as the H–313 segment) along with the associated facilities, access roads, and workspaces in Marion and Wetzel Counties, West Virginia;
- adoption of four route modifications along the H–310 pipeline segment in Wetzel and Marshall Counties, West Virginia and Monroe County, Ohio for a total increase of 0.9 mile of pipeline;
- minor modifications to the alignments of the H–311 and H–314 pipeline segments in Monroe County, Ohio;
- minor modifications to the layout in aboveground facilities; and
- modifications to the locations and whether access roads would be permanent or temporary, laydown/contractor yards, and additional temporary workspaces.

An overview of the proposed Project is shown in Appendix 1.[3] Additionally, Appendix 1 includes a figure that shows the revisions of the Project compared to what was originally proposed.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on important environmental issues. By this notice, the Commission requests public comments on the scope of issues to address in the EA. We will consider all substantive comments during the preparation of the EA.

In the EA, we will discuss impacts that could occur as a result of the construction and operation of the proposed Project under these general headings:

- Geology;
- soils;
- water resources;
- vegetation;
- wildlife and aquatic resources;
- fisheries and aquatic resources;
- threatened, endangered, and other special-status species;
- land use, recreation, special interest areas, and visual resources;
- socioeconomics;
- cultural resources;
- air quality and noise;
- reliability and safety; and
- cumulative environmental impacts.

We will also evaluate possible alternatives to the proposed Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. We will publish and distribute the EA for public comment. After the comment period, we will consider all timely comments which will be addressed in the Commission's decisional order.

Please note that since Equitrans has filed an application for the proposed Project, a docket number has been assigned (CP15–41–000). As part of our pre-filing review, we participated in public Open House meetings sponsored by Equitrans in the Project area in July 2014 to explain the environmental review process to interested stakeholders. We have also contacted federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA. To date, only the U.S. Army Corps of Engineers has expressed its intention to participate as a cooperating agency in the preparation of the EA to satisfy its NEPA responsibilities related to this Project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we initiated consultation with the applicable State Historic Preservation Offices with the issuance of the August 2014 NOI to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects in consultation with the State Historic Preservation Offices as the Project develops. On natural gas facility projects, the Area of Potential Effects at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; commenters; and local libraries and newspapers. This list also includes landowners affected by the amendment who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities; or those previously identified landowners that would have been affected by the H–313 Pipeline Loop. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project.

Copies of the completed EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of a CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 2). In addition, those landowners along the previously proposed H–313 Pipeline Loop will be removed from the environmental mailing list after receipt of this Notice, unless the Information Request is filled out and returned to the FERC in a timely manner.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be

[3] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP15–41). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp*.

Finally, Equitrans has established a toll-free phone number (1–844–EQT–TALK, or 844–378–8255) and an email support address (*ovcpipeline@eqt.com*) so that parties can call them directly with questions about the Project.

Dated: May 29, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–13728 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1801–000]

Harborside Energy of Massachusetts, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Harborside Energy of Massachusetts, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 18, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 29, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–13731 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–7103–001]

Wright, Laura H.; Notice of Filing

Take notice that on May 26, 2015, Laura H. Wright filed an application to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d (b) and part 45 of Title 18 of the Code of Federal Regulations, 18 CFR part 45.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 16, 2015.

Dated: May 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13736 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–71–000]

The People of the State of Illinois By Illinois Attorney General Lisa Madigan v. Midcontinent Independent System Operator, Inc.; Notice of Complaint

Take notice that on May 29, 2015, pursuant to sections 205 and 206 of the Federal Power Act (FPA), U.S.C. 824(d) and 824(e) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, The People of the State of Illinois, By Illinois Attorney General Lisa Madigan (Complainant) filed a formal complaint against Midcontinent Independent System Operator, Inc. (Respondent), alleging that the Respondent levied capacity charges upon the Complainant that are unjust and unreasonable under FPA sections 205 and 206.

The Complainant certifies that copies of the complaint were served on the Respondent.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on June 18, 2015.

Dated: May 29, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–13730 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2179–028; ER10–2181–028; ER10–2182–028.

Applicants: Calvert Cliffs Nuclear Power Plant, LLC, Nine Mile Point Nuclear Station, LLC, R.E. Ginna Nuclear Power Plant, LLC.

Description: Notice of Non-material Change in Status of the CENG Nuclear Entities under ER10–2179, et al.

Filed Date: 5/28/15.

Accession Number: 20150528–5327.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER10–2794–017; ER10–2849–016; ER11–2028–017; ER12–1825–015; ER13–1680–003; ER14–2672–002; ER11–3642–015.

Applicants: EDF Trading North America, LLC, EDF Industrial Power Services (NY), LLC, EDF Industrial Power Services (IL), LLC, EDF Industrial Power Services (CA), LLC, EDF Industrial Power Services (OH), LLC, EDF Energy Services, LLC, Tanner Street Generation, LLC.

Description: Notice of Non-Material Change in Status of EDF Trading North America, LLC, et al.

Filed Date: 5/28/15.

Accession Number: 20150528–5335.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER10–2985–016; ER10–3049–017; ER10–3051–017.

Applicants: Champion Energy Services, LLC, Champion Energy, LLC, Champion Energy Marketing LLC.

Description: Notice of Change in Status of the Champion Utilities.

Filed Date: 5/28/15.

Accession Number: 20150528–5332.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER11–4380–004; ER13–1562–003; ER13–1641–001; ER10–2434–005; ER10–2467–005; ER10–2488–011; ER12–1931–005; ER10–2504–006; ER12–610–006; ER13–338–005; ER12–2037–005; ER12–2314–004; ER10–2436–005; ER11–4381–004.

Applicants: Bellevue Solar, LLC, Catalina Solar Lessee, LLC, Chestnut Flats Lessee, LLC, Fenton Power Partners I, LLC, Hoosier Wind Project, LLC, Oasis Power Partners, LLC, Pacific Wind Lessee, LLC, Shiloh Wind Project 2, LLC, Shiloh III Lessee, LLC, Shiloh IV Lessee, LLC, Spearville 3, LLC, Spinning Spur Wind LLC, Wapsipinicon Wind Project, LLC, Yamhill Solar, LLC.

Description: Notice of Change in Status of the EDF–RE MBR Companies under ER11–4380, et al.

Filed Date: 5/28/15.

Accession Number: 20150528–5329.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER13–415–002.

Applicants: Anahau Energy, LLC.

Description: Notification of Change in Status of Anahua Energy, LLC.

Filed Date: 5/28/15.

Accession Number: 20150528–5336.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER14–2245–001.

Applicants: TriEagle Energy, LP.

Description: Supplement to April 29, 2015 Notice of Non-Material Change in Status of TriEagle Energy, LP.

Filed Date: 5/28/15.

Accession Number: 20150528–5330.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER14–2708–004; ER14–2709–003; ER15–30–001; ER14–2710–003; ER15–58–001.

Applicants: Seiling Wind, LLC, Seiling Wind II, LLC, Seiling Wind Interconnection Services, LLC, Palo Duro Wind Energy, LLC., Palo Duro Wind Interconnection Services, LLC.

Description: Supplement to January 13, 2015 Notice of Non-Material Change in Status of Seiling Wind, LLC, et al. under ER14–2708, et al.

Filed Date: 5/29/15.

Accession Number: 20150529–5189.

Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1800–000.

Applicants: Duke Energy Progress, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): DEP–DOM IA RS No. 196 Concurrence Filing to be effective 5/4/2015.

Filed Date: 5/28/15.

Accession Number: 20150528–5240.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1801–000.

Applicants: Harborside Energy of Massachusetts, LLC.

Description: Initial rate filing per 35.12 Market Based Rate Tariff to be effective 6/27/2015.

Filed Date: 5/28/15.

Accession Number: 20150528–5241.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1802–000.

Applicants: California Independent System Operator Corporation.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–05–28_APS_EIMIA to be effective 8/1/2015.
Filed Date: 5/28/15.
Accession Number: 20150528–5267.
Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1803–000.
Applicants: Ingenco Wholesale Power, L.L.C.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Change in Category Status to be effective 5/27/2015.
Filed Date: 5/28/15.
Accession Number: 20150528–5275.
Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1804–000.
Applicants: Collegiate Clean Energy, LLC.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Change in Category Status to be effective 5/27/2015.
Filed Date: 5/28/15.
Accession Number: 20150528–5276.
Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1805–000.
Applicants: California Independent System Operator Corporation.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–05–28_CDWR_PLA_Am1 to be effective 7/1/2015.
Filed Date: 5/28/15.
Accession Number: 20150528–5279.
Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1806–000.
Applicants: CED Corcoran Solar, LLC.
Description: Initial rate filing per 35.12 Filing of Co-Tenancy and Common Facilities Agreement to be effective 5/29/2015.
Filed Date: 5/28/15.
Accession Number: 20150528–5307.
Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1807–000.
Applicants: New England Power Pool Participants Committee.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): June 2015 Membership Filing to be effective 5/1/2015.
Filed Date: 5/29/15.
Accession Number: 20150529–5072.
Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1808–000.
Applicants: The United Illuminating Company, ISO New England Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): The United Illuminating Company—Revisions to Schedule 21—UI to be effective 6/1/2015.
Filed Date: 5/29/15.
Accession Number: 20150529–5086.
Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1809–000.
Applicants: ATX Southwest, LLC.
Description: Request for Transmission Rate Incentives and Transmission Formula Rate Filing of ATX Southwest, LLC.
Filed Date: 5/28/15.
Accession Number: 20150528–5334.
Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1810–000.
Applicants: Dillon Power, LLC.
Description: Initial rate filing per 35.12 Application for Market-Based Rate Authority to be effective 7/1/2015.
Filed Date: 5/29/15.
Accession Number: 20150529–5136.
Comments Due: 5 p.m. ET 6/19/15.

Docket Numbers: ER15–1811–000.
Applicants: CED Corcoran Solar 2, LLC.
Description: Initial rate filing per 35.12 Filing of Certificate of Concurrence to be effective 5/29/2015.
Filed Date: 5/29/15.
Accession Number: 20150529–5183.
Comments Due: 5 p.m. ET 6/19/15.

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: May 29, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–13726 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–70–000]

Public Citizens, Inc. v. Midcontinent Independent System Operator, Inc.; Notice of Complaint

Take notice that on May 28, 2015, pursuant to sections 205, 206, 222, and 309 of the Federal Power Act, U.S.C. 824(e), 824(d), 824(v), and 825(h), and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Public Citizens, Inc. (Complainant), filed a formal complaint against Midcontinent Independent System Operator, Inc. (Respondent), alleging that the Respondent levied charges that are unjust, unreasonable, unduly discriminatory, to be ultimately paid by the Complainant's members as a result of the Respondent's April 14, 2015 Planning Resource Auction, as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts listed for the Respondent in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on June 17, 2015.

Dated: May 29, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–13729 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–69–000]

Acciona Wind Energy USA LLC v. Midcontinent Independent System Operator, Inc.; Notice of Complaint

Take notice that on May 27, 2015, pursuant to section 206 of the Federal Power Act, U.S.C. 824(e) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Acciona Wind Energy USA LLC (Complainant), filed a formal complaint against Midcontinent Independent System Operator, Inc. (Respondent), alleging that the Respondent violated its Open Access and Energy Markets Tariff in rejecting transmission service requests submitted on behalf of the Complainant's affiliate, Tatanka Wind Power, LLC, as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts listed for the Respondent in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on June 16, 2015.

Dated: May 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13738 Filed 6–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Record of Decision for the South Mountain Freeway (Loop 202) (DOE–EIS 0417)

AGENCY: Western Area Power Administration, DOE.

ACTION: Record of decision.

SUMMARY: The Federal Highway Administration (FHWA) prepared an Environmental Impact Statement (EIS) (DOE/EIS–0417) for the construction of the proposed South Mountain Freeway (Loop 202) (Project), from the east-west alignment of Interstate 10 (Papago Freeway) to north-south alignment of Interstate 10 (Maricopa Freeway). The Project is located in the Greater Metropolitan Phoenix Area, southwest of the City of Phoenix in Maricopa County, Arizona. Western Area Power Administration (Western) was a cooperating agency in FHWA's EIS process.

The FHWA selected a combination of the alternatives W59 and E1 as described in the EIS as their selected alternative in their Record of Decision (ROD). FHWA's selected alternative requires Western to issue letter agreements for two crossings of its transmission rights-of-way, and to modify its transmission system and facilities at these crossing locations to accommodate the construction of the Project.

FOR FURTHER INFORMATION CONTACT: For further information regarding Western's role in the project, contact: Ms. Linda Marianito, Environmental Manager, Desert Southwest Region, Western Area Power Administration, 615 S. 43rd Avenue, Phoenix, AZ 85009, Telephone: (602) 605–2524, Email: *Marianito@wapa.gov.*

The EIS and related documents may be viewed or downloaded at following Web site: *http://azdot.gov/projects/phoenix-metro-area/loop-202-south-mountain-freeway/final-eis.*

For general information on DOE's National Environmental Policy Act (NEPA) review process, please contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, GC–54, U.S. Department of Energy, Washington, DC 20585, Telephone (202) 586–4600 or (800) 472–2756, Email: *askNEPA@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: FHWA was the lead Federal agency for the Project EIS (FHWA–AZ–EIS–14–0–F; April 20, 2001; 77 FR 20345). Western was a cooperating agency for the Project EIS. After an independent review of the Final Project EIS, Western concluded that its needs are satisfied and with this notice is adopting the Project EIS for its participation in the Project. The FHWA signed its ROD on the Project on March 10, 2015, and selected a combination of the alternatives W59 and E1 for its selected alternative.

Western's Action

The Project EIS addresses the effects of the Project, including modification of Western's transmission system. There are two locations on the selected Project alignment that require Western to issue license agreements to Arizona Department of Transportation (ADOT) for two crossings of Western's transmission rights-of-way: The Lone Butte to Phoenix double-circuit 230-kilovolt (kV) transmission line east of 51st Avenue, and the Liberty to Phoenix double-circuit 230-kV transmission line one-half mile north of Broadway Road.

Western will modify its Lone Butte to Phoenix double-circuit 230-kV transmission line east of 51st Avenue to accommodate the Project construction. The modification includes relocation of two spans to the east. Western will work with ADOT to pursue the additional easement necessary for the proposed relocation.

Western will also modify the Liberty to Phoenix double-circuit 230-kV transmission line at the crossing one-half mile north of Broadway Road. The lines will need to be raised to clear the proposed elevated freeway and potential noise walls.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act, the Arizona State Historic Preservation Officer (SHPO) has been involved and will continue to be involved in the cultural resources related to the proposed Project. The SHPO concurred with the adequacy of the records search and reports. ADOT, on behalf of FHWA and in conjunction with tribal and local authorities, Western, and the U.S. Bureau of Indian Affairs executed a final Programmatic Agreement (PA)

describing the proper treatment and management of affected cultural resources. Western signed the PA on October 18, 2010.

Endangered Species Act

Pursuant to Section 7 of the Endangered Species Act, consultation was completed with the USFWS. Two candidate species, the Sonoran desert tortoise, and the Tucson shovel-nosed snake, have been documented in the Eastern Section of the Project area and suitable habitat for these species is present within Western's action area. Subsequent to completion of the Biological Evaluation for the project, the Tucson shovel-nosed snake was removed from the candidate species list. No other Federally-listed, threatened, or endangered species have been documented in the proposed rights-of-way. There is no critical habitat designated in Western's action area. In addition, Western will comply with recommendations found in the Biological Evaluation, South Mountain Transportation Corridor (July 2014), and in recommendations outlined in the USFWS letter dated June 10, 2014. Considering this and Western's limited action in the Project, Western's proposed modifications to its transmission system and facilities is unlikely to affect Sonoran desert tortoises and Tucson shovel-nosed snakes.

Alternatives Considered

Numerous alternatives were examined during the early EIS process including: Modal alternatives, corridor and alignment alternatives, configuration alternatives, and design alternatives. As the EIS and public and agency scoping process progressed, many of these alternatives were eliminated and six broadly described build alternatives were developed (W59, W71, W101-east, W101-central, W101-west, E1) as well as a no action alternative. These seven alternatives were carried forward for further analysis.

FHWA ultimately selected a combination of alternatives W59 and E1 as their preferred alternative. The no action alternative assumed that the Project would not be constructed and no transmission structures or lines would need to be modified. FHWA did not select the no action alternative since it did not meet the purpose and need.

Mitigation

Western will adhere to its Construction Standard 13 ''Environmental Quality Protection'' during its transmission line modification activities. Long-term operations of the transmission line will follow Western's standard operating procedures and will not be affected by this action. A Mitigation Action Plan is not required for Western's proposed action.

Decision

Western's decision is to adopt the EIS for its participation in the Project and to modify its transmission system as described above in support of FHWA's decision to construct their Project.[1] This ROD was prepared pursuant to the requirements of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the NEPA (40 CFR parts 1500–1508) and DOE's NEPA Implementing Procedures (10 CFR part 1021).

Dated: May 26, 2015.

Mark A. Gabriel,

Administrator.

[FR Doc. 2015–13765 Filed 6–4–15; 8:45 am]

BILLING CODE 6450–01–P

[1] ''Restatement of Delegations of Environment Impact Statement Authorities'' from Sean A. Lev, Acting General Counsel, to Timothy J. Meeks dated November 16, 2011.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9928–73–OA]

Notification of Teleconferences and a Public Meeting of the Science Advisory Board Hydraulic Fracturing Research Advisory Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public meeting and three teleconferences of the SAB Hydraulic Fracturing Research Advisory Panel to conduct a review of the EPA draft report, *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources, (May, 2015 External Review Draft, EPA/600/R–15/047).*

DATES: The public teleconferences will be held from 12 p.m. to 5 p.m. (Eastern Time) on the following dates: Wednesday September 30, 2015; Thursday October 1, 2015; and Monday October 19, 2015. The public face-to-face meeting will be held on Wednesday October 28, 2015 from 9 a.m. to 5:30 p.m., Thursday October 29, 2015 from 8:30 a.m. to 5:30 p.m., and Friday October 30, 2015 from 8:30 a.m. to 3 p.m. (Eastern Time).

ADDRESSES: The October 28 through 30, 2015 public meeting will be held at the Washington Plaza Hotel, 10 Thomas Circle NW., Washington, DC 20005. Teleconference lines also will be available for members of the public unable to attend in person.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain further information regarding these public meetings may contact Edward Hanlon, Designated Federal Officer, by telephone: (202) 564–2134 or email at *hanlon.edward@epa.gov.* The SAB mailing address is: U.S. EPA Science Advisory Board (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460. General information about the SAB, including information concerning the SAB meeting and teleconferences announced in this notice, may be found on the SAB Web site at *http://www.epa.gov/sab.*

Technical Contact for EPA's Draft Report: Any technical questions concerning EPA's draft report should be directed to Dr. Jeffrey Frithsen, National Center for Environmental Assessment, Office of Research and Development, U.S. EPA, 1200 Pennsylvania Avenue NW., Mail Code 8601P, Washington, DC 20460, telephone (703) 347–8623 or via email at *frithsen.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the SAB Hydraulic Fracturing Research Advisory Panel will hold a public meeting and three teleconferences to conduct a review of the EPA draft report, *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources, (May, 2015 External Review Draft, EPA/600/R–15/047).*

The EPA's Office of Research and Development (ORD) has developed a draft assessment report concerning the relationship between hydraulic fracturing and drinking water in the United States. The purpose of the report, *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil*

and Gas on Drinking Water Resources, (May, 2015 External Review Draft, EPA/600/R–15/047), is to synthesize available scientific literature and data to assess the potential for hydraulic fracturing for oil and gas to impact the quality or quantity of drinking water resources, and identify factors affecting the frequency or severity of any potential impacts.

The SAB will hold teleconferences and a panel meeting as part of the peer review of the EPA draft assessment report. (1) The purpose of the teleconference on September 30, 2015 is for EPA to brief the Panel about the agency's draft report, *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources, (May, 2015 External Review Draft, EPA/600/R–15/047)* and hold a Panel discussion on the draft charge questions for the peer review of the agency's draft report. If all oral comments from registered public speakers cannot be accommodated at the September 30, 2015 teleconference, an additional teleconference will be held on October 1, 2015, for that purpose. (2) The purpose of the October 28–30, 2015 face-to-face meeting is to conduct a peer review of the agency's draft report. If the SAB Staff Office determines that there will be insufficient time during the October 28–30, 2015 Panel meeting to accommodate the members of the public who registered in advance to provide oral public comments, the teleconference on October 19, 2015 will be held to provide additional time for oral public comments.

All draft reports developed by SAB panels, committees or workgroups are reviewed and approved by the Chartered SAB through a quality review process before being finalized and transmitted to the EPA Administrator. The quality reviews are conducted in a public meeting as required by FACA. Additional opportunities for the public to provide comments on the SAB's review of the agency's draft report, *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources, (May, 2015 External Review Draft, EPA/600/R–15/047)* will be provided in a separate **Federal Register** Notice announcing public meetings to discuss the draft Panel report.

Availability of Meeting Materials: The draft EPA report, *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources, (May, 2015 External Review Draft, EPA/600/R–15/047),* is available on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/HF%20Drinking%20Water%20Assessment?OpenDocument.* The charge, agenda and other materials for the teleconferences and meeting described in this notice will also be available on the above-noted Web site address and on the SAB Web site at *http://www.epa.gov/sab* in advance of the teleconferences and meeting.

Procedures for Providing Public Input: Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Interested members of the public may submit relevant information on the topic of this advisory activity, and/or the group conducting the activity, for the SAB to consider during the advisory process. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for SAB committees and panels to consider or if it relates to the clarity or accuracy of the technical information.

Throughout the Panel review process, there will be several opportunities for the public to provide comments. For example, the public will have opportunity to provide comments to the Docket on the SAB Panel's draft report, provide oral statements to the Panel during the Panel teleconferences and meeting, and in preparation for quality review of the SAB Panel's draft report by the Chartered SAB. Members of the public wishing to provide written comments may submit them to the EPA Docket electronically via *www.regulations.gov,* by email, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions provided in the written statements section of this notice. Members of the public wishing to provide oral statements to the SAB Panel should contact the DFO directly.

Oral Statements: In general, individuals or groups requesting to present an oral statement at a public teleconference will be limited to three minutes per speaker. To be placed on the public speaker list for the September 30, 2015 teleconference, interested parties should notify Mr. Edward Hanlon, DFO, by email no later than September 23, 2015. In general, individuals or groups requesting to present an oral statement at the face-to-face public meeting will be limited to five minutes. Interested parties should contact Mr. Edward Hanlon, DFO, in writing (preferably via email) at the contact information noted above by October 13, 2015 to be placed on the list of public speakers for the October 28–30, 2015 meeting.

Written Statements: SAB Staff Office anticipates that a large number of written statements will be submitted for consideration by the SAB Panel. Therefore, written statements for the September 30, 2015 teleconference and for the October 28–30, 2015 face-to-face meeting should be received in the EPA Docket by August 28, 2015, so that the information may be made available to the SAB Panel sufficiently in advance of the teleconferences and meeting for the Panel's consideration.

Written statements should be identified by Docket ID No. EPA–HQ–OA–2015–0245 and submitted to the Docket at *www.regulations.gov* by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: Docket_OEI@epa.gov:* Include the docket number in the subject line of the message.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 28221T), Docket ID No. EPA–HQ–OA–2015–0245, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. The phone number is (202) 566–1752.
- *Hand Delivery:* The OEI Docket is located in the EPA headquarters Docket Center, Room 3334, EPA West Building, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center 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. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.
- *Fax:* (202) 566–9744.

Public comments submitted after August 28, 2015 will be marked late, and should be submitted to the Docket by email, mail, hand delivery or fax (see detailed instructions above). Consistent with SAB Staff Office general practice, comments received after August 28, 2015 will be made available to the SAB Panel as soon as practicable.

It is EPA's policy to include all comments received in the public docket without change and to make the comments available on-line at *www.regulations.gov,* including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web

site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comments due to technical difficulties and cannot contact you for clarification, the SAB Panel may not be able to consider your comments. Electronic files should avoid the use of special characters and any form of encryption and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *www.epa.gov/epahome/dockets.htm.*

Documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

History of SAB Hydraulic Fracturing Research Advisory Panel: In April 2012, the EPA's Office of Research and Development asked the SAB to conduct a peer review and provide advice to the agency on the scientific quality of its research study report on the potential impacts of hydraulic fracturing on drinking water resources. In response to that request, the SAB Staff Office formed the SAB Hydraulic Fracturing Research Advisory Panel. In 2013 the SAB panel members provided their individual expert comments in response to charge questions relating to the December 2012 progress report entitled, *Study of the Potential Impacts of Hydraulic Fracturing on Drinking Water Resources: Progress Report.* The panel also held a teleconference call in 2013 to receive public comments on new and emerging information related to hydraulic fracturing and drinking water resources. Information on the formation of the panel and its previous activities is provided on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/HF%20and%20DW%20Progress%20Report?OpenDocument.*

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Edward Hanlon at the phone number or email address noted above, preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Dated: June 1, 2015.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2015–13674 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9928–84–OA]

Notification of Three Teleconferences of the Science Advisory Board Biogenic Carbon Emissions Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces three teleconferences of the SAB Biogenic Carbon Emissions Panel to review EPA's *Framework for Assessing Biogenic CO_2 Emissions from Stationary Sources (November 2014).*

DATES: The public teleconferences will be held on July 6, 2015 from 11:00 a.m. to 2:00 p.m. (Eastern Time), August 6, 2015 from 11:00 a.m. to 2:00 p.m. (Eastern Time) and September 9, 2015 from 11:00 a.m. to 2:00 p.m. (Eastern Time).

ADDRESSES: The teleconferences will be held by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding the public teleconferences may contact Dr. Holly Stallworth, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564–2073 or via email at *stallworth.holly@epa.gov.* General information concerning the EPA Science Advisory Board can be found at the EPA SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDAA) codified at 42 U.S.C. 4365, to provide independent scientific and technical peer review, advice, consultation, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. Pursuant to FACA and EPA policy, notice is hereby given that the SAB Biogenic Carbon Emissions Panel will hold three public teleconferences to review its draft report on EPA's *Framework for Assessing Biogenic CO_2 Emissions from Stationary Sources (November 2014).* The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

As noticed in 80 FR 8867–8868, a face-to-face meeting of the Biogenic Carbon Emissions Panel was held on March 25 and 26, 2015 and a teleconference was held on May 29, 2015. Background on the current advisory activity can be found on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/Biogenic%20CO2%20Framework?OpenDocument.*

Availability of the meeting materials: Agendas and meeting materials will be posted on the SAB Web site prior to each teleconference. To locate these materials, go to *epa.gov/sab* and click on the calendar and then the respective teleconference dates. EPA's review document, charge to the Panel and other background materials are also available at the URL above. For questions concerning EPA's *Framework for Assessing Biogenic CO_2 Emissions from Stationary Sources* (November 2014), please contact Sara Ohrel, Climate Change Division, at *ohrel.sara@epa.gov* or (202) 343–9712.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit relevant comments on the topic of this advisory activity, including the charge to the panel and the EPA review documents, and/or the group conducting the activity, for the SAB to consider during the advisory process. Input from the public to the SAB will have the most impact if it consists of comments that provide specific scientific or technical information or analysis for the SAB

panel to consider or if it relates to the clarity or accuracy of the technical information.

Oral Statements: In general, individuals or groups requesting an oral presentation will be limited to three minutes per speaker for each teleconference. Interested parties should contact Dr. Holly Stallworth, DFO, in writing (preferably via email), at the contact information noted above, by June 29, 2015 to be placed on the list of public speakers for the July 6, 2015 teleconference; by July 30, 2015 for the August 6, 2015 teleconference; and by September 2, 2015 for the September 9, 2015 teleconference. *Written Statements:* Written statements should be received in the SAB Staff Office in advance of each teleconference according to the same deadlines listed above for requesting oral comments. Written statements should be supplied to the DFO, preferably in electronic format via email. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Stallworth at the phone number or email address noted above, preferably at least ten days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: May 28, 2015.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2015–13803 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9021–3]

Environmental Impact Statements; Notice of Availability

AGENCY: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements (EISs)
Filed 05/25/2015 Through 05/29/2015

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20150156, Final, NPS, FL, Biscayne National Park Final General Management Plan, Review Period Ends: 07/06/2015, Contact: Brian Carlstrom 786–335–3646.

EIS No. 20150157, Draft, NMFS, FL, Red Snapper Allocation Amendment 28 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, Comment Period Ends: 07/20/2015, Contact: Roy E. Crabtree 727–824–5301.

EIS No. 20150158, Final, USAF, FL, Gulf Regional Airspace Strategic Initiative Landscape Initiative, Review Period Ends: 07/06/2015, Contact: Michael Spaits 850–882–2836.

EIS No. 20150159, Draft, USFS, AZ, Camp Tatiyee Land Exchange, Comment Period Ends: 07/20/2015, Contact: Randall Chavez 928–368–2106.

Amended Notices

EIS No. 20150054, Draft, NRC, FL, Turkey Point Nuclear Plant Units 6 and 7 Combined Licenses (COLs), Comment Period Ends: 07/17/2015, Contact: Alicia Williamson-Dickerson 301–415–1878 Revision to FR Notice Published 03/06/2015; Reopen and Extending Comment Period from 05/22/2015 to 07/17/2015.

EIS No. 20150132, Draft Supplement, FTA, MN, Southwest Light Rail Transit (Metro Green Line Extension) Comment Period Ends: 07/21/2015, Contact: Maya Sarna 202–366–5811 Revision to FR Notice Published 05/22/2015; Extending Comment Period from 07/06/2015 to 07/21/2015.

Dated: June 2, 2015.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2015–13787 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9928–61–ORD]

Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods: Designation of One New Reference Method and Four New Equivalent Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of designation of one reference method and three equivalent methods for monitoring ambient air quality.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has designated, in accordance with 40 CFR part 53, one new reference method and one new equivalent for measuring concentrations of $PM_{2.5}$, one new equivalent method for measuring $PM_{10\text{-}2.5}$, and two new equivalent methods for measuring ozone (O_3) in the ambient air.

FOR FURTHER INFORMATION CONTACT: Robert Vanderpool, Human Exposure and Atmospheric Sciences Division (MD–D205–03), National Exposure Research Laboratory, U.S. EPA, Research Triangle Park, North Carolina 27711. Email: *Vanderpool.Robert@epa.gov.*

SUPPLEMENTARY INFORMATION: In accordance with regulations at 40 CFR part 53, the EPA evaluates various methods for monitoring the concentrations of those ambient air pollutants for which EPA has established National Ambient Air Quality Standards (NAAQSs), as set forth in 40 CFR part 50. Monitoring methods that are determined to meet specific requirements for adequacy are designated by the EPA as either reference methods or equivalent methods (as applicable), thereby permitting their use under 40 CFR part 58 by States and other agencies for determining compliance with the NAAQSs.

The EPA hereby announces the designation of one new reference method for measuring $PM_{2.5}$, one new equivalent method for measuring $PM_{2.5}$, one new equivalent method for measuring $PM_{10\text{-}2.5}$, and two equivalent methods for measuring ozone (O_3) in the ambient air. These designations are made under the provisions of 40 CFR part 53, as amended on August 31, 2011 (76 FR 54326–54341).

The new reference method for $PM_{2.5}$ is a manual monitoring method based on a particular $PM_{2.5}$ sampler and is identified as follows:

RFPS–0315–221, ''Met One Instruments, Inc. e-FRM,'' configured for filter sampling of ambient particles using the US EPA PM_{10} inlet specified in 40 CFR 50 Appendix L, Figs. L–2 thru L–19, equipped with either a BGI VSCC™ cyclone or WINS $PM_{2.5}$ fractionator, with a flow rate of 16.67 L/min, using 47 mm PTFE membrane filter media, and operating with firmware version R1.1.0 and later, and operated in accordance with the Met One e-FRM $PM_{2.5}$ operating manual.

The application for reference method determination for the $PM_{2.5}$ method was received by the Office of Research and Development on January 9, 2015. This monitor is commercially available from the applicant, Met One Instruments, Inc., 1600 Washington Blvd., Grants Pass, OR 97526.

The new $PM_{2.5}$ Class II equivalent method is nearly identical to a corresponding Tisch Environmental Inc. sampler (RFPS–1014–219) that had been previously designated by EPA as a reference method sampler for $PM_{2.5}$. The significant difference is that the newly designated $PM_{2.5}$ equivalent method sampler is configured to use a Tisch Environmental Inc. Model TE–PM2.5C cyclone as the principle size separator (fractionator) for the sampler rather than the WINS impactor or the BGI VSCC™ used in the corresponding $PM_{2.5}$ reference method sampler. The newly designated Class II equivalent method is identified as follows:

EQPS–0415–223 ''Tisch Environmental Model TE-Wilbur2.5 $PM_{2.5}$ Low-Volume Air Particulate Sampler,'' configured as a $PM_{2.5}$ equivalent method, with firmware version 1.70 or later and a TE–PM10–D PM_{10} size-selective inlet as specified in 40 CFR 50 Appendix L Figs. L–2 thru L–19, configured with a Tisch TE–PM2.5C particle size separator, and operated for 24-hour continuous sample periods at a flow rate of 16.67 L/min, using 47 mm PTFE membrane filter media, operated with or without the optional TE–W–600 Solar Panel Power Supply kit, and in accordance with the Tisch Environmental Model TE–Wilbur2.5 $PM_{2.5}$ Low-Volume Air Particulate Sampler instruction manual and with the requirements and sample collection filters as specified in 40 CFR part 50, Appendix L.

In the particular case of the new Tisch Class II $PM_{2.5}$ equivalent method, a corresponding Tisch Environmental Inc. $PM_{2.5}$ reference method sampler (RFPS–1014–219) may be converted to the equivalent method configuration by replacement of the WINS impactor or the VSCC™ cyclone with the Tisch Environmental TE–PM2.5C cyclone specified in the equivalent method description. The TE–PM2.5C device should be purchased from the sampler manufacturer, who will also furnish installation, conversion, operation, and maintenance instructions for the TE–PM2.5C, as well as a new equivalent method identification label to be placed on the sampler. If the conversion is to be permanent, the original designation reference method label should be removed from the sampler and replaced with the new designated equivalent method label. In the case where a converted sampler may need to be restored later to its original reference method configuration (such as for an application specifically requiring a reference method) by re-installation of the WINS impactor or the VSCC™ cyclone, the new equivalent method label may be installed on the sampler without removing the original reference method label, such that the sampler bears both labels. In this situation, the sampler shall be clearly and conspicuously marked by the operator to indicate its current configuration (*i.e.* WINS reference method, VSCC™ reference method, or TE–PM2.5C equivalent method) so that the monitoring method is correctly identified and the correct method code is used when reporting monitoring data obtained with the sampler.

The new $PM_{10\text{-}2.5}$ equivalent method utilizes a pair of filter samplers, one of which has been designated as an equivalent method for $PM_{2.5}$, and one which has been designated as a reference method for PM_{10}. Both samplers have been shown to meet the requirements specified in Appendix O of 40 CFR part 50. The $PM_{2.5}$ equivalent method sampler and the PM_{10} reference method sampler are designated as EQPS–0415–223 and RFPS–0714–216, respectively. The newly designated $PM_{10\text{-}2.5}$ equivalent method sampler is identified as follows:

EQPS–0415–224, ''Tisch Environmental Model TE–Wilbur Low-Volume Air Particulate Sampler Pair'' for the determination of coarse particulate matter as $PM_{10\text{-}2.5}$, consisting of a pair of Tisch Environmental Model TE–Wilbur samplers, with one being the TE–Wilbur2.5 $PM_{2.5}$ sampler with TE–PM2.5C particle size separator (EQPS–0415–223) and the other being a TE–Wilbur10 PM_{10} sampler (RFPS–0714–216), and operated in accordance with the associated TE–Wilbur instruction manual. This designation applies to $PM_{10\text{-}2.5}$ measurements only.

The application for equivalent method Class II determination for the $PM_{2.5}$ method was received by the Office of Research and Development on July 21, 2014 and the $PM_{10\text{-}2.5}$ method application was received on April 21, 2015. These samplers are commercially available from the applicant, Tisch Environmental, Inc., 145 S. Miami Avenue, Village of Cleves, OH 45002.

The two new equivalent methods for ozone are both automated monitoring methods (analyzers) utilizing ultraviolet absorption photometry and are identified as follows:

EQOA–0415–222, ''Sutron Model 6030 Ozone Analyzer,'' operated at any of the following measurement ranges: 0–0.05 ppm, 0–0.5 ppm and 0–1.0 ppm, at any ambient temperature in the range of 5 °C–45 °C, with an averaging time of 1 to 99 analyzer cycles (0 to 396 seconds), with sample flow rate of 0.5 to 1 Lpm and in accordance with the Model 6030 Ozone Analyzer Operation Manual and with or without the following options: Internal ozone generator, zero/span ports for external calibration.

This application for equivalent method determination for the ozone method was received by the Office of Research and Development on March 9, 2015. This monitor is commercially available from the applicant, Sutron Air Quality Division, 2548 Shell Road, Georgetown, TX 78628.

EQOA–0515–225 ''Environnement S.A. Model O3 42e UV Photometric Ozone Analyzer,'' operated in a range of 0–0.5 ppm in an environment of 0–35 °C, with a Teflon sample inlet filter, with automatic temperature and pressure compensation, with zero/span external solenoid valve, with automatic or fixed response time, and with or without the following options: ESTEL Analog Input/Output Board, LCD color touch screen, and internal ozone generator.

The application for equivalent method determination for the ozone method was received by the Office of Research and Development on April 20, 2015. This analyzer is commercially available from the applicant, Environnement S.A., 111, Boulevard Robespierre, 78300 Poissy France.

Test monitors representative of these methods have been tested in accordance with the applicable test procedures specified in 40 CFR part 53, as amended on August 31, 2011. After reviewing the results of those tests and other information submitted in the application, EPA has determined, in accordance with Part 53, that these methods should be designated as equivalent methods.

As designated reference and equivalent methods, these methods are acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58,

Ambient Air Quality Surveillance. For such purposes, the methods must be used in strict accordance with the operation or instruction manual associated with the method and subject to any specifications and limitations (*e.g.,* configuration or operational settings) specified in the applicable designated method description (see the identification of the method above).

Use of the methods also should be in general accordance with the guidance and recommendations of applicable sections of the ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I,'' EPA/600/R–94/038a and ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Quality Monitoring Program'' EPA–454/B–08–003, December, 2008. Provisions concerning modification of such methods by users are specified under Section 2.8 (Modifications of Methods by Users) of Appendix C to 40 CFR part 58.

Consistent or repeated noncompliance should be reported to: Director, Human Exposure and Atmospheric Sciences Division (MD–E205–01), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of these reference and equivalent methods is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR part 58. Questions concerning the commercial availability or technical aspects of the method should be directed to the applicant.

Dated: May 20, 2015.

Jennifer Orme-Zavaleta,

Director, National Exposure Research Laboratory.

[FR Doc. 2015–13800 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9928–74–OECA]

Proposed Information Collection Request; Comment Request; See Item Specific ICR Titles Provided in the Text; See the Item Specific Docket Numbers Provided in the Text

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the below listed information collection requests (ICR) (See item specific ICR title, EPA ICR Number and OMB Control Number provided in the text) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. These are proposed extensions of the currently approved ICRs. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before August 4, 2015.

ADDRESSES: Submit your comments, referencing the Docket ID numbers provided for each item in the text, online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. Burden is defined at 5 CFR 1320.03(b). EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

General Abstract: For all the listed ICRs in this notice, owners and operators of affected facilities are required to comply with reporting and record keeping requirements for the general provisions of 40 CFR part 60, subpart A or Part 63, Subpart A, as well as the applicable specific standards. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with the standards.

(1) Docket ID Number: EPA–HQ–OECA–2011–0271; Title: NESHAP for Integrated Iron and Steel Manufacturing (40 CFR part 63, subpart FFFFF); EPA ICR Number 2003.06, OMB Control Number 2060–0517; Expiration Date: October 31, 2015.

Respondents: Integrated iron and steel plants.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart FFFFF).

Estimated number of respondents: 18 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 18,421 hours.

Estimated annual cost: $1,832,122, includes $67,002 annualized capital or operation & maintenance (O&M) costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(2) Docket ID Number: EPA–HQ–OECA–2011–0256; Title: Emission Guidelines for Existing Other Solid Waste Incineration Units (40 CFR part 60, subpart FFFF); EPA ICR Number 2164.05, OMB Control Number 2060–0562; Expiration Date: October 31, 2015.

Additional information: The emission guidelines address existing OSWI units that commenced construction before proposal of the emission guidelines (December 9, 2004). The emission guidelines do not apply directly to existing OSWI unit owners and operators. The emission guidelines can be considered a model regulation that a State agency can use in developing plans to implement the emission guidelines. If a State does not develop, adopt, and submit an approvable State plan, the Federal government must develop a plan to implement the emission guidelines. This ICR includes the burden for an affected entity even if it is ultimately regulated under a State or Federal plan.

Respondents: Owners or operators of other solid waste incineration units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart FFFF).

Estimated number of respondents: 99 (total).

Frequency of response: Initially, semiannually and annually.

Estimated annual burden: 70,132 hours.

Estimated annual cost: $7,215,028, includes $495,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(3) Docket ID Number: EPA–HQ–OECA–2011–0264; Title: NSPS for Stationary Compression Ignition Internal Combustion Engines (40 CFR part 60, subpart IIII); EPA ICR Number 2196.05, OMB Control Number 2060–0590; Expiration Date: October 31, 2015.

Respondents: Owners or operators of stationary compression ignition internal combustion engines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart IIII).

Estimated number of respondents: 206,410 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 193,707 hours.

Estimated annual cost: $18,803,009, includes $242,092 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to an increase in the number of estimated respondents.

(4) Docket ID Number: EPA–HQ–OECA–2012–0529; Title: NESHAP for Mercury (40 CFR part 61, subpart E); EPA ICR Number 0113.12, OMB Control Number 2060–0097; Expiration Date: December 31, 2015.

Respondents: Facilities that process mercury ore to recovery mercury, use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, and incinerate or dry wastewater treatment plant sludge.

Respondent's obligation to respond: Mandatory (40 CFR part 61, subpart E).

Estimated number of respondents: 107 (total).

Frequency of response: Initially, occasionally, semiannually and annually.

Estimated annual burden: 20,490 hours.

Estimated annual cost: $1,984,018, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(5) Docket ID Number: EPA–HQ–OECA–2012–0530; Title: NSPS for Metal Furniture Coating (40 CFR part 60, subpart EE); EPA ICR Number 0649.12, OMB Control Number 2060–0106; ICR Status: This ICR is scheduled to expire on December 31, 2015.

Respondents: Metal furniture coating facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart EE).

Estimated number of respondents: 400 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 56,074 hours.

Estimated annual cost: $6,269,572, includes $840,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(6) Docket ID Number: EPA–HQ–OECA–2012–0531; Title: NSPS for Surface Coating of Large Appliances (40 CFR part 60, subpart SS); EPA ICR Number 0659.13, OMB Control Number 2060–0108; Expiration Date: December 31, 2015.

Respondents: Large appliance coating facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart SS).

Estimated number of respondents: 72 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 7,659 hours.

Estimated annual cost: $750,011, includes $8,400 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(7) Docket ID Number: EPA–HQ–OECA–2012–0532; Title: NSPS for Beverage Can Surface Coating (40 CFR part 60, subpart WW); EPA ICR Number 0663.12, OMB Control Number 2060–0001; Expiration Date: December 31, 2015.

Respondents: Beverage can surface coating facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart WW).

Estimated number of respondents: 48 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 5,134 hours.

Estimated annual cost: $597,892, includes $100,800 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(8) Docket ID Number: EPA–HQ–OECA–2012–0528; Title: NSPS for Synthetic Fiber Production Facilities (40 CFR part 60, subpart HHH); EPA ICR Number 1156.13, OMB Control Number 2060–0059; Expiration Date: December 31, 2015.

Respondents: Synthetic fiber production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart HHH).

Estimated number of respondents: 22 (total).

Frequency of response: Initially, quarterly and semiannually.

Estimated annual burden: 1,860 hours.

Estimated annual cost: $345,060, includes $165,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(9) Docket ID Number: EPA–HQ–OECA–2009–0422; Title: NESHAP for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 CFR part 63, subpart N); EPA ICR Number 1611.11, OMB Control Number 2060–0327; Expiration Date: December 31, 2015.

Respondents: Chromium electroplating and anodizing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart N).

Estimated number of respondents: 1,343 (total).

Frequency of response: Initially, quarterly, semiannually and annually.

Estimated annual burden: 177,695 hours.

Estimated annual cost: $32,515,541, includes $26,924,372 annualized capital or O&M costs.

Changes in Estimates: There is a likely a decrease in burden hours from the previous ICR to reflect the cost of ongoing burden after the initial three-year compliance period of the rule amendment.

(10) Docket ID Number: EPA–HQ–OECA–2012–0505; Title: NESHAP for Secondary Aluminum Production (40 CFR part 63, subpart RRR); EPA ICR Number 1894.08, OMB Control Number 2060–0433; Expiration Date: December 31, 2015.

Respondents: Secondary aluminum production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart RRR).

Estimated number of respondents: 1,834 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 101,856 hours.

Estimated annual cost: $10,088,531, includes $225,750 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours due to an increase in the number of subject area sources.

(11) Docket ID Number: EPA–HQ–OECA–2012–0518; Title: NESHAP for Metal Furniture Surface Coating (40 CFR part 63, subpart RRRR); EPA ICR Number 1952.06, OMB Control Number 2060–0518; Expiration Date: December 31, 2015.

Respondents: Metal furniture surface coating facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart RRRR).

Estimated number of respondents: 583 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 190,408 hours.

Estimated annual cost: $22,472,732, includes $699,600 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(12) Docket ID Number: EPA–HQ–OECA–2011–0275; Title: NESHAP for Hydrochloric Acid Production (40 CFR part 63, subpart NNNNN); EPA ICR Number 2032.08, OMB Control Number 2060–0529; Expiration Date: December 31, 2015.

Respondents: Hydrochloric acid production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart NNNNN).

Estimated number of respondents: 81 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 105,033 hours.

Estimated annual cost: $10,789,637, includes $703,561 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours due to an increase in the respondent universe.

(13) Docket ID Number: EPA–HQ–OECA–2011–0274; Title: NESHAP for the Wood Building Products Surface Coating Industry (40 CFR part 63, subpart QQQQ); EPA ICR Number 2034.06, OMB Control Number 2060–0510; Expiration Date: December 31, 2015.

Respondents: Wood building products surface coating facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart QQQQ).

Estimated number of respondents: 232 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 75,771 hours.

Estimated annual cost: $7,554,577, includes $278,400 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(14) Docket ID Number: EPA–HQ–OECA–2011–0228; Title: NSPS for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007 (40 CFR part 60, subpart Ja); EPA ICR Number 2263.05, OMB Control Number 2060–0602; Expiration Date: December 31, 2015.

Respondents: Petroleum refineries constructed, reconstructed, ore modified after May 14, 2007.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Ja).

Estimated number of respondents: 150 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 54,572 hours.

Estimated annual cost: $24,934,110, includes $20,016,000 annualized capital or O&M costs.

Changes in Estimates: There is a likely decrease in burden hours from the previous ICR to reflect the ongoing rule burden subsequent to the initial compliance period.

(15) Docket ID Number: EPA–HQ–OECA–2011–0526; Title: NESHAP for Aluminum, Copper, and Other Non-Ferrous Foundries (40 CFR part 63, subpart ZZZZZZ); EPA ICR Number 2332.04, OMB Control Number 2060–0630; Expiration Date: December 31, 2015.

Respondents: Aluminum, copper, and other non-ferrous foundries.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart ZZZZZZ).

Estimated number of respondents: 318 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 10,482 hours. Burden is defined at 5 CFR 1320.03(b)

Estimated annual cost: $1,015,005, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(16) Docket ID Number: EPA–HQ–OECA–2011–0208; Title: NESHAP for Pulp and Paper Production (40 CFR part 63, subpart S); EPA ICR Number 2452.03, OMB Control Number 2060–0681; Expiration Date: December 31, 2015.

Respondents: Pulp and paper production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart S).

Estimated number of respondents: 114 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 52,304 hours.

Estimated annual cost: $5,780,270, includes $841,000 annualized capital or O&M costs.

Changes in Estimates: There is likely a decrease in burden hours from the previous ICR to account for the ongoing burden after the initial compliance period.

(17) Docket ID Number: EPA–HQ–OECA–2012–0533; Title: NSPS for the Phosphate Fertilizer Industry (40 CFR part 60, subparts T, U, V, W, and X); EPA ICR Number 1061.13, OMB Control Number 2060–0037; Expiration Date: January 31, 2016.

Respondents: Phosphate fertilizer manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts T, U, V, W and X).

Estimated number of respondents: 13 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 1,373 hours.

Estimated annual cost: $453,090, includes $320,190 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(18) Docket ID Number: EPA–HQ–OECA–2012–0517; Title: NSPS for Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999 (40 CFR part 60, subpart BBBB); EPA ICR Number 1901.06, OMB Control Number 2060–0424; Expiration Date: January 31, 2016.

Respondents: Small municipal waste combustion units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart BBBB).

Estimated number of respondents: 23 (total).

Frequency of response: Initially, semiannually and annually.

Estimated annual burden: 100,854 hours.

Estimated annual cost: $10,802,579, includes $1,036,800 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(19) Docket ID Number: EPA–HQ–OECA–2012–0525; Title: NESHAP for Chemical Manufacturing Area Sources (40 CFR part 63 Subpart VVVVVV); EPA ICR Number 2323.06, OMB Control Number 2060–0621; Expiration Date: January 31, 2016.

Additional information: These standards apply to nine area source categories in the chemical manufacturing sector: Agricultural Chemicals and Pesticides Manufacturing, Cyclic Crude and Intermediate Production, Industrial Inorganic Chemical Manufacturing, Industrial Organic Chemical Manufacturing, Inorganic Pigments Manufacturing, Miscellaneous Organic Chemical Manufacturing, Plastic Materials and Resins Manufacturing, Pharmaceutical Production, and Synthetic Rubber Manufacturing. The requirements apply to process vents, storage tanks, equipment leaks, wastewater systems, transfer operations, and heat exchange systems at affected sources in each area source category and are combined in one subpart. The standards are based on EPA's determination of generally available control technology (GACT) or management practices for each area source category.

Respondents: Chemical manufacturing area source facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart VVVVVV).

Estimated number of respondents: 452 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 10,586 hours.

Estimated annual cost: $905,135, includes $98,271 annualized capital or O&M costs.

Changes in Estimates: There is likely an increase in burden hours from the previous ICR due to an increase in the number respondents.

(20) Docket ID Number: EPA–HQ–OECA–2012–0534; Title: NSPS for Surface Coating of Plastic Parts for Business Machines (40 CFR part 60, subpart TTT); EPA ICR Number 1093.11, OMB Control Number 2060–0162; Expiration Date: February 29, 2016.

Respondents: Facilities that perform industrial surface coating on plastic parts for business machines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart TTT).

Estimated number of respondents: 10 (total).

Frequency of response: Initially, quarterly and semiannually.

Estimated annual burden: 979 hours.

Estimated annual cost: $94,725, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(21) Docket ID Number: EPA–HQ–OECA–2012–0535; Title: NSPS for Secondary Lead Smelters (40 CFR part 60, subpart L); EPA ICR Number 1128.11, OMB Control Number 2060–0080; Expiration Date: February 29, 2016.

Respondents: Secondary lead smelting facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart L).

Estimated number of respondents: 25 (total).

Frequency of response: Initially.

Estimated annual burden: 37 hours.

Estimated annual cost: $3,631, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(22) Docket ID Number: EPA–HQ–OECA–2011–0239; Title: NSPS for Grain Elevators (40 CFR part 60, subpart DD); EPA ICR Number 1130.11, OMB Control Number 2060–0082; Expiration Date: February 29, 2016.

Respondents: Grain elevator operations.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart DD).

Estimated number of respondents: 200 (total).

Frequency of response: Initially and annually.

Estimated annual burden: 2,070 hours.

Estimated annual cost: $198,346, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(23) Docket ID Number: EPA–HQ–OECA–2011–0506; Title: NSPS for Small Municipal Waste Combustors (40 CFR part 60, subpart AAAA); EPA ICR Number 1900.06, OMB Control Number 2060–0423; Expiration Date: February 29, 2016.

Respondents: Small municipal waste combustors.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart AAAA).

Estimated number of respondents: 3 (total).

Frequency of response: Initially, semiannually and annually.

Estimated annual burden: 12,351 hours.

Estimated annual cost: $1,364,227, includes $168,336 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to an increase in one respondent being subject to the rule.

(24) Docket ID Number: EPA–HQ–OECA–2012–0524; Title: NSPS for Stationary Combustion Turbines (40 CFR part 60, subpart KKKK); EPA ICR Number 2177.06, OMB Control Number 2060–0582; Expiration Date: February 29, 2016.

Respondents: New stationary combustion turbines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart KKKK).

Estimated number of respondents: 448 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 44,394 hours.

Estimated annual cost: $4,298,616, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to a growth in the respondent universe.

(25) Docket ID Number: EPA–HQ–OECA–2012–0497; Title: NSPS for Fossil Fuel Fired Steam Generating Units (40 CFR part 63, subpart D); EPA

ICR Number 1052.11, OMB Control Number 2060–0026; Expiration Date: March 31, 2016.

Respondents: Fossil fuel fired steam generating units.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart D).

Estimated number of respondents: 660 (total).

Frequency of response: Semiannually.

Estimated annual burden: 70,777 hours.

Estimated annual cost: $16,753,220, includes $9,900,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(26) Docket ID Number: EPA–HQ–OECA–2012–0498; Title: NSPS for Coal Preparation and Processing Plants (40 CFR part 60, subpart Y); EPA ICR Number 1062.14, OMB Control Number 2060–0122; Expiration Date: March 31, 2016.

Respondents: Coal preparation and processing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Y).

Estimated number of respondents: 1,037 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 41,998 hours.

Estimated annual cost: $4,414,741, includes $348,040 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to a growth in the respondent universe.

(27) Docket ID Number: EPA–HQ–OECA–2012–0655; Title: NSPS for Ammonium Sulfate Manufacturing Plants (40 CFR part 60, subpart PP); EPA ICR Number 1066.08, OMB Control Number 2060–0032; Expiration Date: March 31, 2016.

Respondents: Ammonium sulfate manufacturing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart PP).

Estimated number of respondents: 2 (total).

Frequency of response: Semiannually.

Estimated annual burden: 284 hours.

Estimated annual cost: $27,449, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(28) Docket ID Number: EPA–HQ–OECA–2011–0234; Title: NESHAP for Petroleum Refineries (40 CFR part 63, subpart CC); EPA ICR Number 1692.08, OMB Control Number 2060–0340; Expiration Date: March 31, 2016.

Respondents: Petroleum refineries.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart CC).

Estimated number of respondents: 148 (total).

Frequency of response: Initially, occasionally, semiannually and annually.

Estimated annual burden: 549,980 hours.

Estimated annual cost: $66,661,569, includes $178,042 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(29) Docket ID Number: EPA–HQ–OECA–2012–0502; Title: NSPS for Hospital/Medical/Infectious Waste Incinerators (40 CFR part 60, subpart Ec); EPA ICR Number 1730.10, OMB Control Number 2060–0363; Expiration Date: March 31, 2016.

Respondents: Hospital/medical/infectious waste incinerators.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Ec).

Estimated number of respondents: 5 (total).

Frequency of response: Initially, occasionally, semiannually and annually.

Estimated annual burden: 3,912 hours.

Estimated annual cost: $664,375, includes $285,549 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to an increase in the number of respondents.

(30) Docket ID Number: EPA–HQ–OECA–2013–0337; Title: NESHAP for Portland Cement (40 CFR part 63, subpart LLL); EPA ICR Number 1801.12, OMB Control Number 2060–0416; Expiration Date: March 31, 2016.

Respondents: Portland cement plants, except for kilns and in-line kiln/raw mills that burn hazardous waste and are subject to 40 CFR part 63, subpart EEE.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart LLL).

Estimated number of respondents: 87 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 80,433 hours.

Estimated annual cost: $69,897,805, includes $62,080,116 annualized capital or O&M costs.

Changes in Estimates: There is likely a change in labor hours from the previous ICR to reflect the burden for ongoing rule compliance.

(31) Docket ID Number: EPA–HQ–OECA–2012–0503; Title: Emission Guidelines for Large Municipal Waste Combustors Constructed on or Before September 20, 1994 (40 CFR part 60, subpart Cb); EPA ICR Number 1847.07, OMB Control Number 2060–0390; Expiration Date: March 31, 2016.

Respondents: Large municipal waste combustors.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Cb).

Estimated number of respondents: 81 (total).

Frequency of response: Initially, occasionally, semiannually and annually.

Estimated annual burden: 394,965 hours.

Estimated annual cost: $52,760,002, includes $1,555,200 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(32) Docket ID Number: EPA–HQ–OECA–2011–0272; Title: NSPS for Hospital/Medical/Infectious Waste Incinerators (40 CFR part 60, subpart Ce and 40 CFR part 62, subpart HHH); EPA ICR Number 1899.08, OMB Control Number 2060–0422; Expiration Date: March 31, 2016.

Respondents: Hospital, medical, infectious waste incinerators.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Ce and Part 62, Subpart HHH).

Estimated number of respondents: 79 (total).

Frequency of response: Initially, occasionally, semiannually and annually.

Estimated annual burden: 60,080 hours.

Estimated annual cost: $6,489,166, includes $742,817 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(33) Docket ID Number: EPA–HQ–OECA–2015–0191; Title: NESHAP for Miscellaneous Organic Chemical Manufacturing (40 CFR part 63, subpart FFFF); EPA ICR Number 1969.06, OMB Control Number 2060–0533; Expiration Date: March 31, 2016.

Respondents: Miscellaneous organic chemical manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart FFFF).

Estimated number of respondents: 263 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 426,474 hours.

Estimated annual cost: $46,919,809, includes $5,624,883 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to growth in the respondent universe.

(34) Docket ID Number: EPA–HQ–OECA–2012–0527; Title: NESHAP for Paints and Allied Products Manufacturing Area Source Category (40 CFR part 63, subpart CCCCCCC); EPA ICR Number 2348.04, OMB Control Number 2060–0633; Expiration Date: March 31, 2016.

Respondents: Paints and allied products manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart CCCCCCC).

Estimated number of respondents: 2,190 (total).

Frequency of response: Initially, occasionally and annually.

Estimated annual burden: 4,533 hours.

Estimated annual cost: $1,172,604, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(35) Docket ID Number: EPA–HQ–OECA–2012–0496; Title: NESHAP for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing (40 CFR part 63, subpart AAAAAAA); EPA ICR Number 2352.04, OMB Control Number 2060–0634; Expiration Date: March 31, 2016.

Respondents: Area source facilities that process asphalt or manufacture asphalt roofing products.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart AAAAAAA).

Estimated number of respondents: 75 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 2,846 hours.

Estimated annual cost: $276,724, includes $1,125 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(36) Docket ID Number: EPA–HQ–OECA–2012–0653; Title: NSPS for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels (40 CFR part 60, subparts AA and AAa); EPA ICR Number 1060.17, OMB Control Number 2060–0038; Expiration Date: April 30, 2016.

Respondents: Steel plants with electric arc furnaces, argon-oxygen decarburization vessels, and dust handling systems.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts AA and AAa).

Estimated number of respondents: 98 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 61,310 hours.

Estimated annual cost: $6,137,827, includes $201,240 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to an increase of one respondent.

(37) Docket ID Number: EPA–HQ–OECA–2012–0659; Title: NESHAP for Perchloroethylene Dry Cleaning Facilities (40 CFR part 63, subpart M); EPA ICR Number 1415.11, OMB Control Number 2060–0234; Expiration Date: April 30, 2016.

Respondents: Dry cleaning facilities that use perchloroethylene.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart M).

Estimated number of respondents: 28,012 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 1,564,851 hours.

Estimated annual cost: $157,229,928, includes $946,413 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(38) Docket ID Number: EPA–HQ–OECA–2012–0666; Title: NESHAP for the Printing and Publishing Industry (40 CFR part 63, subpart KK); EPA ICR Number 1739.08, OMB Control Number 2060–0335; Expiration Date: April 30, 2016.

Respondents: Facilities in the printing and publishing industry.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart KK).

Estimated number of respondents: 352 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 58,162 hours.

Estimated annual cost: $6,045,789, includes $414,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(39) Docket ID Number: EPA–HQ–OECA–2012–0677; Title: NSPS for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and prior to May 19, 1978 (40 CFR part 60, subpart K); EPA ICR Number 1797.07, OMB Control Number 2060–0442; Expiration Date: April 30, 2016.

Respondents: Facilities that store petroleum liquids in storage vessels.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart K).

Estimated number of respondents: 220 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 769 hours.

Estimated annual cost: $74,473, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(40) Docket ID Number: EPA–HQ–OECA–2012–0680; Title: Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (40 CFR part 60, subpart Cc and 40 CFR part 62, subpart GGG); EPA ICR Number 1893.07, OMB Control Number 2060–0430; Expiration Date: April 30, 2016.

Respondents: Municipal solid waste landfills.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Cc and part 62, subpart GGG).

Estimated number of respondents: 511 (total).

Frequency of response: Initially, occasionally and annually.

Estimated annual burden: 42,277 hours.

Estimated annual cost: $4,717,854, includes $663,600 annualized capital or O&M costs.

Changes in Estimates: There is an expected decrease in burden hours from the previous ICR due to landfill closures.

(41) Docket ID Number: EPA–HQ–OECA–2012–0691; Title: NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR part 63, subpart IIIII); EPA ICR Number 2046.08, OMB Control Number 2060–0542; Expiration Date: April 30, 2016.

Respondents: Mercury cell chlor-alkali plants.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart IIIII).

Estimated number of respondents: 2 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 3,682 hours.

Estimated annual cost: $372,952, includes $16,400 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(42) Docket ID Number: EPA–HQ–OECA–2012–0693; Title: NESHAP for Taconite Iron Ore Processing (40 CFR part 63, subpart RRRRR); EPA ICR

Number 2050.06, OMB Control Number 2060–0538; Expiration Date: April 30, 2016.

Respondents: Taconite iron ore processing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart RRRRR).

Estimated number of respondents: 8 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 614 hours.

Estimated annual cost: $650,107, includes $257,600 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(43) Docket ID Number: EPA–HQ–OECA–2012–0699; Title: NESHAP for Primary Magnesium Refining (40 CFR part 63, subpart TTTTT); EPA ICR Number 2098.07, OMB Control Number 2060–0536; Expiration Date: April 30, 2016.

Respondents: Primary magnesium refining facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart TTTTT).

Estimated number of respondents: 1 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 611 hours. Burden is defined at 5 CFR 1320.03(b)

Estimated annual cost: $60,410, includes $1,200 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(44) Docket ID Number: EPA–HQ–OECA–2012–0702; Title: NESHAP for Area Sources: Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Copper Smelting, and Primary Nonferrous Metals-Zinc, Cadmium, and Beryllium (40 CFR part 63, subparts DDDDDD, EEEEEE, FFFFFF, and GGGGGG); EPA ICR Number 2240.05, OMB Control Number 2060–0596; Expiration Date: April 30, 2016.

Respondents: PVC and copolymer, primary copper smelters, secondary copper smelters, and primary zinc production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subparts DDDDDD, EEEEEE, FFFFFF and GGGGGG).

Estimated number of respondents: 5 (total).

Frequency of response: Initially.

Estimated annual burden: 46 hours.

Estimated annual cost: $4,454, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(45) Docket ID Number: EPA–HQ–OECA–2012–0703; Title: NESHAP for Prepared Feeds Manufacturing (40 CFR part 63, subpart DDDDDDD); EPA ICR Number 2354.04, OMB Control Number 2060–0635; Expiration Date: April 30, 2016.

Respondents: Prepared feed manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart DDDDDDD).

Estimated number of respondents: 1,800 (total).

Frequency of response: Initially and annually.

Estimated annual burden: 62,079 hours.

Estimated annual cost: $6,048,294, includes $37,236 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(46) Docket ID Number: EPA–HQ–OECA–2012–0642; Title: NESHAP for Chemical Preparations Industry (40 CFR part 63, subpart BBBBBBB); EPA ICR Number 2356.04, OMB Control Number 2060–0636; Expiration Date: April 30, 2016.

Respondents: Chemical preparation facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart BBBBBBB).

Estimated number of respondents: 26 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 2,093 hours.

Estimated annual cost: $203,052, includes $390 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(47) Docket ID Number: EPA–HQ–OECA–2012–0643; Title: NSPS for Pressure Sensitive Tape and Label Surface Coating (CFR part 60, subpart RR); EPA ICR Number 0658.12, OMB Control Number 2060–0004; Expiration Date: May 31, 2016.

Respondents: Pressure sensitive tape and label surface coating facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart RR).

Estimated number of respondents: 39 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 3,652 hours.

Estimated annual cost: $427,962, includes $77,200 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to growth in the respondent universe.

(48) Docket ID Number: EPA–HQ–OECA–2012–0688; Title: NESHAP for Plastic Parts and Products Surface Coating (40 CFR part 63, subpart PPPP); EPA ICR Number 2044.06, OMB Control Number 2060–0537; Expiration Date: May 31, 2016.

Respondents: Facilities that perform surface coating of plastic parts and products.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart PPPP).

Estimated number of respondents: 832 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 322,467 hours.

Estimated annual cost: $31,489,594, includes $265,600 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to growth in the respondent universe.

(49) Docket ID Number: EPA–HQ–OECA–2012–0695; Title: NESHAP for Site Remediation (40 CFR part 63, subpart GGGGG); EPA ICR Number 2062.06, OMB Control Number 2060–0534; Expiration Date: May 31, 2016.

Respondents: Facilities with site remediation activities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart GGGGG).

Estimated number of respondents: 286 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 140,338 hours.

Estimated annual cost: $14,302,488, includes $582,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(50) Docket ID Number: EPA–HQ–OECA–2013–0355; Title: NESHAP for Clay Ceramics Manufacturing, Glass Manufacturing and Secondary Nonferrous Metals Processing Area Sources (40 CFR part 63, subparts RRRRRR, SSSSSS, and TTTTTT); EPA ICR Number 2274.05, OMB Control Number 2060–0606; Expiration Date: May 31, 2016.

Respondents: Clay ceramics manufacturing, glass manufacturing, and secondary nonferrous metals processing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subparts RRRRRR, SSSSSS and TTTTTT).

Estimated number of respondents: 82 (total).

Frequency of response: Initially.

Estimated annual burden: 1,763 hours.

Estimated annual cost: $182,301, includes $9,854 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(51) Docket ID Number: EPA–HQ–OECA–2012–0657; Title: NSPS for Flexible Vinyl and Urethane Coating and Printing (40 CFR part 60, subpart FFF); EPA ICR Number 1157.11, OMB Control Number 2060–0073; Expiration Date: June 30, 2016.

Respondents: Facilities that print or coat flexible vinyl or urethane products.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart FFF).

Estimated number of respondents: 24 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 775 hours.

Estimated annual cost: $297,664, includes $222,600 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to an increase in one respondent.

(52) Docket ID Number: EPA–HQ–OECA–2012–0658; Title: NSPS/NESHAP for Wool Fiberglass Insulation Manufacturing Plants (40 CFR part 60, subpart PPP and 40 CFR part 63, subpart NNN); EPA ICR Number 1160.13, OMB Control Number 2060–0114; Expiration Date: June 30, 2016.

Respondents: Facilities with rotary spin wool fiberglass insulation manufacturing lines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart PPP and part 63, subpart NNN).

Estimated number of respondents: 61 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 18,559 hours.

Estimated annual cost: $2,285,560, includes $488,500 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(53) Docket ID Number: EPA–HQ–OECA–2015–0190; Title: NSPS for Nitric Acid Plants (40 CFR part 60, subpart G and Ga); EPA ICR Number 1056.12, OMB Control Number 2060–0019; Expiration Date: July 31, 2016.

Respondents: Nitric acid plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts G and Ga).

Estimated number of respondents: 26 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 1,921 hours.

Estimated annual cost: $2,805,032, includes $2,618,983 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to an increase in the number of respondents.

(54) Docket ID Number: EPA–HQ–OECA–2012–0654; Title: NSPS for Automobile and Light Duty Truck Surface Coating Operations (40 CFR part 60, subpart MM); EPA ICR Number 1064.18, OMB Control Number 2060–0034; Expiration Date: July 31, 2016.

Respondents: Facilities that perform surface coating of automobile and light duty truck.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart MM).

Estimated number of respondents: 58 (total).

Frequency of response: Initially, quarterly and semiannually.

Estimated annual burden: 175,195 hours.

Estimated annual cost: $17,067,068, includes $103,200 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to an increase in the number of respondents.

(55) Docket ID Number: EPA–HQ–OECA–2012–0656; Title: NSPS for Lead-Acid Battery Manufacturing (40 CFR part 60, subpart KK); EPA ICR Number 1072.11, OMB Control Number 2060–0081; Expiration Date: July 31, 2016.

Respondents: Lead-acid battery manufacturing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart KK).

Estimated number of respondents: 52 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 4,053 hours.

Estimated annual cost: $404,122, includes $11,700 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(56) Docket ID Number: EPA–HQ–OECA–2012–0499; Title: NSPS for Industrial-Commercial-Institutional Steam Generating Units (40 CFR part 60, subpart Db); EPA ICR Number 1088.14, OMB Control Number 2060–0072; Expiration Date: July 31, 2016.

Respondents: Industrial, commercial, and institutional steam generating units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Db).

Estimated number of respondents: 1,727 (total).

Frequency of response: Initially, quarterly and semiannually.

Estimated annual burden: 1,607,368 hours.

Estimated annual cost: $190,544,313, includes $34,905,000 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to an increase in the estimated number of respondents.

(57) Docket ID Number: EPA–HQ–OECA–2012–0660; Title: NESHAP for Halogenated Solvent Cleaners/Halogenated Hazardous Air Pollutants (40 CFR part 63, subpart T); EPA ICR Number 1652.09, OMB Control Number 2060–0273; Expiration Date: July 31, 2016.

Respondents: Facilities with halogenated HAP solvent cleaning machines.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart T).

Estimated number of respondents: 1,431 (total).

Frequency of response: Initially, quarterly, semiannually and annually.

Estimated annual burden: 45,242 hours.

Estimated annual cost: $5,395,561, includes $1,014,800 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(58) Docket ID Number: EPA–HQ–OECA–2012–0665; Title: NESHAP for Magnetic Tape Manufacturing Operations (40 CFR part 63, subpart EE); EPA ICR Number 1678.09, OMB Control Number 2060–0326; Expiration Date: July 31, 2016.

Respondents: Magnetic tape manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart EE).

Estimated number of respondents: 6 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 3,905 hours.

Estimated annual cost: $425,110, includes $47,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(59) Docket ID Number: EPA–HQ–OECA–2012–0668; Title: NESHAP for Flexible Polyurethane Foam Production (40 CFR part 63, subpart III); EPA ICR Number 1783.07, OMB Control Number 2060–0357; Expiration Date: July 31, 2016.

Respondents: Flexible polyurethane foam production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart III).

Estimated number of respondents: 132 (total).

Frequency of response: Initially, semiannually and annually.

Estimated annual burden: 9,047 hours.

Estimated annual cost: $874,812, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(60) Docket ID Number: EPA–HQ–OECA–2012–0669; Title: NESHAP for Oil and Natural Gas Production (40 CFR part 63, subpart HH); EPA ICR Number 1788.11, OMB Control Number 2060–0417; Expiration Date: July 31, 2016.

Respondents: Oil and natural gas production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart HH).

Estimated number of respondents: 3,735 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 46,642 hours.

Estimated annual cost: $5,431,638, includes $910,733 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to an increase in the estimated number of respondents.

(61) Docket ID Number: EPA–HQ–OECA–2012–0676; Title: NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR part 63, subparts AA and BB); EPA ICR Number 1790.07, OMB Control Number 2060–0361; Expiration Date: July 31, 2016.

Respondents: Phosphoric acid manufacturing and phosphate fertilizer production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subparts AA and BB).

Estimated number of respondents: 12 (total).

Frequency of response: Initially, occasionally, quarterly, semiannually and annually.

Estimated annual burden: 1,765 hours.

Estimated annual cost: $181,581, includes $10,632 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(62) Docket ID Number: EPA–HQ–OECA–2012–0678; Title: NESHAP for Mineral Wool Production (40 CFR part 63, subpart DDD); EPA ICR Number 1799.09, OMB Control Number 2060–0362; Expiration Date: July 31, 2016.

Respondents: Mineral wool production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart DDD).

Estimated number of respondents: 6 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 1,581 hours.

Estimated annual cost: $157,566, includes $4,500 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(63) Docket ID Number: EPA–HQ–OECA–2012–0701; Title: NESHAP for Miscellaneous Coating Manufacturing (40 CFR part 63, subpart HHHHH); EPA ICR Number 2115.05, OMB Control Number 2060–0535; Expiration Date: July 31, 2016.

Respondents: Facilities that manufacture a miscellaneous coating.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart HHHHH).

Estimated number of respondents: 135 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 171,406 hours.

Estimated annual cost: $19,475,893, includes $2,878,500 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to an increase in the estimated number of respondents.

(64) Docket ID Number: EPA–HQ–OECA–2012–0646; Title: NSPS for Incinerators (40 CFR part 60, subpart E); EPA ICR Number 1058.11, OMB Control Number 2060–0040; Expiration Date: August 31, 2016.

Respondents: Incinerators constructed or modified after August 17, 1971.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart E).

Estimated number of respondents: 82 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 8,393 hours.

Estimated annual cost: $1,017,654, includes $205,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(65) Docket ID Number: EPA–HQ–OECA–2012–0664; Title: NESHAP for Commercial Ethylene Oxide Sterilization and Fumigation Operations (40 CFR part 63, subpart O); EPA ICR Number 1666.10, OMB Control Number 2060–0283; Expiration Date: August 31, 2016.

Respondents: Ethylene oxide sterilization and fumigation facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart O).

Estimated number of respondents: 122 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 8,887 hours.

Estimated annual cost: $1,524,913, includes $664,500 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to an increase in the estimated number of respondents.

(66) Docket ID Number: EPA–HQ–OECA–2012–0681; Title: NSPS for Commercial and Industrial Solid Waste Incineration Units (40 CFR part 60, subpart CCC); EPA ICR Number 1926.07, OMB Control Number 2060–0450; Expiration Date: August 31, 2016.

Respondents: Commercial and industrial solid waste incineration units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart CCC).

Estimated number of respondents: 30 (total).

Frequency of response: Initially, occasionally and annually.

Estimated annual burden: 5,965 hours.

Estimated annual cost: $959,788, includes $382,200 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(67) Docket ID Number: EPA–HQ–OECA–2012–0685; Title: Emission Guidelines for Existing Commerce and Industrial Solid Waste Incineration Units (40 CFR part 60, subpart DDDD); EPA ICR Number 1927.07, OMB Control Number 2060–0451; Expiration Date: August 31, 2016.

Respondents: Commercial and industrial solid waste incineration units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart DDDD).

Estimated number of respondents: 90 (total).

Frequency of response: Initially, occasionally and annually.

Estimated annual burden: 18,061 hours.

Estimated annual cost: $2,892,789, includes $1,143,990 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(68) Docket ID Number: EPA–HQ–OECA–2012–0686; Title: NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR part 63, subpart EEEE); EPA ICR Number 1963.06, OMB Control Number 2060–0539; Expiration Date: August 31, 2016.

Respondents: Organic liquids distribution facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart EEEE).

Estimated number of respondents: 381 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 114,667 hours.

Estimated annual cost: $19,770,006, includes $8,559,164 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(69) Docket ID Number: EPA–HQ–OECA–2012–0697; Title: NESHAP for Iron and Steel Foundries (40 CFR part 63, subpart EEEEE); EPA ICR Number 2096.06, OMB Control Number 2060–0543; Expiration Date: August 31, 2016.

Respondents: Iron and steel foundries.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart EEEEE).

Estimated number of respondents: 98 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 29,747 hours.

Estimated annual cost: $3,309,697, includes $400,060 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(70) Docket ID Number: EPA–HQ–OECA–2012–0662; Title: NESHAP for Gasoline Distribution Facilities (40 CFR part 63, subpart R); EPA ICR Number 1659.09, OMB Control Number 2060–0325; Expiration Date: September 30, 2016.

Respondents: Bulk gasoline terminals.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart R).

Estimated number of respondents: 492 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 15,823 hours.

Estimated annual cost: $1,904,020, includes $357,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

(71) Docket ID Number: EPA–HQ–OECA–2012–0687; Title: NESHAP for Stationary Combustion Turbines (40 CFR part 63, subpart YYYY); EPA ICR Number 1967.06, OMB Control Number 2060–0540; Expiration Date: September 30, 2016.

Respondents: Stationary combustion turbines constructed or reconstructed after January 14, 2003.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart YYYY).

Estimated number of respondents: 96 (total).

Frequency of response: Initially, semiannually and annually.

Estimated annual burden: 1,338 hours.

Estimated annual cost: $165,056, includes $10,750 annualized capital or O&M costs.

Changes in Estimates: There is an expected increase in burden hours from the previous ICR due to an increase in the estimated number of respondents.

(72) Docket ID Number: EPA–HQ–OECA–2012–0690; Title: NESHAP for Automobile and Light-duty Truck Surface Coating (40 CFR part 63, subpart IIII); EPA ICR Number 2045.06, OMB Control Number 2060–0550; Expiration Date: September 30, 2016.

Respondents: Facilities that perform surface coating on automobiles and light-duty trucks.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart IIII).

Estimated number of respondents: 65 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 26,685 hours.

Estimated annual cost: $2,688,147, includes $78,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden hours from the previous ICR.

Dated: May 27, 2015.

Edward J. Messina,

Director, Monitoring, Assistance and Media Programs Division.

[FR Doc. 2015–13808 Filed 6–4–15; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATES: *Date and Time:* The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on June 11, 2015, from 9 a.m. until such time as the Board concludes its business.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- May 14, 2015

B. Reports

- Annual Report on the Farm Credit System's Young, Beginning, and Small Farmer Mission Performance: 2014 Results
- Quarterly Report on Economic Conditions and FCS Conditions
- Semi-Annual Report on Office of Examination Operations

Closed Session*

- Office of Examination Quarterly Report

Dated: June 1, 2015.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2015–13856 Filed 6–3–15; 11:15 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 15–649]

Disability Advisory Committee; Announcement of Next Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the date of the next meeting of the Commission's Disability Advisory Committee (Committee or DAC). The meeting is open to the public. During this meeting, an announcement of new Committee co-chairs will be made, and members of the Committee will receive and discuss summaries of activities and recommendations from its subcommittees.

DATES: The Committee's next meeting will take place on Tuesday, June 23, 2015, 9:00 a.m. to 3:00 p.m. (EST).

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, in the Commission Meeting Room.

FOR FURTHER INFORMATION CONTACT: Elaine Gardner, Consumer and Governmental Affairs Bureau: 202–418–0581 (voice); email: *DAC@fcc.gov;* or Suzy Rosen Singleton, Alternate DAC Designated Federal Officer, Consumer and Governmental Affairs Bureau: 202–510–9446 (VP/voice), at the same email address: *DAC@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Committee was established in December 2014 to make recommendations to the Commission on a wide array of disability matters within the jurisdiction of the Commission, and to facilitate the participation of people with disabilities in proceedings before the Commission. The Committee is organized under, and operated in accordance with, the provisions of the Federal Advisory Committee Act (FACA). The Committee held its first meeting on March 17, 2015.

At its June 23, 2015 meeting, an announcement will be made of new Committee Co-chairs: Claude Stout of Telecommunications for the Deaf and Hard of Hearing, Inc.; and Susan Mazrui of AT&T Services, Inc. In addition, the Committee will consider reports and the following recommendations from its subcommittees: A recommendation from its Relay/Equipment Distribution Subcommittee regarding modification of the speed of answer requirements for video relay service; a recommendation from its Communications Subcommittee regarding ways to identify gaps in available research about the communications product and service preferences, barriers, and information needs of people with disabilities; and a recommendation from the Emergency Communications Subcommittee to endorse the Communications Security, Reliability and Interoperability Council (CSRIC) IV Working Group 2's report and recommendations for improvements to the Wireless Emergency Alerts (WEA). The Committee will also receive a presentation summarizing the Video Description Roundtable hosted by the Video Programming Subcommittee on June 22, 2015. A limited amount of time may be available on the agenda for comments and inquiries from the public. The public may comment or ask questions of presenters via the email address *livequestions@fcc.gov*.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. If making a request for an accommodation, please include a description of the accommodation you will need and tell us how to contact you if we need more information. Make your request as early as possible by sending an email to *fcc504@fcc.gov* or calling the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY). Last minute requests will be accepted, but may be impossible to fill. The meeting will be webcast with open captioning, at: *www.fcc.gov/live*.

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

Federal Communications Commission.

D'wana Terry,

Associate Bureau Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2015–13822 Filed 6–4–15; 8:45 am]

BILLING CODE 6712–01–P

* Session Closed-Exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

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 July 1, 2015.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Burlington Holdings, Inc.,* to become a bank holding company by acquiring 100 percent of the voting shares of Burlington Bancshares, Inc., parent of Bank of Burlington, all in Burlington, Colorado.

Board of Governors of the Federal Reserve System, June 2, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–13773 Filed 6–4–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2014–0007]

Final Revised Vaccine Information Materials for Td, Tdap, Hib, and Rotavirus Vaccines

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS)

ACTION: Notice.

SUMMARY: Under the National Childhood Vaccine Injury Act (NCVIA) (42 U.S.C. 300aa–26), the CDC must develop vaccine information materials that all health care providers are required to give to patients/parents prior to administration of specific vaccines. On June 25, 2014, CDC published a notice in the **Federal Register** (79 FR 36068) seeking public comments on proposed new vaccine information materials for Td, Tdap, *Haemophilus influenzae* type b (Hib), and rotavirus vaccines. Following review of comments submitted and consultation as required under the law, CDC has finalized the materials. Copies of the final vaccine information materials for Td, Tdap, Hib, and rotavirus are available to download from *http://www.cdc.gov/vaccines/hcp/vis/index.html* or *http://www.regulations.gov* (see Docket Number CDC–2014–0007).

DATES: Beginning no later than November 1, 2015, each health care provider who administers any Td, Tdap, Hib, or rotavirus vaccine to any child or adult in the United States shall provide copies of the relevant vaccine information materials contained in this notice, in conformance with the April 15, 2015 CDC Instructions for the Use of Vaccine Information Statements prior to providing such vaccinations.

FOR FURTHER INFORMATION CONTACT: Suzanne Johnson-DeLeon (*msj1@cdc.gov*), National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, Mailstop A–19, 1600 Clifton Road NE., Atlanta, Georgia 30329.

SUPPLEMENTARY INFORMATION: The National Childhood Vaccine Injury Act of 1986 (Pub. L. 99–660), as amended by section 708 of Public Law 103–183, added section 2126 to the Public Health Service Act. Section 2126, codified at 42 U.S.C. 300aa–26, requires the Secretary of Health and Human Services to develop and disseminate vaccine information materials for distribution by all health care providers in the United States to any patient (or to the parent or legal representative in the case of a child) receiving vaccines covered under the National Vaccine Injury Compensation Program (VICP).

Development and revision of the vaccine information materials, also known as Vaccine Information Statements (VIS), have been delegated by the Secretary to the Centers for Disease Control and Prevention (CDC). Section 2126 requires that the materials be developed, or revised, after notice to the public, with a 60-day comment period, and in consultation with the Advisory Commission on Childhood Vaccines, appropriate health care provider and parent organizations, and the Food and Drug Administration. The law also requires that the information contained in the materials be based on available data and information, be presented in understandable terms, and include:

(1) A concise description of the benefits of the vaccine,

(2) A concise description of the risks associated with the vaccine,

(3) A statement of the availability of the National Vaccine Injury Compensation Program, and

(4) Such other relevant information as may be determined by the Secretary.

The vaccines initially covered under the National Vaccine Injury Compensation Program were diphtheria, tetanus, pertussis, measles, mumps, rubella and poliomyelitis vaccines. Since April 15, 1992, any health care provider in the United States who intends to administer one of these covered vaccines is required to provide copies of the relevant vaccine information materials prior to administration of any of these vaccines. Since then, the following vaccines have been added to the National Vaccine Injury Compensation Program, requiring use of vaccine information materials for them as well: Hepatitis B, *Haemophilus influenzae* type b (Hib), varicella (chickenpox), pneumococcal conjugate, rotavirus, hepatitis A, meningococcal, human papillomavirus (HPV), and seasonal influenza vaccines. Instructions for use of the vaccine information materials are found on the CDC Web site at: *http://www.cdc.gov/vaccines/hcp/vis/index.html.*

New Vaccine Information Materials

The Td, Tdap, Hib, and rotavirus vaccine information materials referenced in this notice were developed in consultation with the Advisory Commission on Childhood Vaccines, the Food and Drug Administration, and parent and healthcare provider organizations. Following consultation and review of comments submitted, the vaccine information materials covering Td, Tdap, Hib, and rotavirus vaccine have been finalized and are available to download from *http://www.cdc.gov/vaccines/hcp/vis/index.html* or *http://www.regulations.gov* (see Docket Number CDC–2014–0007). The Vaccine Information Statements (VIS), are: ''Td Vaccine: What You Need to Know'' (publication date February 24, 2015), ''Tdap Vaccine: What You Need to Know'' (publication date February 24, 2015), ''*Haemophilus influenzae* type b Vaccine: What You need to Know'' (publication date April 2, 2015), and ''Rotavirus Vaccine: What You Need to Know'' (publication date April 15, 2015).

With publication of this notice, as of November 1, 2015, all health care providers will be required to provide copies of these updated Td, Tdap, Hib, and rotavirus vaccine information materials prior to immunization in conformance with CDC's April 15, 2015 Instructions for the Use of Vaccine Information Statements.

Dated: June 1, 2015.

Ron A. Otten,

Acting Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2015–13694 Filed 6–4–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2015–0042; 60Day–15–0981]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, 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. This notice invites comment on Assessing and Evaluating Human Systems Integration needs in mining. CDC objective is to conduct

research to improve working conditions to prevent accidents and occupational disease in underground coal and metal/nonmetal mines in the U.S.

DATES: Written comments must be received on or before August 4, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0042 by any of the following methods:

Federal eRulemaking Portal: Regulation.gov. Follow the instructions for submitting comments.

Mail: Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to Regulations.gov, including any personal information provided. For access to the docket to read background documents or comments received, go to Regulations.gov.

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Assessing and Evaluating Human Systems Integration Needs in Mining (OMB No. 0920–0981, expires 08/31/2015)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NIOSH, under Public Law 91–173 as amended by Public Law 95–164 (Federal Mine Safety and Health Act of 1977), and Public Law 109–236 (Mine Improvement and New Emergency Response Act of 2006) has the responsibility to conduct research to improve working conditions and to prevent accidents and occupational diseases in underground coal and metal/nonmetal mines in the United States of America. NIOSH proposes to request additional time through an extension of the approved OMB control number in order to collect assessment and evaluation data.

The project is aimed at determining the following information with regards to the necessary inclusion of Human Systems Integration into research related to underground coal mining: (1) What information is critical for a miner to safely perform his job, (2) what processes (*e.g.,* expertise, decision making, attention, etc.) are necessary for a miner to effectively perform his job, and (3) how do the miner and the machine interact. In order to accomplish these goals, the following data collection instruments are being used:

The General Preference Questionnaire was designed to determine how and when miners working in an underground coal mine prefer to have information about their work environment, the location of themselves, others, and equipment communicated to them while they are working. This questionnaire will be administered to 75 miners working in an underground coal mine.

The Subject Matter Expert (SME) Questionnaire was designed to determine how subject matter experts (*e.g.,* experienced continuous miner operators) prefer to have information about their work environment, the location of themselves, others and equipment communicated to them while they are working. The questionnaire will be administered to 50 miners working in an underground coal mine in one of two positions: Continuous miner operator or fire boss.

The Safety Director Questionnaire was designed to determine what machinery and equipment is currently being used within the underground coal mining environment. This questionnaire will be administered to up to 50 Safety Directors working at an underground mining operation.

Vest Usability Testing was designed to examine the effectiveness and viability of physically integrating equipment. This will be done by asking a group of miners to wear mining vests during their normal work hours and complete a questionnaire before and after the vest wearing period. Approximately 60 underground coal miners will be asked to take part in Vest Usability Testing.

The Roof Bolter Questionnaire will be used to assess the functional lighting needs and problems around roof bolting machines and the usability of a lighting feedback system for specific controls. Approximately 30 Roof Bolter Operators will be asked to complete the Roof Bolter Questionnaire (half before the intervention and half after).

There are no costs to the miners as study participation will take place during their normal working hours. Thus, any cost associated with the experiment will be incurred by the mining company. The total estimated annual burden hours are 442.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Mine Employee	Informed Consent	285	1	5/60	24
Mine Employee	Talent Waiver	285	1	2/60	10
Mine Employee	Demographic Questionnaire	285	1	2/60	10
Mine Employee	Task and Cognitive Task Analyses: Continuous Miner Operator.	10	1	2	20
Mine Employee	Task and Cognitive Task Analyses: Fire Boss.	10	1	2	20
Mine Employee	Direct Observation: Continuous Miner Operator.	10	1	4	40
Mine Employee	Direct Observation: Fire Boss	10	1	4	40
Mine Employee	General Preference Questionnaire	75	1	30/60	38
Mine Employee	Subject Matter Expert Questionnaire	50	1	1	50
Mine Employee	Safety Director Questionnaire	50	1	30/60	25
Mine Employee	Roof Bolter Questionnaire	30	2	15/60	15
Mine Employee	Vest Usability Testing	60	2	45/60	90
Mine Employee	Focus Groups	30	1	1	30
Mine Employee	Lab Experiments	30	1	1	30
Total					442

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. 2015–13799 Filed 6–4–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–15AME; Docket No. CDC–2015–0043]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, 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. This notice invites comment on a Monitoring and Reporting System for the National Tobacco Control Program. CDC will use the information collected to monitor cooperative agreement awardees and to identify facilitators and challenges to program implementation and achievement of outcomes.

DATES: Written comments must be received on or before August 4, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0043 by any of the following methods:

Federal eRulemaking Portal: Regulation.gov. Follow the instructions for submitting comments.

Mail: Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology

and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Monitoring and Reporting System for the National Tobacco Control Program—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) works with states, territories, tribal organizations, and the District of Columbia (collectively referred to as ''state-based'' programs) to develop, implement, manage, and evaluate tobacco prevention and control programs. Support and guidance for these programs have been provided through cooperative agreement funding and technical assistance administered by CDC's National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP). Partnerships and collaboration with other federal agencies, nongovernmental organizations, local communities, public and private sector organizations, and major voluntary associations have been critical to the success of these efforts.

NCCDPHP cooperative agreements DP15–1509 (National State-Based Tobacco Control Programs) and DP14–1410PPHF14 (Public Health Approaches for Ensuring Quitline Capacity) continue to support efforts since 1999 to build state health department infrastructure and capacity to implement comprehensive tobacco prevention and control programs. Through these cooperative agreements, health departments in all 50 states, the District of Columbia, Puerto Rico and Guam are funded to implement evidence-based environmental, policy, and systems strategies and activities designed to reduce tobacco use, secondhand smoke exposure, tobacco-related disparities and associated disease, disability, and death.

CDC plans to request OMB approval to collect information from the 53 state-based programs funded under both DP15–1509 and DP14–1410PPHF14. Awardees will report information about their work plan objectives, activities, and performance measures. Each awardee will submit an Annual Work Plan Progress Report using an Excel-based Work Plan Tool. The estimated burden per response is 3 hours for each Annual Work Plan Progress report. In addition, each awardee will submit an Annual Budget Progress Report using an Excel-based Budget Tool. The estimated burden per response is two hours for each Annual Budget Progress Report.

In Year 1, each awardee will have additional burden related to initial population of the reporting tools. Initial population of the Work Plan Tool is estimated to be 6 hours per response, and initial population of the Budget Tool is estimated to be 4 hours per response. Initial population of the tools is a one-time activity which is annualized over the 3 years of the information collection request. Due to annualization, the 53 awardees are represented as 18 awardees (53/3) in the burden table. After completing the initial population of the tools, pertinent information only needs to be updated for each annual report. The same instruments will be used for all information collection and reporting.

Awardees will upload their information to *www.grants.gov* on an annual basis to satisfy routine cooperative agreement reporting requirements. Although reporting is required once per year, data entry can occur on a real-time basis. As a result, the reporting tools can also be used for ongoing program management, and support more effective, data-driven technical assistance between NCCDPHP and awardees.

CDC will use the information collected to monitor each awardee's progress and to identify facilitators and challenges to program implementation and achievement of outcomes. Monitoring allows CDC to determine whether an awardee is meeting performance and budget goals and to make adjustments in the type and level of technical assistance provided to them, as needed, to support attainment of their performance measures. Monitoring and evaluation activities also allow CDC to provide oversight of the use of federal funds, and to identify and disseminate information about successful prevention and control strategies implemented by awardees. These functions are central to NCCDPHP's broad mission of reducing the burden of chronic diseases. Finally, the information collection will allow CDC to monitor the increased emphasis on partnerships and programmatic collaboration, and is expected to reduce duplication of effort, enhance program impact and maximize the use of federal funds.

OMB approval is requested for three years. Participation in the information collection is required as a condition of funding. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
State Tobacco Control Managers	Initial Population of the Work Plan Tool.	18	1	6	108
	Annual Work Plan Progress Report	53	1	3	159
	Initial Population of the Budget Tool	18	1	4	72
	Annual Budget Progress Report	53	1	2	106
Total	.....	.....	.....	.....	445

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. 2015–13797 Filed 6–4–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2015–0038; 60Day–15–0964]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, 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. This notice invites comment on a proposed reinstatement of an information collection entitled ''Interventions to Reduce Shoulder MSDs in Overhead Assembly''. This information collection is part of a study to assess the effectiveness and cost-benefit of occupational safety and health (OSH) interventions to prevent musculoskeletal disorders (MSDs) among workers in the Manufacturing (MNF) sector.

DATES: Written comments must be received on or before August 4, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0038 by any of the following methods:

Federal eRulemaking Portal: Regulation.gov. Follow the instructions for submitting comments.

Mail: Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Interventions to Reduce Shoulder MSDs in Overhead Assembly—Reinstatement—(OMB Control No. 0920–0964, Expired 4/30/2015), National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the National Institute for Occupational Safety and Health (NIOSH) is to promote safety and health at work for all people through research and prevention. Under Public Law 91–596, sections 20 and 22 (Section 20–22, Occupational Safety and Health Act of 1970), NIOSH has the responsibility to conduct research to advance the health and safety of workers. In this capacity, NIOSH proposes a reinstatement for a study to assess the effectiveness and cost-benefit of occupational safety and health (OSH) interventions to prevent musculoskeletal disorders (MSDs) among workers in the Manufacturing (MNF) sector. The original information collection request expired on April 30, 2015. A reinstatement is being requested in order to allow the program to resume the data collection activities.

MSDs represent a major proportion of injury/illness incidence and cost in the U.S. Manufacturing (MNF) sector. In 2008, 29% of non-fatal injuries and illnesses involving days away from work (DAW) in the MNF sector involved MSDs and the MNF sector had some of the highest rates of MSD DAW cases. The rate for the motor vehicle manufacturing sub-sector (NAICS 3361) was among the highest of MNF sub sectors, with MSD DAW rates that were higher than the general manufacturing MSD DAW rates from 2003–2007.

In automotive manufacturing overhead conveyance of the vehicle chassis requires assembly line employees to use tools in working postures with the arms elevated. These postures are believed to be associated with symptoms of upper limb discomfort, fatigue, and impingement syndromes (Fischer et al., 2007). Overhead working posture, independent of the force or load exerted with the hands, may play a role in the development in these conditions.

However, recent studies suggest a more significant role of localized shoulder muscle fatigue in contributing to these disorders. Fatigue of the shoulder muscles may result in changes

in normal shoulder kinematics (motion) that affect risk for shoulder impingement disorders (Ebaugh et al., 2006; Chopp et al., 2010).

The U.S. Manufacturing sector has faced a number of challenges including an overall decline in jobs, an aging workforce, and changes in organizational management systems. Studies have indicated that the average age of industrial workers is increasing and that older workers may differ from younger workers in work capacity, injury risk, severity of injuries, and speed of recovery (Kenny et al., 2008; Gall et al., 2004; Restrepo et al., 2006). As the average age of the industrial population increases and newer systems of work organization (such as lean manufacturing) are changing the nature of labor-intensive work, prevention of MSDs will be more critical to protecting older workers and maintaining productivity.

This study will continue to evaluate the efficacy of two intervention strategies for reducing musculoskeletal symptoms and pain in the shoulder attributable to overhead assembly work in automotive manufacturing. These interventions are, (1) an articulating spring-tensioned tool support device that unloads from the worker the weight of the tool that would otherwise be manually supported, and, (2) a targeted exercise program intended to increase individual employees' strength and endurance in the shoulder and upper arm stabilizing muscle group. As a primary prevention strategy, the tool support engineering control approach is preferred; however, a cost-efficient opportunity exists to concurrently evaluate the efficacy of a preventive exercise program intervention. Both of these intervention approaches have been used in the Manufacturing sector, and preliminary evidence suggests that both approaches may have merit. However, high quality evidence demonstrating their effectiveness, by way of controlled trials, is lacking.

This project will be conducted as a partnership between NIOSH and Toyota Motors Engineering & Manufacturing North America, Inc. (TEMA), with the intervention evaluation study taking place at the Toyota Motor Manufacturing Kentucky, Inc. (TMMK) manufacturing facility in Georgetown, Kentucky. The prospective intervention evaluation study will be conducted using a group-randomized controlled trial multi-time series design. Four groups of 25–30 employees will be established to test the two intervention treatment conditions (tool support, exercise program), a combined intervention treatment condition, and a control condition. The four groups will be comprised of employees working on two vehicle assembly lines in different parts of the facility, on two work shifts (first and second shift). Individual randomization to treatment condition is not feasible, so a group-randomization (by work unit) will be used to assign the four groups to treatment and control conditions. Observations will be made over the 10-month study period and questionnaires will include the Shoulder Rating Questionnaire (SRQ), Disabilities of the Arm, Shoulder and Hand (DASH) questionnaire, a Standardized Nordic Questionnaire for body part discomfort, and a Work Organization Questionnaire. In addition to the questionnaires, a shoulder-specific functional capacity evaluation test battery will be administered at 90 and 210 days, immediately pre- and post-intervention, to confirm the efficacy of the targeted exercise program in improving shoulder capacity.

In summary, this study will evaluate the effectiveness of two interventions to reduce musculoskeletal symptoms and pain in the shoulder associated with repetitive overhead work in the manufacturing industry. In addition, NIOSH will disseminate the results of evidence-based prevention practices to the greatest audience possible. NIOSH expects to complete all data collection by 2018. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hrs.)
Employees	PAR–Q (Physical Activity Readiness)	125	1	2/60	4
Employees	Shoulder rating Questionnaire (SQR)	125	10	4/60	83
Employees	Disabilities of Arm Shoulder and Hand (DASH).	125	10	6/60	125
Employees	Standardized Nordic Questionnaire for Musculoskeletal Symptoms.	125	10	4/60	83
Employees	Work Org Questionnaire	125	3	26/60	163
Total					458

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. 2015–13798 Filed 6–4–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS–10561]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our

burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

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

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10561 Essential Community Provider Data Collection To Support QHP Certification for PY 2017

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* New collection (Request for new OMB control number); *Title of Information Collection:* Essential Community Provider Data Collection to Support QHP Certification for PY 2017; *Use:* For plan years beginning on or after January 1, 2016, Health and Human Services (HHS) intends to discontinue the ECP write-in process for qualified health plan (QHP) issuers entering their contracted Essential Community Providers (ECPs) on their ECP template as part of the QHP application. For plan years beginning on or after January 1, 2016, HHS intends to calculate an issuer's satisfaction of the 30 percent ECP threshold based exclusively on the ECPs that it lists on its ECP template that are included on the HHS ECP list. The HHS will collect data on qualified and available ECPs from providers. Providers will submit an ECP petition to be added to the HHS ECP list or provide required missing data fields to remain on the list. As required by the Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2016 (CMS–9944–F), 80 **Federal Register** 10750 February 27, 2015, QHP issuers in the Federally-facilitated Marketplaces (FFMs) are required to publish information regarding their formulary drug lists and provider directories on their Web site in an HHS-specified format, in a format and at times determined by HHS. *Form Number:* CMS–10561 (OMB Control Number: 0938-New); *Frequency:* Annually; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit Institutions); *Number of Respondents:* 31,634; *Total Annual Responses:* 31,634; *Total Annual Hours:* 53,491. (For policy questions regarding this collection contact Deborah Hunter at (410) 786–0625).

Dated: June 2, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–13759 Filed 6–4–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10417, CMS–10550, and CMS–10551]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by July 6, 2015.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the

following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR*, Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Fee-for-Service Prepayment Medical Review; *Use:* The information required under this collection is requested by Medicare contractors to determine proper payment or if there is a suspicion of fraud. Medicare contractors request the information from providers or suppliers submitting claims for payment from the Medicare program when data analysis indicates aberrant billing patterns or other information which may present a vulnerability to the Medicare program. *Form Number:* CMS–10417 (OMB control number: 0938–0969); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 3,211,800; *Total Annual Responses:* 3,211,800; *Total Annual Hours:* 1,597,950. (For policy questions regarding this collection contact Debbie Skinner at 410–786–7480.)

2. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Hospital National Provider Survey; *Use:* Section 3104 of the Patient and Protection and Affordable Care Act (ACA) requires that the Secretary of the Department of Health and Human Services (HHS) conduct an assessment of the quality and efficiency impact of the use of endorsed measures in specific Medicare quality reporting and incentive programs. The ACA further specifies that the initial assessment must occur no later than March 1, 2012, and once every 3 years thereafter. This planned data collection activity was developed and tested as part of the 2015 Impact Report and data collection will be conducted for reporting in the 2018 Impact Report.

There are two modes of data collection with hospital quality leaders: (1) A semi-structured qualitative interview and (2) a standardized survey. The data from the qualitative interviews and standardized surveys will be analyzed to provide us with information on the quality and efficiency impact of measures that we use to assess care in the hospital inpatient and outpatient settings. The surveys seek to understand whether the use of performance measures has led to changes in provider behavior, and where undesired effects are occurring as a result of implementing quality and efficiency measures. The survey will also help identify characteristics associated with high performance, which if understood, could be used to leverage improvements in care among lower performing hospitals. The focus of the survey is to assess the impacts of the measures that we use in the context of public reporting (pay-for-reporting) and value-based purchasing programs. *Form Number:* CMS–10550 (OMB control number: 0938–NEW); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 940; *Total Annual Responses:* 940; *Total Annual Hours:* 639. (For policy questions regarding this collection contact Noni Bodkin at 410–786–7837.)

3. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Nursing Home National Provider Survey; *Use:* Section 3104 of the Patient and Protection and Affordable Care Act (ACA) requires that the Secretary of the Department of Health and Human Services (HHS) conduct an assessment of the quality and efficiency impact of the use of endorsed measures in specific Medicare quality reporting and incentive programs. The ACA further specifies that the initial assessment must occur no later than March 1, 2012, and once every 3 years thereafter. This planned data collection activity was developed and tested as part of the 2015 Impact Report and data collection will be conducted for reporting in the 2018 Impact Report.

There are two modes of data collection with nursing home quality leaders: (1) A semi-structured qualitative interview and (2) a standardized survey. The data from the qualitative interviews and standardized surveys will be analyzed to provide us with information on the quality and efficiency impact of measures that we use to assess care in nursing homes delivering skilled nursing care. The surveys seek to understand whether the use of performance measures has led to changes in provider behavior (both at the nursing home-level and at the frontline of care), and whether undesired effects are occurring as a result of implementing quality and efficiency measures. The survey will also help identify characteristics associated with high performance, which if understood, could be used to leverage improvements in care among lower performing nursing homes. The focus of the survey is to assess the impacts of the measures that we use in the context of public reporting (pay-for-reporting) and quality improvement. *Form Number:* CMS–10551 (OMB control number: 0938–NEW); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 940; *Total Annual Responses:* 940; *Total Annual Hours:* 639. (For policy questions regarding this collection contact Noni Bodkin at 410–786–7837.)

Dated: June 2, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–13755 Filed 6–4–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Study of Early Head Start-Child Care Partnerships.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF) in the Department of Health and Human Services (HHS) has awarded 275 Early Head Start expansion and Early Head Start-child care partnership grants in 50 states; Washington, DC; Puerto Rico; and the Northern Mariana Islands. These grants will allow new or existing Early Head Start programs to partner with local child care centers and family child care providers to expand high-quality early learning opportunities for infants and toddlers from low-income families.

ACF is proposing to conduct a descriptive study of the new partnership grantees to document the characteristics and features of partnerships and the activities that aim to improve professional development and quality of services and better meet the needs of families. The study will focus on the grantees that have received funds for Early Head Start-child care partnership grants.

The proposed data collection for the descriptive Study of Early Head Start–Child Care Partnerships will include two components: (1) Surveys of 311 partnership grantee and delegate agency directors and a randomly selected sample of 933 child care partners, and (2) in-depth follow-up case studies of 12 purposively selected partnerships.

The goal of this work is to collect descriptive information about partnership grantees and delegate agencies, child care partners, and services and quality improvement activities implemented as part of the partnerships and explore how particular partnership models operate. These data will be used to describe the national landscape of partnerships, fill a knowledge gap about partnership models implemented in the field, lay the groundwork for future research, and provide information to inform technical assistance and actions aimed at informing the Early Head Start–child care partnerships grant initiative.

Respondents: Partnership grantee and delegate agency directors; child care partner managers/owners; partnership staff who focus on coordinating activities among partners, monitoring compliance with the Head Start Program Performance Standards, and providing technical assistance and training; frontline staff; parents; and other state and local stakeholders (such as staff from child care resource and referral agencies or child care subsidy administrators).

Annual Burden Estimates: The following instruments are proposed for public comment under this 60-Day **Federal Register** Notice.

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
1. Partnership grantee and delegate agency director survey	311	156	1	1	156
2. Child care partner survey	933	467	1	0.50	234
3. Interview topic guide:					
Partnership grantee and delegate agency directors	12	6	1	1.5	9
Partnership staff	36	18	1	1	18
State and local stakeholders	48	24	1	1	24
4. Parent focus group guide	96	48	1	1.5	72
5. Child care center director focus group guide	96	48	1	1.5	72
6. Child care center teacher focus group guide	96	48	1	1.5	72
7. Family child care provider focus group guide	48	24	1	1.5	36
8. Partnership grantee and delegate agency director questionnaire	12	6	1	2	12
9. Child care partner questionnaire	180	90	1	0.33	30

Estimated Total Annual Burden Hours: 735.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer, Administration for Children and Families.

[FR Doc. 2015–13698 Filed 6–4–15; 8:45 am]

BILLING CODE 4184–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0362]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Current Good Manufacturing Practices for Finished Pharmaceuticals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Current Good Manufacturing Practices for Finished Pharmaceuticals'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On March 06, 2015, the Agency submitted a proposed collection of information entitled ''Current Good Manufacturing Practices for Finished Pharmaceuticals'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0139. The approval expires on May 31, 2018. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: June 1, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–13696 Filed 6–4–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1069]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Blood Establishment Registration and Product Listing, Form FDA 2830

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled, ''Blood Establishment Registration and Product Listing, Form FDA 2830'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On February 09, 2015, the Agency submitted a proposed collection of information entitled, ''Blood Establishment Registration and Product Listing, Form FDA 2830'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0052. The approval expires on May 31, 2018. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: June 1, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–13697 Filed 6–4–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0144]

Draft Guidance for Industry on the Voluntary Qualified Importer Program for Food Importers and Guidelines in Consideration of the Burden of the Voluntary Qualified Importer Program Fee Amounts on Small Business; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry on the Voluntary Qualified Importer Program (VQIP) for importers of human or animal food. The draft guidance describes VQIP, which provides for expedited review and importation of food offered for importation by importers who voluntarily agree to participate in the program. The draft guidance describes the eligibility criteria for, and benefits of, participation in VQIP. The draft guidance also provides information on submitting an application for VQIP participation, obtaining a facility certification for the foreign supplier of a food imported under VQIP, the VQIP user fee, conditions that might result in the revocation of VQIP eligibility, and criteria for reinstatement of eligibility. We are issuing the draft guidance in accordance with the Federal Food, Drug, and Cosmetic Act (FD&C Act).

DATES: Although you may comment on any guidance at any time (21 CFR 10.115(g)(5)), to ensure that the Agency considers your comments on this draft guidance before it completes a final version of the guidance, submit either electronic or written comments on the draft guidance by August 19, 2015. Submit either electronic or written comments on the proposed collection of information by August 4, 2015.

ADDRESSES: Submit written requests for single copies of this draft guidance to the Office of Enforcement and Import Operations (ELEM–3108), Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

Submit electronic comments on the draft guidance, including comments

regarding the proposed collection of information, to *http://www.regulations.gov.* Submit written comments on the draft guidance, including comments regarding the proposed collection of information, to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

With regard to this draft guidance: Domenic Veneziano, Office of Enforcement and Import Operations (ELEM–3108), Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857, 301–796–0356.

With regard to the proposed collection of information: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The FDA Food Safety Modernization Act (FSMA) (Pub. L. 111–353) (FSMA) enables FDA to better protect public health by helping to ensure the safety and security of the food supply. It enables FDA to focus more on preventing food safety problems rather than relying primarily on reacting to problems after they occur. FSMA recognizes the important role industry plays in ensuring the safety of the food supply, including the adoption of modern systems of preventive controls in food production. Under FSMA, those that import food have a responsibility to ensure that their suppliers produce food that meets U.S. safety standards.

FSMA also requires FDA to establish a voluntary, fee-based program for the expedited review and importation of foods from importers who achieve and maintain a high level of control over the safety and security of their supply chains. This control includes importation of food from facilities that have been certified under FDA's accredited third-party audit program, as well as other measures that support a high level of confidence in the safety and security of the food they import. Expedited entry incentivizes importers to adopt a robust system of supply chain management and further benefits public health by allowing FDA to focus its resources on food entries that pose a higher risk to public health.

Section 302 of FSMA amended the FD&C Act by adding new section 806, Voluntary Qualified Importer Program (21 U.S.C. 384b). Section 806(a)(1) of the FD&C Act directs FDA to establish this voluntary program for the expedited review and importation of food, and to establish a process for the issuance of a facility certification to accompany food offered for importation by importers participating in VQIP. Section 806(a)(2) directs FDA to issue a guidance document related to participation in, revocation of such participation in, reinstatement in, and compliance with VQIP.

In accordance with section 806 of the FD&C Act, we are announcing the availability of a draft guidance for industry on VQIP. The draft guidance provides information on all aspects of VQIP participation, including the following:

- Benefits of VQIP participation;
- Eligibility criteria;
- Instructions for obtaining facility certifications for foreign suppliers;
- Instructions for completing a VQIP application;
- VQIP user fees;
- Conditions that might result in revocation of VQIP benefits; and
- Criteria for reinstatement of VQIP benefits.

When this program begins, we encourage food importers with robust supplier verification programs to apply for participation in VQIP. We believe that the benefits of VQIP participation, including expedited entry and reduced sampling by FDA, will be of substantial value to importers. We also anticipate that VQIP will benefit the public health by incentivizing the adoption of robust supplier verification programs and by allowing FDA to focus its resources on food shipments that pose a higher risk to public health and will facilitate risk-based admissibility practices.

We anticipate that VQIP application review will need to be limited in the program's first year of operation due to the demands on Agency resources necessitated by the initial establishment of the program and review of applications. For the purpose of calculating the fee, we have estimated that we would receive 200 notices of intent to participate and be able to review 200 applications in the first year. However, depending on the amount of resources needed in initiating the program, it might be possible that we will be able to review fewer or more than 200 applications in the first year. Applications will be reviewed in the order that they are submitted. We request comment on this potential limitation on participation in the initial year of VQIP.

II. Guidelines in Consideration of the Burden of the VQIP Fee Amounts on Small Business

FSMA directs FDA to collect fees to fund the VQIP program. Under the process established by FSMA, FDA must issue a proposed set of guidelines that consider the burden of the VQIP fee on small businesses and provide for a period of public comment on these guidelines. It is important to note that these guidelines have no binding effect on the Agency or the industry; instead they provide an opportunity for FDA to consider the burden of VQIP fee amounts on small businesses, and for the public to comment. By publishing these guidelines, FDA intends to gather the necessary information to determine if the fee will burden small businesses. After we issue these guidelines and consider the comments, FDA will publish a **Federal Register** notice with information about the actual fee schedule for the program at least 60 days prior to the start of the program in accordance with section 743(b)(1) of the FD&C Act.

More specifically, section 107 of FSMA amended the FD&C Act by adding new section 743, Authority to Collect and Use Fees (21 U.S.C. 379j–31). Section 743(a) of the FD&C Act authorizes FDA to assess and collect fees from each importer participating in VQIP to cover the administrative costs of the program. Each fiscal year, fees are to be established based on an estimate of 100 percent of the costs for the year. The fee rates must be published in a **Federal Register** notice not later than 60 days before the start of each fiscal year (section 743(b)(1) of the FD&C Act).

Consistent with section 743(b)(2)(B)(iii) of the FD&C Act, this notice sets forth a proposed set of guidelines in consideration of the burden of fee amounts on small business. These guidelines provide an opportunity for public comment.

In order for small businesses to comment effectively, FDA has preliminarily estimated a possible fee amount based on an estimate of the number of importers we expect to participate in VQIP (200 in Fiscal Year (FY) 2018) and our estimate of 100 percent of the costs of administering the program, which we anticipate will be $3.4 million in FY 2018. The total estimated administrative costs of the program includes the costs of the application review process for 200 applications, the costs of conducting inspections of importers (both foreign and domestic) accepted into the program, the costs of our final determination of eligibility into the

program, and annual Information Technology (IT) maintenance costs. Using these assumptions, FDA estimates, at this time, that the annual fee would be approximately $16,400, if an equal fee were assessed on each of 200 participants. This number is only a preliminary estimate and intended to provide small businesses with an estimate of what the program might cost so that they can comment on any burden the fee might impose. After considering all comments on these guidelines, we will publish the actual fee in a **Federal Register** notice published in accordance with section 743(b)(1) of the FD&C Act prior to the fiscal year when we begin program benefits.

We estimate a flat $16,400 fee to be paid by all VQIP participants. We have used this model for this estimate in light of the voluntary nature of this program. There is no requirement for an importer to pay a fee unless the importer decides to participate in the program. We do not anticipate that fees charged as part of a voluntary program that provides the benefit of expedited review and importation of foods would present a burden on small businesses because a business will choose to apply only if the anticipated benefit exceeds the fee amount.

Based upon our current estimate of approximately $16,400 for the annual VQIP fee, we are requesting comment on whether and how this fee might be a burden on small business. Please provide as detailed information as possible regarding any potential burden. In addition, we seek comment on the following questions:

- If the fee does create a burden on small business, should FDA consider a reduction in the fee?
- If FDA were to consider a reduction in the fee, how should FDA define a small business for purposes of determining who is eligible for a fee reduction? Should FDA consider annual gross sales or value of the import entry (based on U.S. Customs and Border Protection data)? What other criteria could be used?
- If FDA were to consider a reduction in the fee, should the fee be increased for larger importers to ensure full reimbursement of FDA costs for the program?
- If FDA were to consider a reduction in the fee, how should any reduction be structured? Should the reduction be an established percentage of the full fee for all small businesses? What percentage would be appropriate? Should it vary based on annual gross sales or the value of the import entry?
- Should FDA consider an alternative structure that might indirectly reduce fees for small businesses by charging different fee amounts to different VQIP participants depending on the number of facilities included in the application and/or the number of products included in the application? Would such an approach result in small businesses paying lower fees than larger businesses?

III. Paperwork Reduction Act of 1995

The draft VQIP guidance document contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520). A description of these provisions is given below with estimates of the annual recordkeeping and reporting burdens. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each 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: Draft Guidance for Industry: FDA's Voluntary Qualified Importer Program.

Description: This draft guidance document describes the FDA policy regarding requests for participation by food importers in the Agency's Voluntary Qualified Importer Program (VQIP). The VQIP provides for expedited review and importation of food offered for importation by importers who voluntarily agree to participate in VQIP. An importer who has voluntarily agreed to participate in VQIP will meet the application and inspection criteria outlined in the guidance document, including a facility certification for the VQIP food offered for import.

Description of respondents: FDA anticipates a need to limit the number of applications for the VQIP program to 200 applicants for FY 2018, which is the first year that VQIP will be operational. Each applicant will be an importer of record (IOR), the manufacturer, owner, or consignee. This limit will enable FDA to conduct a timely and efficient review of the applications to ensure that approved applicants begin receiving the benefits of participation in VQIP by October 2018.

Information collection burden estimate: The burden of this information collection consists of preparation of documents for VQIP application, completion of VQIP application package, annual renewal of VQIP status, and development of written procedures and other documentation of the VQIP Quality Assurance Program (QAP).

Recordkeeping Burden: In summary, the total one-time recordkeeping burden on importers under VQIP is estimated at 32,000 hours (see table 1). The annual recordkeeping burden of complying with the draft VQIP guidance document is estimated at 3,200 hours (see table 2).

TABLE 1—ESTIMATED ONE-TIME RECORDKEEPING BURDEN [1]

Guidance document provision	Number of recordkeepers	Number of records per recordkeeper	Total one-time records	Average burden per recordkeeping (in hours)	Total hours
QAP preparation	200	1	200	160	32,000
Total One-Time Recordkeeping Burden					32,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Guidance document provision	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping (in hours)	Total hours
QAP modification	200	1	200	16	3,200
Total Annual Recordkeeping Burden					3,200

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The draft guidance describes how VQIP applicants will prepare and document implementation of a QAP. Written policies and procedures related to the QAP are to be organized and submitted with the VQIP application (see Section F of the draft guidance document). The QAP will include information on the applicant's company profile, organization structure, and quality policy statement. The QAP will also include information on the applicant's company food safety system, food defense system, training, documentation of contracts that fulfill any task within the QAP, and procedures for record retention.

The majority of provisions in the QAP Food Safety Policies and Procedures section are similar to proposed requirements for food safety plans in FDA's proposed rule on Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Prevention Controls for Human Food (PC proposed rule) (78 FR 3646, January 16, 2013), or proposed requirements in FDA's proposed rule on Focused Mitigation Strategies to Protect Food Against Intentional Adulteration (IA proposed rule) (78 FR 78014, December 24, 2013). The QAP Food Safety Policies and Procedures section states that the VQIP applicant should provide the following: (1) Analysis of the regulations and requirements that apply to the imported food, the processor, grower, transporter and importer; (2) risk analysis that identifies the safety and security vulnerabilities and the preventive controls that should be instituted to ensure product safety (similar to the hazard analysis requirement in the PC proposed rule (§ 117.130)); (3) mitigation strategies for each safety vulnerability identified during your risk analysis (similar to the corrective actions requirement in the PC proposed rule (§ 117.145) and mitigation strategies in the IA proposed rule (§ 121.135(b)); (4) mechanism for verifying food and firm compliance throughout the supply chain; (5) process for periodic review of food and firm compliance (similar to verification requirements in the PC proposed rule (§ 117.150)); (6) procedures for communicating information; (7) corrective action procedures (similar to corrective actions requirements in the PC proposed rule (§ 117.145)); and (8) training plan.

The QAP Implementation section directs the VQIP applicant to describe its procedures for auditing and updating the QAP, and its procedures for ensuring its VQIP QAP is current and appropriately implemented (similar to the verification implementation and effectiveness requirements in the PC proposed rule (§ 117.150(d)).

Under the PC proposed rule, the food safety plan requirements include written hazard analysis, description of preventive controls, monitoring the implementation of the preventive controls, corrective action procedures, verification procedures, and recall plan. In the PRA analysis for the PC proposed rule, the recordkeeping burden for preparing a food safety plan is estimated at 110 hours (Ref. 1). We use the recordkeeping burden of preparing a food safety plan, 110 hours, as a proxy for the burden to prepare QAP Food Safety Policies and Procedures.

The VQIP food defense security criterion is similar to the Food Defense Plan requirement under proposed § 121.126 in the IA proposed rule. Under the IA proposed rule, the food defense plan must include the written identification of actionable process steps, focused mitigation strategies, procedures for monitoring, corrective action procedures, and verification procedures. In the Preliminary Regulatory Impact Analysis (PRIA) of the IA proposed rule, we estimated that, on average, it would take an operations manager and a legal counsel 20 hours each to prepare a food defense plan (Ref. 2). Therefore, we estimate that, on average, it would take 40 hours for an applicant to prepare the food defense portion of the VQIP QAP.

We expect that it will take a VQIP applicant no longer than 10 hours to provide its company profile, organization structure, quality policy statement, documentation of contracts, and procedures for record retention. On average, the preparation of a QAP by a VQIP applicant is estimated at approximately 160 hours (110 + 40 + 10). In estimation of the one-time recordkeeping burden to prepare a QAP manual, we assume that VQIP importers do not already have a similar manual in place (*e.g.,* food safety plan under the PC proposed rule, food defense plan under the IA proposed rule). The one-time recordkeeping burden for 200 VQIP applicants to prepare QAPs is estimated at 32,000 hours (200 applicants × 160 hours/applicant) (see table 1). To the extent that some importers do have QAP manuals in place, the burden would be overestimated.

A VQIP importer is expected to update its QAP on an on-going basis. We estimate that it would take 10 percent of the effort to prepare the QAP, or 16 hours, to update the QAP each year. Therefore, we estimate the annual recordkeeping burden of modification of the QAP for 200 VQIP importers at 3,200 hours (200 importers × 16 hours/importer) (see table 2).

Reporting Burden: In summary, the total one-time reporting burden of participation in VQIP by 200 importers is estimated at 18,000 hours (see table 3). Total annual recordkeeping burden for VQIP importers is estimated at 4,000 hours (see table 4).

TABLE 3—ESTIMATED ONE-TIME REPORTING BURDEN [1]

Guidance document provision	Number of respondents	Number of responses per respondent	Total one-time responses	Average burden per response (in hours)	Total hours
Initial VQIP application	100	1	100	80	8,000
Initial VQIP application with re-submissions	100	1	100	100	10,000
Total One-Time Reporting Burden					18,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance document provision	Number of responses	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
Renewal of VQIP application	200	1	200	20	4,000
Total Annual Reporting Burden					4,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The draft guidance document allows for food importers to apply for VQIP. We estimate that up to 200 qualified importers will be accepted in the first year of VQIP. We estimate that it will take 80 person-hours to compile all the relevant information and complete the application for the VQIP program. For the purpose of this analysis, we assume that 50 percent of all applications received will require additional information and it would take an additional 20 person-hours by the importer to provide that information. Therefore, we estimate that 100 importers will spend 8,000 hours (80 hours/importer × 100 importers) and 100 importers will spend 10,000 hours (100 hours/importer × 100 importers) to submit their initial VQIP applications for a total one-time reporting burden of 18,000 hours (see table 3).

The draft guidance document states that each VQIP participant will submit to FDA a notice of intent to maintain its participation in VQIP and update information on its original application on an annual basis. We expect that each of the expected 200 importers in VQIP would apply to renew their intent to maintain their participation in VQIP. We expect that annual applications to renew participation in VQIP will take significantly less time to prepare than initial applications. We use 25 percent of the amount of effort to prepare and submit the initial application for acceptance in VQIP. Therefore, it is expected that, on average, each VQIP importer will spend 20 hours every year to complete and submit an application for renewal of its VQIP status. The annual burden of completing the renewal application for VQIP status by 200 importers is estimated at 4,000 hours (200 applications × 20 hours/application) (see table 4). For the purposes of the PRA analysis of the draft guidance document, we have estimated costs assuming that, during the annual application process, affected importers will do their paperwork properly and completely the first time. Because we assume that importers will have learned about supporting documentation they need to submit during the initial application process, we have not estimated an additional burden for less than complete annual applications. If we assumed a less consistent outcome, the annual burden might be slightly higher.

IV. Comments

Interested persons may submit either electronic comments regarding this draft guidance 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.*

V. Electronic Access

Persons with access to the Internet may obtain this draft guidance at either *http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm253380.htm* or *http://www.regulations.gov.* Use the FDA Web site listed in the previous sentence to find the most current version of the guidance.

VI. References

1. U.S. Food and Drug Administration. Proposed Analysis of Economic Impacts—Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food, available under Docket No. FDA–2011–N–0920.
2. U.S. Food and Drug Administration. Focused Mitigation Strategies to Protect Food Against Intentional Adulteration (78 FR 78014, December 24, 2013).

Dated: May 29, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–13706 Filed 6–4–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0126]

Authorizations of Emergency Use of In Vitro Diagnostic Devices for Detection of Ebola Virus; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of two Emergency Use Authorizations (EUAs) (the Authorizations), one of which was amended after initial issuance, for in vitro diagnostic devices for detection of the Ebola virus in response to the Ebola virus outbreak in West Africa. FDA

issued these Authorizations under the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as requested by Corgenix, Inc. (Corgenix), and Cepheid. The Authorizations contain, among other things, conditions on the emergency use of the authorized in vitro diagnostic devices. The Authorizations follow the September 22, 2006, determination by then-Secretary of the Department of Homeland Security (DHS), Michael Chertoff, that the Ebola virus presents a material threat against the U.S. population sufficient to affect national security. On the basis of such determination, the Secretary of Health and Human Services (HHS) declared on August 5, 2014, that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection of Ebola virus subject to the terms of any authorization issued under the FD&C Act. The Authorizations, which include an explanation of the reasons for issuance, are reprinted in this document.

DATES: The Authorization for the Corgenix ReEBOV™ Antigen Rapid Test is effective as of February 24, 2015, and was amended and reissued on March 16, 2015. The Authorization for the Cepheid Xpert® Ebola Assay is effective as of March 23, 2015.

ADDRESSES: Submit written requests for single copies of the EUAs to the Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4338, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the Authorizations may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the Authorizations.

FOR FURTHER INFORMATION CONTACT: Carmen Maher, Acting Assistant Commissioner for Counterterrorism Policy and Acting Director, Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4347, Silver Spring, MD 20993–0002, 301–796–8510 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb–3) as amended by the Project BioShield Act of 2004 (Pub. L. 108–276) and the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub L. 113–5) allows FDA to strengthen the public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. With this EUA authority, FDA can help assure that medical countermeasures may be used in emergencies to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by biological, chemical, nuclear, or radiological agents when there are no adequate, approved, and available alternatives.

Section 564(b)(1) of the FD&C Act provides that, before an EUA may be issued, the Secretary of HHS must declare that circumstances exist justifying the authorization based on one of the following grounds: (1) A determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological, or nuclear agent or agents; (2) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; (3) a determination by the Secretary of HHS that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or (4) the identification of a material threat by the Secretary of Homeland Security under section 319F–2 of the Public Health Service Act (PHS Act) (42 U.S.C. 247d–6b) sufficient to affect national security or the health and security of U.S. citizens living abroad.

Once the Secretary of HHS has declared that circumstances exist justifying an authorization under section 564 of the FD&C Act, FDA may authorize the emergency use of a drug, device, or biological product if the Agency concludes that the statutory criteria are satisfied. Under section 564(h)(1) of the FD&C Act, FDA is required to publish in the **Federal Register** a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons for the action. Section 564 of the FD&C Act permits FDA to authorize the introduction into interstate commerce of a drug, device, or biological product intended for use when the Secretary of HHS has declared that circumstances exist justifying the authorization of emergency use. Products appropriate for emergency use may include products and uses that are not approved, cleared, or licensed under sections 505, 510(k), or 515 of the FD&C Act (21 U.S.C. 355, 360(k), and 360e) or section 351 of the PHS Act (42 U.S.C. 262). FDA may issue an EUA only if, after consultation with the HHS Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health, and the Director of the Centers for Disease Control and Prevention (to the extent feasible and appropriate given the applicable circumstances), FDA [1] concludes: (1) That an agent referred to in a declaration of emergency or threat can cause a serious or life-threatening disease or condition; (2) that, based on the totality of scientific evidence available to FDA, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that: (A) The product may be effective in diagnosing, treating, or preventing (i) such disease or condition; or (ii) a serious or life-threatening disease or condition caused by a product authorized under section 564, approved or cleared under the FD&C Act, or licensed under section 351 of the PHS Act, for diagnosing, treating, or preventing such a disease or condition caused by such an agent; and (B) the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product, taking into consideration the material threat posed by the agent or agents identified in a declaration under section 564(b)(1)(D) of the FD&C Act, if applicable; (3) that there is no adequate, approved, and available alternative to the product for diagnosing, preventing, or treating such disease or condition; and (4) that such other criteria as may be prescribed by regulation are satisfied.

No other criteria for issuance have been prescribed by regulation under section 564(c)(4) of the FD&C Act. Because the statute is self-executing, regulations or guidance are not required for FDA to implement the EUA authority.

II. EUA Requests for In Vitro Diagnostic Devices for Detection of the Ebola Virus

On September 22, 2006, then-Secretary of Homeland Security, Michael Chertoff, determined that the

[1] The Secretary of HHS has delegated the authority to issue an EUA under section 564 of the FD&C Act to the Commissioner of Food and Drugs.

Ebola virus presents a material threat against the U.S. population sufficient to affect national security.[2] On August 5, 2014, under section 564(b)(1) of the FD&C Act, and on the basis of such determination, the Secretary of HHS declared that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection of Ebola virus, subject to the terms of any authorization issued under section 564 of the FD&C Act. Notice of the declaration of the Secretary was published in the **Federal Register** on August 12, 2014 (79 FR 47141). On February 22, 2015, Corgenix submitted a complete request for, and on February 24, 2015, FDA issued, an EUA for the ReEBOV™ Antigen Rapid Test, subject to the terms of the Authorization. On March 16, 2015, in response to a request from Corgenix on March 10, 2015, FDA amended and reissued in its entirety the EUA to allow, in addition to Corgenix, distributors that are authorized by Corgenix to distribute the ReEBOV™ Antigen Rapid Test, with certain conditions applicable to such authorized distributor(s), subject to the terms of this Authorization. This EUA, as amended and reissued on March 16, 2015, which includes an explanation for its reissuance, is reprinted in this document. Because the March 16, 2015, Authorization for Corgenix's assay replaces in its entirety the EUA issued on February 24, 2015, the original Authorization issued on February 24, 2015, is not reprinted in this document. On February 26, 2015, Cepheid submitted a complete request for, and on March 23, 2015, FDA issued, an EUA for the Xpert® Ebola Assay, subject to the terms of this Authorization.

[2] Under section 564(b)(1) of the FD&C Act, the HHS Secretary's declaration that supports EUA issuance must be based on one of four determinations, including the identification by the DHS Secretary of a material threat under section 319F–2 of the PHS Act sufficient to affect national security or the health and security of U.S. citizens living abroad (section 564(b)(1)(D) of the FD&C Act).

III. Electronic Access

Electronic versions of these documents and the full text of the Authorizations are available on the Internet at *http://www.regulations.gov.*

IV. The Authorizations

Having concluded that the criteria for issuance of the Authorizations under section 564(c) of the FD&C Act are met, FDA has authorized the emergency use of in vitro diagnostic devices for detection of the Ebola virus subject to the terms of the Authorizations. The Authorization for the Corgenix ReEBOV™ Antigen Rapid Test issued on March 16, 2015, in its entirety (not including the authorized versions of the fact sheets and other written materials) follows and provides an explanation of the reasons for its issuance, as required by section 564(h)(1) of the FD&C Act:

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Silver Spring, MD 20993

March 16, 2015

Daniel F. Simpson, RAC (U.S., CAN), ASQ CBA
Sr. Director of Quality and Regulatory Affairs
Corgenix Inc.
11575 Main Street, Suite 400
Broomfield, CO 80020

Dear Mr. Simpson:

On February 24, 2015, based on a request by Corgenix Inc., the Food and Drug Administration (FDA) issued a letter authorizing the emergency use of the ReEBOV™ Antigen Rapid Test for the presumptive detection of Ebola viruses[1] in individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk factors (including geographic locations with high prevalence of Ebola infection), pursuant to section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. § 360bbb-3). The authorized ReEBOV™ Antigen Rapid Test is intended for circumstances when use of a rapid Ebola virus test is determined to be more appropriate than use of an authorized Ebola virus nucleic acid test, which has been demonstrated to be more sensitive in detecting the Ebola Zaire virus. The authorized ReEBOV™ Antigen Rapid Test is not intended for use for general Ebola virus infection screening, such as airport screening or contact tracing. The ReEBOV™ Antigen Rapid Test is authorized for use in laboratories or facilities adequately equipped, trained, and capable of such testing (including treatment centers and public health clinics). On March 10, 2015, FDA received a request from Corgenix Inc. for an amendment to the Emergency Use Authorization (EUA). In response to that request, and having concluded that revising the February 24, 2015, EUA is appropriate to protect the public health or safety under section 564(g)(2)(C) of the Act (21 U.S.C. § 360bbb-3(g)(2)(C)), the February 24, 2015, letter authorizing the emergency use of the ReEBOV™ Antigen Rapid Test is being reissued in its entirety with the amendments incorporated.[2]

On September 22, 2006, then-Secretary of the Department of Homeland Security (DHS), Michael Chertoff, determined, pursuant to section 319F-2 of the Public Health Service (PHS) Act (42 U.S.C. § 247d-6b), that the Ebola virus presents a material threat against the United States population sufficient to affect national security.[3] Pursuant to section 564(b)(1) of the Act

[1] This assay is intended for the qualitative detection of antigen from Zaire Ebola virus [detected in the West Africa outbreak in 2014), Sudan Ebola virus, and Bundibugyo Ebola virus; however, it does not distinguish between these different Ebola virus strains.

[2] The amendments to the February 24, 2015, letter allow, in addition to Corgenix Inc., distributors that are authorized by Corgenix Inc. to distribute the ReEBOV™ Antigen Rapid Test with certain conditions applicable to such authorized distributor(s). The Instructions for Use have also been updated to incorporate these amendments.

[3] Pursuant to section 564(b)(1) of the Act (21 U.S.C. § 360bbb-3(b)(1)), the HHS Secretary's declaration that supports EUA issuance must be based on one of four determinations, including the identification by the DHS Secretary of a material threat pursuant to section 319F-2 of the PHS Act sufficient to affect national security or the health and security of United States citizens living abroad (section 564(b)(1)(D) of the Act).

(21 U.S.C. § 360bbb-3(b)(1)), and on the basis of such determination, the Secretary of the Department of Health and Human Services (HHS) declared on August 5, 2014, that circumstances exist justifying the authorization of emergency use of *in vitro* diagnostics for detection of Ebola virus, subject to the terms of any authorization issued under 21 U.S.C. § 360bbb-3(a).[4]

Having concluded that the criteria for issuance of this authorization under section 564(c) of the Act (21 U.S.C. § 360bbb-3(c)) are met, I am authorizing the emergency use of the ReEBOV™ Antigen Rapid Test (as described in the Scope of Authorization section of this letter (section II)) in individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk factors (including geographic locations with high prevalence of Ebola infection) (as described in the Scope of Authorization section of this letter (section II)) for the presumptive detection of Ebola Zaire virus (detected in the West Africa outbreak in 2014).

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of the ReEBOV™ Antigen Rapid Test for the presumptive detection of Ebola viruses (detected in the West Africa outbreak in 2014) in the specified population meets the criteria for issuance of an authorization under section 564(c) of the Act, because I have concluded that:

1. The Ebola Zaire virus (detected in the West Africa outbreak in 2014) can cause Ebola virus disease, a serious or life-threatening disease or condition to humans infected with this virus;

2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that the ReEBOV™ Antigen Rapid Test may be effective in diagnosing Ebola Zaire virus (detected in the West Africa outbreak in 2014) infection, and that the known and potential benefits of the ReEBOV™ Antigen Rapid Test for diagnosing Ebola Zaire virus (detected in the West Africa outbreak in 2014) infection, outweigh the known and potential risks of such product; and

3. There is no adequate, approved, and available alternative to the emergency use of the ReEBOV™ Antigen Rapid Test for diagnosing Ebola Zaire virus (detected in the West Africa outbreak in 2014) infection.[5]

II. Scope of Authorization

I have concluded, pursuant to section 564(d)(1) of the Act, that the scope of this authorization is limited to the use of the authorized ReEBOV™ Antigen Rapid Test for the presumptive detection of Ebola Zaire virus (detected in the West Africa outbreak in 2014) in individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk factors

[4] U.S. Department of Health and Human Services. *Declaration Regarding Emergency Use of In Vitro Diagnostics for Detection of Ebola Virus*. 79 Fed. Reg. 47141 (August 12, 2014).
[5] No other criteria of issuance have been prescribed by regulation under section 564(c)(4) of the Act.

(including geographic locations with high prevalence of Ebola infection). The authorized ReEBOV™ Antigen Rapid Test is intended for circumstances when use of a rapid Ebola virus test is determined to be more appropriate than use of an authorized Ebola virus nucleic acid test, which has been demonstrated to be more sensitive in detecting the Ebola Zaire virus. The authorized ReEBOV™ Antigen Rapid Test is not intended for use for general Ebola infection screening, such as airport screening or contact tracing. The ReEBOV™ Antigen Rapid Test is authorized for use in laboratories or facilities adequately equipped, trained, and capable of such testing (including treatment centers and public health clinics).

The Authorized ReEBOV™ Antigen Rapid Test

The ReEBOV™ Antigen Rapid Test is a chromatographic dipstick-format lateral flow immunoassay for the *in vitro* qualitative detection of VP40 protein from the Ebola Zaire virus (detected in the West Africa outbreak in 2014) in fingerstick (capillary) whole blood, venous whole blood, plasma, and other authorized specimen types from individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk factors (including geographic locations with high prevalence of Ebola infection). The test procedure consists of a dipstick-format lateral flow immunoassay that is initiated by applying the clinical specimen to the dipstick sample pad followed by insertion of the dipstick into a test tube containing sample buffer which initiates flow within the dipstick device. The test is then incubated for 15-25 minutes before being visually interpreted. The ReEBOV™ Antigen Rapid Test is a point-of-care test.

The ReEBOV™ Antigen Rapid Test consists of a self-contained, disposable dipstick-format lateral flow test that includes an internal process Control Line. Following application of the clinical specimen and insertion into the test tube containing sample buffer, the specimen flows through the reagent pads causing the Ebola Zaire virus antigen, VP40 protein, present in the specimen, to bind nanoparticles labeled with antigen specific antibodies. As the specimen and nanoparticles flow across the device membrane, immobilized Ebola Zaire virus antigen-specific antibody absorbs the nanoparticle immune-complexes at the Test Line. Antigen dependent deposition of the nanoparticle at the Test Line generates a chromogenic signal relative to the antigen titer. The test is incubated for 15-25 minutes to allow full development of the signal. The test result is determined by visual interpretation of the signal in the Test and Control Lines, with a positive sample resulting in development of a faint pink to dark red signal on the Test Line. Once a clinical specimen is collected and the test is initiated, it takes 15-25 minutes to produce results.

The ReEBOV™ Antigen Rapid Test includes the following internal process Control Line:

- The Process Control Line, located following the Test Line on the dipstick, is comprised of Ebola Zaire virus antigen and binds excess or unreacted nanoparticles resulting in a visual pink to red line. A visual signal on the Control Line indicates that the test was performed correctly and that the coated nanoparticles are reactive to the Ebola Zaire virus antigen.

The above described ReEBOV™ Antigen Rapid Test, when labeled consistently with the labeling authorized by FDA entitled "ReEBOV™ Antigen Rapid Test Instructions for Use"

(available at http://www.fda.gov/MedicalDevices/Safety/EmergencySituations/ucm161496.htm), which may be revised by Corgenix Inc. in consultation with FDA, is authorized to be distributed to laboratories and facilities adequately equipped, trained, and capable of testing for Ebola infection, despite the fact that it does not meet certain requirements otherwise required by federal law.

The above described ReEBOV™ Antigen Rapid Test is authorized to be accompanied by the following information pertaining to the emergency use, which is authorized to be made available to health care professionals and patients:

- Fact Sheet for Health Care Providers: Interpreting ReEBOV™ Antigen Rapid Test Results
- Fact Sheet for Patients: Understanding Results from the ReEBOV™ Antigen Rapid Test

As described in section IV below, Corgenix Inc. and its authorized distributor(s) are also authorized to make available additional information relating to the emergency use of the authorized ReEBOV™ Antigen Rapid Test that is consistent with, and does not exceed, the terms of this letter of authorization.

I have concluded, pursuant to section 564(d)(2) of the Act, that it is reasonable to believe that the known and potential benefits of the authorized ReEBOV™ Antigen Rapid Test in the specified population, when used for presumptive detection of Ebola Zaire virus (detected in the West Africa outbreak in 2014), outweigh the known and potential risks of such a product.

I have concluded, pursuant to section 564(d)(3) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that the authorized ReEBOV™ Antigen Rapid Test may be effective in the diagnosis of Ebola Zaire virus (detected in the West Africa outbreak in 2014) infection pursuant to section 564(c)(2)(A) of the Act. FDA has reviewed the scientific information available to FDA including the information supporting the conclusions described in section I above, and concludes that the authorized ReEBOV™ Antigen Rapid Test, when used to diagnose Ebola Zaire virus (detected in the West Africa outbreak in 2014) infection in the specified population, meets the criteria set forth in section 564(c) of the Act concerning safety and potential effectiveness.

The emergency use of the authorized ReEBOV™ Antigen Rapid Test under this EUA must be consistent with, and may not exceed, the terms of this letter, including the Scope of Authorization (section II) and the Conditions of Authorization (section IV). Subject to the terms of this EUA and under the circumstances set forth in the Secretary of DHS's determination described above and the Secretary of HHS's corresponding declaration under section 564(b)(1), the ReEBOV™ Antigen Rapid Test described above is authorized to diagnose Ebola Zaire virus (detected in the West Africa outbreak in 2014) infection in individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk factors (including geographic locations with high prevalence of Ebola infection).

This EUA will cease to be effective when the HHS declaration that circumstances exist to justify the EUA is terminated under section 564(b)(2) of the Act or when the EUA is revoked under section 564(g) of the Act.

III. Waiver of Certain Requirements

I am waiving the following requirements for the ReEBOV™ Antigen Rapid Test during the duration of this EUA:

- Current good manufacturing practice requirements, including the quality system requirements under 21 CFR Part 820, with respect to the design, manufacture, packaging, labeling, storage, and distribution of the ReEBOV™ Antigen Rapid Test.

- Labeling requirements for cleared, approved, or investigational devices, including labeling requirements under 21 CFR 809.10 and 21 CFR 809.30, except for the intended use statement (21 CFR 809.10(a)(2), (b)(2)), adequate directions for use (21 U.S.C. 352(f)), (21 CFR 809.10(b)(5), (7), and (8)), any appropriate limitations on the use of the device including information required under 21 CFR 809.10(a)(4), and any available information regarding performance of the device, including requirements under 21 CFR 809.10(b)(12).

IV. Conditions of Authorization

Pursuant to section 564 of the Act, I am establishing the following conditions on this authorization:

Corgenix Inc. and its Authorized Distributor(s)

A. Corgenix Inc. and its authorized distributor(s) will distribute the authorized ReEBOV™ Antigen Rapid Test with the authorized labeling, as may be revised only by Corgenix Inc. in consultation with FDA, to laboratories and facilities adequately equipped, trained, and capable of testing for Ebola infection (including treatment centers and public health clinics).

B. Corgenix Inc. and its authorized distributor(s) will provide to laboratories and facilities (including treatment centers and public health clinics) adequately equipped, trained, and capable of testing for Ebola infection the authorized ReEBOV™ Antigen Rapid Test Fact Sheet for Health Care Providers and the authorized ReEBOV™ Antigen Rapid Test Fact Sheet for Patients.

C. Corgenix Inc. and its authorized distributor(s) will make available on their websites the ReEBOV™ Antigen Rapid Test Fact Sheet for Health Care Providers and the authorized ReEBOV™ Antigen Rapid Test Fact Sheet for Patients.

D. Corgenix Inc. and its authorized distributor(s) will inform laboratories, facilities adequately equipped, trained, and capable of testing for Ebola infection (including

treatment centers and public health clinics), and relevant public health authority(ies) of this EUA, including the terms and conditions herein.

E. Corgenix Inc. and its authorized distributor(s) will ensure that laboratories and facilities adequately equipped, trained, and capable of testing for Ebola infection (including treatment centers and public health clinics) using the authorized ReEBOV™ Antigen Rapid Test have a process in place for reporting test results to health care professionals and relevant public health authorities, as appropriate.

F. Through a process of inventory control, Corgenix Inc. and its authorized distributor(s) will maintain records of device usage.

G. Corgenix Inc. and its authorized distributor(s) will collect information on the performance of the assay, and report to FDA any suspected occurrence of false positive or false negative results of which Corgenix Inc. and its authorized distributor(s) becomes aware.

H. Corgenix Inc. and its authorized distributor(s) are authorized to make available additional information relating to the emergency use of the authorized ReEBOV™ Antigen Rapid Test that is consistent with, and does not exceed, the terms of this letter of authorization.

Corgenix Inc.

I. Corgenix Inc will notify FDA of any authorized distributor(s) of the ReEBOV™ Antigen Rapid Test, including the name, address, and phone number of any authorized distributor(s).

J. Corgenix Inc. will provide its authorized distributor(s) with a copy of this EUA, and communicate to its authorized distributor(s) any subsequent amendments that might be made to this EUA and its authorized accompanying materials (e.g., fact sheets, instructions for use).

K. Corgenix Inc. only may request changes to the authorized ReEBOV™ Antigen Rapid Test Fact Sheet for Health Care Providers or the authorized ReEBOV™ Antigen Rapid Test Fact Sheet for Patients. Such requests will be made only by Corgenix Inc. in consultation with FDA.

L. Corgenix Inc. may request the addition of other specimen types for use with the authorized ReEBOV™ Antigen Rapid Test. Such requests will be made by Corgenix Inc. in consultation with, and require concurrence of, FDA.

M. Corgenix Inc. will track adverse events and report to FDA under 21 CFR Part 803.

Laboratories and Facilities Adequately Equipped, Trained, and Capable of Testing for Ebola Infection

N. Laboratories and facilities adequately equipped, trained, and capable of testing for Ebola infection (including treatment centers and public health clinics) will include with reports of the results of the ReEBOV™ Antigen Rapid Test the authorized Fact Sheet for Health Care Providers and the authorized Fact Sheet for Patients. Under exigent circumstances, other appropriate methods for disseminating these Fact Sheets may be used, which may include mass media.

O. Laboratories and facilities adequately equipped, trained, and capable of testing for Ebola infection (including treatment centers and public health clinics) will have a process in place for reporting test results to health care professionals and relevant public health authorities, as appropriate.

P. Laboratories and facilities adequately equipped, trained, and capable of testing for Ebola infection (including treatment centers and public health clinics) will collect information on the performance of the assay, and report to Corgenix Inc. and its authorized distributor(s) any suspected occurrence of false positive or false negative results of which they become aware.

Q. All laboratory personnel and personnel from facilities adequately equipped, trained, and capable of testing for Ebola infection (including treatment centers and public health clinics) using the assay will be appropriately trained on the ReEBOV™ Antigen Rapid Test and use appropriate laboratory and personal protective equipment when handling this kit.

Corgenix Inc., its Authorized Distributors(s), and Laboratories and Facilities Adequately Equipped, Trained, and Capable of Testing for Ebola Infection

R. Corgenix Inc., its authorized distributor(s), and laboratories and facilities adequately equipped, trained, and capable of testing for Ebola infection (including treatment centers and public health clinics) will ensure that any records associated with this EUA are maintained until notified by FDA. Such records will be made available to FDA for inspection upon request.

Conditions Related to Advertising and Promotion

S. All advertising and promotional descriptive printed matter relating to the use of the authorized ReEBOV™ Antigen Rapid Test shall be consistent with the Fact Sheets and authorized labeling, as well as the terms set forth in this EUA and the applicable requirements set forth in the Act and FDA regulations.

T. All advertising and promotional descriptive printed matter relating to the use of the authorized ReEBOV™ Antigen Rapid Test shall clearly and conspicuously state that:

- This test has not been FDA cleared or approved;

Page 8 – Mr. Simpson, Corgenix Inc.

- This test has been authorized by FDA under an Emergency Use Authorization for use by laboratories and facilities adequately equipped, trained, and capable of testing for Ebola infection (including treatment centers and public health clinics);
- This test has been authorized only for the detection of Ebola viruses (including Ebola Zaire virus detected in the West Africa outbreak in 2014); and
- This test is only authorized for the duration of the declaration that circumstances exist justifying the authorization of the emergency use of *in vitro* diagnostics for detection of Ebola Zaire virus under section 564(b)(1) of the Act, 21 U.S.C. § 360bbb-3(b)(1), unless the authorization is terminated or revoked sooner.

No advertising or promotional descriptive printed matter relating to the use of the authorized ReEBOV™ Antigen Rapid Test may represent or suggest that this test is safe or effective for the diagnosis of Ebola Zaire virus (detected in the West Africa outbreak in 2014).

The emergency use of the authorized ReEBOV™ Antigen Rapid Test described in this letter of authorization must comply with the conditions and all other terms of this authorization.

V. Duration of Authorization

This EUA will be effective until the declaration that circumstances exist justifying the authorization of the emergency use of *in vitro* diagnostics for detection of Ebola virus is terminated under section 564(b)(2) of the Act or the EUA is revoked under section 564(g) of the Act.

Sincerely,

Margaret A. Hamburg

Margaret A. Hamburg, M.D.
Commissioner of Food and Drugs

Enclosures

The Authorization for the Cepheid Xpert® Ebola Assay issued on March 23, 2015, in its entirety (not including the authorized versions of the fact sheets and other written materials) follows and provides an explanation of the reasons for its issuance, as required by section 564(h)(1) of the FD&C Act:

DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Silver Spring, MD 20993

March 23, 2015

James F. Kelly, Ph.D.
Executive Director, Regulatory Affairs
Cepheid
904 Caribbean Drive
Sunnyvale, CA 94089

Dear Dr. Kelly:

This letter is in response to your request that the Food and Drug Administration (FDA) issue an Emergency Use Authorization (EUA) for emergency use of the Xpert® Ebola Assay for the presumptive detection of Ebola Zaire virus (detected in the West Africa outbreak in 2014) on the GeneXpert Instrument Systems in EDTA venous whole blood specimens from individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk factors, by laboratories certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA), 42 U.S.C. §263a, to perform moderate complexity tests and by laboratories certified under CLIA to perform high complexity tests,[1] or in similarly qualified non-U.S. laboratories, by clinical laboratory personnel who have received specific training on the use of the Xpert® Ebola Assay on GeneXpert Instrument Systems, pursuant to section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. § 360bbb-3).

On September 22, 2006, then-Secretary of the Department of Homeland Security (DHS), Michael Chertoff, determined, pursuant to section 319F-2 of the Public Health Service (PHS) Act (42 U.S.C. § 247d-6b), that the Ebola virus presents a material threat against the United States population sufficient to affect national security.[2] Pursuant to section 564(b)(1) of the Act (21 U.S.C. § 360bbb-3(b)(1)), and on the basis of such determination, the Secretary of the Department of Health and Human Services (HHS) declared on August 5, 2014, that circumstances exist justifying the authorization of emergency use of *in vitro* diagnostics for detection of Ebola virus, subject to the terms of any authorization issued under 21 U.S.C. § 360bbb-3(a).[3]

Having concluded that the criteria for issuance of this authorization under section 564(c) of the Act (21 U.S.C. § 360bbb-3(c)) are met, I am authorizing the emergency use of the Xpert® Ebola Assay (as described in the Scope of Authorization section of this letter (section II)) in individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk

[1] For ease of reference, this letter will refer to these two types of laboratories together as "CLIA Moderate and High Complexity Laboratories."

[2] Pursuant to section 564(b)(1) of the Act (21 U.S.C. § 360bbb-3(b)(1)), the HHS Secretary's declaration that supports EUA issuance must be based on one of four determinations, including the identification by the DHS Secretary of a material threat pursuant to section 319F-2 of the PHS Act sufficient to affect national security or the health and security of United States citizens living abroad (section 564(b)(1)(D) of the Act).

[3] U.S. Department of Health and Human Services. *Declaration Regarding Emergency Use of In Vitro Diagnostics for Detection of Ebola Virus*. 79 Fed. Reg. 47141 (August 12, 2014).

factors (as described in the Scope of Authorization section of this letter (section II)) for the presumptive detection of Ebola Zaire virus (detected in the West Africa outbreak in 2014).

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of the Xpert® Ebola Assay for the presumptive detection of Ebola Zaire virus (detected in the West Africa outbreak in 2014) in the specified population meets the criteria for issuance of an authorization under section 564(c) of the Act, because I have concluded that:

1. The Ebola Zaire virus (detected in the West Africa outbreak in 2014) can cause Ebola virus disease, a serious or life-threatening disease or condition to humans infected with this virus;

2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that the Xpert® Ebola Assay may be effective in diagnosing Ebola Zaire virus (detected in the West Africa outbreak in 2014) infection, and that the known and potential benefits of the Xpert® Ebola Assay for diagnosing Ebola Zaire virus (detected in the West Africa outbreak in 2014) infection, outweigh the known and potential risks of such product; and

3. There is no adequate, approved, and available alternative to the emergency use of the Xpert® Ebola Assay for diagnosing Ebola Zaire virus (detected in the West Africa outbreak in 2014) infection.[4]

II. Scope of Authorization

I have concluded, pursuant to section 564(d)(1) of the Act, that the scope of this authorization is limited to the use of the authorized Xpert® Ebola Assay in CLIA Moderate and High Complexity Laboratories or in similarly qualified non-U.S. laboratories for the presumptive detection of Ebola Zaire virus (detected in the West Africa outbreak in 2014) in individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk factors.

The Authorized Xpert® Ebola Assay

The Xpert® Ebola Assay is an automated test intended for the *in vitro* qualitative detection of Ebola Zaire virus RNA from EDTA venous whole blood specimens. The assay is performed on the Cepheid GeneXpert Instrument Systems. GeneXpert Instrument Systems automate and integrate sample preparation, nucleic acid extraction, amplification, and detection of the target sequence in simple or complex samples using real-time reverse transcriptase PCR (rRT-PCR). The systems consist of an instrument, personal computer, and preloaded software for running tests and viewing the results. The test is run in single-use disposable GeneXpert cartridges that hold the sample extraction and rRT-PCR reagents and run the sample preparation and rRT-PCR processes. Because the cartridges are self-contained, cross-contamination between samples is minimized. End users collect the sample, transfer it to a sample transport tube containing a

[4] No other criteria of issuance have been prescribed by regulation under section 564(c)(4) of the Act.

buffer that inactivates virus, and transfer the inactivated virus sample to the cartridge. All subsequent steps of sample extraction, amplification, and detection are fully automated.

Each Xpert® Ebola Assay includes a Sample Adequacy Control (SAC), Sample Processing Control (SPC), and Probe Check Control (PCC):

- Sample Adequacy Control (SAC): Ensures that the sample was correctly added to the cartridge. The SAC verifies that the correct volume of sample has been added in the sample chamber. The SAC passes if it meets the validated acceptance criteria.

- Sample Processing Control (SPC): Ensures the sample was correctly processed. The SPC is an Armored RNA® in the form of a dry bead that is included in each cartridge to verify adequate processing of the sample virus. The SPC verifies that lysis of Ebola has occurred if the organism is present and verifies that the specimen processing is adequate. Additionally this control detects specimen-associated inhibition of the RT-PCR reaction. The SPC should be positive in a negative sample and can be negative or positive in a positive sample. The SPC passes if it meets the validated acceptance criteria. The SPC is also referred to as the Cepheid Internal Control (CIC).

- Probe Check Control (PCC): Before the start of the PCR reaction, the GeneXpert Instrument System measures the fluorescence signal from the probes to monitor bead rehydration, reaction tube filling, probe integrity, and dye stability. There are two probe check controls. The first PCC occurs after sample processing but before the start of the RT-PCR reaction and the second PCC occurs before the PCR reaction starts. The PCCs pass if they meet the validated acceptance criteria.

The above described Xpert® Ebola Assay, when labeled consistently with the labeling authorized by FDA entitled "Xpert® Ebola Assay Instructions for Use" (available at http://www.fda.gov/MedicalDevices/Safety/EmergencySituations/ucm161496.htm), which may be revised by Cepheid in consultation with FDA, is authorized to be distributed to and used by CLIA Moderate and High Complexity Laboratories and similarly qualified non-U.S. laboratories, despite the fact that it does not meet certain requirements otherwise required by federal law.

The above described Xpert® Ebola Assay is authorized to be accompanied by the following information pertaining to the emergency use, which is authorized to be made available to health care professionals and patients:

- Fact Sheet for Health Care Providers: Interpreting Xpert® Ebola Assay Results

- Fact Sheet for Patients: Understanding Results from the Cepheid® Xpert® Ebola Assay

As described in section IV below, Cepheid and any authorized distributor(s) are also authorized to make available additional information relating to the emergency use of the authorized Xpert® Ebola Assay that is consistent with, and does not exceed, the terms of this letter of authorization.

I have concluded, pursuant to section 564(d)(2) of the Act, that it is reasonable to believe that the known and potential benefits of the authorized Xpert® Ebola Assay in the specified population, when used for presumptive detection of Ebola Zaire virus (detected in the West Africa outbreak in 2014), outweigh the known and potential risks of such a product.

I have concluded, pursuant to section 564(d)(3) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that the authorized Xpert® Ebola Assay may be effective in the diagnosis of Ebola Zaire virus (detected in the West Africa outbreak in 2014) infection pursuant to section 564(c)(2)(A) of the Act. FDA has reviewed the scientific information available to FDA including the information supporting the conclusions described in section I above, and concludes that the authorized Xpert® Ebola Assay, when used to diagnose Ebola Zaire virus (detected in the West Africa outbreak in 2014) infection in the specified population, meets the criteria set forth in section 564(c) of the Act concerning safety and potential effectiveness.

The emergency use of the authorized Xpert® Ebola Assay under this EUA must be consistent with, and may not exceed, the terms of this letter, including the Scope of Authorization (section II) and the Conditions of Authorization (section IV). Subject to the terms of this EUA and under the circumstances set forth in the Secretary of DHS's determination described above and the Secretary of HHS's corresponding declaration under section 564(b)(1), the Xpert® Ebola Assay described above is authorized to diagnose Ebola Zaire virus (detected in the West Africa outbreak in 2014) infection in individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk factors.

This EUA will cease to be effective when the HHS declaration that circumstances exist to justify the EUA is terminated under section 564(b)(2) of the Act or when the EUA is revoked under section 564(g) of the Act.

III. Waiver of Certain Requirements

I am waiving the following requirements for the Xpert® Ebola Assay during the duration of this EUA:

- Current good manufacturing practice requirements, including the quality system requirements under 21 CFR part 820 with respect to the design, manufacture, packaging, labeling, storage, and distribution of the Xpert® Ebola Assay.

- Labeling requirements for cleared, approved, or investigational devices, including labeling requirements under 21 CFR 809.10 and 21 CFR 809.30, except for the intended use statement (21 CFR 809.10(a)(2), (b)(2)), adequate directions for use (21 U.S.C. 352(f)), (21 CFR 809.10(b)(5), (7), and (8)), any appropriate limitations on the use of the device including information required under 21 CFR 809.10(a)(4), and any available information regarding performance of the device, including requirements under 21 CFR 809.10(b)(12).

IV. Conditions of Authorization

Pursuant to section 564 of the Act, I am establishing the following conditions on this authorization:

Cepheid and Any Authorized Distributor(s)

A. Cepheid and any authorized distributor(s) will distribute the authorized Xpert® Ebola Assay with the authorized labeling, as may be revised only by Cepheid in consultation with FDA, to CLIA Moderate and High Complexity Laboratories or similarly qualified non-U.S. laboratories.

B. Cepheid and any authorized distributor(s) will provide to CLIA Moderate and High Complexity Laboratories or similarly qualified non-U.S. laboratories the authorized Xpert® Ebola Assay Fact Sheet for Health Care Providers and the authorized Xpert® Ebola Assay Fact Sheet for Patients.

C. Cepheid and any authorized distributor(s) will make available on their websites the Xpert® Ebola Assay Fact Sheet for Health Care Providers and the authorized Xpert® Ebola Assay Fact Sheet for Patients.

D. Cepheid and any authorized distributor(s) will inform CLIA Moderate and High Complexity Laboratories or similarly qualified non-U.S. laboratories and relevant public health authority(ies) of this EUA, including the terms and conditions herein.

E. Cepheid and any authorized distributor(s) will ensure that CLIA Moderate and High Complexity Laboratories or similarly qualified non-U.S. laboratories using the authorized Xpert® Ebola Assay have a process in place for reporting test results to health care professionals and relevant public health authorities, as appropriate.

F. Through a process of inventory control, Cepheid and any authorized distributor(s) will maintain records of device usage.

G. Cepheid and any authorized distributor(s) will collect information on the performance of the assay, and report to FDA any suspected occurrence of false positive or false negative results of which Cepheid and any authorized distributor(s) become aware.

H. Cepheid and any authorized distributor(s) are authorized to make available additional information relating to the emergency use of the authorized Xpert® Ebola Assay that is consistent with, and does not exceed, the terms of this letter of authorization.

Cepheid

I. Cepheid will notify FDA of any authorized distributor(s) of the Xpert® Ebola Assay, including the name, address, and phone number of any authorized distributor(s).

J. Cepheid will provide any authorized distributor(s) with a copy of this EUA, and communicate to any authorized distributor(s) any subsequent amendments that might be made to this EUA and its authorized accompanying materials (e.g., fact sheets, instructions for use).

K. Cepheid only may request changes to the authorized Xpert® Ebola Assay Fact Sheet for Health Care Providers or the authorized Xpert® Ebola Assay Fact Sheet for Patients. Such requests will be made only by Cepheid in consultation with FDA.

L. Cepheid may request the addition of other specimen types for use with the authorized Xpert® Ebola Assay. Such requests will be made by Cepheid in consultation with, and require concurrence of, FDA.

M. Cepheid will track adverse events and report to FDA under 21 CFR part 803.

CLIA Moderate and High Complexity Laboratories or Similarly Qualified Non-U.S. Laboratories

N. CLIA Moderate and High Complexity Laboratories or similarly qualified non-U.S. laboratories will include with reports of the results of the Xpert® Ebola Assay the authorized Fact Sheet for Health Care Providers and the authorized Fact Sheet for Patients. Under exigent circumstances, other appropriate methods for disseminating these Fact Sheets may be used, which may include mass media.

O. CLIA Moderate and High Complexity Laboratories or similarly qualified non-U.S. laboratories will have a process in place for reporting test results to health care professionals and relevant public health authorities, as appropriate.

P. CLIA Moderate and High Complexity Laboratories or similarly qualified non-U.S. laboratories will collect information on the performance of the assay, and report to Cepheid and any authorized distributor(s) any suspected occurrence of false positive or false negative results of which they become aware.

Q. All laboratory personnel using the assay will be appropriately trained on the use of the Xpert® Ebola Assay on GeneXpert Instrument Systems and use appropriate laboratory and personal protective equipment when handling this kit.

Cepheid, Any Authorized Distributors, and CLIA Moderate and High Complexity Laboratories or Similarly Qualified Non-U.S. Laboratories

R. Cepheid, any authorized distributor(s), and CLIA Moderate and High Complexity Laboratories or similarly qualified non-U.S. laboratories will ensure that any records associated with this EUA are maintained until notified by FDA. Such records will be made available to FDA for inspection upon request.

Conditions Related to Advertising and Promotion

S. All advertising and promotional descriptive printed matter relating to the use of the authorized Xpert® Ebola Assay shall be consistent with the Fact Sheets and authorized labeling, as well as the terms set forth in this EUA and the applicable requirements set forth in the Act and FDA regulations.

Page 7 – Dr. James F. Kelly, Cepheid

T. All advertising and promotional descriptive printed matter relating to the use of the authorized Xpert® Ebola Assay shall clearly and conspicuously state that:

- This test has not been FDA cleared or approved;
- This test has been authorized by FDA under an EUA for use by CLIA Moderate and High Complexity Laboratories or similarly qualified non-U.S. laboratories;
- This test has been authorized only for the detection of Ebola Zaire virus (detected in the West Africa outbreak in 2014); and
- This test is only authorized for the duration of the declaration that circumstances exist justifying the authorization of the emergency use of *in vitro* diagnostics for detection of Ebola virus under section 564(b)(1) of the Act, 21 U.S.C. § 360bbb-3(b)(1), unless the authorization is terminated or revoked sooner.

No advertising or promotional descriptive printed matter relating to the use of the authorized Xpert® Ebola Assay may represent or suggest that this test is safe or effective for the diagnosis of Ebola Zaire virus (detected in the West Africa outbreak in 2014).

The emergency use of the authorized Xpert® Ebola Assay described in this letter of authorization must comply with the conditions and all other terms of this authorization.

V. Duration of Authorization

This EUA will be effective until the declaration that circumstances exist justifying the authorization of the emergency use of *in vitro* diagnostics for detection of Ebola virus is terminated under section 564(b)(2) of the Act or the EUA is revoked under section 564(g) of the Act.

Sincerely,

Margaret A. Hamburg, M.D.
Commissioner of Food and Drugs

Enclosure

Dated: May 29, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–13699 Filed 6–4–15; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0286]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry on Formal Meetings Between the Food and Drug Administration and Biosimilar Biological Product Sponsors or Applicants

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Fax written comments on the collection of information by July 6, 2015.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the title. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry on Formal Meetings Between FDA and Biosimilar Biological Product Sponsors or Applicants OMB Control Number 0910—NEW

In the **Federal Register** of April 1, 2013 (78 FR 19492), FDA announced the availability of a draft guidance for industry entitled ''Formal Meetings Between FDA and Biosimilar Biological Product Sponsors or Applicants.'' The guidance provided recommendations to industry on formal meetings between FDA and sponsors or applicants relating to the development and review of biosimilar biological products regulated by the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER). This guidance assists sponsors and applicants in generating and submitting a meeting request and the associated meeting package to FDA for biosimilar biological products.

The Biologics Price Competition and Innovation Act of 2009 amended the Public Health Service (PHS) Act and other statutes to create an abbreviated licensure pathway in section 351(k) of the PHS Act (42 U.S.C. 262(k)) for biological products shown to be biosimilar to, or interchangeable with, an FDA-licensed biological product (see sections 7001 through 7003 of the Patient Protection and Affordable Care Act (Pub. L. 111–148)). The Biosimilar User Fee Act of 2012 (BsUFA), enacted as part of the Food and Drug Administration Safety and Innovation Act (Pub. L. 11 2–144), amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act) to authorize a new user fee program for biosimilar biological products. FDA has committed to meeting certain performance goals in connection with the new user fee program. The performance goals, which are set forth in a letter from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, include meeting management goals for formal meetings that occur between FDA and sponsors or applicants during the development phase of a biosimilar biological product. This guidance described the Agency's current thinking on how it intends to interpret and apply certain provisions of BsUFA, and also provides information on specific performance goals for the management of meetings associated with the development and review of biosimilar biological products.

The guidance reflects a unified approach to all formal meetings between sponsors or applicants and FDA for biosimilar biological product development (BPD) programs. It is intended to assist sponsors and applicants in generating and submitting a meeting request and the associated meeting package to FDA for biosimilar biological products. The guidance does not apply to new drug or abbreviated new drug applications under section 505 of the FD&C Act or to biologics license applications (BLAs) under section 351(a) of the PHS Act.

FDA expects that review staff will participate in many meetings with biosimilar biological product sponsors or applicants who seek guidance relating to the development and review of biosimilar biological products. Because these meetings often will represent critical points in the regulatory process, it is important that there are efficient, consistent procedures for the timely and effective conduct of such meetings. The good meeting management practices in this guidance are intended to provide consistent procedures that will promote well-managed meetings and to ensure that such meetings are scheduled within a reasonable time, conducted efficiently, and documented appropriately. The following five meeting types that occur between sponsors or applicants and FDA staff during the biosimilar BPD phase are described in the guidance: (1) Biosimilar Initial Advisory meeting; (2) BPD Type 1 meeting; (3) BPD Type 2 meeting; (4) BPD Type 3 meeting; and (5) BPD Type 4 meeting.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance will represent the Agency's current thinking on formal meetings between FDA and sponsors or applicants regarding biosimilar biological products. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

The guidance on the procedures for formal meetings between FDA and biosimilar biological product sponsors or applicants describes procedures for requesting, scheduling, conducting, and documenting such formal meetings.

The guidance describes two types of collections of information: (1) The submission of a meeting request containing certain information and (2) the submission of an information package that accompanies the meeting request. The guidance also refers to previously approved collections of information found in FDA regulations. The collections of information for 21 CFR 312.48 have been approved under OMB control number 0910–0014.

A. Request for a Meeting

Under the guidance, a sponsor or applicant interested in meeting with CDER or CBER should submit a meeting request to the sponsor's or applicant's application (*e.g.,* investigational new drug application, BLA) through the controlled document system. If there is no application, the request should be submitted to either the appropriate CDER division director with a copy sent to the division's chief of project management staff or to the division director of the appropriate product office within CBER. Before submitting any meeting request by fax or email when there is no application, the sponsor or applicant should contact the appropriate review division or the Biosimilars Program staff, CDER, Office of New Drugs, to determine to whom the request should be directed, how the request should be submitted, and the appropriate format for the request, and to arrange for confirmation of receipt of the request.

FDA recommends that a request be submitted in this manner to prevent the possibility of faxed or emailed requests being overlooked because of the volume of emails received daily by FDA staff. Faxed or emailed requests should be sent during official business hours (8 a.m. to 4:30 p.m. EST/EDT) Monday through Friday (except Federal government holidays). Processing and receipt may be delayed for requests where confirmation of receipt has not been prearranged.

Under the guidance, FDA requests that sponsors and applicants include in meeting requests certain information about the proposed meeting. This information includes:

1. Product Name.
2. Application Number (if applicable).
3. Proposed Proper Name (or proper name if post-licensure).
4. Structure (if applicable).
5. Reference Product Name.
6. Proposed Indication(s) or Context of Product Development.

7. Meeting Type Being Requested (*i.e.,* Biosimilar Initial Advisory meeting, BPD Type 1, 2, 3, or 4 meeting). The rationale for requesting the meeting type should be included.

8. A Brief Statement of the Purpose of the Meeting. This statement should include a brief background of the issues underlying the agenda. It also can include a brief summary of completed or planned studies and clinical trials or data that the sponsor or applicant intends to discuss at the meeting, the general nature of the critical questions to be asked, and where the meeting fits in overall development plans. Although the statement need not provide detailed documentation of trial designs or completed studies and clinical trials, it should provide enough information to facilitate understanding of the issues, such as a small table that summarizes major results.

9. A List of the Specific Objectives/Outcomes the Requester Expects from the Meeting.

10. A Proposed Agenda, Including Estimated Times Needed for Each Agenda Item.

11. A List of Questions, Grouped by Discipline. For each question there should be a brief explanation of the context and purpose of the question.

12. A List of All Individuals with Their Titles and Affiliations Who Will Attend the Requested Meeting from the Sponsor's or Applicant's Organization and Consultants.

13. A List of FDA Staff, if Known, or Disciplines, Asked to Participate in the Requested Meeting.

14. Suggested Dates and Times (*e.g.,* morning or afternoon) for the Meeting Which are Within or Beyond the Appropriate Time Frame of the Meeting Type Being Requested.

15. The Proposed Format of the Meeting (*i.e.,* face-to-face meeting, teleconference, or videoconference).

This information will be used by FDA to determine the utility of the meeting, to identify FDA staff necessary to discuss proposed agenda items, and to schedule the meeting.

B. Information Package

FDA requests that a sponsor or applicant submit a meeting package to the appropriate review division with the meeting request. FDA recommends that information packages generally include:

1. Product Name and Application Number (if applicable).

2. Proposed Proper Name (or proper name if postlicensure).

3. Structure (if applicable).

4. Reference Product Name.

5. Proposed Indication(s) or Context of Product Development.

6. Dosage Form, Route of Administration, Dosing Regimen (frequency and duration), and Presentation(s).

7. A List of Sponsor or Applicant Attendees, Affiliations, and Titles.

8. A Background Section that Includes the Following:

a. A brief history of the development program.

b. The status of product development (*e.g.,* chemistry, manufacturing, and controls; nonclinical; and clinical, including any development outside the United States, as applicable).

9. A Brief Statement Summarizing the Purpose of the Meeting.

10. A Proposed Agenda.

11. A List of Questions for Discussion Grouped by Discipline and with a Brief Summary for Each Question to Explain the Need or Context for the Question.

12. Data to Support Discussion Organized by Discipline and Question. The level of detail of the data should be appropriate to the meeting type requested and the product development stage.

The purpose of the information package is to provide FDA staff the opportunity to adequately prepare for the meeting, including the review of relevant data concerning the product.

Description of Respondents: A sponsor or applicant for a biosimilar biological product who requests a formal meeting with FDA regarding the development and review of a biosimilar biological product.

Burden Estimate: Provided below is an estimate of the annual reporting burden for the submission of meeting requests and information packages under the guidance.

The estimated number of respondents submitting meeting requests and information packages is based on the current workload and development expectations for biosimilar biological products. The burden hour estimate includes any time that may be needed by sponsors or applicants for rescheduling and canceling meetings, for premeetings and other communications with FDA about the meetings, and for resolution of disputes about meeting minutes.

Based on the current workload and development expectations, FDA estimates that approximately 15 sponsors and applicants (respondents) may request approximately a total of 30 formal meetings, and submit approximately 30 information packages, with CDER annually, and approximately 1 respondent may request approximately 2 formal meetings, and submit approximately 2 information packages, with CBER annually.

For a meeting request, the hours per response, which is the estimated number of hours that a respondent would spend preparing the information to be submitted with a meeting request in accordance with the guidance, is estimated to be approximately 15 hours. Based on FDA's experience, we expect it will take respondents this amount of time to gather and copy brief statements about the product and a description of the purpose and details of the meeting.

For an information package, the hours per response, which is the estimated number of hours that a respondent would spend preparing the information package in accordance with the guidance, is estimated to be approximately 30 hours. Based on FDA's experience, we expect it will take respondents this amount of time to gather and copy brief statements about the product, a description of the details for the anticipated meeting, and data and information that generally would already have been compiled for submission to FDA. In total, we expect sponsors to spend 480 hours preparing meeting requests and 960 hours preparing information packages each year.

In the **Federal Register** of April 1, 2013 (78 FR 19492), FDA published a 60-day notice requesting public comment on the proposed collection of information. None of the comments pertained to the information collection provisions in the draft guidance.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance for industry on formal meetings between FDA and biosimilar biological product sponsors or applicants	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (hours)	Total hours
Meeting Requests:					
CDER	15	2	30	15	450

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

Guidance for industry on formal meetings between FDA and biosimilar biological product sponsors or applicants	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (hours)	Total hours
CBER	1	2	2	15	30
Total					480
Information Packages:					
CDER	15	2	30	30	900
CBER	1	2	2	30	60
Total					960
Total					1,440

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

C. Reference

The following reference has been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and is available electronically at *http://www.regulations.gov.* (FDA has verified the Web site address in this reference section, but we are not responsible for any subsequent changes to the Web site after this document publishes in the **Federal Register**.)

1. See *http://www.fda.gov/downloads/Drugs/DevelopmentApprovalProcess/HowDrugsareDevelopedandApproved/ApprovalApplications/TherapeuticBiologicApplications/Biosimilars/UCM281991.pdf.*

Dated: May 29, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–13695 Filed 6–4–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Dental Preventive and Clinical Support Centers Program; Office of Clinical and Preventive Services, Division of Oral Health

Announcement Type: New and Competing Continuation.

Funding Announcement Number: HHS–2015–IHS–TDCP–0001.

Catalog of Federal Domestic Assistance Numbers: 93.933.

Key Dates:

Application Deadline Date: August 3, 2015.

Anticipated Review Dates: August 6–7, 2015.

Earliest Anticipated Start Date: September 30, 2015.

Signed Tribal Resolutions Due Date: August 3, 2015.

Proof of Non-Profit Status Due Date: August 3, 2015.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) is accepting competitive grant applications for the Dental Preventive and Clinical Support Centers Program. This program is authorized under the authority of 25 U.S.C. 13, Snyder Act; 42 U.S.C. 2001, Transfer Act; Indian Health Care Improvement Act (IHCIA), amended 2010. This program is described in the Catalog of Federal Domestic Assistance under 93.933.

Background

The primary customers of a support center are IHS, Tribal, and urban dental programs and personnel throughout an IHS area or broad geographic region. The primary customers are not dental patients or Tribes. The primary function of a support center is not the direct provision of clinical care. Well-designed support centers will impact upon patients' oral health, and document positive oral health outcomes for patients, primarily by providing guidance to field programs and addressing the assessed and perceived needs of dental personnel and IHS/Tribal/urban (I/T/U) dental programs.

Proposed programs focused at one locale or on clinical or preventive care alone, with no concomitant focus on a regional or area support-oriented component for the dental program, while well-intentioned and of potential value, are not responsive to this announcement or to the support center project.

Purpose

The purpose of this IHS grant program is to combine existing resources and infrastructure with IHS Headquarters (HQ) and IHS area resources in order to address the broad challenges and opportunities associated with IHS preventive and clinical dental programs. In accordance with the recently stated priorities of the Department of Health and Human Services (HHS) Secretary on the need to achieve ''higher value'' health care services, the dental support centers will address two priority goals: (1) Provide support, guidance, training, and enhancement of I/T/U dental programs within their area; and (2) ensure that the services of the support centers and the I/T/U/dental programs result in measurable improvements in the oral health status of the American Indian/Alaska Native (AI/AN) patients served. In order to address these two goals, a strong collaborative working relation with the IHS HQ Division of Oral Health (DOH) and the Area Dental Director or Area Dental Officer should be maintained. In short, support centers will empower the dental programs they serve and impact oral health outcomes through the guidance and services they provide. Improvements to oral health must be documented.

II. Award Information

Type of Award

Grant.

Estimated Funds Available

The total amount of funding identified for the current fiscal year (FY) 2015 is approximately $1,000,000. Individual award amounts are anticipated to be $250,000. The amount of funding available for competing and continuation awards issued under this announcement are subject to the availability of appropriations and budgetary priorities of the Agency. The

IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

Approximately four awards will be issued under this program announcement.

Project Period

The project period is for five years, and will run consecutively from September 30, 2015 to September 29, 2020.

III. Eligibility Information

1. Eligible Applicants

Eligible applicants include:

• Urban Indian organizations as defined by the IHCIA, amended 2010. ''Urban Indian organization'' means a non-profit corporate body situated in an urban center governed by an urban Indian controlled board of directors, and providing for the maximum participation of all interested Indian groups and individuals, which body is capable of legally cooperating with other public and private entities for the purpose of performing the activities. 25 U.S.C. 1603(29).

• Tribal organizations.

''Tribal organization'' means the elected governing body of any Indian Tribe or any legally established organization of Indians which is controlled by one or more such bodies or by a board of directors elected or selected by one or more such bodies (or elected by the Indian population to be served by such organization) and which includes the maximum participation of Indians in all phases of its activities. 25 U.S.C. 1603(26), referencing 25 U.S.C. 450b(1).

All organizations claiming non-profit status must provide proof with the application (a current valid IRS tax exemption certificate or a copy of 501(c)(3) form).

While multiple submissions from the same area or region will be reviewed, only one submission from any urban Indian organization or Tribal organization will be accepted, and only one award will be made to any one area or region. Organizations in the same area are encouraged to share resources in order to produce one collaborative proposal, rather than competing with each other.

All of the individual I/T/U hospital- or clinic-based dental programs to be served must be listed in the proposal. All programs within the defined area or region that will not be served must be listed also.

Note: Please refer to Section IV.2 (Application and Submission Information/ Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required such as Tribal resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching Requirements

The IHS does not require matching funds or cost sharing for grants.

3. Other Requirements

• If the application budget exceeds the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible for this or other reasons, IHS will not return the application. The applicant will be notified by email by the Division of Grants Management (DGM) of this decision.

• Continuation awards will be issued annually based on satisfactory performance evaluated and documented as described herein, documented progress toward goals and objectives, availability of funding, and the evolving needs of the IHS.

Proof of Non-Profit Status

Nonprofit urban organizations must submit a copy of the 501(c)(3) certificate as proof of non-profit status. A copy of the 501(c)(3) Certificate must be received with the application submission by the Application Deadline Date listed under the Key Dates section on page one of this announcement.

Signed Tribal resolution—A signed Tribal resolution from each of the Indian Tribes served by the project must accompany the electronic application submission. An Indian Tribe or Tribal organization that is proposing a project affecting another Indian Tribe must include resolutions from all affected Tribes to be served. Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities.

Draft Tribal resolutions are acceptable in lieu of an official signed resolution and *must* be submitted along with the electronic application submission prior to the official application deadline date or prior to the start of the Objective Review Committee (ORC) date. However, an official signed Tribal resolution must be received by the DGM prior to the beginning of the Objective Review. If an official signed resolution is not received by the Review Date listed under the Key Dates section on page one of this announcement, the application will be considered incomplete and ineligible.

The official signed resolution can be mailed to the DGM, Attn: Mr. John Hoffman, Grants Management Specialist (GMS), 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852. Applicants submitting Tribal resolutions after or aside from the required online electronic application submission must ensure that the information is received by the IHS/ DGM. It is highly recommended that the documentation be sent by a delivery method that includes delivery confirmation and tracking. Please contact Mr. Hoffman GMS, by telephone at (301) 443–2116 prior to the review date regarding submission questions.

Files illustrating a limited selection of work products such as pamphlets or handouts produced by existing support centers or through similar initiatives can be appended.

An applicant submitting any of the above additional documentation after the initial application submission due date is required to ensure the information was received by the IHS by obtaining documentation confirming delivery (*i.e.* FedEx tracking, postal return receipt, etc.).

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instruction for this announcement can be found at *http://www.grants.gov* or *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_funding.*

Questions regarding the electronic application process may be directed to Mr. Paul Gettys at 301–443–2114.

2. Content and Form of Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

• Table of contents.

• Abstract (one page) summarizing the project.

• Application forms

○ SF–424, Application for Federal Assistance.

○ SF–424A, Budget Information—Non-Construction Programs.

○ SF–424B, Assurances—Non-Construction Programs.

• Budget Justification and Narrative (must be single spaced and not exceed five pages).

- Project Narrative (must be single spaced and not exceed 7 pages for each of the four components listed).
  - Background information on the organization.
  - Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.
- Tribal Resolution or Tribal Letter of Support (Tribal Organizations only).
- 501(c)(3) Certificate (if applicable).
- Biographical sketches for all Key Personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement, required in order to receive IDC.
- Organizational chart (optional).
- Documentation of current Office of Management and Budget (OMB) A–133 required Financial Audit (if applicable).

Acceptable forms of documentation include:

- Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or
- Face sheets from audit reports. These can be found on the FAC Web site: *http://harvester.census.gov/sac/dissem/accessoptions.html?submit=Go+To+Database*.

Public Policy Requirements:

All Federal-wide public policies apply to IHS grants and cooperative agreements with exception of the Discrimination policy.

Requirements for Project and Budget Narratives

A. *Project Narrative:* The project narrative should be a separate Word document that is no longer than seven pages and must: Be single-spaced, be type written, have consecutively numbered pages, use black type not smaller than 12 characters per one inch, and be printed on one side only of standard size 8½″ x 11″ paper.

Be sure to succinctly address and answer all questions listed under each part of the narrative and place all responses and required information under the correct sections (noted below), or they shall not be considered or scored. This project narrative will assist the ORC in becoming familiar with the applicant's activities and accomplishments prior to this grant award. If the narrative exceeds the page limit, only the first seven pages will be reviewed. The seven page limit for the narrative does not include the standard forms, abstract, Tribal resolutions, table of contents, budget, budget justifications, biographical sketches of key personnel, and/or other appendix items.

There are three parts to the narrative: Part A—Program Information; Part B—Program Planning and Evaluation; and Part C—Program Report. See below for additional details about what must be included in the narrative.

The project narrative is limited to 7 pages total.

Part A: Program Information (2 Pages Maximum)

Section 1: Needs

Describe the needs of both the field programs you propose to serve, and the patients these programs served. Upon what information do you base these observations?

Describe how you will monitor these evolving needs in the future. Briefly describe the current structure and resources of your current program. If you are proposing the creation of a new support center, briefly describe the envisioned structure and resources.

Part B: Program Planning and Evaluation (3 Pages Maximum)

Section 1: Program Plans

Describe the direction your proposed support center plans to take, including how significant services will be provided to the dental field programs, and how you plan to improve the oral health of American Indians/Alaska Natives (AI/ANs) through the guidance and services you offer. State your overarching goals for the five-year funding period. Include a summary of timelines for proposed key services and anticipated measurable improvements to oral health.

Section 2: Program Evaluation

Describe how you will monitor the continuing appropriateness and evaluate the effectiveness of services provided relative to the evolving needs of the field dental programs. Describe how you will evaluate and document improvements to the oral health of AI/ANs associated with the guidance and services you provide to field programs.

Part C: Program Report (2 Pages Maximum)

Section 1: Major accomplishments

Describe significant accomplishments with respect to oral health outcomes or other outcomes over the past 24 months.

Section 2: Major activities

Describe significant accomplishments with respect to services provided over the past 24 months. If you are proposing the creation of a new support center, and hence have no history of recent accomplishments, so state.

B. *Budget Narrative:* This narrative must include a line item budget with a narrative justification for all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative. The budget narrative should match the scope of work described in the project narrative. The page limitation should not exceed five pages.

To these three sections the applicant is encouraged to add a brief budget narrative. The budget narrative is not considered part of the project narrative, and is not counted toward the seven page maximum length of the latter. It too is in the form of an overview for the reviewers. A budget outline or spreadsheet in conjunction with a brief narrative documents anticipated expenditures in detail sufficient for reviewers to match significant line items to project activities and goals. While there is no firm maximum allowable length to this presentation, a budget spreadsheet accompanied by approximately one or two pages of narrative or justification is envisioned.

Additional Information

Provide a cover page that labels the submission as a ''Proposed Dental Preventive and Clinical Support Center'' for one or more identified IHS areas or a defined geographic region. Include contact information for one primary author or contact, and contact information for one alternate contact.

Provide a project abstract (not to exceed one page), providing the synopsis of ''who, what, when, where, why, and a general description of total associated costs.''

Provide a table of contents to correspond with numbered pages of the narrative and attachments. Format outlined in the table of contents and used for the proposal is discretionary. However, a format for the application narrative similar to the outline of the scoring criteria herein utilizing labels or ''signposts'' that enable reviewers to easily locate the sections of the proposal being evaluated and scored is suggested.

Content of the application should relate directly to the overarching emphasis of the support center project, to improve the oral health of AI/AN people, and to provide support and technical assistance to I/T/U dental programs for:

- Clinical dental programs
- community-based preventive initiatives
- clinic-based preventive programs
- regional and national initiatives.

Applications proposing services to proportionately greater numbers of

I/T/U dental programs within an area or region will gain a competitive advantage over proposals outlining services to relatively few I/T/U dental programs per Area or region. Applicants should strive to provide services to all individual dental programs within a defined area or region.

Technical information regarding the support centers project, including clarification of any unclear information herein, may be obtained from the program official: Dr. Patrick Blahut, Division of Oral Health, (301) 443–4323, or email him at *patrick.blahut@ihs.gov.*

3. Submission Dates and Times

Applications must be submitted electronically through Grants.gov by 11:59 p.m. Eastern Daylight Time (EDT) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding. Grants.gov will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the electronic application process, contact Grants.gov Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Paul Gettys (*Paul.Gettys@ihs.gov*), DGM Grant Systems Coordinator, by telephone at (301) 443–2114. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a Grants.gov tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

If the applicant needs to submit a paper application instead of submitting electronically through Grants.gov, a waiver must be requested. Prior approval must be requested and obtained from Ms. Tammy Bagley, Acting Director of DGM, (see Section IV.6 below for additional information). The waiver must: (1) Be documented in writing (emails are acceptable), before submitting a paper application, and (2) include clear justification for the need to deviate from the required electronic grants submission process. A written waiver request must be sent to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov.* Once the waiver request has been approved, the applicant will receive a confirmation of approval email containing submission instructions and the mailing address to submit the application. A copy of the written approval must be submitted along with the hardcopy of the application that is mailed to DGM. Paper applications that are submitted without a copy of the signed waiver from the Acting Director of the DGM will not be reviewed or considered for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable in conjunction with this grant application.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant/cooperative agreement will be awarded per applicant.
- IHS will not acknowledge receipt of applications.
- Funds may be used for new activities to accomplish the objectives of your support center.
- Funds may be used to pay for consultants, materials, resources, travel, and associated expenses to implement and evaluate intervention activities outlined in your proposal.
- Funds may not be used for diagnostic testing, patient rehabilitation, pharmaceutical purchases, facilities construction, lobbying, or routinely for direct patient care.
- Each dental support center grant or award shall not exceed $250,000 per year, or a total of $1,250,000 for five years.
- While support centers are encouraged to collaborate with each other, no more than one grant will be awarded to each area or geographic locale, and no area or geographic locale will be directly served by more than one support center.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Download a copy of the application package, complete it offline, and then upload and submit the completed application via the *http://www.Grants.gov* Web site. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant receives a waiver to submit paper application documents, they must follow the rules and timelines that are noted below. The applicant must seek assistance at least ten days prior to the Application Deadline Date listed in the Key Dates section on page one of this announcement.

Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the Catalog of Federal Domestic Assistance number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact Grants.gov Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).
- Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- If it is determined that a waiver is needed, the applicant must submit a request in writing (emails are acceptable) to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov.* Please include a clear justification for the need to deviate from the standard electronic submission process.
- If the waiver is approved, the application should be sent directly to the DGM by the Application Deadline Date listed in the Key Dates section on page one of this announcement.
- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through Grants.gov as the registration process for SAM and Grants.gov could take up to fifteen working days.
- Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by the DGM.
- All applicants must comply with any page limitation requirements

described in this Funding Announcement.

- After electronically submitting the application, the applicant will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The DGM will download the application from Grants.gov and provide necessary copies to the appropriate agency officials. Neither the DGM nor the DOH will notify the applicant that the application has been received.
- Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act'') to report information on subawards. Accordingly, all IHS grantees must notify potential first-tier subrecipients that no entity may receive a first-tier subaward unless the entity has provided its UEI number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration (CCR) and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2 to 5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3 to 5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

V. Application Review and Selection Information

The application narrative expands upon the project narrative, telling your reviewers in detail what you propose to do and accomplish. The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each of the five sections are noted in parentheses. The seven page project narrative allowed per each of the four components page narrative should include only the first year of activities. This application narrative is limited to the first nineteen pages maximum. If an application narrative exceeds twenty-six pages (seven for the project narrative and nineteen for the application narrative), only the first twenty-six pages will be reviewed and scored. Information for multi-year projects should be included as an appendix. See ''Multi-year Project Requirements'' at the end of this section for more information. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 65 points is required for funding.

The IHS DOH considers the criteria, comments and scores of reviewers very carefully. The IHS DOH makes final decisions concerning awarding grants based on geographic balance and diversity of services and interventions throughout the nationwide program.

For applicant organizations that have been direct or indirect recipients of prior dental support centers funding, DOH will evaluate the level of correspondence between actual achievements and the specific strategies and deliverables described in the previously funded proposals.

Throughout the narrative, maintain a focus on the two primary goals of the support centers:

(1) Provide support and technical assistance to Area and field programs for:

- Clinical dental programs
- community-based preventive initiatives
- clinic-based preventive programs, and
- regional and national initiatives.

(2) Improve the oral health of AI/ANs. Document these improvements.

1. Criteria

A. Introduction and Need for Assistance (2 Pages Maximum, 10 Points Maximum)

Applicants will justify the need for a support center. Applicants will discuss needs in their area or region not likely to be addressed, and oral health outcomes not likely to be attained, if not for the services and guidance of a support center.

Centers will periodically assess the needs of the dental programs served. In order to be responsive to the perceived needs of the dental personnel throughout an area or region, perceived needs must be systematically assessed. Initial and periodic recurring structured needs assessments or other appraisals of perceived needs of the dental personnel to be served are essential. Successful proposals will either document the assessed and perceived needs of area dental personnel, or outline how area needs will be assessed.

a. Proposed new centers and existing centers without a comprehensive assessment of needs less than three years old will outline a plan for an assessment to be completed within the first nine months of the grant funding period, by July 1, 2016.

b. Proposed continuing or currently existing centers with a comprehensive assessment of perceived needs less than three years old will summarize the results of that survey, and outline a plan for a future assessment to be completed within the first three years of the five-year funding cycle, by October 1, 2018.

c. Ongoing, frequent assessment of perceived needs through feedback from a steering committee or other means is highly recommended.

B. Project Objective(s), Work Plan and Approach (5 Pages Maximum, 30 Points Maximum)

Centers will provide technical assistance and resources for local and area clinic-based and community-based oral health promotion/disease prevention initiatives.

Centers will produce and document positive health outcomes. Consistent with the HHS Secretary's emphasis upon funding tied to value and outcomes, the activities, guidance, and services provided by the support centers to area dental programs will be

structured such that they lead to meaningful and measurable improvements in the oral health status of AI/AN patients. Proposals must describe practical and feasible plans that will foster improved health outcomes, and will include specific plans for periodic objective evaluation of the outcomes of these efforts by objective reviewers with no conflict of interest. The dental support centers will improve the oral health of AI/ANs through their services, guidance, and collaboration with the IHS dental program.

Consistent with the HHS Secretary's emphasis upon funding tied to value and outcomes, proposals are strongly encouraged, but not required, to include as part of their strategy an evaluation of the oral health outcomes of IHS dental program practices and initiatives from recent years. Proposals including such evaluation will enjoy a competitive advantage. This assessment of outcomes could include any of several measures of value obtained for services delivered, including actual patient outcomes. Examples of patient outcomes include but are not limited to measurable improvements to oral health or an assessment of the need for additional restorative care within an intermediate time frame following the initial provision of care.

Centers will send an appropriate representative or representatives to national support centers project meetings convened by IHS HQ DOH. Such meetings will be convened periodically, approximately once every three years, as deemed necessary by IHS HQ DOH. The DOH will communicate closely with all centers about the perceived need for any meeting. All centers are expected to reserve sufficient funds to send a representative or representatives to these meetings.

Centers will promote the coordination of research, demonstration projects, and studies relating to the causes, diagnosis, treatment, control, and prevention of oral disease. This may be addressed through the collection, analysis, and dissemination of data or other methodology deemed appropriate by the IHS HQ DOH. This may also be addressed through support given to field programs engaged in demonstration projects.

Centers are encouraged to collaborate with IHS HQ DOH on national initiatives such as efforts to reduce Early Childhood Caries, promoting and facilitating the annual Basic Screening Surveys (BSS), promotion of the goals of the Government Performance and Results Act (GPRA) and achieving annual GPRA targets, or other national initiatives.

Centers will share information and work products proactively with other areas and other support centers. Large quantities of work products need not be provided free of charge, but examples of work products will be shared widely.

Centers are encouraged to provide technical assistance and resources for local and area clinical programs.

Centers are encouraged to communicate frequently with their Area Dental Officer (ADO), in order to coordinate activities and initiatives closely. Centers are encouraged to amplify impact and increase effectiveness through detailed communication and coordinated efforts with the ADO.

Centers are encouraged to provide technical assistance and resources for continuing education opportunities, including but not limited to, annual area-wide meetings for area dental personnel.

Centers are encouraged to address Early Childhood Caries on a local level, area-wide level, or regional basis. Interventions must include an evaluation process assessing outcomes in addition to process (that is, an assessment of actual prevalence of disease over the course of the intervention, in addition to counts or assessments of activities or services and products provided to clientele). Such evaluation does not require original data, if appropriate other data such as, for example, BSS data are available.

C. Program Evaluation (5 Pages Maximum, 30 Points Maximum)

Centers will evaluate their ongoing efforts and progression toward goals and objectives in an objective manner, utilizing reviewers without conflicts of interest.

Centers will assess and document changes to selected oral health outcomes over time.

Centers will adhere to an annual reporting cycle, providing three quarterly reports and one annual report at the end of the fourth quarter to the project officer. Annual reports from the support centers must describe: (1) Services and support provided to the dental program; (2) the methods used to influence oral health; (3) details of the evaluative methodology; and (4) progress toward goals and objectives, and (5) the oral health outcomes status. Funding beyond year one of the five year noncompetitive renewal cycle will be contingent upon documentation provided by an objective evaluator of ongoing evaluation and progress deemed suitable by the DOH program official.

Centers funded via grants will meet any additional reporting requirements of the IHS Grants Management Office.

D. Organizational Capabilities, Key Personnel and Qualifications (2 Pages Maximum, 10 Points Maximum)

Centers will document organizational capabilities, and how these capabilities will be used to address program goals and objectives.

Centers will list key personnel, and describe their qualifications. If a key position is not currently occupied, a description of key desired qualifications of the individual to be recruited will suffice.

E. Categorical Budget and Budget Justification (5 Pages Maximum, 20 Points Maximum)

Centers will provide a detailed proposed budget for the initial year of operation.

Centers will justify all line items or categories of proposed expenditures within their proposed budgets by providing a line item budget justification and narrative relating to the attainment of specific goals and objectives.

Centers will justify all proposed expenditures that relate to the attainment of specific goals and objectives of their grant project. If the application requests indirect costs, applicants are required to submit their current Indirect Costs Rate Agreement and explain briefly what these funds are used for.

Multi-Year Project Requirements (If Applicable)

The application narrative should focus on the first year of activities, services, and outcomes. Projects requiring a second, third, fourth, and/or fifth year must include a brief project narrative and budget (a maximum of one additional page total per year) addressing the developmental plans and evolving goals for each additional year of the project.

Additional Documents Can Be Uploaded as Appendix Items in Grants.gov

- Work plan, logic model and/or time line for proposed objectives.
- Position descriptions for key staff. Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Agreement (see Section VI–3, ''indirect costs'').

- Organizational chart.
- Map identifying project location(s).
- Additional documents to support narrative (*i.e.* data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the ORC based on evaluation criteria in this funding announcement. The ORC could be composed of both Federal and non-Federal reviewers appointed by the IHS DOH to review, score, and make recommendations concerning these applications. The technical review process ensures selection of quality projects in a national competition for limited funding. Incomplete applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Applicants may be notified by DGM, via email, to outline minor missing components such as audit documentation or key contacts needed for an otherwise complete application. All missing information or documentation must be provided to DGM on or before the due date listed in the email of notification of missing required documents.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA is initiated by the DGM in the grants system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who receive a score less than the recommended funding level for approval, 65, and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application. The IHS program office will also provide contact information as requested to address questions and concerns as well as provide technical assistance if desired.

Approved But Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved'', but were not funded due to lack of funding, will have their applications held by DGM for a period of 1 year. If additional funding becomes available during the course of FY 2015, the approved but unfunded application may be re-considered by the awarding program office for possible funding. The applicant will also receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS Grants Management Official announcing to the project director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Grants are administered in accordance with the following regulations, policies, and OMB cost principles:

A. The criteria as outlined in this program announcement.

B. Administrative Regulations for Grants:

- Uniform Administrative Requirements HHS Awards, located at 45 C.F.R Part 75.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- Uniform Administrative Requirements for HHS Awards, ''Cost Principles,'' located at 45 CFR part 75, subpart E.

E. Audit Requirements:

- Uniform Administrative Requirements for HHS Awards, ''Audit Requirements,'' located at 45 CFR part 75, subpart F.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award budget period. If the current rate is not on file with the DGM at the time of the award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov,* and the Department of Interior, Interior Business Center *http://www.doi.gov/ibc/services/Indirect_Cost_Services/index/cfm.* For questions regarding the indirect cost policy, call the Grants Management Specialist listed under ''Agency Contacts'' or the main DGM office at (301) 443–5204.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; or (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Annual reports must be submitted electronically via GrantSolutions; quarterly progress reports are submitted to the program official. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. See the ''Agency Contacts'' list for the systems contact information.

A. Progress and Annual Reports

Program progress reports are required quarterly, by December 31, March 31, and June 30 each year. These deadlines may be revised by consensus of all grantees and the program official. Progress reports must be submitted via Grant Notes in GrantSolutions, with an email notifying the program official they have been submitted. These reports must include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. An annual report must be submitted within

90 days of expiration of the annual budget/project period.

B. Financial Reports

Federal Financial Report FFR (SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management Services, HHS, at *http://www.dpm.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organization.

Grantees are responsible and accountable for accurate information reported on all required reports.

C. Federal Subaward Reporting System (FSRS)

This award may be subject to the Transparency Act subaward and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NOAs, and funding announcements regarding the FSRS reporting requirement. The IHS Term of Award is applicable to all IHS grants and cooperative agreements issued on or after October 1, 2010, with a $25,000 subaward obligation dollar threshold for any specific reporting period. Additionally, all new discretionary IHS awards where the project period is made up of more than one budget period, the project period state date was October 1, 2010 or after, and the primary awardee will have a $25,000 subaward obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting requirement. For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy Web site at *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

Telecommunication for the hearing impaired is available at: TTY (301) 443–6394.

VII. Agency Contacts

1. Questions on programmatic issues may be directed to:

Patrick Blahut, DDS, MPH, Deputy Director, IHS DOH, 801 Thompson Ave., Suite 332, Rockville, MD 20852, Phone: (301) 443–4323, Email: *patrick.blahut@ihs.gov.*

2. Questions on grants management and fiscal matter may be directed to:

John Hoffman, Senior Grants Management Specialist, 801 Thompson Ave., Suite TMP 360, Rockville, MD 20852, Phone: (301) 443–2116, Fax: (301) 443–9602, Email: *john.hoffman@ihs.gov.*

3. Questions on systems matters may be directed to:

Paul Gettys, Grant Systems Coordinator, 801 Thompson, Suite TMP 360, Rockville, MD 20852, Phone: (301) 443–2114; or the DGM main line (301) 443–5204, Fax: (301) 443–9602, Email: *paul.gettys@ihs.gov.*

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: May 22, 2015.

Robert G. McSwain,

Acting Director, Indian Health Service.

[FR Doc. 2015–13775 Filed 6–4–15; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Notice of Request for Information

AGENCY: Indian Health Service, HHS.

ACTION: Notice.

SUMMARY: The Indian Health Service (IHS) is seeking broad public input as it begins efforts to advance and promote the health needs of the American Indian/Alaska Native (AI/AN) Lesbian, Gay, Bisexual, and Transgender (LGBT) community.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5:00 p.m. Eastern Daylight Time on July 6, 2015.

ADDRESSES: Electronic responses are encouraged and may be addressed to *lisa.neel@ihs.gov.* Written responses should be addressed to: Indian Health Service, 801 Thompson Avenue, Suite 300, Rockville, MD 20852. Attention: LGBT Feedback.

FOR FURTHER INFORMATION CONTACT: Lisa Neel, MPH, Indian Health Service HIV/AIDS Program, (301) 443–4305.

SUPPLEMENTARY INFORMATION: In the summer of 2015, the IHS will hold a public meeting to garner information from individuals on AI/AN LGBT health issues. The goal of this meeting will be to gain a better understanding of the health care needs of AI/AN LGBT individuals so that IHS can implement health policy and health care delivery changes to advance the health care needs of the AI/AN LGBT community. The agency is seeking to increase community access to and engagement with IHS leadership and secure a legacy of transparent, accountable, fair, and inclusive decision-making specific to AI/AN LGBT people.

This request for information seeks public comment on several key dimensions of the health needs of the AI/AN LGBT community, including but not limited to the following questions:

a. Are there effective models and best practices surrounding the health care of the LGBT community that should be considered for replication? Please include rationale for their use in the IHS service population.

b. What are the specific measures that could be used to track progress in improving the health of LGBT persons?

c. How can IHS better engage with stakeholders around the implementation of improvements?

d. Are there gaps or disparities in existing IHS services offered to LGBT persons?

e. What additional information should the agency consider while developing plans to improve health care for the LGBT community?

Dated: May 22, 2015.

Robert G. McSwain,

Acting Director, Indian Health Service.

[FR Doc. 2015–13774 Filed 6–4–15; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Announcement of Requirements and Registration for ''Up For A Challenge (U4C)—Stimulating Innovation in Breast Cancer Genetic Epidemiology''

Authority: 15 U.S.C. 3719.

Award Approving Official: Douglas R. Lowy, Acting Director, National Cancer Institute.

SUMMARY: The National Cancer Institute's (NCI) Division of Cancer Control and Population Sciences (DCCPS) announces that they are partnering with Sage Bionetworks to launch ''Up For A Challenge (U4C)—Stimulating Innovation in Breast Cancer Genetic Epidemiology'' (the ''Challenge'') to encourage unique approaches to more fully decipher the genomic basis of breast cancer. Utilizing innovative approaches, the goal of this Challenge is to identify new genes or combinations of genes, genetic variants, or sets of genomic features involved in breast cancer susceptibility. In addition, the NCI aims to advance innovation in the field of genetic epidemiology by making data more widely available, increasing the amount and diversity of minds approaching a difficult scientific problem, and promoting broader collaborations. This Challenge is being launched under the America COMPETES Reauthorization Act of 2010.

DATES:

Challenge Opens: June 15, 2015
Challenge Entries: Due January 15, 2016 (8 p.m. EST)
Challenge Judging: January 16, 2016–March 31, 2016
Winners Announced: April 16–20, 2016

The NCI will announce any changes to the timeline by amending this **Federal Register** notice. This Challenge will be supported by Sage Bionetworks (*https://www.synapse.org/upforachallenge*) on behalf of the NCI.

ADDRESSES: To register for this Challenge, Challenge participants may access the registration on the Challenge Web site (*https://www.synapse.org/upforachallenge*). Access to this Web site may also be found by searching the *www.challenge.gov* site for ''Up For A Challenge.''

FOR FURTHER INFORMATION CONTACT: Elizabeth M. Gillanders, Ph.D., NCI, (240) 276–6764; Leah E. Mechanic, Ph.D., NCI, (240) 276–6847 or *NCIUpForAChallenge@mail.nih.gov.*

SUPPLEMENTARY INFORMATION:

Subject of Challenge Competition

In order to stimulate innovation, the National Cancer Institute's (NCI) Division of Cancer Control and Population Sciences (DCCPS) is launching a prize competition to inspire novel cross-disciplinary approaches to more fully decipher the genomic basis of breast cancer, called ''Up For A Challenge (U4C)—Stimulating Innovation in Breast Cancer Genetic Epidemiology'' (the ''Challenge'') using the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science (COMPETES) Reauthorization Act of 2010.

The goal of this Challenge is to use innovative approaches to identify novel pathways—including new genes or combinations of genes, genetic variants, or sets of genomic features—involved in breast cancer susceptibility in order to generate new biological hypotheses.

To that end, several data sets have been gathered and will be made available for use in the Challenge; some of these will be released for the first time. In addition, Challenge participants will be free to use any other publicly available data sets (subject to compliance with applicable terms and conditions) for the purposes of developing and applying methods for identification of the novel pathways.

Breast cancer is the most commonly occurring cancer, and the second most common cause of cancer deaths in women in the United States. An estimated 231,840 new cases of invasive breast cancer are expected to be diagnosed among women (2,350 in men) in the U.S. during 2015 with an estimated 40,730 deaths. Despite advances in breast cancer therapies, breast cancer remains a major public health burden. One approach to reduce overall occurrence and mortality from breast cancer is to develop ways of identifying women who are at increased risk for breast cancer.

Epidemiologic studies suggest that genetic factors play a key role in determining who is at increased risk of developing breast cancer, as well as what type of cancer they develop. To date, genome-wide association studies (GWAS) have helped researchers identify more than 90 common genetic variations. Although GWAS have greatly increased our understanding of the genetic components of breast cancer susceptibility, the results to date explain only a small proportion of the estimated genetic contribution to the risk of breast cancer. However, shifting the focus of analysis from individual genetic variants (also known as single nucleotide polymorphisms or SNPs) to pathways (*i.e.* combinations of genes, genetic variants, or sets of genomic features), could lead to the identification of novel gene sets involved in breast cancer risk.

This Challenge provides an opportunity to examine the heritable contribution to racial disparities, by facilitating access to GWAS data sets from African American, Asian, European, and Latino women. African American women are known to have a lower incidence of breast cancer, but survival is lower for African American than for non-Hispanic white women at every stage of diagnosis. Meanwhile, Asian women have the lowest rates of breast cancer incidence and mortality compared with non-Hispanic white, African American, and Hispanic/Latino women. Findings from this Challenge may provide insights into some of these observed differences.

As more fully described below, participants are invited to use innovative approaches to identify novel pathways—including new genes or combinations of genes, genetic variants, or sets of genomic features—involved in breast cancer susceptibility. Besides developing a better understanding of cancer risk assessment, the identification of breast cancer susceptibility genes holds promise for providing therapeutic targets for drug development.

Statutory Authority

The NCI is authorized and established by Title IV, Part C, Subpart 1 of the Public Health Service Act, 42 U.S.C. 285 to conduct and support research, training, health information dissemination, and other programs with respect to the cause, diagnosis, prevention, and treatment of cancer, rehabilitation from cancer, and the continuing care of cancer patients and the families of cancer patients. Through this Challenge, the NCI aims to advance innovation in the field of genetic epidemiology by making breast cancer genetic epidemiology data more widely available, increasing the number and diversity of researchers addressing a difficult scientific problem, and promoting broader collaborations. Ideally, this would result in insights into the genetic epidemiology of breast cancer.

Official Rules:

Eligibility Rules for Participating in the Challenge and Winning

1. To be eligible to win a prize under this Challenge, an individual or entity—

a. Shall have registered to participate in the Challenge under the rules

promulgated by the National Cancer Institute (as published in this notice);

b. Shall have complied with all the requirements under this section;

c. In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a team, shall be a citizen or permanent resident of the United States;

d. May not be a Federal entity;

e. May not be a Federal employee acting within the scope of his or her employment and further, in the case of HHS employees may not work on their Entries during assigned duty hours. **Note:** Federal ethical conduct rules may restrict or prohibit Federal employees from engaging in certain outside activities, so any Federal employee not excluded under the prior paragraph seeking to participate in this Challenge outside the scope of employment should consult his/her agency's ethics official prior to developing an Entry;

f. May not be an employee of the NIH, a judge of the Challenge, or any other party involved with the design, production, execution, or distribution of the Challenge or the immediate family member of such a party (*i.e.,* spouse, parent, step-parent, or step-child). Without limiting the generality of the foregoing, members of the Evaluation Panel which will score Entries and the NIH Judges, as well as their students are not eligible to participate in the Challenge.

2. Federal grantees may not use Federal funds to develop Challenge Entries unless consistent with the purpose of their grant award and specifically requested to do so due to the Challenge design, and as announced in the **Federal Register**.

3. Federal contractors may not use Federal funds from a contract to develop Challenge Entries or to fund efforts in support of a Challenge Entry.

4. An individual, Team, or entity that is currently on the Excluded Parties List (*https://www.epls.gov/*) will not be selected as a Finalist or prize winner.

5. Whether singly or as part of a team or entity, each individual participating in the Challenge must be 18 years of age or older.

6. An individual shall not be deemed ineligible to win because the individual used Federal facilities or consulted with Federal employees during the Challenge provided that such facilities and/or employees, as applicable, are made available on an equitable basis to all individuals and Teams participating in the Challenge.

7. Each individual (whether competing singly or in a team) or entity agrees to follow applicable local, State, and Federal laws and regulations.

8. Each individual (whether participating singly or in a team) and entity participating in this Challenge must comply with all terms and conditions of these rules, and participation in this Challenge constitutes each such participant's full and unconditional agreement to abide by these rules, which may also be found on the Challenge Web site (*https://www.synapse.org/upforachallenge*). Winning is contingent upon fulfilling all requirements herein.

All questions regarding the Challenge should be directed to Dr. Gillanders or Dr. Mechanic, identified above or by emailing *NCIUpForAChallenge@mail.nih.gov* and answers will be posted and updated as necessary at (*https://www.synapse.org/upforachallenge*) under Frequently Asked Questions.

Registration Process for Participants

To register for this Challenge, Challenge participants may access the registration on the Challenge Web site (*https://www.synapse.org/upforachallenge*). Access to this Web site may also be found by searching the *www.challenge.gov* site for ''Up For A Challenge.'' Individuals may participate in the Challenge as individuals or as Teams. Details about participating as a Team are provided below:

1. After registration, you may participate alone or on a Team with other Challenge participants. To work on a Team, you may either create a new Team or join a pre-existing Team.

2. There is no maximum Team size.

3. All Teams must designate a Team Captain. Each individual member of a Team must be a registered participant in the Challenge.

4. Individuals may participate on multiple Teams, and Challenge Teams may merge (requiring mutual agreement of Team Captains). Individuals are allowed to leave a Team to work alone or join another Team.

Data Access Process

Once registered for the Challenge, participants must apply for controlled access to the designated Challenge genetic datasets following instructions on the Challenge Web site. Challenge participants may use any of these dbGaP datasets or any other datasets available to anyone (either publically available or available through controlled access) such as data from the Cancer Genome Atlas (TCGA) (*http://cancergenome.nih.gov/*) or the ENCyclopedia Of DNA Elements (ENCODE) project (*http://www.genome.gov/encode/*).

Data will be requested through database of Genotypes and Phenotypes (dbGaP) application process. Details regarding the process for requesting data are provided on the Challenge Web site (*https://www.synapse.org/upforachallenge*). Data Access Requests will be reviewed by the appropriate NIH Data Access Committees (DAC) to ensure that the proposed project is consistent with any Data Use Limitations for the requested dataset(s). **Note:** That any scientific collaborators, including contractors, who are not at the same institution as the PI must submit their own DAR. Data cannot be shared with collaborators from other institutions until they have submitted an application (and explicitly named this collaborators) to use the dataset(s) from their institution(s) and have received approval. If Approved Users are provided access to NIH genomic datasets for inter-institutional collaborative research described in the research use statement of the DAR, and all members of the collaboration are also Approved Users through their home institution(s), data obtained through this DAR may be securely transmitted within the collaborative group.

Challenge participants who obtain data from dbGaP should note that they are agreeing to the NIH Genomic Data User Code of Conduct (*http://gds.nih.gov/pdf/Genomic_Data_User_Code_of_Conduct.pdf*) and they are agreeing to the terms of specific Data Use Certificates for each individual dataset requested (The model Data Use Certificate can be found here—*http://gds.nih.gov/pdf/Model_DUC.pdf*). Note that individual datasets may have additional limitations in regards to use of the data. As the GWAS datasets obtained from dbGaP are considered controlled access data, individuals approved to use these data must abide by dbGaP security best practices in regards to the data (*http://www.ncbi.nlm.nih.gov/projects/gap/pdf/dbgap_2b_security_procedures.pdf*). If submitting a request to dbGaP for use of data for the Challenge, participants should be aware that the data requested should be used solely for the research purpose described in the Data Access Request, *i.e.,* solely for the Challenge. New uses of these data outside this Challenge will require submission of a new Data Access Request.

Challenge Entries

As used in this notice, ''Entry'' is the information submitted in the manner and format specified on the Up For A Challenge (U4C) Web site (*https://www.synapse.org/upforachallenge*). All Entries must be received by the

applicable deadline. Entries submitted after a posted Challenge deadline will not be considered.

Entries may be submitted on behalf of a Team by any of its participants. It is up to each Team to organize its Entry(ies) and to follow the Challenge submission requirements. On submission of an Entry, Challenge participants must include the Team name under which they are submitting.

All final Entries must be submitted through the Challenge Web site on Synapse, following Web site instructions and should provide necessary and sufficient detail and annotation for reproduction of the submitted results. Information accompanying each Entry should include:

1. Title of project
2. Name of Team
3. Names and field of expertise of Team members
4. List of new pair-wise collaborations on Team (defined as individuals not having published together in the past 5 years)
5. Information about how Team learned about the Challenge
6. Identification of datasets used (1 page)
7. A description of methods used to generate the findings (4 pages maximum)
8. Narrative which addresses the evaluation criteria (identification of novel findings, replication of findings, innovation of approach, evidence of novel biological hypothesis(es), and collaboration) (6 pages maximum)
9. The corresponding source code so that the Challenge organizers can re-run and manually review and verify that the code affiliated with the top scoring Entries yield the submitted results.

Only complete Entries, which follow application instructions, will be reviewed and eligible to win. Top performing Entries will be reviewed thoroughly. The NCI reserves the right to disqualify any Challenge participants in instances where cheating or other misconduct is identified. Details regarding the dispute resolution process are provided on the Challenge Web site (*https://www.synapse.org/upforachallenge*).

Warranties

By submitting an Entry to the Challenge, Challenge participants represent and warrant that all information provided in their Entries and as a result of the Challenge registration process is true and complete, that Challenge participants have the right and authority to submit such Entry on their own behalf or on behalf of the persons and entities specified within the Entry, and that the Entry:

1. Is the Challenge participant's or Team's (as applicable) own original work, or is used by permission with full and proper credit given within the Entry;
2. Does not contain confidential information or trade secrets (the Team's or anyone else's);
3. Does not violate or infringe upon the patent rights, industrial design rights, copyrights, trademarks, rights of privacy, publicity or other intellectual property or other rights of any person or entity;
4. Does not contain malicious code, such as viruses, timebombs, cancelbots, worms, trojan horses or other potentially harmful programs or other material or information;
5. Does not and will not violate any applicable law, statute, ordinance, rule or regulation; and
6. Does not trigger any reporting or royalty obligation to any third party.

Amount of the Prize

The grand prize Entry will be awarded up to $30,000. The second place Entry will be awarded a runner-up prize of up to $20,000. Prizes will be awarded by Sage Bionetworks. The top 5 Entries (grand prize, second place, and the next three runner-ups) as well as the People's Choice Award winner will be highlighted on the Challenge and DCCPS EGRP Web sites pending selection by the NCI Director. The top 5 Entries (grand prize, second place, and the next three runner-ups) as well as the People's Choice Award winner will be invited to prepare a manuscript for publication describing their approach and results with a goal of a special journal issue highlighting the Challenge. All Challenge participants will be acknowledged in the special issue of the journal, pending acceptance.

The NIH reserves the right to cancel, suspend, and/or modify this Challenge at any time through amendment to this **Federal Register** notice. In addition, in the event the Challenge is modified, Challenge participants registered in the Challenge will be notified by email and provided with a copy of the amended Challenge rules and a listing of the changes that were made. Any participant who continues to participate in the Challenge following receipt of such a notice of amendment, will be deemed to have accepted any such amendment. If a participant does not wish to continue to participate in the Challenge pursuant to the Official Rules, as amended, such participant may terminate his/her/participation in the Challenge by not submitting additional Entries. The NIH reserves the right to not award any prizes if no Entries are deemed worthy.

Basis Upon Which Winner Will Be Selected

Entries will be scored by the Challenge Evaluation Panel using the criteria listed below. After the Challenge Evaluation Panel provides final scores, the highest scoring applications will be evaluated for reproducibility by Sage Bionetworks' data scientists. In order to qualify for a Challenge prize, it must be possible for Sage Bionetworks' data scientists to reproduce Entry results within 1 month. The NCI Judges will review scores and reproduction by Sage and make recommendations to the NCI Director. The NCI Director will make the final selection of Entries for award.

Scoring Criteria (100 Points)

1. *Identification of Novel Findings* (25 points)—Using breast cancer GWAS data sets available in dbGaP and/or any other publicly available data sets, Challenge participants must identify new genes or combinations of genes, genetic variants, or sets of genomic features associated with breast cancer susceptibility.

a. The *National Human Genome Research Institute's (NHGRI) Catalog of Published Genome Wide Association Studies* (*http://www.genome.gov/gwastudies/*) or variants/loci identified in the following publications can be used to evaluate possible novel findings:

i. Mavaddat et al., 2010, *http://www.ncbi.nlm.nih.gov/pubmed/?term=20542480;*

ii. Ghoussani et al., 2013, *http://www.ncbi.nlm.nih.gov/pubmed/?term=23973388;*

iii. Fachal and Dunning, 2015, *http://www.ncbi.nlm.nih.gov/pubmed/?term=25727315*)

b. The scale for novelty for the Challenge Evaluation panel to use *as a guide* is provided:

i. New variants in well-established high or moderate penetrance genes (*e.g.,* BRCA1/BRCA2; ATM; PALB2) (low).

ii. New variants in GWAS-identified genes or loci (med).

iii. New combinations of variants which were previously identified (*i.e.,* the combination or combined effect is new, but the variants were previously identified) (medium).

iv. New genes or loci (high).

v. New combinations of variants from genes or loci not identified previously

(*i.e.,* the combination and some of the variants are new) (high).

2. *Replication of Findings* (25 points)—Evidence of the validity of the proposed novel finding will be evaluated through replication.

a. There are several different ways replication can be accomplished. These may include using data sets as testing and training data (or discovery in one data set and replication in another data set) or dividing the data into several portions and performing some type of cross-validation. The Challenge Evaluation panel will also be open to other innovative approaches for replication.

i. The Challenge participant will need to select criteria for replication and provide a justification for the selected criteria. Using the criteria selected by the Challenge participant, the Challenge participant must demonstrate replication of findings.

b. Note: Challenge participants should provide their criteria for replication in the narrative portion of their Challenge Entry.

c. The adequacy of criteria selected by the Challenge participant and evidence for replication will be scored by the Challenge Evaluation Panel.

3. *Innovation of Approach* (25 points)—Innovation and creativity of the submitted approach will be evaluated. Innovation will be defined as a new or significantly improved method. The submitted narrative must describe what is innovative about the approach, what this approach is building on, and why the approach is necessary or how it improves upon existing approaches. Some criteria for innovation include the following:

a. Does the Entry seek to shift current paradigms by utilizing novel theoretical concepts, approaches, or methodologies?

b. Are the concepts, approaches, or methods in the Entry novel to this field of research or novel in a broader sense?

c. Does the Entry represent a refinement, improvement, or new application of theoretical concepts, approaches, or methodologies?

4. *Evidence of Novel Biological Hypothesis(es)* (10 points)—

a. Evaluation of this aspect of Challenge Entries will be based on whether findings (*i.e.,* new genes or combinations of genes, genetic variants, or sets of genomic features) lead to novel biological hypotheses. A description of these hypotheses should be provided in the final project Entry.

b. Novel biological hypotheses should be testable, either using computational or laboratory approaches. Evaluation will be based on the narrative description of the design of testable experiments, which could examine the novel biological hypothesis identified through these new genes or combinations of genes, genetic variants, or sets of genomic features associated with breast cancer. The format should mirror an outline of grant-specific aims.

Note: The ''Evidence of Novel Biological Hypothesis(es)'' criteria (4) is distinct from the ''Identification of Novel Findings'' criteria (1). The ''Evidence of Novel Biological Hypothesis(es)'' criteria (4) is based on the narrative description of hypotheses generated from the findings and proposed follow up experiments. In contrast, the ''Identification of Novel Findings'' criteria (1) are the identification of new genes or combinations of genes, genetic variants, or sets of genomic features associated with breast cancer susceptibility.

5. *Collaboration (15 points)*—Points will be awarded based on (a) the number of different fields represented on the Team; (b) the number of new collaborations represented on the Team (defined as individuals not having published together in the past 5 years); and (c) the number of individuals invited to participate in the Challenge by Team members resulting in Entries to the Challenge.

People's Choice Award

In addition to the main prize, a People's Choice Award for the most interesting strategy may be given to the Entry that receives the most votes from the Challenge participants on the Challenge Web site. Details of how voting will take place will be posted on the Challenge Web site.

Additional Information

Intellectual Property

By submitting an Entry, each Challenge participant warrants that he or she is the sole author and owner of any copyrightable works that the Entry comprises, that the works are wholly original with the Challenge participant (or is an improved version of an existing work that the Challenge participant has sufficient rights to use and improve), and that the Entry does not infringe any copyright or any other rights of any third party of which Challenge participant is aware.

To receive an award, Challenge participants will not be required to transfer their exclusive intellectual property rights to the NIH. Each individual (whether competing singly or on a team) or entity retains title and full ownership in and to their Entry and expressly reserves all intellectual property rights (*e.g.,* copyright) in their Entry. However, by participating in the Challenge each individual (whether competing singly or in a team) grants to the NCI and others acting on behalf of the NCI, a royalty-free non-exclusive worldwide license to use, copy for use, and display publicly all parts of the Entry for the purposes of the Challenge. This license may include posting or linking to the Entry on the official NCI Challenge Web site and making it available for research use by the public.

When submitting source code as part of the Entry package, participants should provide it to the NCI under an open-source license of their choice. The license must permit the NCI contractor, Sage Bionetworks, to distribute the code to the public for non-commercial research and development use via the Synapse challenge platform. Participants may keep copyright to their code Entries. If participants do not provide information on licensing, participant's Entry shall be under the FreeBSD license.

Challenge participants are free to discuss their Entry and the ideas or technologies that it contains with other parties and are free to contract with any third parties as long as they do not sign any agreement or undertake any obligation that conflicts with any agreement that they have entered into (*i.e.,* with Team members) or do enter into regarding their Entry for the Challenge. For the purpose of clarity, Challenge participants acknowledge that the intent of the Challenge is to encourage people to collaborate and share ideas and innovations.

By submitting an Entry, Challenge participants grant the NCI and the contractor Sage Bionetworks the limited rights set forth in these Official Rules. By submitting an Entry, each participant (whether competing singly or on a team) grants to the NCI and Sage Bionetworks the right to review their Entry and to have the NCI and their designees review the Entry.

Liability and Indemnification

By participating in this Challenge, each Challenge participant (whether competing singly or on a Team) agrees to assume any and all risks and waive claims against the Federal government and its related entities, including Sage Bionetworks, the Challenge Evaluation Panel and the NCI Judges, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in this Challenge, whether the injury, death, damage, or loss arises through negligence or otherwise. By participating in this Challenge, each Challenge participant (whether competing singly or on a team)

agrees to indemnify the Federal government and the contractor Sage Bionetworks, against third party claims for damages arising from or related to Challenge activities.

Insurance

Based on the subject matter of the Challenge, the type of work that it will possibly require, as well as an analysis of the likelihood of any claims for death, bodily injury, or property damage, or loss potentially resulting from competition participation, Challenge participants are not required to obtain liability insurance or demonstrate financial responsibility in order to participate in this Challenge.

Challenge Judges

Huann-Sheng Chen; Mathematical Statistician; Statistical Methodology and Applications Branch (SMAB); Surveillance Research Program (SRP); DCCPS; NCI

Eric J. Feuer; Ph.D.; Chief, SMAB; SRP; DCCPS; NCI

Leah Mechanic; Ph.D.; Program Director; Genomic Epidemiology Branch (GEB); Epidemiology and Genomics Research Program (EGRP); DCCPS; NCI

Elizabeth Gillanders; Ph.D.; Chief; GEB; EGRP; DCCPS; NCI

Carolyn M. Hutter, Ph.D.; Program Director; Division of Genomic Medicine; National Human Genome Research Institute

Margaret A. Tucker, M.D., Director, Human Genetics Program and Acting Chief, Laboratory of Translational Genomics; Division of Cancer Epidemiology and Genetics; NCI

Dated: May 19, 2015.

Douglas R. Lowy,

Acting Director, National Cancer Institute.

[FR Doc. 2015–13816 Filed 6–4–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Clinical Trial Review.

Date: June 24, 2015.

Time: 4:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Christine A. Livingston, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6001 Executive Blvd.—Room 8343, Bethesda, MD 20892, (301) 496–8683, *livingsc@mail.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Clinical Trials Review.

Date: July 23, 2015.

Time: 5:00 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Christine A. Livingston, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6001 Executive Blvd.—Room 8343, Bethesda, MD 20892, (301) 496–8683, *livingsc@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: June 1, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–13687 Filed 6–4–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Skin and Autoimmune Diseases.

Date: June 29–30, 2015.

Time: 9:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rajiv Kumar, Ph.D., Chief, MOSS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7802, Bethesda, MD 20892, 301–435–1212, *kumarra@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–14: Science of Behavior Change.

Date: June 29, 2015.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Dana Jeffrey Plude, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, 301–435–2309, *pluded@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 13–109: Mechanistic Insights from Birth Cohorts.

Date: June 30, 2015.

Time: 12:30 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ellen K. Schwartz, EDD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3144, Bethesda, MD 20892, 301–828–6146, *schwarel@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Dermatology, Rheumatology and Inflammation.

Date: July 1, 2015.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–451–0996, *ybi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: July 7, 2015.

Time: 8:00 a.m. to 8:30 a.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.
Contact Person: Hilary D. Sigmon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, (301) 594–6377, *sigmonh@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Clinical Studies and Epidemiology Study Section.
Date: July 7–8, 2015.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.
Contact Person: Hilary D. Sigmon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 357–9236, *sigmonh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cancer Diagnostics and Treatments.
Date: July 7–8, 2015.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Zhang-Zhi Hu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, (301) 594–2414, *huzhuang@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Digestive Sciences.
Date: July 8, 2015.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.
Contact Person: Martha Garcia, Ph.D., Scientific Reviewer Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, MSC 7818, Bethesda, MD 20892, 301–435–1243, *garciamc@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Basic and Integrative Bioengineering.
Date: July 8, 2015.
Time: 10:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: David R. Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mentored Career Development in Biomedical Big Data.
Date: July 8, 2015.
Time: 11:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Ronald Adkins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892, 301–435–4511, *ronald.adkins@nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; Behavioral and Social Science Approaches to Preventing HIV/AIDS Study Section.
Date: July 9–10, 2015.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Georgetown Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.
Contact Person: Jose H. Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 1, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–13688 Filed 6–4–15; 08:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0009]

Agency Information Collection Activities: Customs Declaration

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Customs Declaration (CBP Form 6059B). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before July 6, 2015 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (80 FR 16416) on March 27, 2015, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a

matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Customs Declaration.

OMB Number: 1651–0009.

Form Number: CBP Form 6059B.

Abstract: CBP Form 6059B, Customs Declaration, is used as a standard report of the identity and residence of each person arriving in the United States. This form is also used to declare imported articles to U.S. Customs and Border Protection (CBP) in accordance with 19 CFR 122.27, 148.12, 148.13, 148.110, 148.111; 31 CFR 5316 and section 498 of the Tariff Act of 1930, as amended (19 U.S.C. 1498).

Section 148.13 of the CBP regulations prescribes the use of the CBP Form 6059B when a written declaration is required of a traveler entering the United States. Generally, written declarations are required from travelers arriving by air or sea. Section 148.12 requires verbal declarations from travelers entering the United States. Generally, verbal declarations are required from travelers arriving by land.

A sample of CBP Form 6059B can be found at: *http://www.cbp.gov/travel/us-citizens/sample-declaration-form.*

Current Actions: This submission is being made to extend the expiration date of this information collection with no change to the burden hours or to CBP Form 6059B.

Type of Review: Extension (without change).

Affected Public: Individuals.

CBP Form 6059B:

Estimated Number of Respondents: 104,506,000.

Estimated Number of Total Annual Responses: 104,506,000.

Estimated Time per Response: 4 minutes.

Estimated Total Annual Burden Hours: 7,001,902.

Verbal Declarations:

Estimated Number of Respondents: 233,000,000.

Estimated Number of Total Annual Responses: 233,000,000.

Estimated Time per Response: 10 seconds.

Estimated Total Annual Burden Hours: 669,000.

Dated: May 27, 2015.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2015–13713 Filed 6–4–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Suspension of Altol Chemical and Environmental Laboratory as a Customs-Accredited Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice of suspension of Altol Chemical and Environmental Laboratory as a Customs-accredited laboratory.

SUMMARY: Altol Chemical and Environmental Laboratory has been suspended, pursuant to CBP regulations, from testing petroleum and petroleum products for customs purposes.

DATES: *Effective Dates:* Suspension effective June 5, 2015. Suspension will lift no earlier than September 3, 2015 and only after CBP auditors verify satisfactory compliance.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Pursuant to 19 CFR 151.12, Altol Chemical and Environmental Laboratory, Sabanetas Industrial Park Building M–1380, Ponce, PR 00715, has been suspended from testing petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12, specifically pursuant to 19 CFR 151.12(k)(1)(ii)(D) for violation of 19 CFR 151.12(c)(5), for failure to maintain the obligations as a CBP Accredited Laboratory. The laboratory must undergo another CBP audit at the end of the suspension to ensure that all corrective actions have been addressed to CBP's satisfaction. The facility is directed to cease performing any Customs-accredited functions during this time period. CBP reserves the right to inspect any aspect of Altol Chemical and Environmental Laboratory's regulatory obligations and operations during the suspension period.

Anyone wishing to employ this entity to conduct laboratory analyses for customs purposes after the 90 day suspension period should request and receive written assurances from the entity that it is accredited by the U.S. Customs and Border Protection to conduct the specific test requested. Alternatively, inquiries regarding the entity's CBP status or the specific test this entity is accredited to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories

Dated: June 1, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–13753 Filed 6–4–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5828–N–23]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to: Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 5B–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–2265 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: GSA: Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501–0084; COE: Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street NW., Washington, DC 20314; (202) 761–5542 NAVY: Mr. Steve Matteo, Department of the Navy, Asset Management; Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426 (These are not toll-free numbers).

Dated: May 28, 2015.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM

Federal Register Report for 06/05/2015

Suitable/Available Properties

Building

Minnesota

Erving L. Peterson Memorial
USARC
1813 Industrial Blvd.
Fergus Falls MN 56537
Landholding Agency: GSA
Property Number: 54201520012
Status: Excess
GSA Number: 1–D–MN–0599–AA
Directions: Disposal Agency: GSA; Landholding Agency: US Army Reserve Command
Comments: The property consist of a 6 acre parcel of land w/an 18,537 sf admin. bldg. and 1,548 sf maintenance bldg.; contact GSA for more information

Suitable/Available Properties

Land

New York

QTP Radio Comm. Link
Repeater Facility
N. of Tennanah Rd.
Fremont NY 12736
Landholding Agency: GSA
Property Number: 54201510006
Status: Excess
GSA Number: 1–U–NY–0988–AA
Directions: Disposal Agency: GSA; Landholding Agency: FAA
Comments: Approx. 4.99 acres; deeded access road to property; adjacent property has metal gate; ongoing discussions w/owner to remove gate; contact GSA for more information

Former ELM Directional Finder
N. of Halderman Hollow Rd.
Big Flats NY 14903
Landholding Agency: GSA
Property Number: 54201520004
Status: Excess
GSA Number: 1–U–NY–0990–AA
Directions: Disposal Agency: GSA; Land Holding Agency: Federal Aviation Admin.
Comments: Reversed Suitability Determination: Approx. 0.57 acres; deeded right of way for access to site; contact GSA for more information

Unsuitable Properties

Building

California

2 Buildings
1 Administration Circle
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77201520013
Status: Excess
Directions: 01298; 01298SUB
Comments: public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

6 Buildings
311 Main Street
Pt. Mugu CA 93043
Landholding Agency: Navy
Property Number: 77201520014
Status: Unutilized
Directions:
PM557; PM566; PM568; PM569; PM570; PM571
Comments: public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

West Virginia

BSAELT–23108, Storage Building
638 Overlook Trail Rd.
East Lynn WV 25512
Landholding Agency: COE
Property Number: 31201520006
Status: Unutilized
Comments: pubic access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

Unsuitable Properties

Land

Hawaii

Land Only; 12,555 Sq. Ft.
Joint Base Pearl Harbor
Hickam HI
Landholding Agency: Navy
Property Number: 77201520012
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

Mississippi
Excess Land; 22.9 Acres
Btw. 7th & 9th Streets
Goodier Ave. & Upper Nixon Ave.
Gulfport MS
Landholding Agency: Navy
Property Number: 77201520017
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area
[FR Doc. 2015–13392 Filed 6–4–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GX15EE000101100]

Call for Nominations to the National Geospatial Advisory Committee

AGENCY: U.S. Geological Survey, Interior.

ACTION: Call for nominations.

SUMMARY: The Department of the Interior is seeking nominations to serve on the National Geospatial Advisory Committee (NGAC). The NGAC is a Federal Advisory Committee established under the authority of the Federal Advisory Committee Act (FACA). The Committee provides advice and recommendations to the Secretary of the Interior through the Federal Geographic Data Committee related to management of Federal geospatial programs, development of the National Spatial Data Infrastructure, and the implementation of Office of Management and Budget Circular A–16 and Executive Order 12906. The Committee reviews and comments on geospatial policy and management issues and provides a forum for views of non-Federal stakeholders in the geospatial community.

DATES: Nominations to participate on this Committee must be received by July 17, 2015.

ADDRESSES: Send nominations electronically to *ngacnominations@fgdc.gov,* or by mail to John Mahoney, U.S. Geological Survey, U.S. Department of the Interior, 909 First Avenue, Suite 800, Seattle, WA 98104. Nominations may come from employers, associations, professional organizations, or other geospatial organizations. Nominations should include a resume providing an adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the Committee and permit the Department of the Interior to contact a potential member. Nominees are strongly encouraged to include supporting letters from employers, associations, professional organizations, and/or other organizations that indicate support by a meaningful constituency for the nominee.

FOR FURTHER INFORMATION CONTACT: John Mahoney, USGS (206–220–4621). Additional information about the NGAC and the nomination process is posted on the NGAC Web page at *www.fgdc.gov/ngac.*

SUPPLEMENTARY INFORMATION: The Committee conducts its operations in accordance with the provisions of FACA. It reports to the Secretary of the Interior through the Federal Geographic Data Committee (FGDC) and functions solely as an advisory body. The Committee provides recommendations and advice to the Department and the FGDC on policy and management issues related to the effective operation of Federal geospatial programs.

The NGAC includes up to 30 members, selected to generally achieve a balanced representation of the viewpoints of the various stakeholders involved in national geospatial activities. NGAC members are appointed for staggered terms, and nominations received through this call for nominations may be used to fill vacancies on the Committee that will become available in 2015 and 2016. Nominations will be reviewed by the FGDC and additional information may be requested from nominees. Final selection and appointment of Committee members will be made by the Secretary of the Interior. Individuals who are Federally registered lobbyists are ineligible to serve on all FACA and non-FACA boards, committees, or councils in an individual capacity. The term ''individual capacity'' refers to individuals who are appointed to exercise their own individual best judgment on behalf of the government, such as when they are designated Special Government Employees, rather than being appointed to represent a particular interest.

The Committee meets approximately 3–4 times per year. Committee members will serve without compensation, but travel and per diem costs will be provided by USGS. The USGS will also provide necessary support services to the Committee. Committee meetings are open to the public. Notice of committee meetings are published in the **Federal Register** at least 15 days before the date of the meeting. The public will have an opportunity to provide input at these meetings.

Kenneth Shaffer,
Deputy Executive Director, Federal Geographic Data Committee.

[FR Doc. 2015–13758 Filed 6–4–15; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

Renewals of Information Collections and Request for New Collection Under the Paperwork Reduction Act

AGENCY: National Indian Gaming Commission, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Indian Gaming Commission (NIGC or Commission) is seeking comments on the renewal of information collections for the following activities: (i) Indian gaming management contract-related submissions, as authorized by Office of Management and Budget (OMB) Control Number 3141–0004 (expires on October 31, 2015); (ii) Indian gaming fee payments-related submissions, as authorized by OMB Control Number 3141–0007 (expires on November 30, 2015); (iii) minimum internal control standards for class II gaming submission and recordkeeping requirements, as authorized by OMB Control Number 3141–0009 (expires on October 31, 2015); (iv) facility license-related submission and recordkeeping requirements, as authorized by OMB Control Number 3141–0012 (expires on October 31, 2015); and (v) minimum technical standards for class II gaming systems and equipment submission and recordkeeping requirements, as authorized by OMB Control Number 3141–0014 (expires on November 30, 2015).

In addition, the Commission will be requesting an OMB control number for a new information collection, *i.e.,* voluntary stakeholder surveys to be conducted by the NIGC. The Commission is seeking generic clearance to be able to gather tribal stakeholder feedback on services, trainings, and/or technical assistance that it provides to gaming tribes; with the feedback to be used in planning for service/training/technical assistance modification and prioritization.

The gathering of this information is in keeping with the purposes of the Indian Gaming Regulatory Act, which include: Providing a statutory basis for the

operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments; ensuring that the Indian tribe is the primary beneficiary of the gaming operation; and declaring that the establishment of independent federal regulatory authority for gaming on Indian lands, the establishment of federal standards for gaming on Indian lands, and the establishment of the Commission are necessary to meet congressional concerns regarding gaming and to protect such gaming as a means of generating tribal revenue. 25 U.S.C. 2702.

DATES: Submit comments on or before August 4, 2015.

ADDRESSES: Comments can be mailed, faxed, or emailed to the attention of: Armando J. Acosta, National Indian Gaming Commission, c/o Department of the Interior, 1849 C Street NW., Mail Stop #1621, Washington, DC 20240. Comments may be faxed to (202) 632–7066 and may be sent electronically to *info@nigc.gov*, subject: PRA renewals.

FOR FURTHER INFORMATION CONTACT: Armando J. Acosta at (202) 632–7003; fax (202) 632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Request for Comments

You are invited to comment on these collections concerning: (i) Whether the collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (ii) the accuracy of the agency's estimates of the burdens (including the hours and cost) of the proposed collections of information, including the validity of the methodologies and assumptions used; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; (iv) ways to minimize the burdens of the information collections on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or forms of information technology. Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB control number.

It is the Commission's policy to make all comments available to the public for review at its headquarters, located at 90 K Street NE., Suite 200, Washington, DC 20002. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask in your comment that the Commission withhold your personal identifying information from public review, the Commission cannot guarantee that it will be able to do so.

II. Data

Title: Management Contract Provisions.

OMB Control Number: 3141–0004.

Brief Description of Collection: The Indian Gaming Regulatory Act (IGRA or the Act), Public Law 100–497, 25 U.S.C. 2701, *et seq.,* established the National Indian Gaming Commission (NIGC or Commission) and laid out a comprehensive framework for the regulation of gaming on Indian lands. Amongst other actions necessary to carry out the Commission's statutory duties, the Act requires the NIGC Chairman to review and approve all management contracts for the operation and management of class II and/or class III gaming activities, and to conduct background investigations of persons with direct or indirect financial interests in, and management responsibility for, management contracts. 25 U.S.C. 2710, 2711. The Commission is authorized to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated parts 533, 535, and 537 of title 25, Code of Federal Regulations, to implement these statutory requirements.

Section 533.2 requires a tribe or management contractor to submit a management contract for review within 60 days of execution, and to submit all of the items specified in § 533.3. Section 535.1 requires a tribe to submit an amendment to a management contract within 30 days of execution, and to submit all of the items specified in § 535.1(c). Section 535.2 requires a tribe or a management contractor, upon execution, to submit the assignment by a management contractor of its rights under a previously approved management contract. Section 537.1 requires a management contractor to submit all of the items specified in § 537.1(b) (c) in order for the Commission to conduct background investigations on: Each person with management responsibility for a management contract; each person who is a director of a corporation that is a party to a management contract; the ten persons who have the greatest direct or indirect financial interest in a management contract; any entity with a financial interest in a management contract; and any other person with a direct or indirect financial interest in a management contract, as otherwise designated by the Commission. This collection is mandatory, and the benefit to the respondents is the approval of Indian gaming management contracts, and any amendments thereto.

Respondents: Tribal governing bodies and management contractors.

Estimated Annual Responses: 183 (submissions of contracts, contract amendments, contract assignments, and background investigation material).

Estimated Time per Response: Depending on the type of submission, the range of time can vary from 10.0 burden hours to 50.0 burden hours for one item.

Frequency of Response: Usually no more than once per year.

Estimated Total Annual Burden Hours on Respondents: 3,840.

Estimated Total Non-hour Cost Burden: $0.

Title: Fees.

OMB Control Number: 3141–0007.

Brief Description of Collection: The Indian Gaming Regulatory Act (IGRA or the Act), 25 U.S.C. 2701, *et seq.,* laid out a comprehensive framework for the regulation of gaming on Indian lands. Amongst other actions necessary to carry out the Commission's statutory duties, the Act requires Indian tribes that conduct a class II and/or class III gaming activity to pay annual fees to the Commission on the basis of the assessable gross revenues of each gaming operation using rates established by the Commission. 25 U.S.C. 2717. The Commission is authorized to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated part 514 of title 25, Code of Federal Regulations, to implement these statutory requirements.

Section 514.6 requires a tribe to submit, along with its fee payments, quarterly fee statements (worksheets) showing its assessable gross revenues for the previous fiscal year in order to support the computation of fees paid by each gaming operation. Section 514.7 requires a tribe to submit a notice within 30 days after a gaming operation changes its fiscal year. Section 514.15 allows a tribe to submit fingerprint cards to the Commission for processing by the Federal Bureau of Investigation (FBI), along with a fee to cover the NIGC's and FBI's cost to process the fingerprint cards on behalf of the tribes. Part of this collection is mandatory and the other part is voluntary. The required submission of the fee worksheets allows the Commission to both set and adjust

fee rates, and to support the computation of fees paid by each gaming operation. In addition, the voluntary submission of fingerprint cards allows a tribe to conduct statutorily mandated background investigations on applicants for key employee and primary management official positions.

Respondents: Indian gaming operations.

Estimated Number of Respondents: 422.

Estimated Annual Responses: 66,200.

Estimated Time per Response: Depending on the type of submission, the range of time can vary from 0.3 burden hours to 2.0 burden hours for one item.

Frequency of Response: Quarterly (for fee worksheets); varies (for fingerprint cards and fiscal year change notices).

Estimated Total Annual Burden on Respondents: 22,730.

Estimated Total Non-hour Cost Burden: $0.

Title: Minimum Internal Control Standards for Class II Gaming.

OMB Control Number: 3141–0009.

Brief Description of Collection: The Indian Gaming Regulatory Act (IGRA or the Act), 25 U.S.C. 2701, *et seq.,* laid out a comprehensive framework for the regulation of gaming on Indian lands. Amongst other actions necessary to carry out the Commission's statutory duties, the Act directs the Commission to monitor class II gaming conducted on Indian lands on a continuing basis in order to adequately shield Indian gaming from organized crime and other corrupting influences, to ensure that the Indian tribe is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by both the operator and players. 25 U.S.C. 2702(2), 2706(b)(1). The Commission is also authorized to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated part 543 of title 25, Code of Federal Regulations, to aid it in monitoring class II gaming on a continuing basis.

Section 543.3 requires a tribal gaming regulatory authority (TGRA) to submit to the Commission a notice requesting an extension to the deadline (by an additional six months) to achieve compliance with the requirements of the new tier after a gaming operation has moved from one tier to another. Section 543.5 requires a TGRA to submit a detailed report after the TGRA has approved an alternate standard to any of the NIGC's minimum internal control standards, and the report must contain all of the items specified in § 543.5(a)(2). Section 543.23(c) requires a tribe to maintain internal audit reports and to make such reports available to the Commission upon request. Section 543.23(d) requires a tribe to submit two copies of the agreed-upon procedures (AUP) report within 120 days of the gaming operation's fiscal year end. This collection is mandatory and allows the NIGC to confirm tribal compliance with the minimum internal control standards in the AUP reports.

Respondents: Tribal governing bodies.

Estimated Number of Respondents: 368.

Estimated Time per Response: Depending on the tier level of the gaming facility, the range of time can vary from 95.0 burden hours to 115.0 burden hours for one AUP audit report.

Frequency of Response: Annually.

Estimated Total Annual Hourly Burden to Respondents: 40,538.

Estimated Total Non-hour Cost Burden: $0.

Title: Facility License Notifications and Submissions.

OMB Control Number: 3141–0012.

Brief Description of Collection: The Indian Gaming Regulatory Act (IGRA or the Act), 25 U.S.C. 2701, *et seq.,* laid out a comprehensive framework for the regulation of gaming on Indian lands. Amongst other actions necessary to carry out the Commission's statutory duties, the Act requires Indian tribes that conduct class II and/or class III gaming to issue ''a separate license . . . for each place, facility, or location on Indian lands at which class II [and class III] gaming is conducted,'' 25 U.S.C. 2710(b)(1), (d)(1), and to ensure that ''the construction and maintenance of the gaming facilities, and the operation of that gaming is conducted in a manner which adequately protects the environment and public health and safety.'' 25 U.S.C. 2710(b)(2)(E). The Commission is authorized to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated part 559 of title 25, Code of Federal Regulations, to implement these requirements.

Section 559.2 requires a tribe to submit a notice (that a facility license is under consideration for issuance) at least 120 days before opening any new facility on Indian lands where class II and/or class III gaming will occur, with the notice containing all of the items specified in § 559.2(b). Section 559.3 requires a tribe to submit a copy of each newly issued or renewed facility license within 30 days of issuance. Section 559.4 requires a tribe to submit an attestation certifying that by issuing the facility license, the tribe has determined that the construction, maintenance, and operation of that gaming facility is conducted in a manner that adequately protects the environment and the public health and safety. Section 559.5 requires a tribe to submit a notice within 30 days if a facility license is terminated or expires or if a gaming operation closes or reopens. Section 559.6 requires a tribe to maintain and provide applicable and available Indian lands or environmental and public health and safety documentation, if requested by the NIGC. This collection is mandatory and enables the Commission to perform its statutory duty by ensuring that tribal gaming facilities on Indian lands are properly licensed by the tribes.

Respondents: Indian tribal gaming operations.

Estimated Annual Responses: 143.

Estimated Time per Response: Depending on the type of submission, the range of time can vary from 1.0 burden hours to 10.0 burden hours for one item.

Frequency of Response: Varies.

Estimated Total Annual Hourly Burden to Respondents: 452.

Estimated Total Non-hour Cost Burden: $0.

Title: Minimum Technical Standards for Class II Gaming Systems and Equipment.

OMB Control Number: 3141–0014.

Brief Description of Collection: The Indian Gaming Regulatory Act (IGRA or the Act), 25 U.S.C. 2701, *et seq.,* laid out a comprehensive framework for the regulation of gaming on Indian lands. Amongst other actions necessary to carry out the Commission's statutory duties, the Act directs the Commission to monitor class II gaming conducted on Indian lands on a continuing basis in order to adequately shield Indian gaming from organized crime and other corrupting influences, to ensure that the Indian tribe is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by both the operator and players. 25 U.S.C. 2702(2), 2706(b)(1). The Act allows Indian tribes to use ''electronic, computer, or other technologic aids'' to conduct class II gaming activities. 25 U.S.C. 2703(7)(A). The Commission is authorized to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated part 547 of title 25, Code of Federal Regulations, to aid it in monitoring class II gaming facilities that

are using electronic, computer, or other technologic aids to conduct class II gaming.

Section 547.5(b)(2) requires a tribal gaming regulatory authority (TGRA) to submit a notice regarding a grandfathered class II gaming system's approval. Section 547.5(b)(5) requires a TGRA to maintain records of approved modifications that affect the play of a grandfathered class II gaming system, and must make the records available to the Commission upon request. Section 547.5(d)(3) requires a TGRA to maintain records of approved emergency hardware and software modifications to a class II gaming system (and a copy of the testing laboratory report) so long as the gaming system remains available to the public for play, and must make the records available to the Commission upon request. Section 547.5(f) requires a TGRA to maintain records of its following determinations: (i) Regarding a testing laboratory's (that is owned or operated or affiliated with a tribe) independence from the manufacturer and gaming operator for whom it is providing the testing, evaluating, and reporting functions; (ii) regarding a testing laboratory's suitability determination based upon standards no less stringent than those set out in 25 CFR 533.6(b)(1)(ii) through (v) and based upon no less information than that required by 25 CFR 537.1; and/or (iii) the TGRA's acceptance of a testing laboratory's suitability determination made by any other gaming regulatory authority in the United States. The TGRA must maintain said records for a minimum of three years and must make the records available to the Commission upon request. Section 547.17 requires a TGRA to submit a detailed report for each enumerated standard for which the TGRA approves an alternate standard, and the report must contain the items identified in § 547.17(a)(2). This collection is mandatory and allows the NIGC to confirm tribal compliance with NIGC regulations on ''electronic, computer, or other technologic aids'' to conduct class II gaming activities.

Respondents: Tribal governing bodies.

Estimated Number of Respondents: 32.

Estimated Annual Responses: 326.

Estimated Time per Response: Depending on the type of submission, the range of time can vary from 6.0 burden hours to 9.5 burden hours for one item.

Frequency of Response: Annually.

Estimated Total Annual Hourly Burden to Respondents: 3,076.

Estimated Total Non-hour Cost Burden: $ 0.

Title: Voluntary NIGC Stakeholder Satisfaction Surveys.

OMB Control Number: 3141–____.

Brief Description of Collection: The Indian Gaming Regulatory Act (IGRA or the Act), 25 U.S.C. 2701, *et seq.,* laid out a comprehensive framework for the regulation of gaming on Indian lands. Amongst other actions necessary to carry out the Commission's statutory duties, the Act directs the Commission to provide trainings and technical assistance to tribal gaming operations regulated by IGRA. 25 U.S.C. 2706(d)(2).

The Commission is requesting a new clearance to conduct voluntary stakeholder surveys in order to: (i) Determine the stakeholders' satisfaction with the level(s) of service, trainings, and/or technical assistance provided by the Commission; (ii) identify any perceived weaknesses in those services, trainings, and/or technical assistance; (iii) seek any other information on the service, training, and/or technical assistance received; (iv) seek suggestions on improving the product or its format; and (v) seek suggestions for other services, trainings, and/or technical assistance. This new collection will be voluntary and the information gleaned from these surveys will be used to help direct service, training, and/or technical assistance improvement efforts, and to assist the Commission in better identifying the needs of its stakeholders. The Commission will take precautions to ensure that the respondents are aware that they are not under any risk for not responding or for the content of their responses.

Respondents: Tribal governing bodies.

Average Expected Annual Number of Stakeholder Satisfaction Surveys: 2.

Respondents: 242.

Annual responses: 484.

Frequency of Response: Once per survey (average of 15 minutes per response).

Burden hours: 121.

Estimated Total Non-hour Cost Burden: $ 0.

Shannon O'Loughlin,

Chief of Staff.

[FR Doc. 2015–13707 Filed 6–4–15; 8:45 am]

BILLING CODE 7565–01–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–514 and 731–TA–1250 (Final)]

53-Foot Domestic Dry Containers From China; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that the establishment of an industry in the United States is not materially retarded by reason of imports of 53-foot domestic dry containers from China, provided for in subheading 8609.00.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and that have been found by Commerce to be subsidized by the Government of China.[2]

Background

The Commission, pursuant to sections 705(b) and 735(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)), instituted these investigations effective April 23, 2014, following receipt of a petition filed with the Commission and Commerce by Stoughton Trailers, LLC, Stoughton, Wisconsin. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of 53-foot domestic dry containers from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and dumped within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on December 11, 2014 (79 FR 73626). The hearing was held in Washington, DC, on April 16, 2015, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 705(b) and 735(b) of the Tariff Act of

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Kieff is recused from these investigations.

1930 (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on June 1, 2015. The views of the Commission are contained in USITC Publication 4537 (June 2015), entitled *53-Foot Domestic Dry Containers from China: Investigation Nos. 701–TA–514 and 731–TA–1250 (Final).*

By order of the Commission.

Dated: June 1, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–13750 Filed 6–4–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0335]

Agency Information Collection Activities; Proposed eCollection eComments Requested; National Motor Vehicle Title Information System (NMVTIS)

AGENCY: Bureau of Justice Assistance, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 4, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact C. Casto at 1–202–353–7193, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 7th Street NW., Washington, DC 20531 or by email at *Chris.Casto@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the National Motor Vehicle Title Information System (NMVTIS), 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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.

Overview of this information collection:

1. *Type of Information Collection:* Extension of currently approved collection.

2. *The Title of the Form/Collection:* National Motor Vehicle Title Information System (NMVTIS)

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. Bureau of Justice Assistance, Office of Justice Programs, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Auto recyclers, junk yards and salvage yards are required to report information into NMVTIS. The Anti-Car Theft Act, defines junk and salvage yards ''as individuals or entities engaged in the business of acquiring or owning junk or salvage automobiles for resale in their entirety or as spare parts or for rebuilding, restoration, or crushing.'' Included in this definition are scrap-vehicle shredders and scrap-metal processors, as well as ''pull- or pick-apart yards,'' salvage pools, salvage auctions, and other types of auctions, businesses, and individuals that handle salvage vehicles (including vehicles declared a ''total loss'').

Abstract: Reporting information on junk and salvage vehicles to the National Motor Vehicle Title Information System (NMVTIS)—supported by the U.S. Department of Justice (DOJ)—is required by federal law. Under federal law, junk and salvage yards must report certain information to NMVTIS on a monthly basis. This legal requirement has been in place since March 2009, following the promulgation of regulations (28 CFR part 25) to implement the junk- and salvage-yard reporting provisions of the Anti Car Theft Act (codified at 49 U.S.C. §§ 30501–30505). Accordingly, a junk or salvage yard within the United States must, on a monthly basis, provide an inventory to NMVTIS of the junk or salvage automobiles that it obtained (in whole or in part) in the prior month. 28 CFR § 25.56(a).

An NMVTIS Reporting Entity includes any individual or entity that meets the federal definition, found in the NMVTIS regulations at 28 CFR § 25.52, for a ''junk yard'' or ''salvage yard.'' According to those regulations, a junk yard is defined as ''an individual or entity engaged in the business of acquiring or owning junk automobiles for— (1) Resale in their entirety or as spare parts; or (2) Rebuilding, restoration, or crushing.'' The regulations define a salvage yard as ''an individual or entity engaged in the business of acquiring or owning salvage automobiles for— (1) Resale in their entirety or as spare parts; or (2) Rebuilding, restoration, or crushing.'' These definitions include vehicle remarketers and vehicle recyclers, including scrap vehicle shredders and scrap metal processors as well as ''pull- or pick-apart yards,'' salvage pools, salvage auctions, used automobile dealers, and other types of auctions handling salvage or junk vehicles (including vehicles declared by any insurance company to be a ''total loss'' regardless of any damage assessment). Businesses that operate on behalf of these entities or individual domestic or international salvage vehicle buyers, sometimes known as ''brokers'' may also meet these regulatory definitions of salvage and junk yards. It is important to note that industries not specifically listed in the junk yard or salvage yard definition may still meet one of the definitions and, therefore, be subject to the NMVTIS reporting requirements.

An individual or entity meeting the junk yard or salvage yard definition is subject to the NMVTIS reporting requirements if that individual or entity handles 5 or more junk or salvage motor vehicles per year and is engaged in the business of acquiring or owning a junk automobile or a salvage automobile for—''(1) Resale in their entirety or as spare parts; or (2) Rebuilding, restoration, or crushing.'' Reporting entities can determine whether a vehicle is junk or salvage by referring to the definitions provided in the NMVTIS regulations at 28 CFR § 25.52. An NMVTIS Reporting Entity is required to report specific information to NMVTIS within one month of receiving such a vehicle, and failure to report may result in assessment of a civil penalty of $1,000 per violation.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to*

respond: There are currently approximately 8,000 businesses that report on a regular basis into NMVTIS. The estimate for the average amount of time for each business to report varies: 30–60 minutes (estimated). The states and insurance companies already are capturing most of the data needed to be reported, and the reporting consists of electronic, batch uploaded information. So, for those automated companies the reporting time is negligible. For smaller junk and salvage yard operators who would enter the data manually, it is estimated that it will take respondents an average of 30–60 minutes per month to respond.

6. *An estimate of the total public burden (in hours) associated with the collection:* An estimate of the total public burden (in hours) associated with the collection is 48,000 to 96,000 hours.

Total Annual Reporting Burden:

8,000 × 30 minutes per month (12 times per year) = 48,000

8,000 × 60 minutes per month (12 times per year) = 96,000

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: June 2, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–13777 Filed 6–4–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1689]

Meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention

AGENCY: Coordinating Council on Juvenile Justice and Delinquency Prevention, DOJ.

ACTION: Notice of meeting.

SUMMARY: The Coordinating Council on Juvenile Justice and Delinquency Prevention announces its next meeting.

DATES: Monday, June 22, 2015, from 10:00 a.m. to 12:30 p.m. (Eastern Time)

ADDRESSES: The meeting will take place in the first floor conference room at the U.S. Department of Justice, Two Constitution Square, 145 N St. NE., Conference Center Room 1W.1001,Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Visit the Web site for the Coordinating Council at *www.juvenilecouncil.com* or contact Robin Delany-Shabazz, Designated Federal Official, by telephone at 202–307–9963 (not a toll-free number) or via email: *Robin.Delany-Shabazz@ojp.usdoj.gov*. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The Coordinating Council on Juvenile Justice and Delinquency Prevention (''Council''), established by statute in the Juvenile and Delinquency Prevention Act of 1974, section 206(a) (42 U.S.C. 5616(a)), will meet to carry out its advisory functions. Documents such as meeting announcements, agendas, minutes, and reports will be available on the Council's Web page, *www.juvenilecouncil.gov* where you may also obtain information on the meeting.

Although designated agency representatives may attend, the Council membership consists of the Attorney General (Chair), the Administrator of the Office of Juvenile Justice and Delinquency Prevention (Vice Chair), the Secretary of Health and Human Services (HHS), the Secretary of Labor (DOL), the Secretary of Education (DOE), the Secretary of Housing and Urban Development (HUD), the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement. The nine additional members are appointed by the Speaker of the U.S. House of Representatives, the U.S. Senate Majority Leader, and the President of the United States. Other federal agencies take part in Council activities, including the Departments of Agriculture, Defense, Interior, and the Substance and Mental Health Services Administration of HHS.

Meeting Agenda: The agenda will include: (a) Opening remarks and introductions; (b) Discussion of the national ramifications of the Council of State Governments' report *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms;* and (c) Council member announcements.

Registration: For security purposes, members of the public who wish to attend the meeting must pre-register online at *www.juvenilecouncil.gov* no later than Wednesday, June 17, 2015. Should problems arise with Web registration, contact Daryel Dunston at 240–432–3014 or send a request to register to Mr. Dunston. Please include name, title, organization or other affiliation, full address and phone, fax and email information and send to his attention either by fax to 866–854–6619, or by email to *ddunston@aeioonline.com*. Note that these are not toll-free telephone numbers. Additional identification documents may be required. Meeting space is limited.

Note: Photo identification will be required for admission to the meeting.

Written Comments: Interested parties may submit written comments and questions in advance by Wednesday, June 17, 2015, to Robin Delany-Shabazz, Designated Federal Official, at *Robin.Delany-Shabazz@ojp.usdoj.gov*. Alternatively, fax your comments to 202–307–2819 and contact Joyce Mosso Stokes at 202–305–4445 to ensure that they are received. These are not toll-free numbers.

The Council expects that the public statements submitted will not repeat previously submitted statements. Written questions from the public are also invited at the meeting.

Robert L. Listenbee,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2015–13781 Filed 6–4–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

Record of Vote of Meeting Closure (Pub. L. 94–409) (5 U.S.C. 552b)

I, J. Patricia W. Smoot, of the United States Parole Commission, was present at a meeting of said Commission, which started at approximately 10 a.m., on Tuesday, June 2, 2015 at the U.S. Parole Commission, 90 K Street NE., Third Floor, Washington, DC 20530. The purpose of the meeting was to discuss eight original jurisdiction cases pursuant to 28 CFR 2.27. Three Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of the General Counsel that this meeting may be closed by votes of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: J. Patricia W. Smoot, Patricia Cushwa and Charles T. Massarone.

IN WITNESS WHEREOF, I make this official record of the vote taken to close

this meeting and authorize this record to be made available to the public.

Dated: June 2, 2015.

J. Patricia W. Smoot,

Acting Chairman, U.S. Parole Commission.

[FR Doc. 2015–13974 Filed 6–3–15; 4:15 pm]

BILLING CODE 4410–31–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 14–CRB–0010–CD (2013); Docket No. 14–CRB–0011–SD (2013)]

In re Distribution of Cable Royalty Funds; In re Distribution of Satellite Royalty Funds

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice announcing commencement of distribution proceedings with request for Petitions to Participate.

SUMMARY: The Copyright Royalty Board announces the commencement of proceedings to determine distribution of 2013 royalties deposited with the Copyright Office under the cable service statutory license and the satellite carrier statutory license. The Judges also set the date by which all parties wishing to participate and share in the distribution of cable or satellite retransmission royalties for 2013 must file a Petition to Participate and pay the accompanying $150 filing fee. The Judges seek a single Petition to Participate at any stage of the cable royalty proceeding and a separate Petition to Participate at any stage of the satellite royalty proceeding.

DATES: Petitions to Participate and the filing fee are due on or before July 6, 2015.

ADDRESSES: This notice and request is also posted on the agency's Web site (*www.loc.gov/crb*) and on Regulations.gov (*www.regulations.gov*). Parties who plan to participate should see ''How to Submit Petitions to Participate'' in the **SUPPLEMENTARY INFORMATION** section below for physical addresses and further instructions.

FOR FURTHER INFORMATION CONTACT: Kimberly N. Whittle, CRB Attorney Advisor, or LaKeshia Keys, CRB Program Specialist, by telephone at (202) 707–7658 or by email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Twice each year, cable services and satellite carriers deposit with the Copyright Office royalties payable for the license to transmit over-the-air television and radio broadcast signals via cable and satellite. 17 U.S.C. 111, 119. The Copyright Royalty Judges (Judges) oversee distribution of the royalties to copyright owners whose works are included in the retransmissions and who have filed a timely claim for royalties. Pursuant to 17 U.S.C. 803(b)(1), the Judges hereby give notice of the commencement of proceedings for distribution of cable and satellite royalties deposited for broadcasts retransmitted in 2013 and call for interested parties to file Petitions to Participate.

Any party wishing to receive royalties payable for 2013 must file a Petition to Participate for the applicable proceeding no later than July 6, 2015. The Judges will resolve all issues relating to distribution of cable and satellite royalty funds for 2013 in these proceedings, Docket No. 14–CRB–0010–CD (2013) and Docket No. 14–CRB–0011–SD (2013). *See* 37 CFR 351.1(b)(2).

Commencement of Distribution Proceedings

The Judges have determined that controversies exist with regard to distribution of the cable and satellite retransmission royalties that licensees deposited for 2013. Therefore, pursuant to Section 804(b)(8) of the Copyright Act, the Judges are causing this notice to be published in the **Federal Register** to announce the commencement of cable and satellite distribution proceedings for the 2013 funds.

The Judges base their conclusion regarding 2013 controversies upon information provided by certain interested parties in response to the Judges' published Notice Requesting Comments. *See* 79 FR 76396 (December 22, 2014). The Judges received comments from nine parties.[1] All respondents acknowledged the existence of controversies regarding distribution of the 2013 royalty funds;[2] most respondents asserted optimism that they would resolve those controversies through negotiation; the commencement of these proceedings does not foreclose continued negotiations.[3]

When submitting comments regarding the existence of controversies, some claimants identified themselves as seeking royalties for a certain category of programs. The Judges recognize that other claimants might not be affiliated with or be represented by joint counsel for the self-styled groups of claimants that have expressed an interest in this proceeding. The Judges, therefore, provide this public notice to alert any entity who claims an interest in cable or satellite retransmission royalties deposited for royalty year 2013.

In order to share in the royalties at issue, any claimant, whether or not affiliated with one of the groups identified in footnote 1 above, must file a Petition to Participate in each proceeding in which it seeks royalties, individually or jointly with other claimants. If, at a later point in the proceedings, a claimant chooses to join a group participating through joint counsel, that claimant may withdraw its individual Petition to Participate by giving written notice in the proceeding identifying the group with which it wishes to affiliate. The prerequisites to participation in a distribution proceeding are (1) the filing (individually or jointly) of a valid claim for the royalty year at issue (2013) and

[1] American Society of Composers, Authors and Publishers, Broadcast Music, Inc. (ASCAP) and SEASAC, styling themselves ''Music Claimants''; the Canadian Broadcasting Corporation on behalf of Canadian television stations and copyright owners of programs broadcast on Canadian television stations, with limited exceptions, referring to themselves as the ''Canadian Claimants Group''; Amazing Facts, Inc., American Religious Town Hall Meeting, Inc., Billy Graham Evangelistic Association, The Christian Broadcasting Network, Inc., Christian Television Corporation and affiliated television stations, Coral Ridge Ministries Media, Inc., Crenshaw Christian Center, Crystal Cathedral Ministries, In Touch Ministries, Joyce Meyer Ministries, Kerry Shook Ministries aka Fellowship of the Woodlands, Lakewood Church aka Joel Osteen ministries, Living Church of God (International), Inc., Living Word Christian Center, Messianic Vision, Inc., Philadelphia Church of God, Inc., Word of God Fellowship, Inc. dba Daystar Television Network, together calling themselves the ''Devotional Claimants''; The Office of the Commissioner of Baseball, National Basketball Association, National Football League, National Collegiate Athletic Association, National Hockey League, Women's National Basketball Association, together styling themselves the ''Joint Sports Claimants''; National Association of Broadcasters claiming to represent ''Commercial Television Claimants''; Motion Picture Association of America, Inc. on behalf of syndicated series, non-team sports, movies, and specials, together claiming as ''Program Suppliers''; Public Broadcasting Service (PBS) on behalf of copyright owners of retransmitted programs aired originally on U.S. noncommercial educational television stations; National Public Radio, Inc. (NPR) for itself and participating NPR Member station licensees; and a representative of commercial television calling itself the ''Broadcaster Claimants Group.''

[2] One of the representative parties asserts no claim to 2013 cable royalty funds: The Broadcaster Claimants Group. Four of the representative parties assert no claim to 2013 satellite royalty funds: Music Claimants, Commercial Television Claimants, PBS, and NPR.

[3] On May 28, 2015, the Judges granted motions for partial distribution of 2013 satellite and 2013 cable royalties. *Order Granting Motion of Phase I Claimants for Partial Distribution of 2013 Satellite Royalty Funds,* Docket No. 14–CRB–0011 SD (2013) *and Order Granting Motion of Phase I Claimants for Partial Distribution,* Docket No. 14–CRB–0010 CD (2013).

(2) the filing (individually or jointly) of a valid Petition to Participate.

Only attorneys who are members in good standing of the bar of one or more states may represent parties before the Judges. All corporate parties must appear through counsel. Only if the petitioning party is an individual, may he or she represent himself or herself without legal counsel. 37 CFR 350.2.

The Judges have assigned separate docket numbers to the cable and satellite distribution proceedings for 2013. Participants are required, therefore, to file separate Petitions to Participate with respect to each fund.

Petitions To Participate

Parties filing Petitions to Participate must comply with the requirements of Section 351.1(b) of the CRB's regulations. In addition, each Petition to Participate must set forth the name of each claimant, the corresponding claim number, and an indication of whether the claim is an individual or joint claim. Petitioners are responsible for making a sufficient showing of a ''significant interest'' in the royalty funds at issue. *See* 17 U.S.C. 803(b)(2).

Claimants whose claims do not exceed $1,000 in value and who include a statement in their Petitions to Participate that they will not seek distribution of more than $1,000 may file the Petition to Participate without payment of the filing fee. The CRB will reject any Petition to Participate that is not accompanied by either the statement of limitation described in the preceding sentence or the $150 filing fee. The CRB will not accept cash payment. Parties must pay the filing fee with a check or money order payable to the ''Copyright Royalty Board.'' The CRB may reject any Petition to Participate that is accompanied by a check returned for lack of sufficient funds.

How To Submit Petitions To Participate

Any party wishing to participate and share in the distribution of cable or satellite royalty funds for 2013 shall submit to the Copyright Royalty Board the filing fee (US $150), if required, an original Petition to Participate, five paper copies, and an electronic copy in Portable Document Format (PDF) that contains searchable, accessible text (not an image) on a CD or other portable memory device to only one of the following addresses.

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Overnight service (only USPS Express Mail is acceptable): Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE. and D Street NE., Washington, DC; or

Hand delivery: Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000.

Participants should conform filed electronic documents to the Judges' Guidelines for Electronic Documents, available online at *www.loc.gov/crb/docs/Guidelinesfor_Electronic_Documents.pdf.*

Dated: June 1, 2015.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2015–13784 Filed 6–4–15; 8:45 am]

BILLING CODE 1410–72–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–045]

Advisory Committee on the Records of Congress

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of advisory committee meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. app 2), the National Archives and Records Administration announces the following meeting.

DATES: The meeting will be held on June 22, 2015, from 10:00 a.m. to 11:30 a.m. EDT.

ADDRESSES: Capitol Visitor Center (located beneath the East Front plaza of the U.S. Capitol at First Street and East Capitol Street); Room 202–03; Washington, DC 20510.

FOR FURTHER INFORMATION CONTACT: Sharon Fitzpatrick,of NARA's Center for Legislative Archives by email at *sharon.fitzpatrick@nara.gov* or by telephone at (202) 357–5350.

SUPPLEMENTARY INFORMATION:

Agenda

(1) Chair's opening remarks—Secretary of the U.S. Senate

(2) Recognition of co-chair—Clerk of the U.S. House of Representatives

(3) Recognition of the Archivist of the United States

(4) Approval of the minutes of the last meeting

(5) Senate Archivist's report—Karen Paul

(6) House Archivist's report—Robin Reeder

(7) Center update—Richard Hunt

(8) Other current issues and new business

The meeting is open to the public.

Dated: May 29, 2015.

Patrice Little Murray,

Committee Management Officer.

[FR Doc. 2015–13785 Filed 6–4–15; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board's Committee on Education and Human Resources (CEH), 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: Tuesday, June 9, 2015 at 4:00–4:45 EDT.

SUBJECT MATTER: Chairman's remarks; discussion of design of Committee activity.

STATUS: Open.

This meeting will be held by teleconference. 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. Please refer to the National Science Board Web site for additional information and schedule updates (time, place, subject matter or status of meeting) which may be found at *http://www.nsf.gov/nsb/notices/.* Point of contact for this meeting is Jacqueline Meszaros at *jmeszaro@nsf.gov.*

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2015–13883 Filed 6–3–15; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0137]

Report to Congress on Abnormal Occurrences; Fiscal Year 2014; Dissemination of Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is making available NUREG–0090, Volume 37, ''Report to Congress on Abnormal Occurrences: Fiscal Year 2014.'' The report describes those events that the NRC or an Agreement State identified as abnormal occurrences (AOs) during fiscal year (FY) 2014, based on the criteria defined in this report's Appendix A, ''Abnormal Occurrence Criteria and Guidelines for Other Events of Interest.'' The report describes 12 events at Agreement State-licensed facilities and 1 event at an NRC-licensed facility.

DATES: NUREG–0090, Volume 37, is available June 5, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0137 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0137. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Katie Tapp, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–252–7520, email: *Katherine.Tapp@nrc.gov.*

SUPPLEMENTARY INFORMATION: Section 208 of the Energy Reorganization Act of 1974, as amended (Pub. L. 93–438), defines an ''abnormal occurrence'' as an unscheduled incident or event that the NRC determines to be significant from the standpoint of public health or safety. The report describes those events that the NRC identified as AOs during FY 2014, based on the criteria defined in this report's Appendix A, ''Abnormal Occurrence Criteria and Guidelines for Other Events of Interest.''

The report describes 12 events at Agreement State-licensed facilities and one event at an NRC-licensed facility. One Agreement State-licensee event involved radiation exposure to an embryo/fetus. The NRC-licensee and the other 11 Agreement State-licensee events were medical events as defined in part 35 of Title 10 of the *Code of Federal Regulations,* and occurred at medical institutions. Agreement States are the 37 States that currently have entered into formal agreements with the NRC pursuant to Section 274 of the Atomic Energy Act of 1954 (AEA) (Pub. L. 83–703) to regulate certain quantities of AEA-licensed material at facilities located within their borders.

The Federal Reports Elimination and Sunset Act of 1995 (Pub. L. 104–68) requires that the NRC report AOs to Congress annually. The full report, NUREG–0090, Volume 37, ''Report to Congress on Abnormal Occurrences: Fiscal Year 2014'' is available electronically at the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/, and in ADAMS under Accession No. ML15140A285.*

Dated at Rockville, Maryland, this 1st day of June, 2015.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2015–13825 Filed 6–4–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–3103; NRC–2010–0264]

Louisiana Energy Services, URENCO USA Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Inspection reports; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff has conducted inspections of the Louisiana Energy Services, LLC, URENCO USA (UUSA) Facility in Eunice, New Mexico, and has authorized the Uranium Byproduct Cylinder Storage Pad Crane for use with non-enriched uranic material; the introduction of uranium hexafluoride (UF_6) into cascades 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, and 5.7; and the commencement of UF_6 re-feed operations in cascades 5.1 through 5.7 in Separation Building Module-1005.

DATES: June 5, 2015.

ADDRESSES: Please refer to Docket ID NRC–2010–0264 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2010–0264. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- *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: Tilda Liu, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 404–997–4730; email: *Tilda.Liu@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Further Information

The NRC staff has prepared inspection reports documenting its findings in accordance with the requirements of the NRC's Inspection Manual, and these reports are available for review as specified in Section II of this notice. The publication of this notice satisfies the requirements of Section 70.32(k) of Title 10 of the *Code of Federal Regulations* (10 CFR), and Section 193(c) of the Atomic Energy Act of 1954, as amended.

The introduction of UF_6 into any separation building module (SBM) at the UUSA uranium enrichment facility is not permitted until the NRC

completes an operational readiness and management measures verification review, to verify that management measures that ensure compliance with the performance requirements of 10 CFR 70.61 have been implemented, and confirms that the SBM has been constructed in accordance with the license and will be operated safely. Subsequent operational readiness and management measures verification reviews will continue throughout the planned future phases of construction and, upon completion of these subsequent phases, additional notices of the operation approval letters will be published in the **Federal Register** in accordance with 10 CFR 70.32(k).

II. Availability of Documents

The authorization letters and inspection reports identified in the following table are available to interested persons.

NRC Authorization Letters

Authorization letters	Date	ADAMS accession No.
Cascade 5.1	February 6, 2015	ML15037A054
Uranium Byproduct Cylinder Storage Pad Crane	February 19, 2015	ML15050A282
Cascade 5.2	February 20, 2015	ML15051A028
Cascade 5.3	March 2, 2015	ML15063A003
Cascade 5.4	March 12, 2015	ML15071A364
Cascade 5.5	April 7, 2015	ML15097A278
Re-Feed Operations in Cascades 5.1 through 5.5	April 9, 2015	ML15099A487
Cascade 5.6	April 29, 2015	ML15119A189
Cascade 5.7 and Re-Feed Operations	May 26, 2015	ML15146A123

NRC Inspection Reports

Inspection Report No.	Date	ADAMS accession No.
2014–005	January 29, 2015	ML15029A031
2015–002	April 21, 2015	ML15111A280
2015–006	February 27, 2015	ML15058A712

Dated at Rockville, Maryland, this 26th day of May, 2015.

For the Nuclear Regulatory Commission.

Thomas A. Grice,

Acting Chief, Enrichment and Conversion Branch, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety, and Safeguards.

[FR Doc. 2015–13810 Filed 6–4–15; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–52 and CP2015–80; Order No. 2522]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail Contract 123 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 8, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 123 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the product list, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

[1] Request of the United States Postal Service to Add Priority Mail Contract 123 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, May 29, 2015 (Request).

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–52 and CP2015–80 to consider the Request pertaining to the proposed Priority Mail Contract 123 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than June 8, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis Kidd to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–52 and CP2015–80 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Curtis Kidd is appointed to serve as an officer of the Commission to represent the

interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than June 8, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–13686 Filed 6–4–15; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–37; Order No. 2523]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an amendment to Priority Mail Express, Priority Mail & First-Class Package Service Contract 2 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 8, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On May 29, 2015, the Postal Service filed notice that it has agreed to an Amendment to the existing Priority Mail Express, Priority Mail, & First-Class Package Service Contract 2 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the Amendment and a certification of compliance with 39 U.S.C. 3633(a), as required by 39 CFR 3015.5.

The Postal Service also filed the unredacted Amendment and supporting financial information under seal. The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of information that it has filed under seal. *Id.* at 1.

The Amendment adjusts price calculations for Priority Mail and Priority Mail Express during the remaining contract years. *Id.* Attachment A at 1–2. The Amendment also discusses discounts and price calculations for First-Class Package Service during the remaining contracts years. *Id.* at 2.

The Postal Service intends for the Amendment to become effective one business day after the date that the Commission completes its review of the Notice. Notice at 1. The Postal Service asserts that the Amendment will not impair the ability of the contract to comply with 39 U.S.C. 3633. *Id.* Attachment B.

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later June 8, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Lyudmila Y. Bzhilyanskaya to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2014–37 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Lyudmila Y. Bzhilyanskaya to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than June 8, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–13714 Filed 6–4–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Amendment to Priority Mail Express, Priority Mail & First-Class Package Service Contract 2, with Portions Filed Under Seal, May 29, 2015 (Notice).

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–53 and CP2015–81; Order No. 2524]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail Contract 124 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 8, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 124 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–53 and CP2015–81 to

[1] Request of the United States Postal Service to Add Priority Mail Contract 124 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, May 29, 2015 (Request).

consider the Request pertaining to the proposed Priority Mail Contract 124 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than June 8, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–53 and CP2015–81 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than June 8, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–13751 Filed 6–4–15; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75087; File No. SR–NYSEArca–2015–46]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to a Representation Regarding Investment in Certain Mortgage-Related Securities by the AdvisorShares Sage Core Reserves ETF

June 1, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 27, 2015, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to change a representation regarding investment in certain mortgage-related securities by the AdvisorShares Sage Core Reserves ETF. Shares of the AdvisorShares Sage Core Reserves ETF have been approved for listing and trading on the Exchange under NYSE Arca Equities Rule 8.600. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved a proposed rule change relating to listing and trading on the Exchange of shares (''Shares'') of the AdvisorShares Sage Core Reserves ETF (the ''Fund'') under NYSE Arca Equities Rule 8.600,[4] which governs the listing and trading of Managed Fund Shares.[5] The Fund's Shares are currently listed and traded on the Exchange under NYSE Arca Equities Rule 8.600.

The Shares are offered by AdvisorShares Trust (the ''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[6] The investment adviser to the Fund is AdvisorShares Investments, LLC (the ''Adviser''). Sage Advisory Services Ltd. Co. (''Sub-Adviser'') is the Fund's sub-adviser and provides day-to-day portfolio management of the Fund.

According to the Registration Statement, the Fund will seek to preserve capital while maximizing income. Under normal market conditions, the Sub-Adviser will seek to achieve the Fund's investment objective by investing at least 80% of the Fund's net assets in a variety of fixed income securities issued by U.S. and foreign issuers. Such fixed income securities will be U.S. dollar-denominated investment grade debt securities rated Baa or higher by Moody's Investors Service, Inc. (''Moody's''), or equivalently rated by Standard & Poor's Ratings Services (''S&P'') or Fitch, Inc. (''Fitch''), or, if unrated, determined by the Sub-Adviser to be of comparable quality.[7] The Fund may retain a security if its rating falls below investment grade and the Sub-Adviser determines that retention of the security is in the Fund's best interest. The Exchange notes that the Fund's investment portfolio of fixed income securities will meet certain criteria for index-based, fixed income exchange-traded funds (''ETFs'') contained in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02.[8]

The Fund may invest, among other securities and financial instruments, in

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 71263 (January 9, 2014), 79 FR 2715 (January 15, 2014) (SR–NYSEArca–2013–121) (the ''Prior Order''). The notice with respect to the Prior Order was published in Securities Exchange Act Release No. 70902 (November 19, 2013), 78 FR 70370 (November 25, 2013) (''Prior Notice'' and, together with the Prior Order, the ''Prior Release'').

[5] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[6] The Trust is registered under the 1940 Act. On August 13, 2013, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act''), and under the 1940 Act relating to the Fund (File Nos. 333–157876 and 811–22110) (''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 29291 (May 28, 2010) (File No. 812–13677) (''Exemptive Order'').

[7] *See* note 9 of the Prior Notice.

[8] *See* note 10 of the Prior Notice.

mortgage-related securities and asset-backed securities (''ABSs''). Mortgage-related securities are interests in pools of residential or commercial mortgage loans, including mortgage loans made by savings and loan institutions, mortgage bankers, commercial banks, and others. Pools of mortgage loans are assembled as securities for sale to investors by various governmental, government-related and private organizations. The Fund also may invest in debt securities which are secured with collateral consisting of mortgage related securities. Interests in pools of mortgage-related securities differ from other forms of debt securities, which normally provide for periodic payment of interest in fixed amounts with principal payments at maturity or specified call dates. Instead, these securities provide a monthly payment which consists of both interest and principal payments.

The Prior Release stated that the Fund may invest up to 10% of its net assets in privately issued (non-government sponsored entity (''GSE'')) mortgage-related securities, including commercial mortgage-backed securities, collateralized mortgage obligations (''CMOs''), and adjustable rate mortgage backed securities (''ARMBSs'') (the ''10% Representation''). The Prior Release further stated that the Fund will not purchase mortgage-related securities (including non-GSE mortgage-related securities) or any other assets which in the Sub-Adviser's opinion are illiquid if, as a result, more than 15% of the Fund's net assets will be invested in illiquid securities.[9]

The Exchange has notified the Fund that it currently is not in compliance with the 10% Representation.[10] In order to permit the continued listing and trading of Shares of the Fund, the Exchange proposes to amend such statement in the Prior Release to provide that the Fund may invest up to 20% of its net assets in privately issued (non-GSE) mortgage-related securities, including commercial mortgage-backed securities, CMOs, and adjustable rate mortgage backed securities.

The Adviser represents that an increase to 20% in Fund assets that may be invested in the mortgage-related instruments enumerated above will provide the Fund with added flexibility to invest in instruments in furtherance of the Fund's investment objective. In addition, such increase will permit the Fund to invest in such instruments consistent with investment parameters approved by the Commission for other actively-managed ETFs. The Exchange notes that the Commission has previously approved similar percentage limitations for other funds listed on the Exchange under NYSE Arca Equities Rule 8.600.[11]

Except for the change described above, all other representations made in the Prior Release remain unchanged.[12] The Fund will comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600.

The Exchange represents that the trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[13] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and exchange-listed equity securities (including ADRs) with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and exchange-listed equity securities (including ADRs) from such markets and other entities. The Exchange may obtain information regarding trading in the Shares and exchange-listed equity securities (including ADRs) from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[14] In addition, as stated in the Prior Release, investors have ready access to information regarding the Fund's holdings, the Portfolio Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[15] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares are listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600.

The Adviser represents that an increase to 20% in Fund assets that may be invested in the mortgage-related instruments enumerated above will provide the Fund with added flexibility to invest in instruments in furtherance of the Fund's investment objective. In addition, such increase will permit the Fund to invest in such instruments consistent with investment parameters approved by the Commission for other actively-managed ETFs. The Commission has previously approved similar percentage limitations for other funds listed on the Exchange under NYSE Arca Equities Rule 8.600.[16] The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange may obtain information via the ISG from other exchanges that are

[9] As stated in the Prior Release, the Sub-Adviser seeks to manage the portion of the Fund's assets committed to privately issued mortgage-related securities in a manner consistent with the Fund's investment objective, policies and overall portfolio risk profile. In determining whether and how much to invest in privately issued mortgage-related securities, and how to allocate those assets, the Sub-Adviser considers a number of factors. These include, but are not limited to: (1) The nature of the borrowers (*e.g.,* residential vs. commercial); (2) the collateral loan type (*e.g.,* for residential: First Lien—Jumbo/Prime, First Lien—Alt-A, First Lien—Subprime, First Lien—Pay-Option or Second Lien; for commercial: Conduit, Large Loan or Single Asset/Single Borrower); and (3) in the case of residential loans, whether they are fixed rate or adjustable mortgages. Each of these criteria can cause privately issued mortgage-related securities to have differing primary economic characteristics and distinguishable risk factors and performance characteristics.

[10] The Trust issued a press release, dated March 24, 2015, relating to the non-compliance. The Exchange also has added a ''below compliance'' (''.BC'') indicator to the Fund's trading symbol.

[11] *See, e.g.,* Securities Exchange Act Release No. 71125 (December 18, 2013), 78 FR 77743 (December 24, 2013) (SR–NYSEArca–2013–106) (order approving listing and trading on the Exchange of shares of the PIMCO Diversified Income Exchange-Traded Fund and the PIMCO Low Duration Exchange-Traded Fund).

[12] *See* notes 4 and 9, *supra.* All terms referenced but not defined herein are defined in the Prior Release.

[13] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[14] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all of the components of the portfolio for the Fund may trade on exchanges that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[15] 15 U.S.C. 78f(b)(5).

[16] *See* note 11, *supra.*

members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, underlying exchange-traded equity securities (including, without limitation, ETFs, equity-related financial instruments and other exchange-traded products, REITs and mortgage-related securities), futures, options on futures, and exchange-traded options with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, underlying exchange-traded equity securities, futures, options on futures, and exchange-traded options from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, underlying exchange-traded equity securities (including, without limitation, ETFs, equity-related financial instruments and other exchange-traded products, REITs and mortgage-related securities), futures, options on futures, and exchange-traded options from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[17] In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'').

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the net asset value (''NAV'') per Share is calculated daily and that the NAV and the Disclosed Portfolio is made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. The Portfolio Indicative Value, as defined in NYSE Arca Equities Rule 8.600(c)(3), is disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On a daily basis, the Fund's Web site discloses for each portfolio security and other financial instrument of the Fund the following information: Ticker symbol (if applicable); name and, when available, the individual identifier (CUSIP) of the security and/or financial instrument; number of shares (if applicable) and dollar value of securities and financial instruments held in the portfolio; and percentage weighting of the security and financial instrument in the portfolio. Information regarding market price and trading volume of the Shares is continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares is published daily in the financial section of newspapers. Quotation and last-sale information for the Shares and U.S. exchange-listed equity securities, including ETFs, ETNs, exchange-traded pooled vehicles, ADRs, equity-related financial instruments and other exchange-traded products, REITs and mortgage-related securities, is available via the Consolidated Tape Association high-speed line, and is available from the national securities exchange on which they are listed. Information regarding unsponsored ADRs is available from major market data vendors. Intra-day and closing price information relating to the fixed income and equities investments of the Fund, as well as Fund investments in spot currencies and derivatives, including futures, forwards, options, options on futures and swaps, is available from major market data vendors and from securities and futures exchanges, as applicable. Information relating to U.S. exchange-listed options is available via the Options Price Reporting Authority. In addition, the Portfolio Indicative Value, as defined in NYSE Arca Equities Rule 8.600(c)(3), is widely disseminated at least every 15 seconds during the Core Trading Session by one or more major market data vendors. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Trading in the Shares is subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. The Web site for the Fund includes a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. In addition, as stated in the Prior Notice, investors have ready access to information regarding the Fund's holdings, the Portfolio Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. As noted above, the Exchange represents that the trading in the Shares is subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. In addition, as stated in the Prior Release, investors have ready access to information regarding the Fund's holdings, the Portfolio Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares. The Adviser represents that the proposed change, as described above, is consistent with the Fund's investment objective, and will further assist the Adviser and Sub-Adviser to achieve such investment objective.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange believes the proposed rule change is designed to allow the Fund to invest in a broader range of mortgage-related securities thereby helping the Fund to achieve its investment objective, and will enhance competition among issues of Managed Fund Shares that invest in fixed income securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if

[17] For a list of the current members of ISG, see *www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

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 [18] and Rule 19b–4(f)(6) thereunder.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2015–46 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2015–46. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2015–46 and should be submitted on or before June 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Brent J. Fields,

Secretary.

[FR Doc. 2015–13723 Filed 6–4–15; 8:45 am]

BILLING CODE 8011–01–P

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 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.

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75085; File No. SR–BATS–2015–39]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule To Amend Fees Applicable to Securities Listed on BATS Exchange, Inc. Pursuant to BATS Rule 14.13

June 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 May 22, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fees applicable to securities listed on the Exchange pursuant to BATS Rule 14.13. Changes to the Exchange's fees pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On August 30, 2011, the Exchange received approval of rules applicable to the qualification, listing, and delisting of companies on the Exchange,[3] which it modified on February 8, 2012 in order to adopt pricing for the listing of exchange traded products (''ETPs'') [4] on the Exchange,[5] which it subsequently modified again on June 4, 2014.[6] On October 16, 2014, the Exchange modified Rule 14.13, entitled ''Company Listing Fees'' to eliminate the annual fees for ETPs that are not participating in the competitive liquidity provider program under Interpretation and Policy .02 to Rule 11.8, but did not eliminate the $5,000 application fee for ETPs.[7] The Exchange is now proposing to eliminate the $5,000 application fee for all ETPs, which would eliminate all compulsory fees for both new ETP issues and transfer listings in ETPs on the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 65225 (August 30, 2011) 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018).

[4] As defined in BATS Rule 11.8(e)(1)(A), the term ''ETP'' means any security listed pursuant to Exchange Rule 14.11.

[5] *See* Securities Exchange Act Release No. 66422 (February 17, 2012) 77 FR 11179 (February 24, 2012) (SR–BATS–2012–010).

[6] *See* Securities Exchange Act Release No. 72377 (June 12, 2014) 79 FR 34822 (June 18, 2014) (SR–BATS–2014–024).

[7] *See* Securities Exchange Act Release No. 73414 (October 23, 2014) 79 FR 64434 (October 29, 2014) (SR–BATS–2014–050).

Specifically, the Exchange is proposing that issuers that submit an application to list any ETP on the Exchange shall pay no application fee to the Exchange. Currently, Rule 14.13(b)(1)(C) provides that any ETP shall pay to the Exchange a fee of $5,000 which represents a non-refundable application fee that will be billed to the Company in the month that the ETP is listed on the Exchange.

The Exchange proposes to implement the amendments to Rule 14.13(b)(1)(C) effective immediately.

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 of the Act.[8] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) and 6(b)(5) of the Act,[9] in that it provides for the equitable allocation of reasonable dues, fees and other charges among issuers and it does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange is proposing to eliminate the application fee for ETPs that list on the Exchange, which will eliminate all compulsory fees for new issuers and transfer listings in ETPs, which the Exchange believes is equitable, reasonable, and non-discriminatory because the absence of required fees for listings will be applied equally to all ETPs, both new listings and transfers. The Exchange notes that those ETPs that elect to participate in the CLP Program under Interpretation and Policy .03 to Rule 11.8 may still choose to pay between $5,000 and $100,000 in the form of a CLP Fee,[10] however such fees are entirely optional. The Exchange believes that continuing to charge a CLP Fee for ETPs that participate in the CLP Program is equitable and non-discriminatory because the CLP Fee is the exact same amount as the total annual CLP Rebates [11] available to ETP CLPs [12] in a given CLP Security.[13] Further, ETPs participating in the CLP Program may opt out of the CLP Program at any time in order to be eligible for having no listing fees.

Based on the foregoing, the Exchange believes that its proposed elimination of the application fee for ETPs (and thereby all compulsory listing fees) that are not participating in the CLP Program is a reasonable, equitable, and non-discriminatory allocation of fees to issuers.

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, as amended. With respect to the proposed new pricing for the listing of ETPs, the Exchange does not believe that the changes burden competition, but instead, enhance competition, as it is intended to increase the competitiveness of the Exchange's listings program by allowing the Exchange to offer ETPs the ability to list on the Exchange without having to pay any initial or annual fees. As such, the proposal is a competitive proposal that is intended to attract additional ETP listings, which will, in turn, benefit the Exchange and all other BATS-listed ETPs.

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 written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(2) thereunder.[15] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BATS–2015–39 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–BATS–2015–39. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2015–39 and should be submitted on or before June 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Brent J. Fields,

Secretary.

[FR Doc. 2015–13722 Filed 6–4–15; 8:45 am]

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[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] As defined in paragraph (a) of Interpretation and Policy .03 to Rule 11.8.

[11] As defined in paragraph (a) of Interpretation and Policy .03 to Rule 11.8.

[12] As defined in paragraph (b)(1) of Interpretation and Policy .03 to Rule 11.8.

[13] As defined in paragraph (b)(3) of Interpretation and Policy .03 to Rule 11.8.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 204; SEC File No. 270–586, OMB Control No. 3235–0647]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Rule 204 (17 CFR 242.204) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 204 requires that, subject to certain limited exceptions, if a participant of a registered clearing agency has a fail to deliver position at a registered clearing agency it must immediately close out the fail to deliver position by purchasing or borrowing securities by no later than the beginning of regular trading hours on the settlement day following the day the participant incurred the fail to deliver position. Rule 204 is intended to help further the Commission's goal of reducing fails to deliver by maintaining the reductions in fails to deliver achieved by the adoption of temporary Rule 204T, as well as other actions taken by the Commission. In addition, Rule 204 is intended to help further the Commission's goal of addressing potentially abusive ''naked'' short selling in all equity securities.

The information collected under Rule 204 will continue to be retained and/or provided to other entities pursuant to the specific rule provisions and will be available to the Commission and self-regulatory organization (''SRO'') examiners upon request. The information collected will continue to aid the Commission and SROs in monitoring compliance with these requirements. In addition, the information collected will aid those subject to Rule 204 in complying with its requirements. These collections of information are mandatory.

Several provisions under Rule 204 will impose a ''collection of information'' within the meaning of the Paperwork Reduction Act.

I. *Allocation Notification Requirement:* As of December 31, 2014, there were 4,184 registered broker-dealers. Each of these broker-dealers could clear trades through a participant of a registered clearing agency and, therefore, become subject to the notification requirements of Rule 204(d). If a broker-dealer has been allocated a portion of a fail to deliver position in an equity security and after the beginning of regular trading hours on the applicable close-out date, the broker-dealer has to determine whether or not that portion of the fail to deliver position was not closed out in accordance with Rule 204(a). We estimate that a broker-dealer will have to make such determination with respect to approximately 2.44 equity securities per day.[1] We estimate a total of 2,572,657 notifications in accordance with Rule 204(d) across all broker-dealers (that were allocated responsibility to close out a fail to deliver position) per year (4,184 broker-dealers notifying participants once per day [2] on 2.44 securities, multiplied by 252 trading days in a year). The total estimated annual burden hours per year will be approximately 411,625 burden hours (2,572,657 multiplied by 0.16 hours/notification).

II. *Demonstration Requirement for Fails to Deliver on Long Sales:* As of December 31, 2014, there were 175 participants of NSCC, the primary registered clearing agency responsible for clearing U.S. transactions that were registered as broker-dealers.[3] If a participant of a registered clearing agency has a fail to deliver position in an equity security at a registered clearing agency and determines that such fail to deliver position resulted from a long sale, we estimate that a participant of a registered clearing agency will have to make such determination with respect to approximately 38 securities per day.[4] We estimate a total of 1,675,800 demonstrations in accordance with Rule 204(a)(1) across all participants per year (175 participants checking for compliance once per day on 38 securities, multiplied by 252 trading days in a year). The total approximate estimated annual burden hour per year will be approximately 268,128 burden hours (1,675,800 multiplied by 0.16 hours/documentation).

III. *Pre-Borrow Notification Requirement:* As of December 31, 2014, there were 175 participants of NSCC, the primary registered clearing agency responsible for clearing U.S. transactions that were registered as broker-dealers.[5] If a participant of a registered clearing agency has a fail to deliver position in an equity security and after the beginning of regular trading hours on the applicable close-out date, the participant has to determine whether or not the fail to deliver position was closed out in accordance with Rule 204(a). We estimate that a participant of a registered clearing agency will have to make such determination with respect to approximately 58 equity securities per day.[6] We estimate a total of 2,557,800 notifications in accordance with Rule 204(c) across all participants per year (175 participants notifying broker-dealers once per day on 58 securities, multiplied by 252 trading days in a year). The total estimated annual burden hours per year will be approximately 409,248 burden hours (2,557,800 @0.16 hours/documentation).

IV. *Certification Requirement:* If the broker-dealer determines that it has not incurred a fail to deliver position on settlement date in an equity security for which the participant has a fail to deliver position at a registered clearing agency or has purchased securities in accordance with the conditions specified in Rule 204(e), we estimate that a broker-dealer will have to make such determinations with respect to

[1] The Commission's Division of Economic and Risk Analysis (''DERA'') estimates that there are approximately 10,208 fail to deliver positions per settlement day as of January 2015. Across 4,184 broker-dealers, the number of securities per broker-dealer per day is approximately 2.44 equity securities.

[2] Because failure to comply with the close-out requirements of Rule 204(a) is a violation of the rule, we believe that a broker-dealer would make the notification to a participant that it is subject to the borrowing requirements of Rule 204(b) at most once per day.

[3] Those participants not registered as broker-dealers include such entities as banks, U.S.-registered exchanges, and clearing agencies. Although these entities are participants of a registered clearing agency, generally these entities do not engage in the types of activities that will implicate the close-out requirements of the rule. Such activities of these entities include creating and redeeming Exchange Traded Funds, trading in municipal securities, and using NSCC's Envelope Settlement Service or Inter-city Envelope Settlement Service. These activities rarely lead to fails to deliver and, if fails to deliver do occur, they are small in number and are usually closed out within a day.

[4] DERA estimates approximately 65.1% of trades are long sales and applies this percentage to the number of fail to deliver positions per day as of March 2014. DERA estimates that there are approximately 10,208 fail to deliver positions per settlement day as of January 2015. Across 175 broker-dealer participants of the NSCC, the number of securities per participant per day is approximately 58 equity securities. 65.1% of 58 securities per day is approximately 38 securities per day.

[5] *See supra* note 3.

[6] DERA estimates that there are approximately 10,208 fail to deliver positions per day as of January 2015. Across 175 broker-dealer participants of the NSCC, the number of securities per participant per day is approximately 58 equity securities.

approximately 2.44 securities per day. As of December 31, 2014, there were 4,184 registered broker-dealers. Each of these broker-dealers may clear trades through a participant of a registered clearing agency. We estimate that on average, a broker-dealer will have to certify to the participant that it has not incurred a fail to deliver position on settlement date in an equity security for which the participant has a fail to deliver position at a registered clearing agency or, alternatively, that it is in compliance with the requirements set forth in Rule 204(e), 2,572,657 times per year (4,184 broker-dealers certifying once per day on 2.44 securities, multiplied by 252 trading days in a year). The total approximate estimated annual burden hour per year will be approximately 411,625 burden hours (2,572,657 multiplied by 0.16 hours/certification).

V. *Pre-Fail Credit Demonstration Requirement:* If a broker-dealer purchases or borrows securities in accordance with the conditions specified in Rule 204(e) and determines that it has a net long position or net flat position on the settlement day on which the broker-dealer purchases or borrows securities we estimate that a broker-dealer will have to make such determination with respect to approximately 2.44 securities per day.[7] As of December 31, 2014, there were 4,184 registered broker-dealers. We estimate that on average, a broker-dealer will have to demonstrate in its books and records that it has a net long position or net flat position on the settlement day for which the broker-dealer is claiming credit, 2,572,657 times per year (4,184 broker-dealers checking for compliance once per day on 2.44 securities, multiplied by 252 trading days in a year). The total approximate estimated annual burden hour per year will be approximately 411,625 burden hours (2,572,657 multiplied by 0.16 hours/demonstration).

The total aggregate annual burden for the collection of information undertaken pursuant to all five provisions is thus 1,912,251 hours per year (411,625 + 268,128 + 409,248 + 411,625 + 411,625).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

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: June 2, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–13875 Filed 6–4–15; 8:45 am]

BILLING CODE 8011–01–P

[7] *See supra* note 1.

DEPARTMENT OF STATE

[Public Notice 9163]

Provision of Certain Temporary and Limited Sanctions Relief in Order To Implement the Joint Plan of Action of November 24, 2013, Between the P5+1 and the Islamic Republic of Iran, as Extended Through June 30, 2015

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: On November 24, 2013, the United States and its partners in the P5+1—France, the United Kingdom, Russia, China, and Germany—reached an initial understanding with Iran, outlined in a Joint Plan of Action (JPOA), that halts progress on its nuclear program and rolls it back in key respects. In return, the P5+1 committed to provide limited, temporary, and targeted sanctions relief to Iran.

The JPOA was renewed by mutual consent of the P5+1 and Iran on July 19, 2014, and again on November 24, 2014, extending the temporary sanctions relief provided under the JPOA to cover the period beginning on November 24, 2014, and ending June 30, 2015 (the Extended JPOA Period), in order to continue negotiations aimed at achieving a long-term comprehensive solution to ensure that Iran's nuclear program will be exclusively peaceful.

On April 2, 2015, the P5+1 and Iran reached an understanding on the parameters of a ''Joint Comprehensive Plan of Action (JCPOA).'' While these parameters do not relieve, suspend, or terminate any additional sanctions for Iran, they do reflect the significant progress that has been made towards reaching a final deal with Iran that will address its nuclear program in a way that satisfies the international community. In order to continue to facilitate progress in negotiating a comprehensive deal, and to the extent required to continue implementing the sanctions relief called for in the JPOA, as extended, the Secretary has exercised waivers of certain sanctions.

This Notice outlines the U.S. government actions taken to continue implementing the sanctions relief aspects of the JPOA, as extended.

DATES: *Effective Date:* The effective dates of these waiver actions are as described in the determinations set forth below.

FOR FURTHER INFORMATION CONTACT: On general issues: Paul Pavwoski, Office of Economic Sanctions Policy and Implementation, Department of State, Telephone: (202) 647–8836.

SUPPLEMENTARY INFORMATION: To implement this limited sanctions relief, the U.S. government has executed temporary, partial waivers of certain statutory sanctions and has issued guidance regarding the suspension of sanctions under relevant Executive Orders and regulations. All U.S. sanctions not explicitly waived or suspended pursuant to the JPOA as extended remain fully in force, including sanctions on transactions with individuals and entities on the Treasury Department's list of Specially Designated Nationals and Blocked Persons (SDN List) unless otherwise specified.

Furthermore, U.S. persons and foreign entities owned or controlled by U.S. persons (''U.S.-owned or -controlled foreign entities'') continue to be generally prohibited from conducting transactions with Iran, including any transactions of the types permitted pursuant to the JPOA as extended, unless licensed to do so by the Department of the Treasury's Office of Foreign Assets Control (OFAC). The U.S. government will continue to enforce U.S. sanctions laws and regulations against those who engage in sanctionable activities that are not covered by the suspensions and temporary waivers issued pursuant to the JPOA as extended.

All suspended sanctions are scheduled to resume on July 1, 2015, unless further action is taken by the P5+1 and Iran and subsequent guidance is issued by the U.S. government.

Companies engaging in activities covered by the temporary sanctions relief should expect sanctions to apply to any activities that extend beyond the current end date of the Extended JPOA Period, June 30, 2015. The temporary suspension of sanctions applies only to activities that begin and end during the period January 20, 2014, to June 30, 2015. Except as specified below with respect to payments for insurance claims, the suspension does not apply to any related, otherwise sanctionable conduct, including shipping and financial activities, undertaken before that period or after that period, even if they are undertaken pursuant to contracts entered into during the JPOA period or Extended JPOA Period. For example, in the absence of further action by the P5+1 and Iran and accompanying guidance from the U.S. government, deliveries of goods or services after the Extended JPOA Period would be sanctionable even if relevant contracts were entered into during the JPOA Period or Extended JPOA Period.

To the extent that the provision of insurance or reinsurance is an associated service of an activity for which the JPOA provides temporary relief, the provision of such insurance or reinsurance by a non-U.S. person not otherwise subject to the Iran Transactions Sanctions Regulations during the Extended JPOA Period would not be sanctionable.

Insurance payments for claims arising from incidents that occur during the JPOA Period and/or Extended JPOA Period may be paid after June 30, 2015, so long as the underlying transactions and activities conform to all other aspects of the sanctions remaining in place and the terms of the sanctions relief provided in the JPOA. Insurance and reinsurance companies should contact OFAC or the Office of Economic Sanctions Policy and Implementation in the State Department's Bureau of Economic and Business Affairs directly with any inquiries.

U.S. persons and their foreign subsidiaries remain prohibited from participating in the provision of insurance or reinsurance services to or for the benefit of Iran or sanctioned entities, including with respect to all elements of the sanctions relief provided pursuant to the JPOA, unless specifically authorized by OFAC.

On May 15, 2015, the Secretary of State took the following actions:

Acting under the authorities vested in me as Secretary of State, including through the applicable delegations of authority, I hereby make the following determinations and certifications:

Pursuant to Sections 1244(i), 1245(g), 1246(e), and 1247(f) of the Iran Freedom and Counter-Proliferation Act of 2012 (subtitle D of title XII of Public Law 112–239, 22 U.S.C. 8801 *et seq.*) (IFCA), I determine that it is vital to the national security of the United States to waive the imposition of sanctions pursuant to:

1. Section 1244(c)(1) of IFCA [1] to the extent required for:

a. Transactions by non-U.S. persons for the export from Iran of petrochemical products,[2] and for associated services, excluding any transactions involving persons on the list of specially designated nationals and blocked persons of the Office of Foreign Assets Control (OFAC) of the U.S. Department of the Treasury (hereinafter the SDN List) except for the following companies: Bandar Imam Petrochemical Company; Bou Ali Sina Petrochemical Company; Ghaed Bassir Petrochemical Products Company; Iran Petrochemical Commercial Company; Jam Petrochemical Company; Marjan Petrochemical Company; Mobin Petrochemical Company; National Petrochemical Company; Nouri Petrochemical Company; Pars Petrochemical Company; Sadaf Petrochemical Assaluyeh Company; Shahid Tondgooyan Petrochemical Company; Shazand Petrochemical Company; and Tabriz Petrochemical Company;

b. transactions by U.S. or non-U.S. persons for the supply and installation of spare parts necessary for the safety of flight for Iranian civil aviation, for safety-related inspections and repairs in Iran, and for associated services, provided that OFAC has issued any required licenses, excluding any transactions involving persons on the SDN List except for Iran Air;

c. transactions by non-U.S. persons to which sanctions would not apply if an exception under section 1244(g)(2) of IFCA were applied to China, India, Japan, the Republic of Korea, Taiwan, and Turkey, and for insurance and transportation services associated with such transactions, provided that such transactions are consistent with the purchase amounts provided for in the Joint Plan of Action of November 24, 2013, as extended, excluding any transactions or associated services involving persons on the SDN List except for the National Iranian Oil Company and the National Iranian Tanker Company;

d. transactions by non-U.S. persons for the sale, supply or transfer to or from Iran of precious metals, provided that such transactions are within the scope of the waiver of Sections 1245(a)(1)(A) and 1245(c) of IFCA (section 3 below), and for associated services, excluding any transactions involving persons on the SDN List except for any political subdivision, agency, or instrumentality of the Government of Iran listed solely pursuant to E.O. 13599;

2. Section 1244(d) of IFCA to the extent required for the sale, supply or transfer of goods or services by non-U.S. persons in connection with transactions by non-U.S. persons to which sanctions would not apply if an exception under section 1244(g)(2) of IFCA were applied to China, India, Japan, the Republic of Korea, Taiwan, and Turkey, and for insurance and transportation services associated with such transactions, provided that such transactions are consistent with the purchase amounts provided for in the Joint Plan of Action of November 24, 2013, as extended, excluding any transactions or associated services involving persons on the SDN List except for the National Iranian Oil Company and the National Iranian Tanker Company;

3. Sections 1245(a)(1)(A) and 1245(c) of IFCA to the extent required for transactions by non-U.S. persons for the sale, supply, or transfer to or from Iran of precious metals, provided that:

a. Such transactions do not involve persons on the SDN List, except for any political subdivision, agency, or instrumentality of the Government of Iran listed solely pursuant to E.O. 13599 or any Iranian depository institution listed solely pursuant to E.O. 13599; and

b. this waiver shall not apply to transactions for the sale, supply, or transfer to Iran of precious metals involving funds credited to an account located outside Iran pursuant to Section 1245(d)(4)(D)(ii)(II) of the National Defense Authorization Act for Fiscal Year 2012;

4. Section 1246(a) of IFCA [3] to the extent required for the provision of underwriting services or insurance or reinsurance:

a. By non-U.S. persons for the export from Iran of petrochemical products and for associated services, excluding any transactions involving persons on the SDN List except for the following companies: Bandar Imam Petrochemical Company; Bou Ali Sina Petrochemical Company; Ghaed Bassir Petrochemical Products; Iran Petrochemical Commercial Company; Jam Petrochemical Company; Marjan Petrochemical Company; Mobin Petrochemical Company; National Petrochemical Company; Nouri Petrochemical Company; Pars Petrochemical Company; Sadaf Petrochemical Assaluyeh Company; Shahid Tondgooyan Petrochemical Company; Shazand Petrochemical Company; and Tabriz Petrochemical Company;

b. by U.S. persons or non-U.S. persons for the supply and installation of spare parts necessary for the safety of flight for Iranian civil aviation, for safety-related inspections

[1] Pursuant to section 1244(c)(2)(C)(iii) of IFCA, the relevant sanction in Section 1244(c)(1) continues not to apply, by its terms, in the case of Iranian financial institutions that have not been designated for the imposition of sanctions in connection with Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction, support for international terrorism, or abuses of human rights (as described in section 1244(c)(3)).

[2] 77 FR 67726–67731 (Nov. 13, 2012).

[3] Pursuant to section 1246(a)(1)(C) of IFCA, the relevant sanction in section 1246(a)(1) continues not to apply, by its terms, in the case of Iranian financial institutions that have not been designated for the imposition of sanctions in connection with Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction, support for international terrorism, or abuses of human rights (as described in section 1246(b)).

and repairs in Iran, and for associated services, provided that OFAC has issued any required licenses, excluding any transactions involving persons on the SDN List except for Iran Air;

c. by non-U.S. persons for transactions to which sanctions would not apply if an exception under section 1244(g)(2) of IFCA were applied to China, India, Japan, the Republic of Korea, Taiwan, and Turkey, and for insurance and transportation services associated with such transactions, provided that such transactions are consistent with the purchase amounts provided for in the Joint Plan of Action of November 24, 2013, as extended, excluding any transactions or associated services involving persons on the SDN List except for the National Iranian Oil Company and the National Iranian Tanker Company; and

d. by non-U.S. persons for the sale, supply or transfer to or from Iran of precious metals, provided that such transactions are within the scope of the waiver of Sections 1245(a)(1)(A) and 1245(c) of IFCA, and for associated services, excluding any transactions involving persons on the SDN List except for any political subdivision, agency, or instrumentality of the Government of Iran listed solely pursuant to E.O. 13599;

e. by non-U.S. persons for the sale, supply or transfer to Iran of goods and services used in connection with the automotive sector of Iran and for associated services, excluding any transactions involving persons on the SDN List.

5. Section 1247(a) of IFCA [4] to the extent required for transactions by foreign financial institutions on behalf of:

a. Bandar Imam Petrochemical Company; Bou Ali Sina Petrochemical Company; Ghaed Bassir Petrochemical Products; Iran Petrochemical Commercial Company; Jam Petrochemical Company; Marjan Petrochemical Company; Mobin Petrochemical Company; National Petrochemical Company; Nouri Petrochemical Company; Pars Petrochemical Company; Shahid Tondgooyan Petrochemical Company; Sadaf Petrochemical Assaluyeh Company; Shahid Tondgooyan Petrochemical Company; Shazand Petrochemical Company; and Tabriz Petrochemical Company for the export from Iran of petrochemicals;

b. Iran Air for the supply and installation of spare parts necessary for the safety of flight by Iran Air and for safety-related inspections and repairs for Iran Air, provided that OFAC has issued any required licenses;

c. the National Iranian Oil Company and the National Iranian Tanker Company for transactions by non-U.S. persons to which sanctions would not apply if an exception under section 1244(g)(2) of IFCA were applied to China, India, Japan, the Republic of Korea, Taiwan, and Turkey, provided that such transactions are consistent with the purchase amounts provided for in the Joint Plan of Action of November 24, 2013, as extended, excluding any transactions or associated services involving any other persons on the SDN List; and

d. any political subdivision, agency, or instrumentality of the Government of Iran listed solely pursuant to E.O. 13599 for the sale, supply or transfer to or from Iran of precious metals, provided that such transactions are within the scope of the waiver of Sections 1245(a)(1)(A) and 1245(c) of IFCA.

Pursuant to Section 1245(d)(5) of the National Defense Authorization Act for FY 2012, as amended, I determine that it is in the national security interest of the United States to waive the imposition of sanctions under Section 1245(d)(1) with respect to:

(1) Foreign financial institutions under the primary jurisdiction of China, India, Japan, the Republic of Korea, the authorities on Taiwan, and Turkey, subject to the following conditions:

a. This waiver shall apply to a financial transaction only for trade in goods and services between Iran and the country with primary jurisdiction over the foreign financial institution involved in the financial transaction (but shall not apply to any transaction for the sale, supply, or transfer to Iran of precious metals involving funds credited to an account described in paragraph (b));

b. any funds owed to Iran as a result of such trade shall be credited to an account located in the country with primary jurisdiction over the foreign financial institution involved in the financial transaction; and

c. with the exception that certain foreign financial institutions notified directly in writing by the U.S. government may engage in financial transactions with the Central Bank of Iran in connection with the repatriation of revenues and the establishment of a financial channel, to the extent specifically provided for in the Joint Plan of Action of November 24, 2013, as extended.

(2) foreign financial institutions under the primary jurisdictions of Switzerland that are notified directly in writing by the U.S. Government, to the extent necessary for such foreign financial institutions to engage in financial transactions with the Central Bank of Iran: (i) Within the scope of the waiver of Sections 1245(a)(1) and 1245(c) of IFCA issued on May 15, 2015, and any extension of that waiver; and (ii) in connection with the repatriation of revenues and the establishment of a financial channel as specifically provided for in the Joint Plan of Action of November 24, 2013, as extended.

(3) foreign financial institutions under the primary jurisdiction of Oman that are notified directly in writing by the U.S. Government, to the extent necessary for such foreign financial institutions to engage in financial transactions with the Central Bank of Iran in connection with the repatriation of revenues and the establishment of a financial channel as specifically provided for in the Joint Plan of Action of November 24, 2013, as extended.

(4) foreign financial institutions under the primary jurisdiction of South Africa subject to the following conditions:

a. This waiver shall apply to a financial transaction only for trade in goods and services between Iran and South Africa (but shall not apply to any transaction for the purchase of crude oil from Iran or any transaction for the sale, supply, or transfer to Iran of precious metals involving funds credited to an account described in paragraph (b));

b. any funds owed to Iran as a result of such trade shall be credited to an account located in South Africa; and

c. with the exception of certain foreign financial institutions notified directly in writing by the U.S. government to the extent necessary for such financial institutions to engage in financial transactions with the Central Bank of Iran within the scope of the waiver of Sections 1245(a)(1) and 1245(c) of IFCA issued on [May 15, 2015] and any extension of that waiver.

Pursuant to Section 4(c)(1)(A) of the Iran Sanctions Act of 1996 (Public Law 104–172, 50 U.S.C. 1701 note) (ISA), I certify that it is vital to the national security interests of the United States to waive the application of section 5(a)(7) of ISA to the National Iranian Oil Company and the National Iranian Tanker Company to the extent required for insurance and transportation services provided on or after May 15, 2015, and associated with transactions to which sanctions would not apply if an exception under section 1244(g)(2) of IFCA were applied to China, India, Japan, the Republic of Korea, Taiwan, and Turkey, provided that such transactions are consistent with the purchase amounts provided for in the Joint Plan of Action of November 24, 2013, as extended.

These waivers shall take effect upon their transmittal to Congress, unless otherwise provided in the relevant provision of law.

(Signed John F. Kerry, Secretary of State)

Therefore, these sanctions have been waived as described in the determinations above. Relevant agencies and instrumentalities of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this notice.

Dated: June 1, 2015.

Kurt W. Tong,

Acting Assistant Secretary for Economic and Business Affairs.

[FR Doc. 2015–13814 Filed 6–4–15; 8:45 am]

BILLING CODE 4710–07–P

[4] Pursuant to section 1247(a) of IFCA, the relevant sanction in section 1247(a) still continues not to apply, by its terms, in the case of Iranian financial institutions that have not been designated for the imposition of sanctions in connection with Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction, support for international terrorism, or abuses of human rights (as described in section 1247(b)).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Compatibility Program Notice; Lafayette Regional Airport; Lafayette, Louisiana

AGENCY: Federal Aviation Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Lafayette Regional Airport under the provisions of 49 U.S.C. 47501 et. seq (the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act'') and 14 CFR part 150 by Lafayette Airport Commission. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for Lafayette Regional Airport were in compliance with applicable requirements, effective April 4, 2012, with **Federal Register** announcement published April 13, 2102. The proposed noise compatibility program will be approved or disapproved on or before November 24, 2015.

DATES: The effective date of the start of FAA's review of the noise compatibility program is May 28, 2015. The public comment period ends July 27, 2015.

FOR FURTHER INFORMATION CONTACT: DOT/FAA Southwest Region, Tim Tandy, Environmental Protection Specialist, ASW–640D, 2601 Meacham Boulevard, Fort Worth, Texas 76137. Telephone (817) 222–5644.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed noise compatibility program for Lafayette Regional Airport which will be approved or disapproved on or before November 24, 2015. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has formally received the noise compatibility program for Lafayette Regional Airport, effective on May 28, 2015. The airport operator has requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act. Preliminary review of the submitted material indicates that it conforms to FAR Part 150 requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before November 24, 2015.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety or create an undue burden on interstate or foreign commerce, and whether they are reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments relating to these factors, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, Texas.

Steven L. Picou, Executive Director, Lafayette Airport Commission, 222 Tower Drive, Lafayette, LA 70508.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Fort Worth, Texas, May 28, 2015.

Ignacio Flores,

Manager, Airports Division.

[FR Doc. 2015–13829 Filed 6–4–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2015–0010]

Agency Information Collection Activities: Notice of Request for Renewal of Two Previously Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on November 12, 2014. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by July 6, 2015.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2015–0010.

SUPPLEMENTARY INFORMATION:

Title 1: A Guide to Reporting Highway Statistics.

OMB Control Number: 2125–0032.

Abstract: A Guide to Reporting Highway Statistics provides for the collection of information by describing policies and procedures for assembling highway related data from the existing files of State agencies. The data includes motor-vehicle registration and fees, motor-fuel use and taxation, driver licensing, and highway taxation and finance. Federal, State, and local governments use the data for transportation policy discussions and decisions. Motor-fuel data are used in attributing receipts to the Highway Trust Fund and subsequently in the

apportionment formula that are used to distribute Federal-Aid Highway Funds. The data are published annually in the FHWA's Highway Statistics. Information from Highway Statistics is used in the joint FHWA and Federal Transit Administration required biennial report to Congress, Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance, which contrasts present status to future investment needs.

Respondents: State and local governments of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianas, and the Virgin Islands share this burden.

Estimated Average Burden per Response: The estimated average reporting burden per response for the annual collection and processing of the data is 754 hours for each of the States (including local governments), the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianas, and the Virgin Islands.

Estimated Total Annual Burden: The estimated total annual burden for all respondents is 42,206 hours.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Dougherty, (202) 366–9234, Department of Transportation, Federal Highway Administration, Office of Policy, Office of Highway Policy Information, Highway Funding and Motor Fuels Division (HPPI–10), 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 7 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Title 2: Highway Performance Monitoring System (HPMS).

OMB Control Number: 2125–0028.

Abstract: The HPMS data that is collected is used for management decisions that affect transportation, including estimates of the Nation's future highway needs and assessments of highway system performance. The information is used by the FHWA to develop and implement legislation and by State and Federal transportation officials to adequately plan, design, and administer effective, safe, and efficient transportation systems. This data is essential to the FHWA and Congress in evaluating the effectiveness of the Federal-aid highway program. The HPMS also provides miles, lane-miles and travel components of the Federal-Aid Highway Fund apportionment formulae. The data that is required by the HPMS is continually reassessed and streamlined by the FHWA.

Respondents: State governments of the 50 States, the District of Columbia the Commonwealth of Puerto Rico.

Estimated Average Burden per Response: The estimated average burden per response for the annual collection and processing of the HPMS data is 1,440 hours for each State, the District of Columbia and the Commonwealth of Puerto Rico.

Estimated Total Annual Burden: The estimated total annual burden for all respondents is 74,880 hours.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Rozycki, (202) 366–5059, Department of Transportation, Federal Highway Administration, Highway Systems Performance (HPPI–20), Office of Highway Policy Information, Office of Policy & Governmental Affairs, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

Public Comments Invited

You are asked to comment on any aspect of these information collections, including: (1) Whether the proposed collections are necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burdens could be minimized, including use of electronic technology, 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 these information collections.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Ch. 35, as amended; and 49 CFR 1.48.

Issued On: June 2, 2015.

Michael Howell,

Information Collection Officer.

[FR Doc. 2015–13757 Filed 6–4–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0055]

Notice of Coordinated Remedy Program Proceeding for the Replacement of Certain Takata Air Bag Inflators

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: In order to prioritize, organize, and phase multiple recalls to remedy defective Takata frontal air bag inflators, the National Highway Traffic Safety Administration (''NHTSA'') is opening proceedings, including a public docket..NHTSA is considering issuing one or more administrative orders that would coordinate remedy programs associated with defective Takata air bag inflators. Coordination of the remedy programs may include, among other things, ''acceleration,'' prioritization, organization, and/or phasing of some or all such air bag inflator remedy programs. It may further include coordination as to air bag inflator sourcing, production, allocation, delivery, installation, and adequacy of the remedy. This notice explains events leading to today's action and NHTSA's authority to open such a proceeding. It also describes some of the issues that the agency anticipates considering in the proceeding and information the agency requests from commenters as part of such a proceeding.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery or Courier:* U.S. Department of Transportation, West Building Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Regardless of how you submit your comments, you should mention the docket number of this document.

You may call the Docket at 202–366–9324.

Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, Scott Yon, Office of Defects Investigation, National Highway Traffic Safety Administration (telephone: 202–366–0139); for legal issues, Arija Flowers, Office of the Chief Counsel, NCC–111, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone: 202–366–8714). Information regarding NHTSA's investigation into Takata Air Bag Inflator ruptures is available on

NHTSA's Web site at: *http://www.safercar.gov/rs/takata/index.html.*

SUPPLEMENTARY INFORMATION: To mitigate and control the risk of serious injury or death due to an air bag inflator rupture, and to ensure that all affected vehicles in the United States are equipped with safe air bags as quickly as possible, NHTSA is considering exercising its authority under the National Traffic and Motor Vehicle Safety Act of 1966, as amended and recodified (the ''Safety Act''), 49 U.S.C. 30101, *et seq.,* to provide national-level leadership and to facilitate the prioritization, organization, and phasing of the remedy programs of TK Holdings, Inc. (''Takata'') and all vehicle manufacturers having recalled, defective Takata frontal air bag inflators. This includes the remedy programs of BMW of North America, LLC (''BMW''), Chrysler Group, LLC (''Chrysler''), Ford Motor Company (''Ford''), General Motors, LLC (''GM''), American Honda Motor Company (''Honda''), Mazda North American Operations (''Mazda''), Mercedes-Benz, LLC—DBA Sprinter (''M–B Sprinter'') (as to Sprinter Vans only), Mitsubishi Motors North America, Inc. (''Mitsubishi''), Nissan North America, Inc. (''Nissan''), Subaru of America, Inc. (''Subaru''), and Toyota Motor Engineering and Manufacturing (''Toyota'') (collectively, the ''Manufacturers'').

I. The Reasons for a Coordinated Remedy

The number of recalled air bag inflators and impacted vehicles and manufacturers, in combination with the supply issues related to these air bag recalls, presents an unprecedented level of complexity to the recall and remedy process. As of the date of this **Federal Register** Notice, these recalls of defective Takata air bag inflators constitute the largest Safety Act recall in NHTSA's history, and one of the largest consumer product recalls in United States history, with approximately 34 million air bag inflators currently requiring replacement. The risk of harm presented by the defective Takata air bag inflators transcends the scope of the usual Safety Act recall. Accordingly, NHTSA is hereby opening a coordinated remedy program proceeding.

Each of the Manufacturers, with the exception of M–B Sprinter, has previously elected a remedy program of repair for at least some of their affected vehicles (specifically, for vehicles that were covered by prior Manufacturer recalls). *See* 49 U.S.C. 30120(a)(1)(A). These remedy programs are individual to each of the Manufacturers, creating a patch-work solution that NHTSA believes may not adequately address the safety risks presented by the defective Takata air bag inflators within a reasonable time. Based on the currently available data, these recalls involve varying levels of risk of harm which must be mitigated and controlled: The risk of the air bag inflator rupturing when the air bag is inflated, which may result in serious injury or death to vehicle occupants without prior warning.

Specifically, NHTSA is issuing this notice pursuant to its authority under the Safety Act to ''accelerate'' remedy programs, 49 U.S.C. 30120(c)(3) and 49 CFR 573.14, to inspect and investigate, 49 U.S.C. 30166(b)(1), to ensure that defective vehicles and equipment are recalled and remedied, 49 U.S.C. 30118 through 30120, and to ensure that the remedy for the defect is adequate, 49 U.S.C. 30120, as delegated by the Secretary of Transportation (''the Secretary''), 49 CFR 1.95 and 501.2(a)(1). Given the severity of the possible harm, variable nature of the risk of harm to be mitigated and controlled, unprecedented number of vehicles and entities affected, and imperative for public confidence in the safety of their vehicle air bags, NHTSA is therefore opening a public proceeding, including a public docket, to investigate challenges and solutions related to the Takata air bag inflator recalls and to gather public comments on those issues.

NHTSA also anticipates collaborating in this proceeding with other Tier One inflator suppliers, which may include ARC Automotive, Inc. (''ARC''), Autoliv Americas (''Autoliv''), Key Safety Systems (''Key Safety''), Toyoda Gosei North America Corporation (''Toyoda''), TRW Automotive (''TRW''), and Special Devices, Inc./Daicel Group (''Daicel'') (collectively, the ''Suppliers'') to craft solutions that further mitigate and control the risk of harm by ensuring safe air bags in every motor vehicle in the United States.

II. Background on Defective Takata Frontal Air Bag Inflators

The first recall involving a rupturing Takata driver side frontal air bag inflator was initiated by Honda on November 11, 2008, and was designated by NHTSA as Recall No. 08V–593. At that time, the defect was thought to be the result of a specific manufacturing issue involving one of the propellant presses at Takata's Moses Lake, Washington plant. Due to various discrepancies in Takata's recordkeeping for the affected parts, Honda had to expand the scope of the recall several times between 2009 and 2011. Those recall expansions were designated by NHTSA as Recall Nos. 09V–259, 10V–041, and 11V–260.

The first recall involving a rupturing Takata passenger side frontal air bag inflator was initiated by Takata on April 11, 2013, and involved the following vehicle manufacturers: BMW, Honda, Mazda, Nissan, and Toyota. The various recall submissions were designated by NHTSA as Recall Nos. 13E–017, 13V–130, 13V–132, 13V–133, 13V–136, and 13V–172. At that time, the defect was thought to be the result of two specific manufacturing issues—(1) The possibility that the auto-reject function on the propellant press had been manually disabled, and (2) the possibility that certain propellant lots were exposed to uncontrolled moisture conditions at Takata's Monclova, Mexico plant.

Between August 2013 and April 2014, NHTSA received three Vehicle Owner Questionnaires (VOQs) that alleged air bag inflator ruptures in vehicle populations outside the scope of the prior driver side and passenger side frontal air bag recalls. In late-May 2014, Takata confirmed the three ruptures with NHTSA's Office of Defects Investigation (ODI), and notified ODI of an additional three ruptures (for a total of six rupture incidents between August 2013 and May 2014). On June 10, 2014, NHTSA convened a conference call, after which Takata and the affected vehicle manufacturers agreed to initiate regional parts collection campaigns in Florida, Hawaii, Puerto Rico, and the U.S. Virgin Islands. The initial data underlying these regional actions indicated that certain Takata frontal air bag inflators in regions prone to long-term high absolute humidity and temperatures pose a safety risk.

On June 11, 2014, NHTSA opened a preliminary evaluation, PE14–016, to investigate the six identified rupture incidents involving driver side and passenger side frontal air bag inflators manufactured by Takata. (PE14–016 was later upgraded to an engineering analysis, EA15–001, on February 24, 2015.)

During the period of October through December 2014, service campaigns related to the passenger side frontal air bags were converted to recalls and the geographic scope was expanded, though still limited to certain regions with higher levels of absolute humidity and high temperatures. Also during this period, NHTSA sent letters to Takata and the Manufacturers (except M–B Sprinter, whose air bag inflators were not then identified as having any defect) regarding their efforts and abilities, individually, to accelerate the supply of

replacement air bags and emphasizing the importance of their continued efforts to promptly and effectively remedy the serious safety risk posed to consumers by the defective Takata air bag inflators. Further, as part of its ongoing investigation and oversight of the defective Takata frontal air bag inflators, NHTSA issued a pair of Special Orders to Takata on October 30, and November 18, 2014, a Special Order to Honda on November 5, 2014, and General Orders to BMW, Chrysler, Ford, GM, Honda, Mazda, Mitsubishi, Nissan, Subaru, and Toyota on November 18, 2014.

Also on November 18, 2014, NHTSA publicly demanded that the five auto manufacturers with affected driver side frontal air bag inflators expand their regional campaigns and conduct a nationwide recall of vehicles equipped with the subject driver side frontal air bag inflators. This decision was based on, among other things, the agency's evaluation of a recent driver side frontal air bag failure in a vehicle outside the current regional recall area, and its relationship to five previous driver side frontal air bag inflator ruptures. Beginning in December 2014, BMW, Chrysler, Ford, Honda and Mazda initiated national service campaigns or safety improvement campaigns on vehicles with these driver side frontal air bag inflators.

On November 26, 2014, NHTSA demanded that Takata conduct a national recall of driver side frontal air bag inflators. In a response dated December 2, 2014, Takata declined to do so. Despite Takata's response, NHTSA continued insisting that Takata conduct a national recall.

On May 18, 2015, at NHTSA's urging, Takata filed four Defect Information Reports (''DIR's'') pursuant to 49 CFR 573.6. In those DIR's, Takata determined that a defect exists in certain models of frontal air bag inflators (specifically, the PSDI, PSDI–4, PSDI–4K, SPI, PSPI and PSPI–L).

As of May 27, 2015, ruptured Takata air bag inflators allegedly resulting in death or injury have been confirmed in 95 incidents in the United States. Many of these incidents resulted in serious injury to vehicle occupants. In five of the incidents, the vehicle's driver died, allegedly as a result of injuries sustained from the rupture of the air bag inflator. In other incidents, vehicle occupants allegedly suffered injuries including cuts or lacerations to the face or neck, broken or fractured facial bones, loss of eyesight, broken teeth, and traumatic brain injury.

III. Coordinated Remedy Program Proceeding

The Safety Act requires manufacturers to remedy safety-related defects in motor vehicles. 49 U.S.C. 30120(a). The remedy must be adequate to protect the American public from the safety risk posed by the defect. 49 U.S.C. 30120(c). Manufacturers are required to notify both the Secretary and vehicle owners of safety related defects, 49 U.S.C. 30118, including procedures for owners to follow to have the safety-related defect remedied, 49 U.S.C. 30119. The Safety Act also authorizes the Secretary to conduct investigations to enforce the Safety Act, 49 U.S.C. 30166(b)(1), issue general and special orders (responses to which are compulsory), hold hearings, and take testimony, 49 U.S.C. 30166(g)(1). If the Secretary determines that a manufacturer's remedy program is not likely to be capable of completion within a reasonable time, the Secretary may require the manufacturer to ''accelerate'' the remedy program if the Secretary finds that there is a risk of serious injury or death if the remedy program is not accelerated, and that acceleration of the remedy program can be reasonably achieved by expanding the sources of replacement parts, expanding the number of authorized repair facilities, or both. 49 U.S.C. 30120(c)(3). The Secretary has delegated his authorities under the Safety Act, including each of the above, to the NHTSA Administrator, 49 CFR 1.95(a) and 501.2(a)(1). Accordingly, NHTSA is opening this coordinated remedy proceeding to investigate issues related to the remedy of defective Takata frontal air bag inflators and to coordinate remedy programs, if and as appropriate based upon the findings of the proceeding.

As an initial matter, NHTSA seeks a full, open, and collaborative process, without compromising NHTSA's objectives of safety, that facilitates thoughtful problem-solving and engages all regulated entities in developing and implementing solutions to this significant safety risk. For example, NHTSA anticipates that it will collaborate with the Manufacturers, gathering information and data from each Manufacturer regarding, among other things, information related to production of replacement frontal air bag inflators and their distribution. Upon receipt, public versions of all responses to NHTSA's requests will be posted to this docket.

NHTSA also anticipates engaging the Suppliers in a cooperative, collaborative process seeking, among other things, information related to current production capabilities, possible enhanced production capabilities in the future, and any challenges to quickly increasing production of these specific parts. This process will involve requesting specific information from Suppliers and engaging in candid, thoughtful dialogue with Suppliers.

NHTSA further anticipates significant industry outreach to facilitate the forging of collaborative partnerships. Among other approaches, NHTSA anticipates convening one or more meetings, individually and/or in groups, with Takata, Manufacturers, Suppliers, and/or others to candidly discuss the challenges these industries are facing and, again, work collaboratively to create solutions that further mitigate and control the risk of harm presented by defective Takata air bag inflators and the challenges to achieving a satisfactory recall/remedy completion rate. Further, NHTSA may decide to hold a public hearing and, if so, NHTSA will provide information on the scope, date, time, and location of, and how to participate in, such a hearing in a subsequent **Federal Register** Notice.

IV. NHTSA's Request for Public Comments

While NHTSA will request certain information from Takata, Manufacturers, Suppliers, and other regulated entities in this proceeding, NHTSA also seeks comments from the public. NHTSA requests comments regarding, among other things, how NHTSA can most effectively exercise its authority with respect to prioritizing, organizing, and phasing recall and remedy programs involving the defective Takata frontal air bag inflators as described above, and methods for ensuring that Manufacturers and Takata achieve satisfactory recall/remedy completion rates.

NHTSA also requests comments on how Takata, Manufacturers, Suppliers, and other regulated entities would comply with one or more administrative orders that NHTSA may issue at the conclusion of this proceeding, upon consideration of the relevant data, facts found, and choices made. NHTSA is further requesting comments on the possible terms of any such order(s). In particular, NHTSA requests comments relating to (1) whether, and how, NHTSA should order Takata and/or other regulated entities to source replacement parts for Manufacturers, (2) whether, and how, NHTSA should issue an accelerated remedy directive to Takata and/or some (or all) Manufacturers, (3) whether, and how, NHTSA should order Takata and/or Manufacturers to prioritize certain

vehicles or certain regions in its allocation of replacement parts, (4) whether, and how, NHTSA should order a replacement schedule for replacement frontal inflators/air bags if Takata and/or Manufacturers cannot provide assurances for the ongoing safety of the inflators, and (5) whether, and how, NHTSA should order additional authorized repair facilities, or any other regulated entity, to aid Takata and/or Manufacturers in timely completing remedy programs.

Authority: 49 U.S.C. 30101, *et seq.,* 30118–30120, 30120(c)(3), 30166(b)(1), 30166(g)(1); 49 CFR 573.6, 573.14; delegations of authority at 49 CFR 1.95(a), 501.2(a)(1).

Issued: June 1, 2015.

Mark R. Rosekind,

Administrator.

[FR Doc. 2015–13756 Filed 6–4–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35932]

Lubbock and Western Railway, L.L.C.—Acquisition and Operation Exemption—West Texas and Lubbock Railway Company, Inc., and West Texas and Lubbock Railroad Company, Inc.

Lubbock and Western Railway, L.L.C. (LWR), a wholly owned noncarrier subsidiary of Watco Holdings, Inc., has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate approximately 9.5 miles of rail line and to lease approximately 134.75 miles of rail line from West Texas and Lubbock Railway Company, Inc., and West Texas and Lubbock Railroad Company, Inc. (WTLR). The lines being acquired and operated are located between: (1)(a) Mileposts 330.10 and 331.10 at Plainview, Tex., and (b) mileposts 367.250 and 368.250, at Dimmitt, Tex., on the Dimmit Sub; (2)(a) mileposts 0.0 and 1.0 at Doud, Tex., and (b) mileposts 12.10 and 13.10 at Broadview, Tex., on the Broadview Sub; (3)(a) mileposts 6.0 and 8.5 at Doud, and (b) mileposts 62.90 and 63.90, at Seagraves, Tex., on the Seagraves Sub; and (4)(a) mileposts 4.70 and 5.70 at Whiteface Junction, and (b) mileposts 38.80 and 39.80 at Whiteface, Tex., on the Whiteface Sub. The lines being leased are located between: (1) Mileposts 331.10 and 367.25 on the Dimmit Sub, (2) mileposts 1.0 and 12.10 on the Broadview Sub, (3) mileposts 8.50 and 62.90, on the Seagraves Sub, and (4) mileposts 5.70 and 38.80, on the Whiteface Sub. In addition, LWR will also acquire by assignment approximately 5 miles of trackage rights that WTLR currently has over BNSF Railway Company's line between milepost 88.6 at Canyon Jct., Tex., and milepost 83.6 at Broadview.

This transaction is related to a concurrently filed verified notice of exemption in *Watco Holdings, Inc.—Continuance in Control Exemption—Lubbock & Western Railway,* Docket No. FD 35933, wherein Watco Holdings, Inc., seeks Board approval to continue in control of LWR, upon LWR's becoming a Class III rail carrier.

The parties intend to consummate the transaction after the effective date of the verified notice of exemption.

LWR certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier. Because LWR's projected annual revenues will exceed $5 million, LWR certified to the Board on May 19, 2015, that it had complied with the requirements of 49 CFR 1150.32(e) on May 18, 2015, by providing notice to employees of WTLR on the affected lines.[1] Under 49 CFR 1150.32(e), this exemption cannot become effective until 60 days after the date notice was provided, which would be July 18, 2015.

LWR states that the agreement with WTLR does not contain any provision that prohibits it from interchanging traffic with a third party or limits its ability to interchange with a third party.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than July 10, 2015 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35932, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Karl Morell, 655 Fifteenth Street NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: June 2, 2015.

[1] In its May 19 letter to the Board, LWR stated that there are no union employees at WTLR.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2015–13790 Filed 6–4–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35931]

Watco Holdings, Inc.—Continuance in Control Exemption—Texas New Mexico Railway, L.L.C.

Watco Holdings, Inc. (Watco), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Texas New Mexico Railway, L.L.C. (TNMR), upon TNMR's becoming a Class III rail carrier. Watco owns, indirectly, 100 percent of the issued and outstanding stock of TNMR, a limited liability company.

This transaction is related to a concurrently filed verified notice of exemption in *Texas New Mexico Railway—Acquisition and Operation Exemption—Austin & Northwestern Railroad,* Docket No. FD 35930, wherein TNMR seeks Board approval to acquire and operate approximately 104.191 miles of rail line owned by Austin & Northwestern Railway Company, Inc., between milepost 0.079 at Monahans, Tex., and milepost 104.27 at Lovington, NM.

The transaction may be consummated on or after June 20, 2015, the effective date of the exemption (30 days after the notice of exemption was filed).

Watco is a Kansas corporation that currently controls, indirectly, one Class II rail carrier, and 30 Class III rail carriers, collectively operating in 22 states. For a complete list of these rail carriers, and the states in which they operate, see Watco's notice of exemption filed on May 21, 2015. The notice is available on the Board's Web site at *WWW.STB.DOT.GOV.*

Watco represents that: (1) The rail lines to be operated by TNMR do not connect with any of the rail lines operated by the carriers in the Watco corporate family; (2) the transaction is not a part of a series of anticipated transactions that would result in such a connection; and (3) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Watco states that the purpose of the transaction is to reduce overhead expenses, coordinate billing,

maintenance, mechanical, and personnel policies and practices of its rail carrier subsidiaries, and thereby improve the overall efficiency of rail service provided by the railroads in the Watco corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Because the transaction involves the control of one Class II and one or more Class III rail carriers, the transaction is subject to the labor protection requirements of 49 U.S.C. 11326(b) and *Wisconsin Central Ltd.—Acquisition Exemption—Lines of Union Pacific Railroad,* 2 S.T.B. 218 (1997).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed by June 12, 2015 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35931, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Karl Morell, Karl Morell & Associates, 655 Fifteenth Street NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: June 1, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2015–13769 Filed 6–4–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Agency Information Collection Activities; Proposals, Submissions, and Approvals

AGENCY: Surface Transportation Board.

ACTION: 60-day notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3519 (PRA), the Surface Transportation Board (Board) gives notice of its intent to request from the Office of Management and Budget (OMB) approval without change of the six existing collections described below.

Comments are requested concerning each collection as to (1) whether the particular collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate. Submitted comments will be included and/or summarized in the Board's request for OMB approval.

DATES: Written comments are due on August 4, 2015.

ADDRESSES: Direct all comments to Marilyn Levitt, Surface Transportation Board, Suite 1260, 395 E Street SW., Washington, DC 20423–0001, or to *levittm@stb.dot.gov.* Comments should be identified as ''Paperwork Reduction Act Comments,'' and should refer to the title and control number of the specific collection(s) commented upon.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s) contact Pedro Ramirez at (202) 245–0333 or *ramirezp@stb.dot.gov* [Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339].

In this notice the Board is requesting comments on the following information collections:

Subjects:

Collection Number 1

Title: Quarterly Report of Revenues, Expenses, and Income—Railroads (Form RE&I).

OMB Control Number: 2140–0013.

Form Number: None.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: 6 hours.

Frequency of Response: Quarterly.

Total Annual Hour Burden: 168 hours annually.

Total Annual ''Non Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.

Needs and Uses: This collection is a report of railroad operating revenues, operating expenses and income items; it is a profit and loss statement, disclosing net railway operating income on a quarterly and year-to-date basis for the current and prior years. *See* 49 CFR 1243.1. The Board uses the information in this report to ensure competitive, efficient, and safe transportation through general oversight programs that monitor and forecast the financial and operating condition of railroads, and through regulation of railroad rate and service issues and rail restructuring proposals, including railroad mergers, consolidations, acquisitions of control, and abandonments. Information from these reports is used by the Board, other Federal agencies, and industry groups to monitor and assess industry growth and operations, detect changes in carrier financial stability, and identify trends that may affect the national transportation system. Some of the information from these reports is compiled by the Board in our quarterly Selected Earnings Data Report, which is published on the Board's Web site, *http://www.stb.dot.gov/stb/industry/econ_reports.html.* The information contained in these reports is not available from any other source.

Collection Number 2

Title: Quarterly Condensed Balance Sheet—Railroads (Form CBS).

OMB Control Number: 2140–0014.

Form Number: None.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: Six hours.

Frequency of Response: Quarterly.

Total Annual Hour Burden: 168 hours annually.

Total Annual ''Non-Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.

Needs and Uses: This collection shows the balance, quarterly and cumulative, for the current and prior year of the carrier's assets and liabilities, gross capital expenditures, and revenue tons carried. *See* 49 CFR 1243.2. The Board uses the information in this report to ensure competitive, efficient, and safe transportation through general oversight programs that monitor and forecast the financial and operating condition of railroads, and through specific regulation of railroad rate and service issues and rail restructuring proposals, including railroad mergers, consolidations, acquisitions of control, and abandonments. Information from these reports is used by the Board, other Federal agencies, and industry groups to assess industry growth and operations, detect changes in carrier financial stability, and identify trends that may

affect the national transportation system. Revenue ton-miles, which are reported in these reports, are compiled and published by the Board in its quarterly Selected Earnings Data Report, which is published on the Board's Web site, *http://www.stb.dot.gov/stb/industry/econ_reports.html.* The information contained in these reports is not available from any other source.

Collection Number 3

OMB Control Number: 2140–0004.
Title: Report of Railroad Employees, Service and Compensation (Wage Forms A and B).
Form Number: None.
Type of Review: Extension without change.
Respondents: Class I railroads and the Association of American Railroads.
Number of Respondents: Eight.
Estimated Time per Response: No more than 30 hours per quarterly report and 40 hours per annual summation.
Frequency of Response: Quarterly, with an annual summation.
Total Annual Hour Burden: No more than 1,280 hours annually.
Total Annual ''Non-Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.
Needs and Uses: This collection shows the number of employees, service hours, and compensation, by employee group (*e.g.,* executive, professional, maintenance-of-way and equipment, and transportation), of the reporting railroads. *See* 49 CFR 1245. The information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate proposed regulated transactions that may impact rail employees, including mergers and consolidations, acquisitions of control, purchases, and abandonments. Other Federal agencies and industry groups, including the Railroad Retirement Board, Bureau of Labor Statistics, and Association of American Railroads, use the information contained in the reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's Web site, *http://www.stb.dot.gov/stb/industry/econ_reports.html.* The information contained in these reports is not available from any other source.

Collection Number 4

Title: Monthly Report of Number of Employees of Class I Railroads (Wage Form C).
OMB Control Number: 2140–0007.
Form Number: STB Form 350.
Type of Review: Extension without change.
Respondents: Class I railroads and the Association of American Railroads.
Number of Respondents: Eight.
Estimated Time per Response: 1.25 hours.
Frequency of Response: Monthly.
Total Annual Hour Burden: 120 hours annually.
Total Annual ''Non-Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.
Needs and Uses: This collection shows, for each reporting carrier, the average number of employees at mid-month in the six job-classification groups that encompass all railroad employees. *See* 49 CFR 1246. The information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate the impact on rail employees of proposed regulated transactions, including mergers and consolidations, acquisitions of control, purchases, and abandonments. Other Federal agencies and industry groups, including the Railroad Retirement Board, Bureau of Labor Statistics, and Association of American Railroads, use the information contained in these reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's Web site, *www.stb.dot.gov/stb/industry/urcs.html.* The information contained in these reports is not available from any other source.

Collection Number 5

Title: Annual Report of Cars Loaded and Cars Terminated .
OMB Control Number: 2140–0011.
Form Number: Form STB–54.
Type of Review: Extension without change.
Number of Respondents: Seven.
Estimated Time per Response: Four hours.
Frequency of Response: Annual .
Total Annual Hour Burden: 28 hours annually.
Total Annual ''Non Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.
Needs and Uses: This collection reports the number of cars loaded and cars terminated on the reporting carrier's line. *See* 49 CFR 1247. Information in this report is entered into the Board's Uniform Rail Costing System (URCS), which is a cost measurement methodology. URCS, which was developed by the Board pursuant to 49 U.S.C. 11161, is used as a tool in rail rate proceedings, in accordance with 49 U.S.C. 10707(d), to calculate the variable costs associated with providing a particular service. The Board also uses URCS to carry out more effectively other of its regulatory responsibilities, including: acting on railroad requests for authority to engage in Board-regulated financial transactions such as mergers, acquisitions of control, and consolidations, *see* 49 U.S.C. 11323–11324; analyzing the information that the Board obtains through the annual railroad industry waybill sample, *see* 49 CFR 1244; measuring off-branch costs in railroad abandonment proceedings, in accordance with 49 CFR 1152.32(n); developing the ''rail cost adjustment factors,'' in accordance with 49 U.S.C. 10708; and conducting investigations and rulemakings. This collection is compiled and published on the Board's Web site, *http://www.stb.dot.gov/stb/industry/econ_reports.html.* There is no other source for the information contained in this report.

Collection Number 6

OMB Control Number: 2140–0001.
Title: Quarterly Report of Freight Commodity Statistics (Form QCS).
Form Number: None.
Type of Review: Extension without change.
Respondents: Class I railroads.
Number of Respondents: Seven.
Estimated Time per Response: 217 hours.
Frequency of Response: Quarterly, with an annual summation.
Total Annual Hour Burden: 7,595 hours annually.
Total Annual ''Non-Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.
Needs and Uses: This collection, which is based on information contained in carload waybills used by railroads in the ordinary course of business, reports car loadings and total revenues by commodity code for each commodity that moved on the railroad during the reporting period. *See* 49 CFR 1248. Information in this report is entered into the Board's URCS, the uses of which are explained under Collection Number 5. This collection is compiled and published on the Board's Web site, *http://www.stb.dot.gov/stb/industry/econ_reports.html.* There is no other source for the information contained in this report.

SUPPLEMENTARY INFORMATION: Under the PRA, a Federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c),

includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under § 3506(c)(2)(A) of the PRA, Federal agencies are required, prior to submitting a collection to OMB for approval, to provide a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: June 1, 2015.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2015–13705 Filed 6–4–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35933]

Watco Holdings, Inc.—Continuance in Control Exemption—Lubbock and Western Railway, L.L.C.

Watco Holdings, Inc. (Watco), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Lubbock and Western Railway, L.L.C. (LWR), upon LWR's becoming a Class III rail carrier. Watco owns, indirectly, 100 percent of the issued and outstanding stock of LWR, a limited liability company.

This transaction is related to a concurrently filed verified notice of exemption in *Lubbock & Western Railway—Acquisition & Operation Exemption—West Texas & Lubbock Railway,* Docket No. FD 35932, wherein LWR seeks Board approval (1) to acquire and operate approximately 9.5 miles of rail line and to lease approximately 134.75 miles of rail line from West Texas and Lubbock Railway Company, Inc., and West Texas and Lubbock Railroad Company, Inc. (WTLR), between specified points in Texas; and (2) to acquire by assignment approximately 5 miles of trackage rights that WTLR currently has over BNSF Railway Company's line between Canyon Jct., and Broadview, Tex.

The transaction may be consummated on or after June 20, 2015, the effective date of the exemption (30 days after the notice of exemption was filed).

Watco is a Kansas corporation that currently controls, indirectly, 30 Class III rail carriers and one Class II rail carrier, collectively operating in 22 states. For a complete list of these rail carriers, and the states in which they operate, see Watco's notice of exemption filed on May 21, 2015. The notice is available on the Board's Web site at ''*www.stb.dot.gov.*''

Watco represents that: (1) The rail lines to be operated by LWR do not connect with any of the rail lines operated by the carriers in the Watco corporate family; (2) the continuance in control is not a part of a series of anticipated transactions that would result in such a connection; and (3) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Watco states that the purpose of the transaction is to reduce overhead expenses, coordinate billing, maintenance, mechanical, and personnel policies and practices of its rail carrier subsidiaries, and thereby improve the overall efficiency of rail service provided by the railroads in the Watco corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Because the transaction involves the control of one Class II and one or more Class III rail carriers, the transaction is subject to the labor protection requirements of 49 U.S.C. 11326(b) and *Wisconsin Central Ltd.—Acquisition Exemption—Lines of Union Pacific Railroad,* 2 S.T.B. 218 (1997).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed by June 12, 2015 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35933, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Karl Morell, 655 Fifteenth Street NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: June 2, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2015–13794 Filed 6–4–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35930]

Texas New Mexico Railway, L.L.C.—Acquisition and Operation Exemption—Austin & Northwestern Railroad Company, Inc.

Texas New Mexico Railway, L.L.C. (TNMR),[1] a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Austin & Northwestern Railway Company, Inc. (ANR), and to operate, approximately 104.191 miles of rail line between milepost 0.079 at Monahans, Tex., and milepost 104.27 at Lovington, NM.

This transaction is related to a concurrently filed verified notice of exemption in *Watco Holdings, Inc.—Continuance in Control Exemption—Texas New Mexico Railway,* Docket No. FD 35931, wherein Watco Holdings, Inc., seeks Board approval under 49 CFR 1180.2(d)(2) to continue in control of TNMR, upon TNMR's becoming a Class III rail carrier.

TNMR states that the agreement between TNMR and ANR does not contain any provision that prohibits TNMR from interchanging traffic with a third party or limits TNMR's ability to interchange with a third party.

The transaction is expected to be consummated on or after the effective date of the exemption.

TNMR has certified that this transaction will not result in TNMR's becoming a Class II or Class I rail carrier. Because TNMR's projected annual revenues will exceed $5 million, TNMR certified to the Board on May 19, 2015, that it had complied with the requirements of 49 CFR 1150.32(e) on May 18, 2015, by providing notice to employees on the affected line.[2] Under 49 CFR 1150.32(e), this exemption cannot become effective until 60 days after the requirements of that section have been satisfied (here, July 18, 2015).

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 10, 2015 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD

[1] TNMR is a new, wholly owned, subsidiary of Watco Holdings, Inc.

[2] In its May 19 letter to the Board, TNMR stated that there are no union employees at ANR.

35930 must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Karl Morell, Karl Morell & Associates, 655 Fifteenth Street NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: June 1, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2015–13786 Filed 6–4–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Comment Request; Bank Appeals Follow-Up Questionnaire

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a new information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning collection of new information titled, ''Bank Appeals Follow-Up Questionnaire.''

DATES: Comments must be submitted on or before August 4, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–NEW, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

Title: Bank Appeals Follow-Up Questionnaire.

OMB Control No.: To be assigned by OMB.

Type of Review: Regular.

Description: The OCC's Office of the Ombudsman (Ombudsman) is committed to assessing its efforts to provide a fair and expeditious appeal process to institutions under OCC supervision. To perform this assessment, it is necessary to obtain feedback from individual appellant institutions on the effectiveness of the Ombudsman's current efforts to provide a fair and expeditious appeals process and suggestions to enhance the bank appeals process. The Ombudsman will use the information gathered to assess adherence to OCC Bulletin 2013–15, ''Bank Appeals Process,'' dated June 7, 2013, for each appeal submitted and to enhance its bank appeals program.

Affected Public: Businesses or other for-profit.

Burden Estimates:

Estimated Number of Respondents: 15.

Estimated Number of Responses: 15.

Estimated Annual Burden: 2.5 hours.

Frequency of Response: On occasion.

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology.

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 1, 2015.

Mary H. Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

[FR Doc. 2015–13819 Filed 6–4–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, July 8, 2015.

FOR FURTHER INFORMATION CONTACT: Otis Simpson at 1–888–912–1227 or 202–317–3332.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Wednesday, July 8, 2015, at 3:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Otis Simpson. For more information please

contact: Otis Simpson at 1–888–912–1227 or 202–317–3332, TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: June 1, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–13685 Filed 6–4–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, July 15, 2015.

FOR FURTHER INFORMATION CONTACT: Linda Rivera at 1–888–912–1227 or (202) 317–3337.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Wednesday, July 15, 2015 at 2:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Linda Rivera. For more information please contact: Ms. Rivera at 1–888–912–1227 or (202)317–3337, or write TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing Toll-free issues and public input is welcomed.

Dated: June 1, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–13702 Filed 6–4–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held July 7, 2015.

FOR FURTHER INFORMATION CONTACT: Donna Powers at 1–888–912–1227 or (954) 423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Tuesday July 7, 2015 at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Donna Powers. For more information please contact: Donna Powers at 1–888–912–1227 or (954) 423–7977 or write: TAP Office, 1000 S. Pine Island Road, Plantation, FL 33324 or contact us at the Web site: *http://www.improveirs.org.* The committee will be discussing various issues related to Tax Forms and Publications and public input is welcomed.

Dated: June 1, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–13689 Filed 6–4–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, July 9, 2015.

FOR FURTHER INFORMATION CONTACT: Theresa Singleton at 1–888–912–1227 or 202–317–3329.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Thursday, July 9, 2015, at 12:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Theresa Singleton. For more information please contact: Theresa Singleton at 1–888–912–1227 or 202–317–3329, TAP Office, 1111 Constitution Avenue NW., Room 1509, National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: June 1, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–13691 Filed 6–4–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, July 29, 2015.

FOR FURTHER INFORMATION CONTACT: Lisa Billups at 1–888–912–1227 or (214) 413–6523.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Wednesday, July 29, 2015, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact Lisa Billups at 1–888–912–1227 or 214–413–6523, or write TAP Office, 1114 Commerce Street, Dallas, TX 75242–1021, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: June 1, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–13704 Filed 6–4–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, July 2, 2015.

FOR FURTHER INFORMATION CONTACT: Janice Spinks at 1–888–912–1227 or (206) 946–3006.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, July 2, 2015, at 3:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Janice Spinks. For more information please contact: Janice Spinks at 1–888–912–1227 or 206 946–3006, or write TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174, or post comments to the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: June 1, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–13700 Filed 6–4–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, July 2, 2015.

FOR FURTHER INFORMATION CONTACT: Kim Vinci at 1–888–912–1227 or 916–974–5086.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Special Projects Committee will be held Thursday, July 2, 2015, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Kim Vinci. For more information please contact: Kim Vinci at 1–888–912–1227 or 916–974–5086, TAP Office, 4330 Watt Ave., Sacramento, CA 95821, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include a discussion on various special topics with IRS processes.

Dated: June 1, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–13693 Filed 6–4–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Prosthetics and Special-Disabilities Programs

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Veterans Health Administration (VHA), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Prosthetics and Special-Disabilities Programs (herein-after in this section referred to as ''the Committee''). The Committee was established pursuant to 38 U.S.C. 543 to advise the Secretary of VA on administration of Department's prosthetic and special-disabilities programs, coordination of VA and non-VA programs to develop and test prosthetic devices, and coordination of the informational exchange regarding development and testing of prosthetic devices. The Committee will consult with the Secretary on adequate funding and the treatment capacity for those programs.

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EDT on July 3, 2015.

ADDRESSES: All nominations should be mailed to the Department of Veterans Affairs, Rehabilitation and Prosthetic Services (10P4R), 810 Vermont Ave. NW., Washington, DC 20420, or faxed to (202) 495–5473. **Note:** This is not a toll-free fax line.

FOR FURTHER INFORMATION CONTACT: Mr. Larry N. Long, Department of Veterans Affairs, Office of Rehabilitation and Prosthetic Services (10P4R), 810 Vermont Avenue NW., Washington, DC 20420, telephone (202) 461–7354. A copy of the Committee charter and list of the current membership can be obtained by contacting Mr. Long.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Prosthetics and

Special-Disabilities Programs was established pursuant to 38 U.S.C. 543 to advise the Secretary on VA's prosthetic programs designed to provide state-of-the-art prosthetics and the associated rehabilitation research, development and evaluation of such technology. The Committee will also advise the Secretary on special-disability programs (as directed by 38 U.S.C. 543) which are defined as any program administered by the Secretary to serve Veterans with spinal cord injury, blindness or vision impairment, loss of or loss of use of extremities, deafness or hearing impairment, or other serious incapacities in terms of daily life functions. The Veterans' Health Care Eligibility Reform Act of 1996 requires VA to consult with the Committee concerning VA's effort to maintain capacity to provide for the specialized treatment and rehabilitative needs of disabled Veterans within distinct programs or facilities of the Department.

VHA is requesting nominations for upcoming vacancies on the Committee. The Committee is currently composed of 12 members. The members of the Committee are appointed by the Secretary of Veteran Affairs from the general public, including but not limited to:

(1) Veterans or other individuals who are recognized authorities in fields pertinent to the needs of Veterans;

(2) Veterans who have experience in a military theater of operations;

(3) Recently separated Veterans.

The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed four years. The Secretary may reappoint any such member for additional terms of service.

To the extent possible, the Secretary seeks members who have diverse professional and personal qualifications, including but not limited to prior military experience and military deployments, experience working with Veterans and in large and complex organizations, and subject matter expertise in the subject areas described above. We ask that nominations include information of this type so that VA can ensure a balanced Committee membership.

Requirements for Nomination Submission: Nominations should be typed (one nomination per nominator). Nomination package should include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating the willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone numbers, and email address; (3) the nominee's curriculum vitae; and (4) a summary of the nominee's experience and qualifications relative to the membership considerations described above; and (5) a statement confirming that he/she is not a federally-registered lobbyist. Individuals selected for appointment to the Committee shall be invited to serve a two-year term. Committee members will receive a stipend for attending Committee meetings, including per diem and reimbursement for travel expenses incurred, subject to Federal travel regulations. The Department makes every effort to ensure that the membership of VA federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Appointments to this Committee shall be made without discrimination because of a person's race, color, religion, sex, sexual orientation, gender identify, national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: June 2, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2015–13744 Filed 6–4–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Department of Education

34 CFR Subtitle A

Final Priority—Investing in Innovation Fund; Applications for New Awards; Investing in Innovation Fund—Validation Grants; Applications for New Awards; Investing in Innovation Fund—Scale-Up Grants; Rule and Notices

DEPARTMENT OF EDUCATION

34 CFR Subtitle A

[Docket ID ED–2015–OII–0006]

RIN 1855–ZA10

Final Priority—Investing in Innovation Fund

[Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.411A (Scale-up grants), 84.411B (Validation grants), and 84.411C (Development grants)]

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Final priority.

SUMMARY: The Assistant Deputy Secretary for Innovation and Improvement announces a priority under the Investing in Innovation Fund (i3). The Assistant Deputy Secretary may use this priority for competitions in fiscal year (FY) 2015 and later years. The priority does not repeal or replace previously established priorities for this program.

DATES: This priority is effective July 6, 2015.

FOR FURTHER INFORMATION CONTACT: Allison Moss, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W319, Washington, DC 20202. Telephone: (202) 453–7122 or by email: *i3@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Summary of the Major Provisions of This Regulatory Action: In this document, the Department announces a priority for the i3 program that promotes the implementation of comprehensive high school reform and redesign strategies. This priority may be used in the Development, Validation, or Scale-up tier of the i3 program in FY 2015 and future years, as appropriate. We have made one change from the priority proposed in the **Federal Register** on March 17, 2015 (80 FR 13803). The priority announced in this document includes language that expands the types of schools in which applicants may propose to implement comprehensive high school reform strategies. We make this change in response to comments received from the public and in an effort to ensure that the priority is designed to support high schools that are most in need of comprehensive reform.

Costs and Benefits: The Assistant Deputy Secretary believes that the priority does not impose significant costs on eligible applicants seeking assistance through the i3 program.

The priority is designed to be used in conjunction with several priorities that have already been established under the i3 program, and no priority, whether it is used as an absolute or competitive preference priority, affects the overall amount of funding available to individual applicants in any given fiscal year.

In addition, we note that participation in this program is voluntary. Potential applicants need to consider carefully the effort that will be required to prepare a strong application, their capacity to implement a project successfully, and their chances of submitting a successful application. We believe that the costs imposed on applicants by the priority would be limited to paperwork burden related to preparing an application and that the benefits of implementing these proposals would outweigh any costs incurred by applicants. The costs of carrying out activities would be paid for with program funds and with matching funds that can be provided by private-sector partners other than the applicant. Thus, the costs of implementation need not be a burden for any eligible applicants, including small entities.

Purpose of Program: The i3 program addresses two related challenges. First, there are too few practices in education supported by rigorous evidence of effectiveness, despite national attention paid to finding practices that are effective in improving education outcomes in the decade since the establishment of the Department's Institute of Education Sciences. Second, there are limited incentives to expand effective practices substantially and to use those practices to serve more students across schools, districts, and States. As a result, students do not always have access to high-quality programs.

The i3 program addresses these two challenges through its multi-tier structure that links the amount of funding that an applicant may receive to the quality of the evidence supporting the efficacy of the proposed project. Applicants proposing practices supported by limited evidence can receive small grants to support the development and initial evaluation of promising practices and help to identify new solutions to pressing challenges; applicants proposing practices supported by evidence from rigorous evaluations, such as large randomized controlled trials, can receive substantially larger grants to support expansion across the Nation. This structure provides incentives for applicants to build evidence of effectiveness of their proposed projects and to address the barriers to serving more students across schools, districts, and States so that applicants can compete for more sizeable grants.

As importantly, all i3 projects are required to generate additional evidence of effectiveness. All i3 grantees must use part of their grant award to conduct independent evaluations of their projects. This ensures that projects funded under the i3 program contribute significantly to improving the information available to practitioners and policymakers about which practices work, for which types of students, and in which contexts. More information about the i3 program, including information about eligible applicants, can be found in the notice of final priorities, requirements, definitions, and selection criteria, published in the **Federal Register** on March 27, 2013 (78 FR 18682).

Program Authority: American Recovery and Reinvestment Act of 2009 (ARRA), Division A, Section 14007, Pub. L. 111–5.

We published a notice of proposed priority (NPP) for this program in the **Federal Register** on March 17, 2015 (80 FR 13803). That notice contained background information and our reasons for proposing the particular priority.

Public Comment: In response to our invitation in the NPP, 14 parties submitted comments on the proposed priority.

We group major issues according to subject. Generally, we do not address technical and other minor changes.

Analysis of the Comments and Changes: An analysis of the comments and of any changes in the priority since publication of the NPP follows.

Comment: Several commenters generally approved of the priority, but expressed concerns that the priority's requirement that applicants serve schools that are eligible to operate Title I schoolwide assistance programs under section 1114 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, was problematic. One commenter noted that including such language in the priority would exclude projects that are designed to serve high school students who are participating in regionally benefical district-wide reform efforts. One commenter echoed this concern, and requested that we allow applicants to determine that not less than 40 percent of the students served by the project will be from low-income families by aggregating the students across all schools that will be served. Another

commenter indicated that, if we do intend to require that projects designed to address this priority support the above-referenced schools, we must take steps to ensure that applicants are aware of the different ways in which a school may qualify to operate Title I schoolwide assistance programs. The commenter explained that high school students do not often identify themselves as being eligible for free- and reduced-priced lunch, even if they do qualify for such assistance. A third commenter raised similar concerns and asked that we edit the priority so that it would support projects designed to support schools where not less than 40 percent of students are from low-income families, as calculated under section 1113 of the ESEA. The commenter also asked that we clarify that applicants could demonstrate eligibility under this priority by using a feeder pattern, and noted that the Department had issued non-regulatory guidance in 2003 indicating that such an approach would be acceptable for demonstrating that a school meets Title I requirements.

Discussion: We thank the commenters for expressing these concerns, and note that Congress, in the Explanatory Statement of the Fiscal Year 2015 Appropriations Act, directed the Department, in making new awards with FY 2015 i3 funds, to establish a priority to support high school reform in schools where not less than 40 percent of students are from low-income families. We proposed to carry out this congressional directive through a priority to support schools eligible to operate Title I schoolwide assistance programs. However, upon review of the commenters' concerns, we have determined that revisions to the priority are necessary in order to ensure that projects designed to address this priority implement high school reform strategies in schools with demonstrated need. We think the revisions we have made fully reflect Congress' stated interest in supporting schools where not less than 40 percent of students are from low-income families, but allow enough flexibility to ensure that applicants have some discretion in determining which schools are most in need of comprehensive reform.

We also note that upon further review, we determined that the proposed priority may cause unintended difficulties for applicants that are not yet able to identify, at the time their proposals are due to be submitted, all of the schools that would be included in their proposed projects. With the expanded language, we ensure that applicants with plans to scale their projects could do so, but note that those applicants would still need to establish that they will serve schools that can demonstrate that not less than 40 percent of their students are from low-income families. We also note that all i3 grantees must serve high-need students.

Changes: We have broadened the requirements for which types of schools may be included in a project under this priority.

Comment: One commenter expressed support for the priority but requested clarification. Specifically, the commenter inquired whether an applicant could fully address the priority if it proposed to implement its project in a school that meets Title I schoolwide assistance eligibility criteria, but is not designated as a Title I school because needs are greater for other schools in its district.

Discussion: If an applicant proposes to address the priority by designing a project that would serve a school that is eligible to operate Title I schoolwide assistance programs under section 1114 of the ESEA, and the applicant provides appropriate evidence of that eligibility in its application, we would consider such a project as adequately addressing the priority even if the school in question is not currently operating such a program. We note that all i3 grantees must serve high-need students, and encourage applicants to consider carefully whether their proposed projects are reaching those students who are most in need of support. We also note that in response to concerns raised by other commenters, discussed above, we have further clarified the priority.

Changes: None.

Comment: One commenter inquired whether a ''feeder-to-high school'' intervention that reflects the continuous progression of instructional standards would address the priority. The commenter noted more generally that it is important we consider the learning trajectories of students, and how those trajectories may change over time.

Discussion: We agree that projects should be designed to adapt to changing needs of students over time in order to better ensure appropriate support.

In addition, we think that a project such as that described by the commenter could meet the priority, assuming the applicant provides a thorough and complete discussion of how its proposal is designed to increase the number and percentage of students who graduate from high school college- and career-ready and enroll in college, other postsecondary education, or other career and technical education.

Changes: None.

Comment: One commenter asked that we expand the priority to include strategies that would improve school climate, particularly relationships between students and their teachers. Another commenter noted that the priority could be strengthened by more explicitly supporting expanded learning opportunities and strategies in order to improve student engagement in school.

Discussion: We agree that school climate and student engagement play important roles in fostering student success and well-being, and indeed can be taken into account by an applicant when designing a comprehensive high school reform strategy. We note, however, that in 2013 (78 FR 18681), the i3 program established a priority that addresses low-performing schools. That priority includes areas of focus on improving school performance and culture, addressing non-academic factors that affect student achievement, and enhancing student engagement in learning. In addition, in 2014 (79 FR 73425) the Department established a set of supplemental priorities and definitions that may be used in any discretionary grant program, including the i3 program. These priorities include one that specifically focuses on improving school climate. As such, we believe that mechanisms for addressing the commenters' concerns already exist, and it is not necessary to change the priority.

Changes: None.

Comment: One commenter requested that we more specifically promote early college high schools and dual enrollment as strategies that would be supported by the priority. A second commenter suggested that we explicitly promote small schools of choice models, and noted that such strategies are supported by evidence that meets the What Works Clearinghouse Evidence Standards. Another commenter suggested that we revise the priority to include a specific focus on competency-based learning models. The commenter also requested that we encourage applicants to embed strategies for collecting and sharing data effectively into their proposed projects; specifically, the commenter suggested that projects designed to address this priority make teacher effectiveness and student postsecondary enrollment data publicly available.

Discussion: While we agree that a proposed project that utilizes such strategies could address the priority, assuming the project meets all other necessary requirements, we decline to prescribe specific strategies to applicants. We think that applicants are best-suited to determine the most appropriate strategies for their communities, and encourage applicants

to consider several factors, including the extent of available research on possible strategies, when designing their proposed projects. We generally encourage applicants to use data to make informed decisions, and note that any data that are shared publicly must be done so in accordance with applicable privacy laws.

Changes: None.

Comment: One commenter asked that we revise the priority to focus more clearly on comprehensive academic support that could be achieved through partnerships with postsecondary institutions or through extracurricular programs. The commenter also noted that students can improve their college- and career-readiness through study of the social sciences, in addition to science, technology, engineering, and mathematics (STEM).

Discussion: We agree with the commenter that efforts to improve comprehensive academic support, through partnerships with postsecondary institutions, extracurricular programs, or other means could be important aspects of a project designed to meet this priority. We note that such projects, assuming they are designed to be implemented in the appropriate school settings, would address this priority. However, we decline to prescribe specific strategies to applicants because we think that applicants are best-suited to determine the most appropriate strategies for their communities.

We also agree that students can improve their college- and career-ready skills through the study of a wide variety of subjects that encompass the social sciences as well as STEM-related fields. We note that the second paragraph of the priority provides illustrative examples for applicants to consider when preparing an application; we will not disqualify an applicant that proposes a project designed to improve social studies education so long as that project meets the requirements outlined in the first paragraph of the priority and meets all relevant eligibility requirements.

Changes: None.

Comment: One commenter expressed support for the priority and encouraged us to use it, in FY 2015 and in future years, in conjunction with a priority focused on improving principal effectiveness, which was published in the **Federal Register**, along with 14 other supplemental priorities for discretionary grant programs, on December 10, 2014 (79 FR 73425). Another commenter expanded on this suggestion, requesting that we revise the priority to reflect the need for meaningful professional development for teachers and principals in any comprehensive high school reform strategy.

Discussion: We thank the commenter for the suggested use of the priority in this and future competitions and recognize that such a combination would be possible. We also note that on March 30, 2015, we published in the **Federal Register** a notice inviting applications for i3 Development awards (80 FR 16648), and in that document we include the above-referenced principal effectiveness priority as an absolute priority.

We agree with the commenter that teachers and principals who are supported to be effective are integral parts of any comprehensive high school reform strategy. We encourage applicants to consider carefully the needs of their schools, including their schools' staff, when designing a project to address this priority. We do not think it is necessary to revise the priority in order to specifically mention meaningful professional development for teachers and principals. We want toprovide an applicant that is responding to this priority with the flexibility to decide whether to address this concern.

Changes: None.

Comment: One commenter suggested that we revise the priority to include a focus on cultivating partnerships with external organizations, noting that such strategic partnerships can help a grantee to maximize the impact of school improvement efforts.

Discussion: We agree that building relationships with community and other partners is a useful strategy to ensure maximum impact, and long-term sustainability, of a project. We note that all LEA i3 grantees are required to establish partnerships with private sector entities and all i3 grantees are required to secure private sector matching funds before receiving their i3 grant. We expect that a private sector entity with which a grantee chooses to partner will be a key stakeholder in the project with a vested interest in ensuring its ultimate success. Because we already require grantees to secure private sector matching funds to further support their i3 projects, we do not think think further revisions to the priority are necessary.

Changes: None.

Comment: One commenter generally approved of the priority, but suggested that we revise the priority to allow applicants to focus on students of highest need as part of their proposed comprehensive high school reform strategy. The commenter suggested this revision in order to ensure that funded projects ensure equitable outcomes for all students.

Discussion: All 13 grantees are required to implement practices that are designed to improve student achievement or student growth, close achievement gaps, decrease dropout rates, increase high school graduation rates, or increase college enrollment and completion rates for high-need students. We agree with the commenter that projects designed to address this priority would need to propose strategies that are comprehensive, but we note that applicants should consider carefully the needs in their schools. We think the applicant is best-suited to determine how best to improve outcomes for all students through a comprehensive high school reform strategy, and do not think that changes to the priority are necessary to address the commenter's concern.

Changes: None.

Comment: One commenter urged the Department to revise the priority to include a focus on increasing racial and socioeconomic diversity, and decreasing racial and socioeconomic isolation, in schools.

Discussion: We agree with the commenter that maintaining racial and socioeconomic diversity in schools is important to ensure that students are fully prepared to be successful in their careers and in life. We thank the commenter for noting that on December 10, 2014, the Department published in the **Federal Register** a priority that focuses on increasing diversity, and that the priority is designed so that the Department has the option to use it in any discretionary grant program (79 FR 73425). We note that in FY 2015 or in future years, the i3 program could use this priority as an absolute or competitive preference priority in combination with the priority announced in this document. We also note that other Department programs, such as the Magnet Schools Assistance Program, have encouraged applicants to propose strategies to increase diversity in schools. Because mechanisms for including a focus on diversity already exist, we do not think a change to the priority is necessary.

Changes: None.

Comment: One commenter urged the Department to ensure that the priority supports projects that are designed to use comprehensive high school reform strategies in a way that increases the number of low-income students who matriculate into postsecondary programs.

Discussion: We agree that any priority used in a discretionary grant program

should include a clear discussion of the outcomes we wish to see as a result of funded projects. We note that the priority requires that projects be designed to increase the number and percentage of students who graduate high school college- and career-ready and enroll in postsecondary programs. We also note that the priority requires that projects designed to address it be implemented in schools with large populations of low-income students. Finally, we note the i3 program's overall requirement that funded projects be designed to improve student achievement or student growth, close achievement gaps, decrease dropout rates, increase high school graduation rates, or increase college enrollment and completion rates for high-need students. While we agree that the priority should help to increase the number of low-income students who matriculate into postsecondary programs, we do not think that changes to the priority are necessary to address this.

Changes: None.

Comment: Three commenters expressed general support for the priority, but noted concerns that do not directly relate to it. One commenter expressed interest in learning about the other mechanisms the Department has to provide support to schools across the nation that are in need of additional funding. Another commenter expressed concern that our current portfolio of grantees does not employ external staff to carry out project evaluations, thus introducing bias to any impact findings that are ultimately reported. Finally, a commenter requested that in future competitions we use a pre-application process in the Validation and Scale-up competitions, similar to the process we have used in the past several years for the Development competition.

Discussion: Although we generally do not respond to comments that are not related to the proposed priority published in the **Federal Register** on March 17, 2015 (80 FR 13803), we think it is important to clarify several aspects of the i3 program as well as the Department's mechanisms for providing assistance more broadly. First, we note that the majority of the funding the Department provides to States and local educational agencies (LEAs) is through State-administered formula programs, such as Part A of Title I of the ESEA and Part B of the Individuals with Disabilities Education Act. This means, generally, that if an entity meets the eligibility requirements set out in a formula program, that entity is entitled to funding and does not need to compete. By contrast, the funding the Department has provided to grantees under the i3 program and other discretionary grant programs represents a relatively small portion of the total funding with which we support students. For information on the Department's planned funding for discretionary grant programs for FY 2015, please review the Forecast of Funding Opportunities at *www2.ed.gov/fund/grant/find/edlite-forecast.html*.

Second, we note that per the notice of final priorities, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on March 27, 2013 (78 FR 18681), all i3 grantees are required to conduct an independent evaluation of their projects, which means that the evaluation must be designed and carried out independent of, but in coordination with, any employees of the entities who develop a process, product, strategy, or practice and are implementing it. We think the independent evaluation is a critical element of the i3 program and note that we have required grantees to conduct independent evaluations since the first year in which we provided funding.

Finally, we appreciate the suggestion to use a pre-application process in the Validation and Scale-up competitions and we are pleased to learn that the pre-application process used in the Development competition has worked well for applicants. Our primary reason for implementing the process in FY 2012 and in subsequent years was to reduce burden for Development applicants proposing to pilot brand new ideas. We also wanted to find a way to better manage very high numbers of applications submitted to the Development competition. By first asking applicants to submit a seven-page pre-application, and providing those applicants with initial feedback from expert reviewers, we greatly reduced the volume of applicants submitting full applications, reducing burden for applicants that needed to spend more time developing their proposals in order to increase their likelihood of ultimately submitting a successful application. We also found that the process decreased burden for Department staff and expert reviewers. Most importantly, we found that with this process, we were still able to fund high-quality Development applications.

While this process has worked well in the Development competition, we are not likely to use it in the Validation or Scale-up competitions for two reasons. First, we receive far fewer applications for these competitions, so the initial triage provided by a pre-application process is not necessary. Second, an important aspect of the Validation and Scale-up competitions is the level of evidence that an applicant must use to support its proposed project. While in the Development competition, we use the pre-application process to provide initial feedback on novel approaches, initial feedback on Validation and Scale-up applications would be quite different, because the proposed approaches, to be eligible for funding, must be supported by strong or moderate evidence of their effectiveness. Therefore, while we appreciate the commenter's suggestion to use a pre-application process for all three competitions, we do not think the approach is necessary or practical.

Changes: None.

Comment: One commenter expressed general disapproval of the priority and the i3 program. The commenter noted that our rationale for proposing the priority was flawed and that applications funded under this priority will not lead to projects that successfully improve outcomes for students.

Discussion: We appreciate the commenter's concerns. Through the i3 program, we seek to fund innovative approaches to persistent challenges in education, and require that all i3 grantees partner with an independent evaluator in order to determine which approaches work. While we strive to fund projects that are most likely to have successful outcomes, we understand that it is equally important to learn which approaches do not work, and why.

Changes: None.

Comment: One commenter expressed support for the priority and noted the important role career and technical education programming can play in comprehensive high school reform models.

Discussion: We thank the commenter for the support.

Changes: None.

FINAL PRIORITY:

Priority—Implementing Comprehensive High School Reform and Redesign.

Under this priority, we provide funding to support comprehensive high school reform and redesign strategies in high schools eligible to operate Title I schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965, as amended, or in schools that can demonstrate that not less than 40 percent of students are from low-income families. These strategies must be designed to increase the number and percentage of students who graduate from high school college- and career-ready and enroll in college, other

postsecondary education, or other career and technical education.

These strategies could include elements such as implementing a rigorous college- and career-ready curriculum; providing accelerated learning opportunities; supporting personalized learning; developing robust links between student work and real-world experiences to better prepare students for their future; improving the readiness of students for post-secondary education in STEM fields; or reducing the need for remediation, among others.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Note: In the i3 competition, each application must choose to address one of the absolute priorities, and projects are grouped by that absolute priority for the purposes of peer review and funding determinations. For the competition with FY 2015 funds, Congress directed the Department to designate the priority announced in this document as an absolute priority.

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)). This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this final priority only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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: May 27, 2015.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

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BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Investing in Innovation Fund—Validation Grants

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY:

Overview Information:

Investing in Innovation Fund—Validation grants.

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.411B (Validation grants).

DATES:

Applications Available: June 8, 2015.

Deadline for Notice of Intent to Apply: June 25, 2015.

Deadline for Transmittal of Applications: August 4, 2015.

Deadline for Intergovernmental Review: October 5, 2015.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Investing in Innovation Fund (i3), established under section 14007 of the American Recovery and Reinvestment Act of 2009 (ARRA), provides funding to support (1) local educational agencies (LEAs), and (2) nonprofit organizations in partnership with (a) one or more LEAs or (b) a consortium of schools. The i3 program is designed to generate and validate solutions to persistent educational challenges and to support the expansion of effective solutions to serve substantially larger numbers of students. The central design element of the i3 program is its multi-tier structure that links the amount of funding that an applicant may receive to the quality of the evidence supporting the efficacy of the proposed project. Applicants proposing practices supported by limited evidence can receive relatively small grants that support the development and initial evaluation of promising practices and help to identify new solutions to pressing challenges; applicants proposing practices supported by evidence from rigorous evaluations, such as large randomized controlled trials, can receive sizable grants to support expansion across the country. This structure provides incentives for applicants to build evidence of effectiveness of their proposed projects and to address the barriers to serving more students across schools, districts, and States.

As importantly, all i3 projects are required to generate additional evidence of effectiveness. All i3 grantees must use part of their budgets to conduct independent evaluations (as defined in this notice) of their projects. This ensures that projects funded under the i3 program contribute significantly to improving the information available to practitioners and policymakers about which practices work, for which types of students, and in what contexts.

The Department awards three types of grants under this program: ''Development'' grants, ''Validation'' grants, and ''Scale-up'' grants. These grants differ in terms of the level of prior evidence of effectiveness required for consideration of funding, the level of scale the funded project should reach, and, consequently, the amount of funding available to support the project.

This notice invites applications for Validation grants only. The notice inviting applications for Scale-up grants is published elsewhere in this issue of the **Federal Register**. The notice inviting applications for Development grants was published in the **Federal Register** on March 30, 2015 (80 FR 16648) and is available at *http://www.gpo.gov/fdsys/pkg/FR-2015-03-30/pdf/2015-07213.pdf.*

Validation grants provide funding to support expansion of projects supported by moderate evidence of effectiveness (as defined in this notice) to the national level (as defined in this notice) or regional level (as defined in this notice). Validation grants must further assess the effectiveness of the i3-supported practice through a rigorous evaluation, with particular focus on the populations for, and the contexts in, which the practice is most effective. We expect and consider it appropriate that each applicant propose to use the Validation funding to build its capacity to deliver the i3-supported practice, particularly early in the funding period, to successfully reach the level of scale proposed in its application. Additionally, we expect each applicant to address any specific barriers to the growth or scaling of the organization or practice (including barriers related to cost-effectiveness) in order to deliver the i3-supported practice at the proposed level of scale and provide strategies to address these barriers as part of its proposed scaling plan.

All Validation grantees must evaluate the effectiveness of the practice that the supported project implements and expands. We expect that these evaluations will be conducted in a variety of contexts and for a variety of students, will identify the core elements of the practice, and will codify the practices to support adoption or replication by the applicant and other entities.

We remind LEAs of the continuing applicability of the provisions of the Individuals with Disabilities Education Act (IDEA) for students who may be served under i3 grants. Any grants in which LEAs participate must be consistent with the rights, protections, and processes established under IDEA for students who are receiving special education and related services or are in the process of being evaluated to determine their eligibility for such services.

As described later in this notice, in connection with making competitive grant awards, an applicant is required, as a condition of receiving assistance under this program, to make civil rights assurances, including an assurance that its program or activity will comply with Section 504 of the Rehabilitation Act of 1973, as amended and the Department's section 504 implementing regulations, which prohibit discrimination on the basis of disability. Regardless of whether a student with disabilities is specifically targeted as a ''high-need student'' (as defined in this notice) in a particular grant application, recipients are required to comply with all legal nondiscrimination requirements, including, but not limited to the obligation to ensure that students with disabilities are not denied access to the benefits of the recipient's program because of their disability. The Department also enforces Title II of the Americans with Disabilities Act (ADA), as well as the regulations implementing Title II of the ADA, which prohibit discrimination on the basis of disability by public entities.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex. On December 2, 2011, the Departments of Education and Justice jointly issued guidance that explains how educational institutions can promote student diversity or avoid racial isolation within the framework of Title VI (*e.g.,* through consideration of the racial demographics of neighborhoods when drawing assignment zones for schools or through targeted recruiting efforts). The ''Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools'' is available on the Department's Web site at *www.ed.gov/ocr/docs/guidance-ese-201111.pdf.*

Background: Through its competitions, the i3 program strives to

improve the academic achievement of high-need students by accelerating the identification of promising solutions to pressing challenges in kindergarten through grade 12 (K–12) public education. The i3 program supports the evaluation of the efficacy of such solutions, and the development of new approaches to scaling effective practices to serve more students. Through five competitions, the i3 program has built a portfolio of grantees that are serving high-need students and building rigorous evidence regarding different approaches to addressing critical challenges in education. When selecting the priorities for a given competition, the Department considers several factors, including the Department's policy priorities, the need for new solutions in a particular priority area, the extent of the existing evidence in the field supporting effective practices in a particular priority area, whether other available funding exists for a particular priority area, and the results and lessons learned from projects funded through prior i3 competitions.

In previous i3 Validation competitions, the Department has included priorities for supporting students with disabilities and English learners. As a result, various i3-supported projects are developing and implementing approaches to better serve those student groups. Although the FY 2015 i3 Validation competition does not include specific priorities for supporting English learners or students with disabilities, we require all grantees to serve high-need student populations, and we encourage applicants to consider ways in which their proposed projects could serve students with disabilities or English learners. We expect that the portfolio of i3-supported projects will contribute to schools' and educators' capacity to serve all students, including students with disabilities and English learners.

All i3 grantees are expected to improve academic outcomes for high-need students (as defined in this notice). The FY 2015 Validation competition sets out four absolute priorities and allows an applicant to choose which absolute priority it will address; however, applicants applying under the Serving Rural Communities priority (Absolute Priority 4) must also address one of the other three absolute priorities, as described below, while serving students enrolled in rural LEAs (as defined in this notice). These absolute priorities, as described below, represent persistent challenges in public education for which there are solutions that are supported by rigorous and generalizable evidence. We also include three competitive preference priorities.

First, we include an absolute priority for projects designed to support novice teachers and novice principals. Effective teachers and principals are critical factors in improving student achievement, and emerging studies suggest that the first few years of a teacher's or principal's tenure are critical to their professional trajectory, including their levels of satisfaction, retention rates and effectiveness. For example, models aimed at doing multiple related teacher reforms at once—from recruiting and preparing to rewarding teachers for student achievement growth and taking on additional responsibilities—can have positive effects on student outcomes at the elementary school level.[1] As researchers and practitioners explore various strategies for training and supporting novice teachers and principals, the Department seeks to validate and expand models that enhance teachers' and school leaders' skills and experiences in their first few years on the job.

Second, we include an absolute priority for projects designed to implement and support the transition to internationally benchmarked, college- and career-ready academic content standards. Many states have recently raised the expectations for what their students should be able to learn and do across the K–12 grade span, so that all students will be adequately prepared for the rigorous demands of college and career. As the 2015 Brown Center Report on American Education[2] points out, ongoing analysis of the effects of implementing high standards within and across States is crucial to ensuring their effectiveness in improving student achievement. Developing and implementing approaches that provide students and educators necessary information and support throughout this transition to higher standards is key to ensuring that this shift results in improvements in student learning and skills. Through this priority, we seek projects that leverage data from assessments that are aligned with internationally benchmarked, college- and career-ready standards to inform instruction and, ultimately, to support and improve student achievement.

Third, we include an absolute priority focused on implementing comprehensive high school reform strategies in high schools that are eligible to operate Title I schoolwide programs under Section 1114 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), or in schools that can demonstrate that not less than 40 percent of students are from low-income families. These strategies encompass a broad spectrum of interventions, including, but not limited to: Implementing a rigorous college- and career-ready curriculum that links student work and real-world experiences; providing accelerated learning opportunities that allow students to earn credit toward a postsecondary degree, including dual enrollment programs and early-college high school strategies; implementing early warning indicator systems to identify and target supports for struggling students; personalizing learning for students; and strengthening relationships with business and post-secondary partners to link student work to real-world expectations and experiences. There is a particular need to improve readiness for college and careers in science, technology, engineering, and mathematics (STEM) fields, both because these are high-growth fields and because too many of our high schools fall short in these areas. There is also evidence demonstrating that comprehensive academic supports for high school students can improve student outcomes, increasing high school graduation and college preparation,[3] including for high-need students.[4]

[1] Schleicher, A. (2012), Ed., Preparing Teachers and Developing School Leaders for the 21st Century: Lessons from around the World, OECD Publishing.

[2] Loveless, Tom. How Well are American Students Learning? (March 2015). The 2015 Brown Center Report on American Education. Volume III, Number 4. Available at: *http://www.brookings.edu/~/media/Research/Files/Reports/2015/03/BCR/2015-Brown-Center-Report_FINAL.pdf?la=en.*

[3] Fryer, Roland G. (April 2014). Injecting Charter School Best Practices into Traditional Public Schools: Evidence from Field Experiments. *Available at: http://scholar.harvard.edu/files/fryer/files/2014_injecting_charter_school_best_practices_into_traditional_public_schools.pdf;* Sinclair, M.F., Christenson, S.L., Lehr, C.A., & Anderson, A.R. (2003). Facilitating student engagement: Lessons learned from Check & Connect longitudinal studies. The California School Psychologist, 8(1), 29–42. *IES Intervention Report Available at: http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=78; and* Constantine, J.M., Seftor, N.S., Martin, E.S., Silva, T., & Myers, D. (2006). A study of the effect of the Talent Search program on secondary and postsecondary outcomes in Florida, Indiana, and Texas: Final report from phase II of the national evaluation. Report prepared by Mathematica Policy Research for the U.S. Department of Education, Office of Planning, Evaluation, and Policy Development, Policy and Program Studies Service. Washington, DC: U.S. Department of Education. *IES Intervention Report Available at: http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=508.*

[4] Bloom, D., Gardenhire-Crooks, A., & Mandsager, C. (2009). *Reengaging high school dropouts: Early results of the National Guard Youth ChalleNGe*

Continued

Finally, we include an absolute priority for serving rural communities. Students living in rural communities face unique challenges, such as lack of access to specialized courses. Applicants applying under this priority must also address one of the other three absolute priorities established for the FY 2015 i3 Validation competition, as described above, while serving students enrolled in rural local educational agencies (as defined in this notice).

We also include three competitive preference priorities in the FY 2015 Validation competition. The Department encourages applicants to design projects that address these competitive preference priorities in their applications.

First, we include a competitive preference priority focused on improving cost-effectiveness and productivity. Improvements in operational, organizational, and instructional processes and structures will enable organizations to strengthen their results, and to do so in a more efficient manner. Applicants should provide detailed information about how they aim to modify their processes and structures to improve productivity, and how they will evaluate whether the proposed projects are cost-effective when implemented. This may include assessing the cost of comparable or alternative approaches. In order to receive competitive preference points, applicants addressing this priority must provide a detailed budget, an examination of different types of costs, and a plan to monitor and evaluate cost savings, all of which are essential to improving productivity.

Second, we include a competitive preference priority for projects that enable the broad adoption of effective practices. This competitive preference priority rewards applicants that will implement systematic methods for identifying and supporting the expansion of these practices. While all Validation grantees must codify the core elements of their i3-supported practices, we are interested in projects that focus particularly on the documentation and replication of practices that have been demonstrated to be effective. In addition, practitioners and policymakers need access to strong, reliable data to make informed decisions about adopting effective practices, particularly to replace less effective alternatives. This competitive preference priority supports strategies that identify key elements of effective practices and that capture lessons learned about the implementation of these practices. In addition, an applicant addressing this priority must commit to implementing their approach in multiple settings and locations in order to ensure that the practice can be successfully replicated in different contexts.

Third, in order to expand the reach of the i3 program and encourage entities that have not previously received an i3 grant to apply, the Department includes a competitive preference priority for novice i3 applicants. A novice i3 applicant is an applicant that has never received a grant under the i3 program. An applicant must identify whether it is a novice applicant when completing the applicant information sheet. Instructions on how to complete the applicant information sheet are included in the application package.

In summary, applications must address one of the first three absolute priorities for this competition and propose projects designed to implement practices that serve students who are in grades K–12 at some point during the funding period. If an applicant chooses to also address the absolute priority regarding students in rural LEAs, that applicant must also address one of the other three absolute priorities established for the FY 2015 i3 Validation competition, as described above, while serving students enrolled in rural LEAs (as defined in this notice). Additionally, applicants must be able to show moderate evidence of effectiveness for the proposed process, product, strategy, or practice included in their applications. Applicants should carefully review all of the requirements in the *Eligibility Information* section of this notice for instructions on how to demonstrate moderate evidence of effectiveness and for information on the other eligibility and program requirements.

The i3 program includes a statutory requirement for a private-sector match for all i3 grantees. For Validation grants, an applicant must obtain matching funds or in-kind donations from the private sector equal to at least 10 percent of its grant award. Each highest-rated application, as identified by the Department following peer review of the applications, must submit evidence of at least 50 percent of the required private-sector match prior to the awarding of an i3 grant. An applicant must provide evidence of the remaining 50 percent of the required private-sector match no later than three months after the project start date (*i.e.,* for the FY 2015 competition, three months after January 1, 2016, or by April 1, 2016). The grant will be terminated if the grantee does not secure its private-sector match by the established deadline.

This notice includes selection criteria for the FY 2015 Validation competition that are designed to ensure that applications selected for funding have the potential to generate substantial improvements in student achievement (and other key outcomes), and include well-articulated plans for the implementation and evaluation of the proposed projects. Applicants should review the selection criteria and submission instructions carefully to ensure their applications address this year's criteria.

An entity that submits an application for a Validation grant must include the following information in its application: An estimate of the number of students to be served by the project; evidence of the applicant's ability to implement and appropriately evaluate the proposed project; and information about its capacity (*e.g.,* management capacity, financial resources, and qualified personnel) to implement the project at a national or regional level, working directly or through partners. We recognize that LEAs are not typically responsible for taking their practices, strategies, or programs to scale; however, all applicants can and should partner with others to disseminate their effective practices, strategies and programs and take them to scale.

The Department will screen applications that are submitted for Validation grants in accordance with the requirements in this notice and determine which applications meet the eligibility and other requirements. Peer reviewers will review all applications for Validation grants that are submitted by the established deadline.

Applicants should note, however, that we may screen for eligibility at multiple points during the competition process, including before and after peer review; applicants that are determined to be ineligible will not receive a grant award regardless of peer reviewer scores or comments. If we determine that a Validation grant application is not supported by moderate evidence of effectiveness, or that the applicant does not demonstrate the required prior record of improvement, or does not meet any other i3 requirement, the

Program evaluation. New York, NY: MDRC; Cave, G., Bos, H., Doolittle, F., & Toussaint, C. (1993). JOBSTART: Final report on a program for school dropouts. New York, NY: MDRC. *IES Intervention Report Available at: http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=248; and* Larson, K.A., & Rumberger, R.W. (1995). ALAS: Achievement for Latinos through Academic Success. In H. Thornton (Ed.), Staying in school. A technical report of three dropout prevention projects for junior high school students with learning and emotional disabilities. Minneapolis, MN: University of Minnesota, Institute on Community Integration. *IES Intervention Report Available at: http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=22.*

application will not be considered for funding.

Priorities: This competition includes four absolute priorities and three competitive preference priorities. Absolute Priorities 1 and 4 and the three competitive preference priorities are from the notice of final priorities, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on March 27, 2013 (78 FR 18682) (2013 i3 NFP). Absolute Priority 2 is from the Department's notice of final supplemental priorities and definitions, published in the **Federal Register** on December 10, 2014 (79 FR 73425) (Supplemental Priorities). Absolute Priority 3 is from the notice of final priority for this program, published elsewhere in this issue of the **Federal Register** (2015 i3 NFP).

Absolute Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet one of these priorities.

Under the Validation grant competition, each of the four absolute priorities constitutes its own funding category. The Secretary intends to award grants under each absolute priority for which applications of sufficient quality are submitted.

An applicant for a Validation grant must choose one of the four absolute priorities. Applications will be peer reviewed and scored; because scores will be rank ordered by absolute priority, it is essential that an applicant clearly identify the specific absolute priority that the proposed project addresses. It is also important to note that applicants that choose to submit an application under the absolute priority for Serving Rural Communities must identify an additional absolute priority. Regardless, the peer-reviewed scores for applications submitted under the Serving Rural Communities priority will be ranked with other applications under its priority, and not included in the ranking for the additional priority that the applicant identified. This design helps us ensure that applicants under the Serving Rural Communities priority receive an ''apples to apples'' comparison with other rural applicants.

These priorities are:

Absolute Priority 1—Improving the Effectiveness of Teachers and Principals.

Under this priority, we provide funding to projects that focus on developing and implementing models of induction and support for improving the knowledge and skills of novice teachers or novice principals to accelerate student performance, including but not limited to strategies designed to increase teacher retention or improve teacher or principal effectiveness.

Absolute Priority 2—Implementing Internationally Benchmarked College- and Career-Ready Standards and Assessments.

Under this priority, we provide funding to projects that are designed to support the implementation of, and transition to, internationally benchmarked college- and career-ready standards and assessments, including developing and implementing strategies that use the standards and information from assessments to inform classroom practices that meet the needs of all students.

Absolute Priority 3—Implementing Comprehensive High School Reform and Redesign.

Under this priority, we provide funding to support comprehensive high school reform and redesign strategies in high schools eligible to operate Title I school-wide programs under section 1114 of the Elementary and Secondary Education Act of 1965, as amended, or in schools that can demonstrate that not less than 40 percent of students are from low-income families. These strategies must be designed to increase the number and percentage of students who graduate from high school college- and career-ready and enroll in college, other postsecondary education, or other career and technical education.

These strategies could include elements such as implementing a rigorous college- and career-ready curriculum; providing accelerated learning opportunities; supporting personalized learning; developing robust links between student work and real-world experiences to better prepare students for their future; improving the readiness of students for post-secondary education in STEM fields; or reducing the need for remediation, among others.

Absolute Priority 4—Serving Rural Communities.

Under this priority, we provide funding to projects that address one of the absolute priorities established for the 2015 Validation i3 competition and under which the majority of students to be served are enrolled in rural local educational agencies (as defined in this notice).

Competitive Preference Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award one additional point to applications that meet the first competitive preference priority, two additional points to applications that meet the second competitive preference priority, and three additional points to applications that meet the third competitive preference priority.

Applicants may address more than one of the competitive preference priorities. An applicant must identify in the project narrative section of its application the priority or priorities it wishes the Department to consider for purposes of earning competitive preference priority points.

Note: The Department will not review or award points under any competitive preference priority that the applicant fails to clearly identify as the competitive preference priority or priorities the applicant wishes the Department to consider for purposes of earning competitive preference priority points.

These priorities are:

Competitive Preference Priority 1—Improving Cost-Effectiveness and Productivity (zero or 1 point).

Under this priority, we provide funding to projects that address one of the following areas:

(a) Substantially improving student outcomes without commensurately increasing per-student costs.

(b) Maintaining student outcomes while substantially decreasing per-student costs.

(c) Substantially improving student outcomes while substantially decreasing per-student costs.

Other requirements related to Competitive Preference Priority 1:

An application addressing this priority must provide—

(1) A clear and coherent budget that identifies expected student outcomes before and after the practice, the cost per student for the practice, and a clear calculation of the cost per student served;

(2) A compelling discussion of the expected cost-effectiveness of the practice compared with alternative practices;

(3) A clear delineation of one-time costs versus ongoing costs and a plan for sustaining the project, particularly ongoing costs, after the expiration of i3 funding;

(4) Identification of specific activities designed to increase substantially the cost-effectiveness of the practice, such as re-designing costly components of the practice (while maintaining efficacy) or testing multiple versions of the practice in order to identify the most cost-effective approach; and

(5) A project evaluation that addresses the cost-effectiveness of the proposed practice.

Competitive Preference Priority 2—Enabling Broad Adoption of Effective Practices (zero or 2 points).

Under this priority, we provide funding to projects that enable broad adoption of effective practices. An application proposing to address this priority must, as part of its application:

(a) Identify the practice or practices that the application proposes to prepare for broad adoption, including formalizing the practice (*i.e.,* establish and define key elements of the practice), codifying (*i.e.,* develop a guide or tools to support the dissemination of information on key elements of the practice), and explaining why there is a need for formalization and codification.

(b) Evaluate different forms of the practice to identify the critical components of the practice that are crucial to its success and sustainability, including the adaptability of critical components to different teaching and learning environments and to diverse learners.

(c) Provide a coherent and comprehensive plan for developing materials, training, toolkits, or other supports that other entities would need in order to implement the practice effectively and with fidelity.

(d) Commit to assessing the replicability and adaptability of the practice by supporting the implementation of the practice in a variety of locations during the project period using the materials, training, toolkits, or other supports that were developed for the i3-supported practice.

Competitive Preference Priority—Supporting Novice i3 Applicants (zero or 3 points).

Eligible applicants that have never directly received a grant under this program.

Definitions: The definitions of ''large sample,'' ''logic model,'' ''moderate evidence of effectiveness,'' ''multi-site sample,'' ''national level,'' ''quasi-experimental design study,'' ''randomized controlled trial,'' ''regional level,'' ''relevant outcome,'' and ''What Works Clearinghouse Evidence Standards'' are from 34 CFR 77.1. All other definitions are from the 2013 i3 NFP. We may apply these definitions in any year in which this program is in effect.

Consortium of schools means two or more public elementary or secondary schools acting collaboratively for the purpose of applying for and implementing an i3 grant jointly with an eligible nonprofit organization.

High-minority school is defined by a school's LEA in a manner consistent with the corresponding State's Teacher Equity Plan, as required by section 1111(b)(8)(C) of the ESEA. The applicant must provide, in its i3 application, the definition(s) used.

High-need student means a student at risk of educational failure or otherwise in need of special assistance and support, such as students who are living in poverty, who attend high-minority schools (as defined in this notice), who are far below grade level, who have left school before receiving a regular high school diploma, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who have been incarcerated, who have disabilities, or who are English learners.

High school graduation rate means a four-year adjusted cohort graduation rate consistent with 34 CFR 200.19(b)(1) and may also include an extended-year adjusted cohort graduation rate consistent with 34 CFR 200.19(b)(1)(v) if the State in which the proposed project is implemented has been approved by the Secretary to use such a rate under Title I of the ESEA.

Independent evaluation means that the evaluation is designed and carried out independent of, but in coordination with, any employees of the entities who develop a process, product, strategy, or practice and are implementing it.

Innovation means a process, product, strategy, or practice that improves (or is expected to improve) significantly upon the outcomes reached with status quo options and that can ultimately reach widespread effective usage.

Large sample means an analytic sample of 350 or more students (or other single analysis units), or 50 or more groups (such as classrooms or schools) that contain 10 or more students (or other single analysis units).

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Moderate evidence of effectiveness means that (i) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards without reservations, found a statistically significant favorable impact on a relevant outcome (as defined in this notice) (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), and includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice. (ii) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards with reservations, found a statistically significant favorable impact on a relevant outcome (as defined in this notice) (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice, and includes a large sample (as defined in this notice) and a multi-site sample (as defined in this notice). (Note: Multiple studies can cumulatively meet the large and multisite sample requirements as long as each study meets the other requirements in this paragraph).

Multi-site sample means more than one site, where site can be defined as an LEA, locality, or State.

National level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to be effective in a wide variety of communities, including rural and urban areas, as well as with different groups (*e.g.,* economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender).

Nonprofit organization means an entity that meets the definition of ''nonprofit'' under 34 CFR 77.1(c), or an institution of higher education as defined by section 101(a) of the Higher Education Act of 1965, as amended.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations (but not What Works Clearinghouse Evidence Standards without reservations).

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the

intervention is the difference between the average outcomes for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.

Regional level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to serve a variety of communities within a State or multiple States, including rural and urban areas, as well as with different groups (*e.g.,* economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender). For an LEA-based project to be considered a regional-level project, a process, product, strategy, or practice must serve students in more than one LEA, unless the process, product, strategy, or practice is implemented in a State in which the State educational agency is the sole educational agency for all schools.

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy or practice is designed to improve; consistent with the specific goals of a program.

Rural local educational agency means a local educational agency (LEA) that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title VI, Part B of the ESEA. Eligible applicants may determine whether a particular LEA is eligible for these programs by referring to information on the Department's Web site at *www2.ed.gov/nclb/freedom/local/reap.html.*

Student achievement means—

(a) For grades and subjects in which assessments are required under ESEA section 1111(b)(3): (1) A student's score on such assessments and may include (2) other measures of student learning, such as those described in paragraph (b), provided they are rigorous and comparable across schools within an LEA.

(b) For grades and subjects in which assessments are not required under ESEA section 1111(b)(3): Alternative measures of student learning and performance such as student results on pre-tests, end-of-course tests, and objective performance-based assessments; student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools within an LEA.

Student growth means the change in student achievement (as defined in this notice) for an individual student between two or more points in time. An applicant may also include other measures that are rigorous and comparable across classrooms.

What Works Clearinghouse Evidence Standards means the standards set forth in the What Works Clearinghouse Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Program Authority: American Recovery and Reinvestment Act of 2009, Division A, Section 14007, Pub. L. 111–5.

Applicable Regulations: (a) EDGAR in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (d) 2013 i3 NFP (78 FR 18681). (e) 2015 i3 NFP, published elsewhere in this issue of the **Federal Register**. (f) The Supplemental Priorities (79 FR 73425).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Cooperative agreements or discretionary grants.

Estimated Available Funds: $112,400,000.

These estimated available funds are the total available for all three types of grants under the i3 program (Development, Validation, and Scale-up grants). Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2016 or later years from the list of unfunded applicants from this competition.

Estimated Range of Awards:

Development grants: Up to $3,000,000.

Validation grants: Up to $12,000,000.

Scale-up grants: Up to $20,000,000.

Note: The upper limit of the range of awards (*e.g.,* $12,000,000 for Validation grants) is referred to as the ''maximum amount of awards'' in section 5 of this notice.

Estimated Average Size of Awards:

Development grants: $3,000,000.

Validation grants: $11,500,000.

Scale-up grants: $19,000,000.

Estimated Number of Awards:

Development grants: 9–11 awards.

Validation grants: 2–4 awards.

Scale-up grants: 0–1 awards.

Note: The Department is not bound by any estimates in this notice.

Project Period: 36–60 months.

III. Eligibility Information

1. *Innovations that Improve Achievement for High-Need Students:* All grantees must implement practices that are designed to improve student achievement (as defined in this notice) or student growth (as defined in this notice), close achievement gaps, decrease dropout rates, increase high school graduation rates (as defined in this notice), or increase college enrollment and completion rates for high-need students (as defined in this notice).

2. *Innovations that Serve Kindergarten-through-Grade-12 (K–12) Students:* All grantees must implement practices that serve students who are in grades K–12 at some point during the funding period. To meet this requirement, projects that serve early learners (*i.e.,* infants, toddlers, or preschoolers) must provide services or supports that extend into kindergarten or later years, and projects that serve postsecondary students must provide services or supports during the secondary grades or earlier.

3. *Eligible Applicants:* Entities eligible to apply for i3 grants include either of the following:

(a) An LEA.

(b) A partnership between a nonprofit organization and—

(1) One or more LEAs; or

(2) A consortium of schools.

Statutory Eligibility Requirements: Except as specifically set forth in the *Note about Eligibility for an Eligible Applicant that Includes a Nonprofit Organization* that follows, to be eligible for an award, an eligible applicant must—

(a)(1) Have significantly closed the achievement gaps between groups of students described in section 1111(b)(2) of the ESEA (economically disadvantaged students, students from major racial and ethnic groups, students with limited English proficiency, students with disabilities); or

(2) Have demonstrated success in significantly increasing student academic achievement for all groups of students described in that section;

(b) Have made significant improvements in other areas, such as

high school graduation rates (as defined in this notice) or increased recruitment and placement of high-quality teachers and principals, as demonstrated with meaningful data;

(c) Demonstrate that it has established one or more partnerships with the private sector, which may include philanthropic organizations, and that organizations in the private sector will provide matching funds in order to help bring results to scale; and

(d) In the case of an eligible applicant that includes a nonprofit organization, provide in the application the names of the LEAs with which the nonprofit organization will partner, or the names of the schools in the consortium with which it will partner. If an eligible applicant that includes a nonprofit organization intends to partner with additional LEAs or schools that are not named in the application, it must describe in the application the demographic and other characteristics of these LEAs and schools and the process it will use to select them.

Note: An entity submitting an application should provide, in Appendix C, under ''Other Attachments Form,'' of its application, information addressing the eligibility requirements described in this section. An applicant must provide, in its application, sufficient supporting data or other information to allow the Department to determine whether the applicant has met the eligibility requirements. Note that in order to address the statutory eligibility requirement above, applicants must provide data that demonstrate a change. In other words, applicants must provide data for at least two points in time when addressing this requirement in Appendix C of their applications. If the Department determines that an applicant has provided insufficient information in its application, the applicant will not have an opportunity to provide additional information.

Note about LEA Eligibility: For purposes of this program, an LEA is an LEA located within one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico.

Note about Eligibility for an Eligible Applicant that Includes a Nonprofit Organization: The authorizing statute specifies that an eligible applicant that includes a nonprofit organization meets the requirements in paragraphs (a) and (b) of the eligibility requirements for this program if the nonprofit organization has a record of significantly improving student achievement, attainment, or retention. For an eligible applicant that includes a nonprofit organization, the nonprofit organization must demonstrate that it has a record of significantly improving student achievement, attainment, or retention through its record of work with an LEA or schools. Therefore, an eligible applicant that includes a nonprofit organization does not necessarily need to include as a partner for its i3 grant an LEA or a consortium of schools that meets the requirements in paragraphs (a) and (b) of the eligibility requirements in this notice.

In addition, the authorizing statute specifies that an eligible applicant that includes a nonprofit organization meets the requirements of paragraph (c) of the eligibility requirements in this notice if the eligible applicant demonstrates that it will meet the requirement for private-sector matching.

4. *Cost Sharing or Matching:* To be eligible for an award, an applicant must demonstrate that one or more private-sector organizations, which may include philanthropic organizations, will provide matching funds in order to help bring project results to scale. An eligible Validation applicant must obtain matching funds, or in-kind donations, equal to at least 10 percent of its Federal grant award. The highest-rated eligible applicants must submit evidence of 50 percent of the required private-sector matching funds following the peer review of applications. A Federal i3 award will not be made unless the applicant provides adequate evidence that the 50 percent of the required private-sector match has been committed or the Secretary approves the eligible applicant's request to reduce the matching-level requirement. An applicant must provide evidence of the remaining 50 percent of required private-sector match three months after the project start date.

The Secretary may consider decreasing the matching requirement on a case-by-case basis, and only in the most exceptional circumstances. An eligible applicant that anticipates being unable to meet the full amount of the private-sector matching requirement must include in its application a request that the Secretary reduce the matching-level requirement, along with a statement of the basis for the request.

Note: An applicant that does not provide a request for a reduction of the matching-level requirement in its application may not submit that request at a later time.

5. *Other:* The Secretary establishes the following requirements for the i3 program. These requirements are from the 2013 i3 NFP. We may apply these requirements in any year in which this program is in effect.

• *Evidence Standards:* To be eligible for an award, an application for a Validation grant must be supported by moderate evidence of effectiveness (as defined in this notice).

Note: An applicant should identify up to two study citations to be reviewed against What Works Clearinghouse Evidence Standards for the purposes of meeting the i3 evidence standard requirement. An applicant should clearly identify these citations in Appendix D, under the ''Other Attachments Form,'' of its application. The Department will not review a study citation that an applicant fails to clearly identify for review. In addition to the two study citations, applicants should include a description of the intervention(s) the applicant plans to implement and the intended student outcomes that the intervention(s) attempts to impact in Appendix D.

An applicant must either ensure that all evidence is available to the Department from publicly available sources and provide links or other guidance indicating where it is available; or, in the application, include copies of evidence in Appendix D. If the Department determines that an applicant has provided insufficient information, the applicant will not have an opportunity to provide additional information at a later time.

Note: The evidence standards apply to the prior research that supports the effectiveness of the proposed project. The i3 program does not restrict the source of prior research providing evidence for the proposed project. As such, an applicant could cite prior research in Appendix D for studies that were conducted by another entity (*i.e.,* an entity that is not the applicant) so long as the prior research studies cited in the application are relevant to the effectiveness of the proposed project.

• *Funding Categories:* An applicant will be considered for an award only for the type of i3 grant (*i.e.,* Development, Validation, and Scale-up grants) for which it applies. An applicant may not submit an application for the same proposed project under more than one type of grant.

• *Limit on Grant Awards:* (a) No grantee may receive more than two new grant awards of any type under the i3 program in a single year; (b) in any two-year period, no grantee may receive more than one new Scale-up or Validation grant; and (c) no grantee may receive in a single year new i3 grant awards that total an amount greater than the sum of the maximum amount of funds for a Scale-up grant and the maximum amount of funds for a Development grant for that year. For example, in a year when the maximum award value for a Scale-up grant is $20 million and the maximum award value for a Development grant is $3 million, no grantee may receive in a single year new grants totaling more than $23 million.

• *Subgrants:* In the case of an eligible applicant that is a partnership between a nonprofit organization and (1) one or more LEAs or (2) a consortium of schools, the partner serving as the applicant and, if funded, as the grantee,

may make subgrants to one or more entities in the partnership.

• *Evaluation:* The grantee must conduct an independent evaluation (as defined in this notice) of its project. This evaluation must estimate the impact of the i3-supported practice (as implemented at the proposed level of scale) on a relevant outcome (as defined in this notice). The grantee must make broadly available digitally and free of charge, through formal (*e.g.,* peer-reviewed journals) or informal (*e.g.,* newsletters) mechanisms, the results of any evaluations it conducts of its funded activities. For Scale-up and Validation grants, the grantee must also ensure that the data from its evaluation are made available to third-party researchers consistent with applicable privacy requirements.

In addition, the grantee and its independent evaluator must agree to cooperate with any technical assistance provided by the Department or its contractor and comply with the requirements of any evaluation of the program conducted by the Department. This includes providing to the Department, within 100 days of a grant award, an updated comprehensive evaluation plan in a format and using such tools as the Department may require. Grantees must update this evaluation plan at least annually to reflect any changes to the evaluation. All of these updates must be consistent with the scope and objectives of the approved application.

• *Communities of Practice:* Grantees must participate in, organize, or facilitate, as appropriate, communities of practice for the i3 program. A community of practice is a group of grantees that agrees to interact regularly to solve a persistent problem or improve practice in an area that is important to them.

• *Management Plan:* Within 100 days of a grant award, the grantee must provide an updated comprehensive management plan for the approved project in a format and using such tools as the Department may require. This management plan must include detailed information about implementation of the first year of the grant, including key milestones, staffing details, and other information that the Department may require. It must also include a complete list of performance metrics, including baseline measures and annual targets. The grantee must update this management plan at least annually to reflect implementation of subsequent years of the project.

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: *http://www2.ed.gov/programs/innovation/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 84.411B.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2.a. *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.

Deadline for Notice of Intent to Submit Application: June 25, 2015.

We will be able to develop a more efficient process for reviewing grant applications if we know the approximate number of applicants that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify us of the applicant's intent to submit an application by completing a Web-based form. When completing this form, applicants will provide (1) the applicant organization's name and address and (2) the one absolute priority the applicant intends to address. Applicants may access this form online at *https://www.surveymonkey.com/r/VX6M7SF* . Applicants that do not complete this form may still submit an application. Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. Applicants should limit the application narrative [Part III] for a Validation grant application to no more than 35 pages. Applicants are also strongly encouraged not to include lengthy appendices that contain information that they were unable to include within the page limits for the narrative. Applicants should use the following standards:

• A ''page'' is 8.5″ x 11″ , on one side only, with 1″ margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limit for the application does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support of the application. However, the page limit does apply to all of the application narrative section [Part III] of the application.

b. *Submission of Proprietary Information:*

Given the types of projects that may be proposed in applications for the i3 program, some applications may include business information that applicants consider proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Consistent with the process followed in the prior i3 competitions, we plan on posting the project narrative section of funded i3 applications on the Department's Web site so you may wish to request confidentiality of business information. Identifying proprietary information in the submitted application will help facilitate this public disclosure process.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:*

Deadline for Notice of Intent to Submit Application: June 25, 2015.

Informational Meetings: The i3 program intends to hold Webinars designed to provide technical assistance to interested applicants for all three types of grants. Detailed information

regarding these meetings will be provided on the i3 Web site at *www2.ed.gov/programs/innovation/index.html*.

Deadline for Transmittal of Applications: August 4, 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 *Agency Contact* in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: October 5, 2015.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two-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 for the i3 program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the i3 program, CFDA number 84.411B (Validation grants), 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 i3 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 84.411, not 84.411B).

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 *Agency 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: Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C107, Washington, DC 20202–5930. FAX: (202) 205–5631.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.411B), 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 84.411B), 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 the Validation competition are from the 2013 i3 NFP and 34 CFR 75.210, and are listed below.

The points assigned to each criterion are indicated in the parentheses next to the criterion. An applicant may earn up to a total of 100 points based on the selection criteria for the application.

Note: An applicant must provide information on how its proposed project addresses the selection criteria in the project narrative section of its application. In responding to the selection criteria, applicants should keep in mind that peer reviewers may consider only the information provided in the written application when scoring and commenting on the application. Therefore, applicants should structure their applications with the goal of helping peer reviewers understand the following:

- What the applicant is proposing to do, including the absolute priority (or, if the applicant has selected the absolute priority for Serving Rural Communities, the absolute priorities) under which the applicant intends the application to be reviewed;
- How the proposed project will reach a national or regional level of scale that the applicant was previously unable to reach; and
- What the outcomes of the project will be if it is successful, including how those outcomes will be evaluated.

Selection Criteria for the Validation Grant Application:

A. *Significance (up to 15 points).*

In determining the significance of the project, the Secretary considers the following factors:

(1) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies. (34 CFR 75.210)

(2) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings. (34 CFR 75.210)

(3) The extent to which the proposed project addresses a challenge for which there is a national need for solutions that are better than the solutions currently available. (2013 i3 NFP)

B. *Strategy to Scale (up to 30 points).*

In determining the applicant's capacity to scale the proposed project, the Secretary considers the following factors:

(1) The extent to which the applicant demonstrates there is unmet demand for the process, product, strategy or practice that will enable the applicant to reach the level of scale that is proposed in the application. (34 CFR 75.210)

(2) The extent to which the applicant will use grant funds to address a particular barrier or barriers that prevented the applicant, in the past, from reaching the level of scale proposed in the application. (2013 i3 NFP)

(3) The mechanisms the applicant will use to broadly disseminate information on its project so as to support further development or replication. (34 CFR 75.210)

C. *Quality of the Project Design and Management Plan (up to 35 points).*

In determining the quality of the proposed project design, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (34 CFR 75.210)

(2) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (34 CFR 75.210)

(3) The clarity and coherence of the applicant's multi-year financial and operating model and accompanying plan to operate the project at a national or regional level (as defined in this notice) during the project period. (2013 i3 NFP)

(4) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project. (34 CFR 75.210)

D. *Quality of the Project Evaluation (up to 20 points).*

In determining the quality of the project evaluation to be conducted, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation will, if well implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards without reservations.[5] (2013 i3 NFP)

(2) The clarity and importance of the key questions to be addressed by the project evaluation, and the appropriateness of the methods for how each question will be addressed. (2013 i3 NFP)

(3) The extent to which the evaluation will study the project at the proposed level of scale, including, where appropriate, generating information about potential differential effectiveness of the project in diverse settings and for diverse student population groups. (2013 i3 NFP)

(4) The extent to which the evaluation plan includes a clear and credible analysis plan, including a proposed sample size and minimum detectable effect size that aligns with the expected project impact, and an analytic approach for addressing the research questions. (2013 i3 NFP)

(5) The extent to which the evaluation plan clearly articulates the key components and outcomes of the project, as well as a measurable threshold for acceptable implementation. (2013 i3 NFP)

(6) The extent to which the proposed project plan includes sufficient resources to carry out the project evaluation effectively. (2013 i3 NFP)

Note: Applicants are encouraged to design an evaluation that will report findings on English Learners, students with disabilities, and other subgroups. Additionally, applicants may wish to review the following technical assistance resources on evaluation: (1) WWC Procedures and Standards Handbook: *http://ies.ed.gov/ncee/wwc/references/idocviewer/doc.aspx?docid=19&tocid=1;* and (2) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/.* In addition, we invite applicants to view two optional Webinar recordings that were hosted by the Institute of Education Sciences. The first Webinar discussed strategies for designing and executing well-designed quasi-experimental design studies. Applicants interested in viewing this Webinar may find more information at the following Web site: *http://ies.ed.gov/ncee/wwc/news.aspx?sid=23.* We also encourage applicants to review a second Webinar recorded by the IES that focused on more rigorous evaluation designs. This Webinar

[5] *See* What Works Clearinghouse Procedures and Standards Handbook. (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

discusses strategies for designing and executing studies that meet WWC standards without reservations. Applicants interested in reviewing this Webinar may find more information at the following Web site: *http://ies.ed.gov/ncee/wwc/News.aspx?sid=18.*

2. *Review and Selection Process:* As described earlier in this notice, before making awards, we will screen applications submitted in accordance with the requirements in this notice to determine whether applications have met eligibility and other requirements. This screening process may occur at various stages of the process; applicants that are determined to be ineligible will not receive a grant, regardless of peer reviewer scores or comments.

For the application review processes, we will use independent peer reviewers with varied backgrounds and professions including pre-kindergarten-grade 12 teachers and principals, college and university educators, researchers and evaluators, social entrepreneurs, strategy consultants, grant makers and managers, and others with education expertise. All reviewers will be thoroughly screened for conflicts of interest to ensure a fair and competitive review process.

Peer reviewers will read, prepare a written evaluation, and score the assigned applications, using the selection criteria provided in this notice. For Validation grant applications, the Department intends to conduct a single tier review. If an eligible applicant has chosen to address either of the first two competitive preference priorities (Improving Cost-Effectiveness and Productivity or Enabling Broad Adoption of Effective Practices) in order to earn competitive preference priority points, reviewers will review and score these competitive preference priorities. If competitive preference priority points are awarded, those points will be included in the eligible applicant's overall score. If an eligible applicant chooses to address the last competitive preference priority (Supporting Novice i3 Applicants) in order to earn competitive preference priority points, the Department will review its list of previous i3 grantees in scoring this competitive preference priority.

We remind potential applicants that, in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The overall purpose of the i3 program is to expand the implementation of, and investment in, innovative practices that are demonstrated to have an impact on improving student achievement or student growth for high-need students. We have established several performance measures for the i3 Validation grants.

Short-term performance measures: (1) The percentage of grantees that reach their annual target number of students as specified in the application; (2) the percentage of programs, practices, or strategies supported by a Validation grant with ongoing well-designed and independent evaluations that will provide evidence of their effectiveness at improving student outcomes; (3) the percentage of programs, practices, or strategies supported by a Validation grant with ongoing evaluations that are providing high-quality implementation data and performance feedback that allow for periodic assessment of progress toward achieving intended outcomes; and (4) the cost per student actually served by the grant.

Long-term performance measures: (1) The percentage of grantees that reach the targeted number of students specified in the application; (2) the percentage of programs, practices, or strategies supported by a Validation grant that implement a completed well-designed, well-implemented and independent evaluation that provides evidence of their effectiveness at improving student outcomes; (3) the percentage of programs, practices, or strategies supported by a Validation grant with a completed well-designed, well-implemented and independent evaluation that provides information about the key elements and the approach of the project so as to facilitate replication or testing in other settings; and (4) the cost per student for programs, practices, or strategies that were proven to be effective at improving educational outcomes for students.

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

Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C107, Washington, DC 20202–5930. Telephone: (202) 453–7122. FAX: (202) 205–5631 or by email: *i3@ed.gov.*

If you use a TDD or a TTY, call the Federal Relay Service, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to either program contact person listed under *Agency Contact* in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 27, 2015.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2015–13672 Filed 6–4–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Investing in Innovation Fund—Scale-up Grants

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY:

Overview Information:

Investing in Innovation Fund—Scale-up grants.

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.411A (Scale-up grants).

DATES:

Applications Available: June 8, 2015.

Deadline for Notice of Intent to Apply: June 25, 2015.

Deadline for Transmittal of Applications: August 4, 2015.

Deadline for Intergovernmental Review: October 5, 2015.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Investing in Innovation Fund (i3), established under section 14007 of the American Recovery and Reinvestment Act of 2009 (ARRA), provides funding to support (1) local educational agencies (LEAs), and (2) nonprofit organizations in partnership with (a) one or more LEAs or (b) a consortium of schools. The i3 program is designed to generate and validate solutions to persistent educational challenges and to support the expansion of effective solutions to serve substantially larger numbers of students. The central design element of the i3 program is its multi-tier structure that links the amount of funding that an applicant may receive to the quality of the evidence supporting the efficacy of the proposed project. Applicants proposing practices supported by limited evidence can receive relatively small grants that support the development and initial evaluation of promising practices and help to identify new solutions to pressing challenges; applicants proposing practices supported by evidence from rigorous evaluations, such as large randomized controlled trials, can receive sizable grants to support expansion across the country. This structure provides incentives for applicants to build evidence of effectiveness of their proposed projects and to address the barriers to serving more students across schools, districts, and States.

As importantly, all i3 projects are required to generate additional evidence of effectiveness. All i3 grantees must use part of their budgets to conduct independent evaluations (as defined in this notice) of their projects. This ensures that projects funded under the i3 program contribute significantly to improving the information available to practitioners and policymakers about which practices work, for which types of students, and in what contexts.

The Department awards three types of grants under this program: ''Development'' grants, ''Validation'' grants, and ''Scale-up'' grants. These grants differ in terms of the level of prior evidence of effectiveness required for consideration of funding, the level of scale the funded project should reach, and, consequently, the amount of funding available to support the project.

This notice invites applications for Scale-up grants only. The notice inviting applications for Validation grants is published elsewhere in this issue of the **Federal Register**. The notice inviting applications for Development grants was published in the **Federal Register** on March 30, 2015 (80 FR 16648) and is available at *http://www.gpo.gov/fdsys/pkg/FR-2015-03-30/pdf/2015-07213.pdf.*

Scale-up grants provide funding to support expansion of projects supported by strong evidence of effectiveness (as defined in this notice) to the national level (as defined in this notice). In addition to improving outcomes for an increasing number of high-need students, Scale-up grants will generate information about the students and contexts for which a practice is most effective. We expect that Scale-up grants will increase practitioners' and policymakers' understanding of strategies that allow organizations or practices to expand quickly and efficiently while maintaining their effectiveness.

All Scale-up grantees must evaluate the effectiveness of the i3-supported practice that the project implements and expands. This is particularly important in instances in which the proposed project includes changing the i3-supported practice in order to more efficiently reach the proposed level of scale (for example, by developing technology-enabled training tools). The evaluation of a Scale-up grant must identify the core elements of, and codify, the i3-supported practice that the project implements in order to support adoption or replication by other entities. We also expect that evaluations of Scale-up grants will be conducted in a variety of contexts and for a variety of students in order to determine the context(s) and population(s) for which the i3-supported practice is most effective.

We remind LEAs of the continuing applicability of the provisions of the Individuals with Disabilities Education Act (IDEA) for students who may be served under i3 grants. Any grants in which LEAs participate must be consistent with the rights, protections, and processes established under IDEA for students who are receiving special education and related services or are in the process of being evaluated to determine their eligibility for such services.

As described later in this notice, in connection with making competitive grant awards, an applicant is required, as a condition of receiving assistance under this program, to make civil rights assurances, including an assurance that its program or activity will comply with Section 504 of the Rehabilitation Act of 1973, as amended and the Department's section 504 implementing regulations, which prohibit discrimination on the basis of disability. Regardless of whether a student with disabilities is specifically targeted as a ''high-need student'' (as defined in this notice) in a particular grant application, recipients are required to comply with all legal nondiscrimination requirements, including, but not limited to the obligation to ensure that students with disabilities are not denied access to the benefits of the recipient's program because of their disability. The Department also enforces Title II of the Americans with Disabilities Act (ADA), as well as the regulations implementing Title II of the ADA, which prohibit discrimination on the basis of disability by public entities.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex. On December 2, 2011, the Departments of Education and Justice jointly issued guidance that explains how educational institutions can promote student diversity or avoid racial isolation within the framework of Title VI (*e.g.,* through consideration of the racial demographics of neighborhoods when drawing assignment zones for schools or through targeted recruiting efforts). The ''Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools'' is available on the Department's Web site at *www.ed.gov/ocr/docs/guidance-ese-201111.pdf.*

Background: Through its competitions, the i3 program strives to

improve the academic achievement of high-need students by accelerating the identification of promising solutions to pressing challenges in kindergarten through grade 12 (K–12) public education. The i3 program supports the evaluation of the efficacy of such solutions, and the development of new approaches to scaling effective practices to serve more students. Through five competitions, the i3 program has built a portfolio of grantees that are serving high-need students and building rigorous evidence regarding different approaches to addressing critical challenges in education. When selecting the priorities for a given competition, the Department considers several factors, including the Department's policy priorities, the need for new solutions in a particular priority area, the extent of the existing evidence in the field supporting effective practices in a particular priority area, whether other available funding exists for a particular priority area, and the results and lessons learned from projects funded through prior i3 competitions.

All i3 grantees are expected to improve academic outcomes for high-need students (as defined in this notice). The FY 2015 Scale-up competition sets out five absolute priorities and allows an applicant to choose which absolute priority it will address; however, applicants applying under the Serving Rural Communities priority (Absolute Priority 5) must also address one of the other four absolute priorities, while serving students enrolled in rural LEAs (as defined in this notice). These absolute priorities, as described below, represent persistent challenges in public education for which there are solutions that are supported by rigorous and generalizable evidence. We also include three competitive preference priorities for i3 applicants, as described below.

First, we include an absolute priority for projects designed to improve the effectiveness of teachers or principals. Effective teachers and principals are critical to improving student achievement. To address this priority, applicants may focus on any portion of the teacher or principal career path, including scaling effective methods for recruiting, preparing, supporting, evaluating, retaining or rewarding effective teachers or principals. We are particularly interested in efforts that provide differentiated leadership opportunities and roles for teachers or principals, given the increased demands on educators in the area of instructional leadership. We note that LEAs and nonprofits are implementing a wide range of approaches to supporting effective teachers and principals, and this competition seeks to scale the most effective approaches to reach more students and educators across a range of contexts. Recent research, for example, suggests that novice teachers trained through alternative routes can be recruited, and prepared to perform as effectively as, or in some cases more effectively than, traditional teacher certification programs.[1] As researchers study various strategies for training and supporting novice teachers and principals, the Department seeks to encourage innovative models that can strengthen teaching and school leadership in a cost effective manner.[2]

Second, we include an absolute priority for projects designed to implement and support the transition to internationally benchmarked, college- and career-ready academic content standards. Many states have recently raised the expectations for what their students should be able to learn and do across the K–12 grade span, so that all students will be adequately prepared for the rigorous demands of college and career. As the 2015 Brown Center Report on American Education[3] points out, ongoing analysis of the effects of implementing high standards within and across States is crucial to ensuring their effectiveness in improving student achievement. Developing and implementing approaches that provide students and educators necessary information and support throughout this transition to higher standards is key to ensuring that this shift results in improvements in student learning and skills. Through this priority, we seek projects that leverage data from assessments that are aligned with internationally benchmarked, college- and career-ready standards to inform instruction and, ultimately, to support and improve student achievement.

Third, we include an absolute priority aimed at improving science, technology, engineering, and mathematics (STEM) education. Ensuring that all students can access and excel in STEM fields is essential to meeting the needs of our Nation's economy and encouraging our future prosperity.[4] Careers in STEM fields are growing, as is the body of knowledge required to compete for and succeed in these specialized jobs.[5] Recent Bureau of Labor Statistics data show that, between 2010 and 2020, employment in STEM occupations is expected to expand faster than employment in non-STEM occupations (by 17 versus 14 percent).[6] Moreover, STEM-related skills, such as data analysis, and computational and technical literacy are relevant to a wide array of post-secondary educational and professional pursuits.

Fourth, we include an absolute priority focused on implementing comprehensive high school reform strategies in high schools that are eligible to operate Title I schoolwide programs under Section 1114 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), or in schools that can demonstrate that not less than 40 percent of students are from low-income families. These strategies encompass a broad spectrum of interventions, including, but not limited to: Implementing a rigorous college- and career-ready curriculum that links student work and real-world experiences; providing accelerated learning opportunities that allow

[1] Clark, M.A., Chiang, H.S., Silva, T., McConnell, S., Sonnenfeld, K., Erbe, A., & Puma, M. (2013). *The effectiveness of secondary math teachers from Teach For America and the Teaching Fellows programs.* (NCEE 2013–4015). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education.

[2] Branch, G.F., Hanushek, E.A., Rivkin, S.G. (2013). School Leaders Matter. *Education Next,* Vol. 13, No. 1:62–69.

Allen, J., Pianta, R., Gregory, A., Mikami, A., & Lun, J. (2011). An interaction-based approach to enhancing secondary school instruction and student achievement. *Science,* 333, 1034–1037.

Clark, M.A., Chiang, H.S., Silva, T., McConnell, S., Sonnenfeld, K., Erbe, A., & Puma, M. (2013). *The effectiveness of secondary math teachers from Teach For America and the Teaching Fellows programs* (NCEE 2013–4015). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education.

[3] Loveless, Tom. How Well are American Students Learning? (March 2015). The 2015 Brown Center Report on American Education. Volume III, Number 4. Available at: *http://www.brookings.edu/~/media/Research/Files/Reports/2015/03/BCR/2015-Brown-Center-Report_FINAL.pdf?la=en.*

[4] Langdon, D.; McKittrick, G.; Beede, D.; Khan, B.; and Doms, M. Office of the Chief Economist, U.S. Department of Commerce. STEM: Good Jobs Now and for the Future (July 2011). Available at: *www.esa.doc.gov/sites/default/files/reports/documents/stemfinaljuly14.pdf.*

[5] Chairman's Staff of the Joint Economic Committee. Calculations using data from the Bureau of Labor Statistics. Employment Projections: 2010–20. Table 1.7 Occupational Employment and Job Openings Data, Projected 2010–20, and Worker Characteristics, 2010. February 2012. Available at: *http://bls.gov/emp/.* For the purposes of this calculation, STEM occupations are defined as in the U.S. Department of Commerce's Economics and Statistics Administration report, STEM: Good Jobs Now and for the Future. ESA Issue Brief #03–11. July 2011.

[6] Chairman's Staff of the Joint Economic Committee. Calculations using data from the Bureau of Labor Statistics. Employment Projections: 2010–20. Table 1.7 Occupational Employment and Job Openings Data, Projected 2010–20, and Worker Characteristics, 2010. February 2012. Available at: *http://bls.gov/emp/.* For the purposes of this calculation, STEM occupations are defined as in the U.S. Department of Commerce's Economics and Statistics Administration report, STEM: Good Jobs Now and for the Future. ESA Issue Brief #03–11. July 2011.

students to earn credit toward a postsecondary degree, including dual enrollment programs and early-college high schools strategies; implementing early warning indicator systems to identify and target supports for struggling students; personalizing learning for students; and strengthening relationships with business and post-secondary partners to link student work to real-world expectations and experiences. There is also evidence demonstrating that comprehensive academic supports for high school students can improve student outcomes, increasing high school graduation and college preparation,[7] including for high-need students.[8]

Finally, we include an absolute priority for serving rural communities. Students living in rural communities face unique challenges, such as lack of access to specialized courses. Applicants applying under this priority must also address one of the other four absolute priorities established for the FY 2015 i3 Scale-up competition, as described above, while serving students enrolled in rural local educational agencies (as defined in this notice).

We also include three competitive preference priorities in the FY 2015 Scale-up competition. The Department encourages applicants to design projects that address these competitive preference priorities in their applications.

First, we include a competitive preference priority focused on improving cost-effectiveness and productivity. Improvements in operational, organizational, and instructional processes and structures will enable organizations to strengthen their results, and to do so in a more efficient manner. Applicants should provide detailed information about how they aim to modify their processes and structures to improve productivity and how they will evaluate whether the proposed projects are cost-effective when implemented. This may include assessing the cost of comparable or alternative approaches. In order to receive competitive preference points, applicants addressing this priority must provide a detailed budget, an examination of different types of costs, and a plan to monitor and evaluate cost savings, all of which are essential to improving productivity.

Second, we include a competitive preference priority for projects that enable the broad adoption of effective practices. This competitive preference priority rewards applicants that will implement systematic methods for identifying and supporting the expansion of these practices. While all Scale-up grantees must codify the core elements of their i3-supported practices, we are interested in projects that focus particularly on the documentation and replication of practices that have been demonstrated to be effective. In addition, practitioners and policymakers need access to strong, reliable data to make informed decisions about adopting effective practices, particularly to replace less effective alternatives. This competitive preference priority supports strategies that identify key elements of effective practices and that capture lessons learned about the implementation of these practices. In addition, an applicant addressing this priority must commit to implementing their approach in multiple settings and locations in order to ensure that the practice can be successfully replicated in different contexts.

Third, in order to expand the reach of the i3 program and encourage entities that have not previously received an i3 grant to apply, the Department includes a competitive preference priority for novice i3 applicants. A novice i3 applicant is an applicant that has never received a grant under the i3 program. An applicant must identify whether it is a novice applicant when completing the applicant information sheet. Instructions on how to complete the applicant information sheet are included in the application package.

In summary, applications must address one of the first four absolute priorities for this competition and propose projects designed to implement practices that serve students who are in grades K–12 at some point during the funding period. If an applicant chooses to also address the absolute priority regarding students in rural LEAs, that applicant must also address one of the other four absolute priorities established for the FY 2015 i3 Scale-up competition, as described above, while serving students enrolled in rural LEAs (as defined in this notice). Additionally, applicants must be able to show strong evidence of effectiveness (as defined in this notice) for the proposed process, product, strategy, or practice included in their applications. Applicants should carefully review all of the requirements in the *Eligibility Information* section of this notice for instructions on how to demonstrate strong evidence of effectiveness and for information on the other eligibility and program requirements.

The i3 program includes a statutory requirement for a private-sector match for all i3 grantees. For Scale-up grants, an applicant must obtain matching funds or in-kind donations from the private sector equal to at least 5 percent of its grant award. Each highest-rated application, as identified by the Department following peer review of the applications, must submit evidence of at least 50 percent of the required private-sector match prior to the awarding of an i3 grant. An applicant must provide evidence of the remaining 50 percent of the required private-sector match no later than three months after the project start date (*i.e.,* for the FY 2015 competition, three months after January 1, 2016, or by April 1, 2016). The grant will be terminated if the grantee does not secure its private-sector match by the established deadline.

This notice includes selection criteria for the FY 2015 Scale-up competition that are designed to ensure that applications selected for funding have the potential to generate substantial improvements in student achievement (and other key outcomes), and include well-articulated plans for the implementation and evaluation of the proposed projects. Applicants should review the selection criteria and submission instructions carefully to ensure their applications address this year's criteria.

An entity that submits an application for a Scale-up grant must include the following information in its application:

[7] Fryer, Roland G. (April 2014). Injecting Charter School Best Practices into Traditional Public Schools: Evidence from Field Experiments. *Available at: http://scholar.harvard.edu/files/fryer/files/2014_injecting_charter_school_best_practices_into_traditional_public_schools.pdf*; Sinclair, M.F., Christenson, S.L., Lehr, C.A., & Anderson, A.R. (2003). Facilitating student engagement: Lessons learned from Check & Connect longitudinal studies. The California School Psychologist, 8(1), 29–42. *IES Intervention Report Available at: http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=78*; *and* Constantine, J.M., Seftor, N.S., Martin, E.S., Silva, T., & Myers, D. (2006). A study of the effect of the Talent Search program on secondary and postsecondary outcomes in Florida, Indiana, and Texas: Final report from phase II of the national evaluation. Report prepared by Mathematica Policy Research for the U.S. Department of Education, Office of Planning, Evaluation, and Policy Development, Policy and Program Studies Service. Washington, DC: U.S. Department of Education. *IES Intervention Report Available at: http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=508.*

[8] Bloom, D., Gardenhire-Crooks, A., & Mandsager, C. (2009). *Reengaging high school dropouts: Early results of the National Guard Youth ChalleNGe Program evaluation.* New York, NY: MDRC; Cave, G., Bos, H., Doolittle, F., & Toussaint, C. (1993). JOBSTART: Final report on a program for school dropouts. New York, NY: MDRC. *IES Intervention Report Available at: http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=248*; *and* Larson, K.A., & Rumberger, R.W. (1995). ALAS: Achievement for Latinos through Academic Success. In H. Thornton (Ed.), Staying in school. A technical report of three dropout prevention projects for junior high school students with learning and emotional disabilities. Minneapolis, MN: University of Minnesota, Institute on Community Integration. *IES Intervention Report Available at: http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=22.*

An estimate of the number of students to be served by the project; evidence of the applicant's ability to implement and appropriately evaluate the proposed project; and information about its capacity (*e.g.,* management capacity, financial resources, and qualified personnel) to implement the project at a national level, working directly or through partners. We recognize that LEAs are not typically responsible for taking their practices, strategies, or programs to scale; however, all applicants can and should partner with others to disseminate their effective practices, strategies, and programs and take them to scale.

The Department will screen applications that are submitted for Scale-up grants in accordance with the requirements in this notice and determine which applications meet the eligibility and other requirements. Peer reviewers will review all applications for Scale-up grants that are submitted by the established deadline.

Applicants should note, however, that we may screen for eligibility at multiple points during the competition process, including before and after peer review; applicants that are determined to be ineligible will not receive a grant award regardless of peer reviewer scores or comments. If we determine that a Scale-up grant application is not supported by strong evidence of effectiveness, or that the applicant does not demonstrate the required prior record of improvement, or does not meet any other i3 requirement, the application will not be considered for funding.

Priorities: This competition includes five absolute priorities and three competitive preference priorities. Absolute Priorities 1, 3, and 5 and the three competitive preference priorities are from the notice of final priorities, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on March 27, 2013 (78 FR 18682) (2013 i3 NFP). Absolute Priority 2 is from the Department's notice of final supplemental priorities and definitions, published in the **Federal Register** on December 10, 2014 (79 FR 73425). Absolute Priority 4 is from the notice of final priority for this program, published elsewhere in this issue of the **Federal Register** (2015 i3 NFP).

Absolute Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet one of these priorities.

An applicant for a Scale-up grant must choose one of the five absolute priorities. Applications will be peer reviewed and scored; because scores will be rank ordered by absolute priority, it is essential that an applicant clearly identify the specific absolute priority that the proposed project addresses. It is also important to note that applicants that choose to submit an application under the absolute priority for Serving Rural Communities must identify an additional absolute priority. Regardless, the peer-reviewed scores for applications submitted under the Serving Rural Communities priority will be ranked with other applications under its priority, and not included in the ranking for the additional priority that the applicant identified. This design helps us ensure that applicants under the Serving Rural Communities priority receive an ''apples to apples'' comparison with other rural applicants.

These priorities are:

Absolute Priority 1—Improving the Effectiveness of Teachers and Principals.

Under this priority, we provide funding to projects addressing pressing needs related to improving teacher or principal effectiveness.

Absolute Priority 2—Implementing Internationally Benchmarked College- and Career-Ready Standards and Assessments.

Under this priority, we provide funding to projects that are designed to support the implementation of, and transition to, internationally benchmarked college- and career-ready standards and assessments, including developing and implementing strategies that use the standards and information from assessments to inform classroom practices that meet the needs of all students.

Absolute Priority 3—Improving Science, Technology, Engineering, and Mathematics (STEM) Education.

Under this priority, we provide funding to projects addressing pressing needs for improving STEM education.

Absolute Priority 4—Implementing Comprehensive High School Reform and Redesign.

Under this priority, we provide funding to support comprehensive high school reform and redesign strategies in high schools eligible to operate Title I school-wide programs under section 1114 of the Elementary and Secondary Education Act of 1965, as amended, or in schools that can demonstrate that not less than 40 percent of students are from low-income families. These strategies must be designed to increase the number and percentage of students who graduate from high school college- and career-ready and enroll in college, other postsecondary education, or other career and technical education.

These strategies could include elements such as implementing a rigorous college- and career-ready curriculum; providing accelerated learning opportunities; supporting personalized learning; developing robust links between student work and real-world experiences to better prepare students for their future; improving the readiness of students for post-secondary education in STEM fields; or reducing the need for remediation, among others.

Absolute Priority 5—Serving Rural Communities.

Under this priority, we provide funding to projects that address one of the absolute priorities established for the 2015 Scale-up i3 competition and under which the majority of students to be served are enrolled in rural local educational agencies (as defined in this notice).

Competitive Preference Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award three additional points to applications that meet the first competitive preference priority, five additional points to applications that meet the second competitive preference priority, and five additional points to applications that meet the third competitive preference priority.

Applicants may address more than one of the competitive preference priorities. An applicant must identify in the project narrative section of its application the priority or priorities it wishes the Department to consider for purposes of earning competitive preference priority points.

Note: The Department will not review or award points under any competitive preference priority that the applicant fails to clearly identify as the competitive preference priority or priorities the applicant wishes the Department to consider for purposes of earning competitive preference priority points.

These priorities are:

Competitive Preference Priority 1—Improving Cost-Effectiveness and Productivity (zero or 3 points).

Under this priority, we provide funding to projects that address one of the following areas:

(a) Substantially improving student outcomes without commensurately increasing per-student costs.

(b) Maintaining student outcomes while substantially decreasing per-student costs.

(c) Substantially improving student outcomes while substantially decreasing per-student costs.

Other requirements related to Competitive Preference Priority 1:

An application addressing this priority must provide—

(1) A clear and coherent budget that identifies expected student outcomes before and after the practice, the cost per student for the practice, and a clear calculation of the cost per student served;

(2) A compelling discussion of the expected cost-effectiveness of the practice compared with alternative practices;

(3) A clear delineation of one-time costs versus ongoing costs and a plan for sustaining the project, particularly ongoing costs, after the expiration of i3 funding;

(4) Identification of specific activities designed to increase substantially the cost-effectiveness of the practice, such as re-designing costly components of the practice (while maintaining efficacy) or testing multiple versions of the practice in order to identify the most cost-effective approach; and

(5) A project evaluation that addresses the cost-effectiveness of the proposed practice.

Competitive Preference Priority 2—Enabling Broad Adoption of Effective Practices (zero or 5 points).

Under this priority, we provide funding to projects that enable broad adoption of effective practices. An application proposing to address this priority must, as part of its application:

(a) Identify the practice or practices that the application proposes to prepare for broad adoption, including formalizing the practice (*i.e.,* establish and define key elements of the practice), codifying (*i.e.,* develop a guide or tools to support the dissemination of information on key elements of the practice), and explaining why there is a need for formalization and codification.

(b) Evaluate different forms of the practice to identify the critical components of the practice that are crucial to its success and sustainability, including the adaptability of critical components to different teaching and learning environments and to diverse learners.

(c) Provide a coherent and comprehensive plan for developing materials, training, toolkits, or other supports that other entities would need in order to implement the practice effectively and with fidelity.

(d) Commit to assessing the replicability and adaptability of the practice by supporting the implementation of the practice in a variety of locations during the project period using the materials, training, toolkits, or other supports that were developed for the i3-supported practice.

Competitive Preference Priority 3—Supporting Novice i3 Applicants (zero or 5 points).

Eligible applicants that have never directly received a grant under this program.

Definitions:

The definitions of ''large sample,'' ''logic model,'' ''multi-site sample,'' ''national level,'' ''quasi-experimental design study,'' ''randomized controlled trial,'' ''regional level,'' ''relevant outcome,'' ''strong evidence of effectiveness,'' and ''What Works Clearinghouse Evidence Standards'' are from 34 CFR 77.1. All other definitions are from the 2013 i3 NFP. We may apply these definitions in any year in which this program is in effect.

Consortium of schools means two or more public elementary or secondary schools acting collaboratively for the purpose of applying for and implementing an i3 grant jointly with an eligible nonprofit organization.

High-minority school is defined by a school's LEA in a manner consistent with the corresponding State's Teacher Equity Plan, as required by section 1111(b)(8)(C) of the ESEA. The applicant must provide, in its i3 application, the definition(s) used.

High-need student means a student at risk of educational failure or otherwise in need of special assistance and support, such as students who are living in poverty, who attend high-minority schools (as defined in this notice), who are far below grade level, who have left school before receiving a regular high school diploma, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who have been incarcerated, who have disabilities, or who are English learners.

High school graduation rate means a four-year adjusted cohort graduation rate consistent with 34 CFR 200.19(b)(1) and may also include an extended-year adjusted cohort graduation rate consistent with 34 CFR 200.19(b)(1)(v) if the State in which the proposed project is implemented has been approved by the Secretary to use such a rate under Title I of the ESEA.

Independent evaluation means that the evaluation is designed and carried out independent of, but in coordination with, any employees of the entities who develop a process, product, strategy, or practice and are implementing it.

Innovation means a process, product, strategy, or practice that improves (or is expected to improve) significantly upon the outcomes reached with status quo options and that can ultimately reach widespread effective usage.

Large sample means an analytic sample of 350 or more students (or other single analysis units), or 50 or more groups (such as classrooms or schools) that contain 10 or more students (or other single analysis units).

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Multi-site sample means more than one site, where site can be defined as an LEA, locality, or State.

National level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to be effective in a wide variety of communities, including rural and urban areas, as well as with different groups (*e.g.,* economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender).

Nonprofit organization means an entity that meets the definition of ''nonprofit'' under 34 CFR 77.1(c), or an institution of higher education as defined by section 101(a) of the Higher Education Act of 1965, as amended.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations (but not What Works Clearinghouse Evidence Standards without reservations).

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcomes for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works

Clearinghouse Evidence Standards without reservations.

Regional level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to serve a variety of communities within a State or multiple States, including rural and urban areas, as well as with different groups (*e.g.,* economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender). For an LEA-based project to be considered a regional-level project, a process, product, strategy, or practice must serve students in more than one LEA, unless the process, product, strategy, or practice is implemented in a State in which the State educational agency is the sole educational agency for all schools.

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy or practice is designed to improve; consistent with the specific goals of a program.

Rural local educational agency means a local educational agency (LEA) that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title VI, Part B of the ESEA. Eligible applicants may determine whether a particular LEA is eligible for these programs by referring to information on the Department's Web site at *www2.ed.gov/nclb/freedom/local/reap.html.*

Strong evidence of effectiveness means one of the following conditions is met:

(i) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards without reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations and settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multi-site sample. (**Note:** Multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph).

(ii) There are at least two studies of the effectiveness of the process, product, strategy, or practice being proposed, each of which: Meets the What Works Clearinghouse Evidence Standards with reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the studies or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations and settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multi-site sample.

Student achievement means—

(a) For grades and subjects in which assessments are required under ESEA section 1111(b)(3): (1) A student's score on such assessments and may include (2) other measures of student learning, such as those described in paragraph (b), provided they are rigorous and comparable across schools within an LEA.

(b) For grades and subjects in which assessments are not required under ESEA section 1111(b)(3): Alternative measures of student learning and performance such as student results on pre-tests, end-of-course tests, and objective performance-based assessments; student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools within an LEA.

Student growth means the change in student achievement (as defined in this notice) for an individual student between two or more points in time. An applicant may also include other measures that are rigorous and comparable across classrooms.

What Works Clearinghouse Evidence Standards means the standards set forth in the What Works Clearinghouse Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Program Authority: American Recovery and Reinvestment Act of 2009, Division A, Section 14007, Pub. L. 111–5.

Applicable Regulations: (a) EDGAR in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (d) 2013 i3 NFP (78 FR 18681). (e) 2015 i3 NFP, published elsewhere in this issue of the **Federal Register**. (f) The Supplemental Priorities (79 FR 73425).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Cooperative agreements or discretionary grants.

Estimated Available Funds: $112,400,000.

These estimated available funds are the total available for all three types of grants under the i3 program (Development, Validation, and Scale-up grants). Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2016 or later years from the list of unfunded applicants from this competition.

Estimated Range of Awards:

Development grants: Up to $3,000,000.

Validation grants: Up to $12,000,000.

Scale-up grants: Up to $20,000,000.

Note: The upper limit of the range of awards (*e.g.,* $20,000,000 for Scale-up grants) is referred to as the ''maximum amount of awards'' in section 5 of this notice.

Estimated Average Size of Awards:

Development grants: $3,000,000.

Validation grants: $11,500,000.

Scale-up grants: $19,000,000.

Estimated Number of Awards:

Development grants: 9–11 awards.

Validation grants: 2–4 awards.

Scale-up grants: 0–1 awards.

Note: The Department is not bound by any estimates in this notice.

Note: The Department is not bound by any estimates in this notice.

Project Period: 36–60 months.

III. Eligibility Information

1. *Innovations that Improve Achievement for High-Need Students:* All grantees must implement practices that are designed to improve student achievement (as defined in this notice) or student growth (as defined in this notice), close achievement gaps, decrease dropout rates, increase high school graduation rates (as defined in this notice), or increase college enrollment and completion rates for high-need students (as defined in this notice).

2. *Innovations that Serve Kindergarten-through-Grade-12 (K–12) Students:* All grantees must implement practices that serve students who are in grades K–12 at some point during the funding period. To meet this requirement, projects that serve early learners (*i.e.,* infants, toddlers, or preschoolers) must provide services or supports that extend into kindergarten or later years, and projects that serve postsecondary students must provide services or supports during the secondary grades or earlier.

3. *Eligible Applicants:* Entities eligible to apply for i3 grants include either of the following:

(a) An LEA.

(b) A partnership between a nonprofit organization and—

(1) One or more LEAs; or

(2) A consortium of schools.

Statutory Eligibility Requirements: Except as specifically set forth in the *Note about Eligibility for an Eligible Applicant that Includes a Nonprofit Organization* that follows, to be eligible for an award, an eligible applicant must—

(a)(1) Have significantly closed the achievement gaps between groups of students described in section 1111(b)(2) of the ESEA (economically disadvantaged students, students from major racial and ethnic groups, students with limited English proficiency, students with disabilities); or

(2) Have demonstrated success in significantly increasing student academic achievement for all groups of students described in that section;

(b) Have made significant improvements in other areas, such as high school graduation rates (as defined in this notice) or increased recruitment and placement of high-quality teachers and principals, as demonstrated with meaningful data;

(c) Demonstrate that it has established one or more partnerships with the private sector, which may include philanthropic organizations, and that organizations in the private sector will provide matching funds in order to help bring results to scale; and

(d) In the case of an eligible applicant that includes a nonprofit organization, provide in the application the names of the LEAs with which the nonprofit organization will partner, or the names of the schools in the consortium with which it will partner. If an eligible applicant that includes a nonprofit organization intends to partner with additional LEAs or schools that are not named in the application, it must describe in the application the demographic and other characteristics of these LEAs and schools and the process it will use to select them.

Note: An entity submitting an application should provide, in Appendix C, under ''Other Attachments Form,'' of its application, information addressing the eligibility requirements described in this section. An applicant must provide, in its application, sufficient supporting data or other information to allow the Department to determine whether the applicant has met the eligibility requirements. Note that in order to address the statutory eligibility requirement above, applicants must provide data that demonstrate a change. In other words, applicants must provide data for at least two points in time when addressing this requirement in Appendix C of their applications. If the Department determines that an applicant has provided insufficient information in its application, the applicant will not have an opportunity to provide additional information.

Note about LEA Eligibility: For purposes of this program, an LEA is an LEA located within one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico.

Note about Eligibility for an Eligible Applicant that Includes a Nonprofit Organization: The authorizing statute specifies that an eligible applicant that includes a nonprofit organization meets the requirements in paragraphs (a) and (b) of the eligibility requirements for this program if the nonprofit organization has a record of significantly improving student achievement, attainment, or retention. For an eligible applicant that includes a nonprofit organization, the nonprofit organization must demonstrate that it has a record of significantly improving student achievement, attainment, or retention through its record of work with an LEA or schools. Therefore, an eligible applicant that includes a nonprofit organization does not necessarily need to include as a partner for its i3 grant an LEA or a consortium of schools that meets the requirements in paragraphs (a) and (b) of the eligibility requirements in this notice.

In addition, the authorizing statute specifies that an eligible applicant that includes a nonprofit organization meets the requirements of paragraph (c) of the eligibility requirements in this notice if the eligible applicant demonstrates that it will meet the requirement for private-sector matching.

4. *Cost Sharing or Matching:* To be eligible for an award, an applicant must demonstrate that one or more private-sector organizations, which may include philanthropic organizations, will provide matching funds in order to help bring project results to scale. An eligible Scale-up applicant must obtain matching funds, or in-kind donations, equal to at least five percent of its Federal grant award. The highest-rated eligible applicants must submit evidence of 50 percent of the required private-sector matching funds following the peer review of applications. A Federal i3 award will not be made unless the applicant provides adequate evidence that the 50 percent of the required private-sector match has been committed or the Secretary approves the eligible applicant's request to reduce the matching-level requirement. An applicant must provide evidence of the remaining 50 percent of required private-sector match three months after the project start date.

The Secretary may consider decreasing the matching requirement on a case-by-case basis, and only in the most exceptional circumstances. An eligible applicant that anticipates being unable to meet the full amount of the private-sector matching requirement must include in its application a request that the Secretary reduce the matching-level requirement, along with a statement of the basis for the request.

Note: An applicant that does not provide a request for a reduction of the matching-level requirement in its application may not submit that request at a later time.

5. *Other:* The Secretary establishes the following requirements for the i3 program. These requirements are from the 2013 i3 NFP. We may apply these requirements in any year in which this program is in effect.

• *Evidence Standards:* To be eligible for an award, an application for a Scale-up grant must be supported by strong evidence of effectiveness (as defined in this notice).

Note: An applicant should identify up to four study citations to be reviewed against What Works Clearinghouse Evidence Standards for the purposes of meeting the i3 evidence standard requirement. An applicant should clearly identify these citations in Appendix D, under the ''Other Attachments Form,'' of its application. The Department will not review a study citation that an applicant fails to clearly identify for review. In addition to the four study citations, applicants should include a description of the intervention(s) the applicant plans to implement and the intended student outcomes that the intervention(s) attempts to impact in Appendix D.

An applicant must either ensure that all evidence is available to the Department from publicly available sources and provide links or other

guidance indicating where it is available; or, in the application, include copies of evidence in Appendix D. If the Department determines that an applicant has provided insufficient information, the applicant will not have an opportunity to provide additional information at a later time.

Note: The evidence standards apply to the prior research that supports the effectiveness of the proposed project. The i3 program does not restrict the source of prior research providing evidence for the proposed project. As such, an applicant could cite prior research in Appendix D for studies that were conducted by another entity (*i.e.,* an entity that is not the applicant) so long as the prior research studies cited in the application are relevant to the effectiveness of the proposed project.

• *Funding Categories:* An applicant will be considered for an award only for the type of i3 grant (*i.e.,* Development, Validation, and Scale-up grants) for which it applies. An applicant may not submit an application for the same proposed project under more than one type of grant.

• *Limit on Grant Awards:* (a) No grantee may receive more than two new grant awards of any type under the i3 program in a single year; (b) in any two-year period, no grantee may receive more than one new Scale-up or Validation grant; and (c) no grantee may receive in a single year new i3 grant awards that total an amount greater than the sum of the maximum amount of funds for a Scale-up grant and the maximum amount of funds for a Development grant for that year. For example, in a year when the maximum award value for a Scale-up grant is $20 million and the maximum award value for a Development grant is $3 million, no grantee may receive in a single year new grants totaling more than $23 million.

• *Subgrants:* In the case of an eligible applicant that is a partnership between a nonprofit organization and (1) one or more LEAs or (2) a consortium of schools, the partner serving as the applicant and, if funded, as the grantee, may make subgrants to one or more entities in the partnership.

• *Evaluation:* The grantee must conduct an independent evaluation (as defined in this notice) of its project. This evaluation must estimate the impact of the i3-supported practice (as implemented at the proposed level of scale) on a relevant outcome (as defined in this notice). The grantee must make broadly available digitally and free of charge, through formal (*e.g.,* peer-reviewed journals) or informal (*e.g.,* newsletters) mechanisms, the results of any evaluations it conducts of its funded activities. For Scale-up and Validation grants, the grantee must also ensure that the data from its evaluation are made available to third-party researchers consistent with applicable privacy requirements.

In addition, the grantee and its independent evaluator must agree to cooperate with any technical assistance provided by the Department or its contractor and comply with the requirements of any evaluation of the program conducted by the Department. This includes providing to the Department, within 100 days of a grant award, an updated comprehensive evaluation plan in a format and using such tools as the Department may require. Grantees must update this evaluation plan at least annually to reflect any changes to the evaluation. All of these updates must be consistent with the scope and objectives of the approved application.

• *Communities of Practice:* Grantees must participate in, organize, or facilitate, as appropriate, communities of practice for the i3 program. A community of practice is a group of grantees that agrees to interact regularly to solve a persistent problem or improve practice in an area that is important to them.

• *Management Plan:* Within 100 days of a grant award, the grantee must provide an updated comprehensive management plan for the approved project in a format and using such tools as the Department may require. This management plan must include detailed information about implementation of the first year of the grant, including key milestones, staffing details, and other information that the Department may require. It must also include a complete list of performance metrics, including baseline measures and annual targets. The grantee must update this management plan at least annually to reflect implementation of subsequent years of the project.

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: *http://www2.ed.gov/programs/innovation/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 84.411A.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. a. *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.

Deadline for Notice of Intent to Submit Application: June 25, 2015.

We will be able to develop a more efficient process for reviewing grant applications if we know the approximate number of applicants that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify us of the applicant's intent to submit an application by completing a Web-based form. When completing this form, applicants will provide (1) the applicant organization's name and address and (2) the one absolute priority the applicant intends to address. Applicants may access this form online at *https://www.surveymonkey.com/r/VWFQPMD.* Applicants that do not complete this form may still submit an application.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. Applicants should limit the application narrative [Part III] for a Scale-up grant application to no more than 50 pages. Applicants are also strongly encouraged not to include lengthy appendices that contain information that they were unable to include within the page limits for the narrative. Applicants should use the following standards:

• A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limit for the application does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support of the application. However, the page limit does apply to all of the application narrative section [Part III] of the application.

b. *Submission of Proprietary Information:*

Given the types of projects that may be proposed in applications for the i3 program, some applications may include business information that applicants consider proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Consistent with the process followed in the prior i3 competitions, we plan on posting the project narrative section of funded i3 applications on the Department's Web site so you may wish to request confidentiality of business information. Identifying proprietary information in the submitted application will help facilitate this public disclosure process.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:*

Deadline for Notice of Intent to Apply: June 25, 2015.

Informational Meetings: The i3 program intends to hold Webinars designed to provide technical assistance to interested applicants for all three types of grants. Detailed information regarding these meetings will be provided on the i3 Web site at *www2.ed.gov/programs/innovation/index.html.*

Deadline for Transmittal of Applications: August 4, 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 *Agency Contact* in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: October 5, 2015.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two-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 for the i3 program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the i3 program, CFDA number 84.411A (Scale-up grants), 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 i3 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 84.411, not 84.411A).

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 *Agency 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: Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C107, Washington, DC 20202–5930. FAX: (202) 205–5631.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.411A), 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 84.411A), 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 the Scale-up competition are from the 2013 i3 NFP and 34 CFR 75.210, and are listed below.

The points assigned to each criterion are indicated in the parentheses next to the criterion. An applicant may earn up to a total of 100 points based on the selection criteria for the application.

Note: An applicant must provide information on how its proposed project addresses the selection criteria in the project narrative section of its application. In responding to the selection criteria, applicants should keep in mind that peer reviewers may consider only the information provided in the written application when scoring and commenting on the application. Therefore, applicants should structure their applications with the goal of helping peer reviewers understand the following:

- What the applicant is proposing to do, including the absolute priority (or, if the applicant has selected the absolute priority for Serving Rural Communities, the absolute priorities) under which the applicant intends the application to be reviewed;
- How the proposed project will reach a national level of scale that the applicant was previously unable to reach; and
- What the outcomes of the project will be if it is successful, including how those outcomes will be evaluated.

Selection Criteria for the Scale-up Grant Application:

A. Significance (Up to 10 Points)

In determining the significance of the project, the Secretary considers the following factors:

(1) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies. (34 CFR 75.210)

(2) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings. (34 CFR 75.210)

(3) The extent to which the proposed project addresses a challenge for which there is a national need for solutions that are better than the solutions currently available. (2013 i3 NFP)

B. Strategy to Scale (Up to 35 Points)

In determining the applicant's capacity to scale the proposed project, the Secretary considers the following factors:

(1) The extent to which the applicant demonstrates there is unmet demand for the process, product, strategy or practice that will enable the applicant to reach the level of scale that is proposed in the application. (34 CFR 75.210)

(2) The extent to which the applicant will use grant funds to address a particular barrier or barriers that prevented the applicant, in the past, from reaching the level of scale proposed in the application. (2013 i3 NFP)

(3) The mechanisms the applicant will use to broadly disseminate information on its project so as to support further development or replication. (34 CFR 75.210)

C. Quality of the Project Design and Management Plan (Up to 35 Points)

In determining the quality of the proposed project design, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (34 CFR 75.210)

(2) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (34 CFR 75.210)

(3) The clarity and coherence of the applicant's multi-year financial and operating model and accompanying plan to operate the project at a national or regional level (as defined in this notice) during the project period. (2013 i3 NFP)

(4) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project. (34 CFR 75.210)

D. Quality of the Project Evaluation (Up to 20 Points)

In determining the quality of the project evaluation to be conducted, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation will, if well implemented,

produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards without reservations. (34 CFR 75.210)

(2) The clarity and importance of the key questions to be addressed by the project evaluation, and the appropriateness of the methods for how each question will be addressed. (2013 i3 NFP)

(3) The extent to which the evaluation will study the project at the proposed level of scale, including, where appropriate, generating information about potential differential effectiveness of the project in diverse settings and for diverse student population groups. (2013 i3 NFP)

(4) The extent to which the evaluation plan includes a clear and credible analysis plan, including a proposed sample size and minimum detectable effect size that aligns with the expected project impact, and an analytic approach for addressing the research questions. (2013 i3 NFP)

(5) The extent to which the evaluation plan clearly articulates the key components and outcomes of the project, as well as a measurable threshold for acceptable implementation. (2013 i3 NFP)

(6) The extent to which the proposed project plan includes sufficient resources to carry out the project evaluation effectively. (2013 i3 NFP)

Note: Applicants are encouraged to design an evaluation that will report findings on English Learners, students with disabilities, and other subgroups. Additionally, applicants may wish to review the following technical assistance resources on evaluation: (1) WWC Procedures and Standards Handbook: *http://ies.ed.gov/ncee/wwc/references/idocviewer/doc.aspx?docid=19&tocid=1;* and (2) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/.* In addition, we invite applicants to view two optional Webinar recordings that were hosted by the Institute of Education Sciences. The first Webinar discussed strategies for designing and executing well-designed quasi-experimental design studies. Applicants interested in viewing this Webinar may find more information at the following Web site: *http://ies.ed.gov/ncee/wwc/news.aspx?sid=23.* We also encourage applicants to review a second Webinar recorded by the IES that focused on more rigorous evaluation designs. This Webinar discusses strategies for designing and executing studies that meet WWC standards without reservations. Applicants interested in reviewing this Webinar may find more information at the following Web site: *http://ies.ed.gov/ncee/wwc/News.aspx?sid=18.*

2. *Review and Selection Process:* As described earlier in this notice, before making awards, we will screen applications submitted in accordance with the requirements in this notice to determine whether applications have met eligibility and other requirements. This screening process may occur at various stages of the process; applicants that are determined to be ineligible will not receive a grant, regardless of peer reviewer scores or comments.

For the application review processes, we will use independent peer reviewers with varied backgrounds and professions including pre-kindergarten-grade 12 teachers and principals, college and university educators, researchers and evaluators, social entrepreneurs, strategy consultants, grant makers and managers, and others with education expertise. All reviewers will be thoroughly screened for conflicts of interest to ensure a fair and competitive review process.

Peer reviewers will read, prepare a written evaluation, and score the assigned applications, using the selection criteria provided in this notice. For Scale-up grant applications, the Department intends to conduct a single tier review. If an eligible applicant has chosen to address either of the first two competitive preference priorities (Improving Cost-Effectiveness and Productivity or Enabling Broad Adoption of Effective Practices) in order to earn competitive preference priority points, reviewers will review and score these competitive preference priorities. If competitive preference priority points are awarded, those points will be included in the eligible applicant's overall score. If an eligible applicant chooses to address the last competitive preference priority (Supporting Novice i3 Applicants) in order to earn competitive preference priority points, the Department will review its list of previous i3 grantees in scoring this competitive preference priority.

We remind potential applicants that, in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR

75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The overall purpose of the i3 program is to expand the implementation of, and investment in, innovative practices that are demonstrated to have an impact on improving student achievement or student growth for high-need students. We have established several performance measures for the i3 Scale-up grants.

Short-term performance measures: (1) The percentage of grantees that reach their annual target number of students as specified in the application; (2) the percentage of programs, practices, or strategies supported by a Scale-up grant with ongoing well-designed and independent evaluations that will provide evidence of their effectiveness at improving student outcomes at scale; (3) the percentage of programs, practices, or strategies supported by a Scale-up grant with ongoing evaluations that are providing high-quality implementation data and performance feedback that allow for periodic assessment of progress toward achieving intended outcomes; and (4) the cost per student actually served by the grant.

Long-term performance measures: (1) The percentage of grantees that reach the targeted number of students specified in the application; (2) the percentage of programs, practices, or strategies supported by a Scale-up grant that implement a completed well-designed, well-implemented and independent evaluation that provides evidence of their effectiveness at improving student outcomes at scale; (3) the percentage of programs, practices, or strategies supported by a Scale-up grant with a completed well-designed, well-implemented and independent evaluation that provides information about the key elements and the approach of the project so as to facilitate replication or testing in other settings; and (4) the cost per student for programs, practices, or strategies that were proven to be effective at improving educational outcomes for students.

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

Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C107, Washington, DC 20202–5930. Telephone: (202) 453–7122. FAX: (202) 205–5631 or by email: *i3@ed.gov.*

If you use a TDD or a TTY, call the Federal Relay Service, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to either program contact person listed under *Agency Contact* in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 27, 2015.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

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Part III

Office of Personnel Management

Office of the Director of National Intelligence

5 CFR Chapter IV

Designation of National Security Positions in the Competitive Service, and Related Matters; Final Rule

OFFICE OF PERSONNEL MANAGEMENT

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

5 CFR Chapter IV

RIN 3206–AM73

Designation of National Security Positions in the Competitive Service, and Related Matters

AGENCY: Office of Personnel Management; Office of the Director of National Intelligence.

ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management (OPM) and the Office of the Director of National Intelligence (ODNI) are issuing final regulations regarding designation of national security positions in the competitive service, and related matters. This final rule is one of a number of initiatives OPM and ODNI have undertaken to simplify and streamline the system of Federal Government investigative and adjudicative processes to make them more efficient and equitable. The purpose of this revision is to clarify the requirements and procedures agencies should observe when designating, as national security positions, positions in the competitive service, positions in the excepted service where the incumbent can be noncompetitively converted to the competitive service, and Senior Executive Service (SES) positions held by career appointees in the SES within the executive branch, pursuant to Executive Order 10450, Security Requirements for Government Employment.

DATES: This rule will be effective on July 6, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Gilmore by telephone on (202) 606–2429, by fax at (202) 606–4430, by TTY at (202) 418–3134, or by email at *Michael.gilmore@opm.gov*; Mr. Gary Novotny by telephone at (301) 227–8767, by fax at (301) 227–8259, or by email at *Garymn@dni.gov.*

SUPPLEMENTARY INFORMATION: On December 14, 2010, the Office of Personnel Management (OPM) issued a proposed rule at 75 FR 77783 to amend part 732 of title 5, Code of Federal Regulations (CFR.) The purpose of the proposed rule was to clarify its coverage, and the procedural requirements for making position sensitivity designations. In addition, OPM proposed various revisions to make the regulations more readable.

In response to the December 14, 2010, proposed rule, OPM received a total of 17 comments. Of these comments, two were from individuals, eight from unions and labor federations, two from public interest organizations, and five from agencies and agency components. These comments along with the comments received for the May 28, 2013, proposed rule, described below, are addressed in this final rule. In a Memorandum dated January 25, 2013, and published in the **Federal Register** at 78 FR 7253 on January 31, 2013, the President Directed the Director of National Intelligence and the Director of the Office of Personnel Management to jointly propose ''the amended regulations contained in the Office of Personnel Management's notice of proposed rulemaking in 75 FR 77783 (Dec. 14, 2010), with such modifications as are necessary to permit their joint publication, without prejudice to the authorities of the Director of National Intelligence and the Director of the Office of Personnel Management under any executive order, and to the extent permitted by law.'' On May 28, 2013, OPM and ODNI jointly issued a proposed rule at 78 FR 31847. This proposed rule, with the exception of § 732.401, (1) withdrew the proposed rule issued by OPM on December 14, 2010 (75 FR 77783); and (2) reissued and renumbered the proposed rule in a new chapter IV, part 1400 of title 5, Code of Federal Regulations.

During the 30-day comment period between May 28, 2013, and June 27, 2013, OPM and ODNI received 12 comments. Of these comments, three were from individuals, two from unions, three from public interest organizations, and four from agencies and components of agencies. The total number of written comments received in response to the proposed rules is 29. Of the written comments received, three supported the rule and 24 opposed the rule. Two commenters did not provide an opinion and are therefore outside the scope of this rulemaking.

Discussion of Comments

Comments on the December 14, 2010 Proposed Rule To Amend 5 CFR Part 732: Designation of National Security Positions

General Comments

An individual commented that the proposed rule is well written and needed to implement E.O. 10450. He further commented in favor of the rule's ''savings provision'' to preserve federal employees' procedural rights. No response is needed.

One union asked OPM to affirm that nothing in its proposed language for part 732 (now part 1400) was intended to curtail the ability of employees to be included in bargaining units.

Response: This rule does not address collective bargaining. It addresses, instead, agencies' responsibility to properly designate positions that may have a material adverse impact to national security and to allow the correct level of background investigation.

Several commenters expressed general opposition to the rule. One agency stated that if all investigations must be initiated no later than 14 working days after the change in designation there could be substantial cost implications. Likewise, a union stated given the costs associated with investigating and reinvestigating employees, the costs associated with the proposed changes could be considerable. It also voiced concern that forcing agencies to expend resources on investigations in a cost-cutting environment could end up causing more problems than anticipated. The union expressed a concern that the proposed changes could affect staffing since they could hamper the ability of agencies to hire employees in an efficient manner.

Response: We agree that re-designation of positions as national security positions will take time and resources to accomplish; however, the potential risk associated with under-designation makes investigations at a level commensurate with the responsibilities of each position essential investments to protect the public and the United States. Agency heads are responsible for complying with the requirement that positions will only be designated as national security positions when the occupant's neglect, action or inaction could bring about a material adverse effect on national security. Further, we recognize the need to balance risks and costs. E.O. 12866 requires us to consider cost effectiveness in our rulemaking. Unless the positions in question are determined to be ones that could bring about ''exceptionally grave damage'' or ''inestimable damage to the National Security'' a Single Scope Background Investigation (SSBI) or Tier 5 Investigation would not be required. However, if it is determined that such damage could result from actions of individuals in these positions, the SSBI or Tier 5 Investigation would be appropriate, just as it currently is when access to classified material at the top secret level is a requirement of the job.

One agency commented that it is unclear why ''Part 732 is not intended

to provide an independent authority for agencies to take adverse actions when the retention of an employee is not consistent with the national security,'' because it *has* been an independent authority for such action where the employee loses their eligibility for a sensitive national security position.''

Response: The commenter is incorrect. Part 732 has never been an authority under which to conduct security adjudications. E.O. 10450, Section 2 states, ''The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to ensure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interest of the national security.'' Likewise, part 732—now part 1400—is not a source of authority for conducting security adjudications.

One agency commented that certain language in the supplementary information accompanying the December 14, 2010 proposed rule to amend 5 CFR part 732—''Nor should part 732 be construed to require or encourage agencies to take adverse actions on national security grounds under 5 CFR part 752 when other grounds are sufficient''—appears to have the intent to discourage an agency from taking adverse actions on national security grounds.

Response: It is not the rule's purpose to require, encourage, or discourage adverse actions to be based on national security determinations. This rule is silent on the grounds on which an agency may take an adverse action for such cause as to promote the efficiency of the service under 5 U.S.C. 7513.

One agency stated that the supplementary information accompanying the December 14, 2010 proposed rule is incorrect in stating that ''Nor, finally, does part 732 have any bearing on the Merit Systems Protection Board's appellate jurisdiction or the scope of the Board's appellate review of an adverse action.''

Response: The scope of the U.S. Merit Systems Protection Board's (MSPB's) appellate jurisdiction was never controlled by part 732, and is not now controlled by part 1400. OPM regulates appeal rights for adverse actions in 5 CFR part 752, and regulates appeal rights for suitability actions in 5 CFR part 731.

A public interest organization opined that the rule may not protect the merit system principles and may, instead, condone their circumvention.

Response: The rule does not require the commission of any prohibited personnel practice, and agencies must not commit prohibited personnel practices in its implementation. The commenter's statement is speculative and fails to recognize that agency heads will have no greater authority under the new rule than under the preexisting rule to designate positions in their agency as sensitive. Therefore, the concern for an increased risk of abuse is misplaced. Under both the new rule and the preexisting rule, managers are required to adhere to the merit system principles in 5 U.S.C. 2301 and to refrain from prohibited personnel practices described in 5 U.S.C. 2302(b). When OPM conducts merit system oversight under Civil Service Rule V, it is required to report the results of audits to agency heads with instructions for corrective action and, if warranted, refer evidence to the Office of Special Counsel. Additionally, if an employee appeals an adverse personnel action to the Merit Systems Protection Board, and the action was for a reason other than unfavorable national security adjudication, the employee may raise, as an affirmative defense, that he or she was subjected to a prohibited personnel practice. Finally, the new rule itself provides greater clarity and structure to guide agencies in designating their positions than the current rule, providing less opportunity for the type of abuses feared by the commenter.

One union questioned the need for the issuance of any regulation, stating OPM characterizes its proposed changes as merely intended to ''clarify'' and ''update'' existing requirements and procedures. The union further stated it is incumbent upon OPM to demonstrate that regulations that have served the needs for government for many years, since passage of the USA PATRIOT Act of 2001 and the Homeland Security Act of 2002, are now somehow inadequate.

Response: The revision is necessary to clarify the requirements and procedures agencies should observe when designating national security positions as required under E.O. 10450, *Security Requirements for Government Employment.* The proposed regulation maintains the current standard which defines a national security position as any position in a ''department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security.'' The purpose of the revisions is to clarify the categories of positions which, by virtue of the nature of their duties fall under this definition, whether or not the position requires access to classified information. Further, significant changes have been made to reinvestigation requirements by E.O. 12968, E.O. 13467, and E.O. 13488 since part 732 was last revised, requiring clarification.

An individual expressed concern that the proposed amendment to 5 CFR part 732 and the policy it embodies was being set by OPM, and that the document did not display any concurrence or approval by the DNI.

Response: Although OPM has rulemaking authority to implement E.O. 10450 pursuant to Civil Service Rule V and 5 U.S.C. 1103, E.O. 13467 gave ODNI new responsibilities related to national security positions. Accordingly, in recognition of OPM's and ODNI's responsibilities in this area, the President directed the two agencies to engage in joint rulemaking.

Comments on Section 732.101: Purpose

One union stated that it is important that any final regulations continue to be clear regarding the intent and scope of the proposed changes to part 732, now part 1400. The commenter stated that in the past agencies have misapplied part 732 when designating positions as national security positions, thus OPM should remind agencies in the body of the regulations, rather than in the ''Scope'' preface to the regulations, that ''not all positions . . . must be designated as national security positions,'' and that ''sensitivity designations are based on the nature of a position, not on the mission of the agency or of its subcomponents.'' Further, the union recommended that this reminder be placed in 5 CFR 732.101 under a new paragraph (c).

Response: We have rejected this comment as unnecessary, since it is clear from §§ 1400.101(b) and 1400.204 that position designation is conducted on a position-by-position basis.

Comments on Section 732.102: Definition and Applicability

A public interest organization raised several concerns. First, it stated that it opposes the expansion of the definition of national security position to include employees who do not have regular use of or access to classified information.

Response: The regulation does not ''expand'' the definition of a national security position to include individuals who do not have regular use of or access to classified information, since such positions were already covered by § 732.102(a)(1) of the preexisting regulations, and by section 3(b) of E.O. 10450. Further, we believe that while access to classified information is, in and of itself, a reason to designate a position as a national security position,

positions may have the requisite national security impact independent of whether the incumbent of the position requires eligibility for access to classified information. For example, positions involving protection from terrorism have the potential to bring about a material adverse impact on the national security, especially where the position duties involve protection of borders and ports, critical infrastructure, or key resources. Positions that include responsibilities related to public safety, law enforcement, and the protection of Government information systems could also legitimately be designated as national security positions, where neglect of such responsibilities or malfeasance could bring about adverse effect on the national security. Consequently, we believe that the definition of ''national security'' positions must include positions where the duties include ''protecting the nation, its citizens and residents from acts of terrorism, espionage, or foreign aggression and where the occupants neglect, action or inaction could bring about a material adverse effect on the national security.''

Next, the organization stated that the proposed rule gives agency heads a power to designate nearly any position within their agency as a national security position, driven by improper motives such as increasing an agency's profile by inflating the number of national security positions within that agency.

Response: The commenter is mistaken in its impression that the proposed rule would expand the scope of an agency head's ability to categorize positions, since agency heads will have the same authority under the new rule as they have under the current rule to designate positions within their agency. Further, the proposed rule provides greater detail to guide agencies in making position designations, which should lead to greater consistency in designations and reduce the likelihood that agencies could over designate their positions as the commenter suggests. The comment that agencies might in an unspecified way attempt to raise their ''profile'' by over-designating their positions is vague and speculative.

Third, the organization commented that the proposed definition of a national security position is overbroad and provides too much arbitrary power to agency heads to expand the number and type of positions that could be designated as national security positions without sufficient need or justification to the detriment of the rights of federal employees and true national security interests.

Response: As we stated in the supplementary information accompanying the December 14, 2010 proposed rule, the rule seeks to ensure consistency and uniformity to limit the potential for over or under designating positions by adding content to E.O. 10450's requirement that a national security position is one where the occupant could bring about a ''material adverse effect'' on the national security. Specifically, § 1400.201(a) requires that at a minimum, the occupant of a position must be able to cause at least ''significant or serious damage'' to the national security before his or her position may be designated as ''noncritical-sensitive,'' the very lowest national security position designation. OPM and ODNI recognize the need for standard guidelines agencies can use to assist them in making these determinations. OPM and ODNI will revise the OPM Position Designation Tool and issue detailed guidance on its position designation system.

Fourth, the organization voiced a concern that designating an existing position as a national security position triggers an intensive background investigation that could potentially disqualify federal employees from jobs that they currently perform. The organization further stated that the proposed rule expands the initiation of investigations to currently employed federal workers who are performing their duties with no apparent detriment to national security.

Response: E.O.10450 has historically given agency heads the responsibility to ensure that the employment and retention in employment of any civilian officer or employee is clearly consistent with the interests of national security. Positions are to be investigated at the level commensurate with their position sensitivity designation.

Finally, the organization felt that under the proposed rule a biased agency head or his designee could abuse the authority provided by this rule to conduct abusive background investigations against disfavored employees.

Response: We disagree that background investigations are ''abusive.'' Investigations are conducted to determine an individual's character, conduct and eligibility to hold a sensitive position or access to classified information in accordance with law, statute or executive order. We also disagree that agency heads will have arbitrary power to conduct background investigations. The commenter's statement is speculative and fails to recognize that agency heads will have no greater authority under the new rule than under the preexisting rule to designate positions in their agency as sensitive. Therefore, the concern for an increased risk of abuse is misplaced. Indeed, the new rule will provide greater clarity and structure to guide agencies in designating their positions than the current rule, providing less opportunity for the type of abuses feared by the commenter.

One union expressed concern that the rule expands the definition of a national security position to include positions where the incumbent does not require a security clearance.

Response: The comment's premise is incorrect. The predecessor rule, 5 CFR 732.102(a)(1), also required certain positions to be designated as national security positions even when the occupants did not require access to classified information.

Three unions and a labor federation recommended that proposed § 732.102 (now § 1400.102) be amended by adding a new subsection (c) at the end, stating that the ''designation of a position as a national security position does not by itself mean that an occupant of the position is an ''employee engaged in intelligence, counter-intelligence, investigative, or security work which directly affects national security'' within the meaning of 5 U.S.C. 7112(b)(6).''

Several unions felt that the recommended addition was important to prevent misapplication of the regulation. They explained that, because both the regulation and 5 U.S.C. 7112(b)(6) use the phrase ''national security,'' there is a significant risk that agencies will erroneously believe that an employee occupying a designated ''national security position'' is, by reason of that designation alone, ineligible on ''national security'' grounds for inclusion in a collective bargaining unit under 5 U.S.C. 7112.

Union commenters also stated that it is well established that a position's designation as a ''national security position'' does not automatically disqualify that position from inclusion in a collective bargaining unit. The union further stated that, under 5 U.S.C. 7112(b)(6), exclusion from a bargaining unit is not warranted merely because an employee is eligible for or has access to classified information, and cited *DoD Fort Belvoir and AFGE,* 64 FLRA 217, 221 (2009). The unions then stated that therefore, the regulations should make clear that they will in no way change or affect the status of bargaining unit designations for federal employees, which remain in the jurisdiction of the FLRA. The unions also stated explicit clarification that the regulation is not an interpretation of 5 U.S.C. 7112(b)(6) and

that occupying a ''national security position'' does not by itself mean that an employee is ''engaged in . . . security work which directly affects national security'' would be a valuable and important service to users of the regulation.

Three unions stated that if OPM is unwilling to include the recommended clarification, as an alternative, OPM should, at the very least, include a cautionary message to the same effect in the supplemental accompanying the Final Rule.

Response: It is not the intention of this regulation to impact how the Federal Labor Relations Authority (FLRA) makes unit determinations based on national security under 5 U.S.C. 7112(b)(6), but to clarify the requirements and procedures agencies should observe when designating national security positions as required under E.O. 10450. This regulation is not intended to, nor could it alter, statutory authorities vested in the FLRA. For these reasons, inclusion of the language proposed by the commenters is unnecessary. A cautionary note to the FLRA in this regulation or its supplement is not necessary, since the FLRA has its own statutory mandates and is expected to interpret them consistent with those authorities.

One union noted OPM's caution to agencies against overbroad application of the national security designation, and stated OPM should recognize the need to caution agencies here as well.

Response: Agency heads are responsible for complying with the requirement that positions will only be designated as national security positions when the occupant's neglect, action or inaction could bring about a material adverse effect on national security.

A union commented the new definition of ''national security position'' under the proposed regulations is overly broad, lacks clarity, and lends itself to grave misapplication by federal agencies in designating national security positions.

Response: While positions that include responsibilities such as law enforcement, public safety, and government information systems could be classified as national security, in each instance the agency head must make a determination of whether the occupant's neglect, action or inaction could bring about a material adverse effect on national security. OPM and ODNI caution that not all positions with these responsibilities must be designated as national security positions. Rather, in each instance agencies must make a determination of whether the occupant's neglect, action or inaction could bring about a material adverse effect on the national security. Agencies are reminded that sensitivity designations are based on the nature of the position, not on the mission of the agency or of its subcomponents.

Another union stated that OPM should discard what the commenter called the ''laundry list'' of positions in § 732.102(a), as this approach is so broad as to be vague, and could therefore mislead agencies in their application of the standard set out by Executive Order 10450.

Response: OPM and ODNI disagree that the examples given are overly broad and vague. The list of position duties is an illustrative guide in identifying national security positions, and is intended to provide more clarity and consistency in agency decision-making. But to add clarifying context, we have added a new § 1400.201(a)(2)(ii), and redesignated the existing paragraphs, stating that *critical-sensitive* positions include positions not requiring eligibility for access to classified information where they have ''the potential to cause exceptionally grave damage to the national security.'' We intend this new section to complement § 1400.201(a)(1)(ii), which states that *noncritical-sensitive* positions include positions not requiring eligibility for access to classified information where they have ''the potential to cause significant or serious damage to the national security.''

Another union raised several concerns. First, it commented that the proposed definition of a national security position is overbroad and will have the effect of expanding the number and type of positions that could be designated as national security positions without sufficient need and at significant cost.

Response: As we stated in the supplementary information accompanying the December 14, 2010 proposed rule, the rule seeks to add content to E.O. 10450's requirement that a national security position is one where the occupant could bring about a ''material adverse effect'' on the national security. Specifically, § 1400.201(a) requires that at a minimum, the occupant of a position must be able to cause at least ''significant or serious damage'' to the national security before his or her position may be designated as ''noncritical-sensitive,'' the very lowest national security position designation. OPM and ODNI recognize the need for standard guidelines agencies can use to assist them in making these determinations and § 1400.201(b) authorizes OPM and ODNI to issue detailed guidance on its position designation system. Moreover, we believe agencies are mindful of the costs associated with national security investigations and that cost will act as a constraint on overdesignation. Agencies must also recognize that cost should not be a basis for underdesignation, which could increase risk to national security.

Next, the union expressed concern that without close oversight by OPM, there is an unacceptable risk that agencies will misapply the regulations.

Response: OPM has a responsibility under section 14(a)(2) of E.O. 10450, as reaffirmed by section 3(a)(i) of E.O. 13467, to monitor the fairness and impartiality of decisions made by agencies under their security programs, including position designation determinations; and to report to the agencies and the National Security Council on the need for corrective action. ODNI has a responsibility under section 2.3(c) of E.O. 13467 to exercise oversight over determinations of eligibility to hold a sensitive position, which includes ensuring that, as a foundational matter, positions are properly designated, which in turn drives the appropriate scope investigation and subsequent adjudication. Therefore, OPM and ODNI will factor position designation into their oversight reviews.

Third, in response to the December 14, 2010 proposed rule, the union, citing the Supreme Court's decision in *Cole* v. *Young,* 351 U.S. 536, stated that OPM has erred in extending the definition of national security positions beyond those that are ''directly concerned with the protection of the Nation from internal subversion or foreign aggression.'' The union noted that previously, the regulations specified that a ''national security position'' includes (1) positions that require the regular use of or access to classified information, and (2) positions that involve the protection of the nation from foreign aggression or espionage and related activities focused on the preservation of the military strength of the nation. The union asserted that the amended rule extends the definition to encompass civilian-oriented activities such as (1) protecting or controlling access to facilities or information systems; (2) exercising investigative or adjudicative duties related to suitability, fitness, identity credentialing; (3) exercising duties related to criminal justice, public safety or law enforcement; and (4) conducting related investigations or audits. To include, in the definition of national security positions, ''those [positions] which contribute to the strength of the Nation

only through their impact on the general welfare'' would potentially encompass *all* activities of the government. *Id.* at 543–44.

Response: It was not OPM's or ODNI's purpose to broaden the meaning of the term ''national security'' as used in E.O. 10450 but rather, as stated in the notice of proposed rulemaking, to recognize that there are ''positions that may have a material adverse impact on the national security, *but that may not seem to fall squarely within the current definition in § 732.102(a) of this chapter,''* necessitating clarification. 75 FR 77783. To emphasize the point that we are not changing the meaning of the term national security, we are adding a new definition to § 1400.102(a)(3) of the final rule that states that the term refers to those activities which are directly concerned with the foreign relations of the United States and protection of the nation from internal subversion, foreign aggression, or terrorism. In addition to addressing the commenter's concern, this definition makes express what was implicit in the prior rule: That the national security includes the foreign relations of the United States and protection against terrorism. This brings the rule's definition in line with Executive order 13526, under which the President has defined the ''national security,'' in the context of classification of national security information, as ''the national defense and foreign relations of the United States'' including ''defense against transnational terrorism.'' E.O. 13526, sections 1.1(a)(4), 6.1(cc).

Fourth, the union stated that OPM's definition of ''national security position'' sweeps too broadly, reinforced by the examples provided by OPM of positions that should be designated as Noncritical-Sensitive, Critical-Sensitive, or Special-Sensitive. *See* 5 CFR 1400.201(a). By way of example, the union speculated that the examples in the rule could be used to erroneously designate a food safety inspector or an IRS agent as occupying Critical-Sensitive positions.

Response: OPM and ODNI disagree that the three types of national security classifications are vague, and that the differences among them are indistinguishable due to the use of overly broad and undefined terms. To the contrary, the three sensitivity levels conform to established, long-standing national security policy. The rule changes further clarify the designation of national security positions. The examples were provided to assist agency personnel in placing positions at the various sensitivity levels once they have been designated as national security positions. The commenter's examples are inapposite in that under § 1400.102(a), before designating a position as Critical-Sensitive, an agency must first determine that the position is such that ''the occupant . . . could bring about, by virtue of the nature of the position, a material adverse effect on the national security.''

Fifth, the union was most troubled by the example of a Critical-Sensitive position offered by OPM at 5 CFR 732.201(a)(2)(xvi) (now § 1400.201(a)(2)(xvi)): Positions in which the occupant has unlimited access to and control over unclassified information if the unauthorized disclosure of that information could cause exceptionally grave damage to the national security. The union stated it had previously assumed that any information that could cause ''exceptionally grave damage to the national security'' would be classified. If *unclassified* information could cause such damage, the standard is not very demanding, and it is likely that agencies would agree and interpret the standard in a relaxed fashion.

Response: The example is intended to address the case where an employee has unlimited access to and control of documents that are not individually classifiable at the Confidential, Secret, or Top Secret level, but where the documents, upon release, will provide a compilation or mosaic of information that could cause exceptionally grave damage to the national security. This is consistent with section 1.7(e) of E.O. 13526, as well as the predecessor Executive order, E.O. 12958.

Sixth, the union stated that it appears as though the new regulation will have the ''unfortunate'' tendency to encourage agencies to redesignate many public trust positions as national security positions. The union further stated that a redesignation as national security requires only a minor shift in agency analysis of the degree of danger that could result from action or inaction by the incumbent and opined that this is a very fine distinction, one that is likely to confuse personnel security offices, and OPM should clarify the task facing personnel security officers.

Response: The underlying premise of the comment—that public trust and national security position designations are exclusive of each other—is incorrect. 5 CFR 731.106 clearly states that the two designations are complementary, and § 1400.201(c) and (d) are an effort to streamline the joint designation process. Further, as we stated in the supplementary information accompanying the December 14, 2010 proposed rule, a national security position is one where the occupant could bring about a ''material adverse effect'' on the national security. Specifically, § 1400.201(a) requires that at a minimum, the occupant of a position must be able to cause at least ''significant or serious damage'' to the national security before his or her position may be designated as ''noncritical-sensitive,'' the very lowest national security position designation. As such, some positions may be redesignated from sensitive to nonsensitive as a result. The occupants will still be subject to an appropriate risk-based public trust investigation.

Seventh, the union referred to a briefing held by OPM on these regulations with unions that hold consultation rights with OPM. Further, the union stated during this briefing, OPM indicated that it contemplates playing a relatively modest role in overseeing the position designation process despite the need for individualized assessments and the admitted risk of improper designation. The union stated its understanding that OPM provides general guidance and training to agencies, but that actual oversight is confined to random audits. The union requested intensive training for agency human resources staff by OPM, rigorous oversight, and a mechanism for individual employees to report allegations of abuse and for OPM to conduct targeted reviews in response to complaints.

Response: The commenter's suggestion that OPM launch an intensive training program of agency personnel security officers is outside the scope of this rule. Under section 2 of E.O. 10450, each agency is responsible for establishing and maintaining an effective security program, and this necessarily includes ensuring that its security staff is appropriately trained to follow regulations and policy directives. However, OPM has, in the past, offered instruction to agencies on applying the position designation system and will continue to do so. Further, OPM and ODNI will provide detailed guidance for a revised position designation guide. OPM and ODNI will conduct oversight and review of agencies' position designation decisions. We believe that it would be inefficient to establish a new individual complaint process for position designations that the labor representative proposes. Nonetheless, this regulation in no way purports to limit employees' existing redress avenues, including the right to report waste, fraud and abuse to the agency's Inspector General.

Eighth, the union further stated that it has observed that many agencies are woefully ill-equipped to make position

designation determinations, making the 24-month time frame unrealistic. The commenter proposes replacing the 24-month period with a 36-month period.

Response: OPM and ODNI believe that the 24-month time frame is enough time to allow agencies ample opportunity to review the positions and determine whether or not they impact national security under the new definition and make the appropriate designation change. However, we have revised the regulation to allow agencies to request an extension of the timeframe for re-designation.

Ninth, the union stressed that accuracy and consistency in the designation process are essential and errors can have profound repercussions.

Response: We agree that accuracy and consistency in the designation process are critical. This is one of the reasons for promulgating this rule. In each instance, agencies must make a determination of whether the occupant's neglect, action or inaction could bring about a material adverse effect on the national security. Agencies are reminded that sensitivity designations are based on the nature of the position, not on the mission of the agency or of its subcomponents.

Three unions commented that under the proposed regulations, certain key terms such as critical infrastructure or key resources are not defined. Instead, OPM states that agencies are to ''be guided in their assessment. . . by referring to'' the USA Patriot Act of 2001 and the Homeland Security Act of 2002. *Id.* The commenter felt that because OPM has not provided a clear definition of these terms, agencies may misinterpret and misapply them as intended in these statutes. This will likely result in the inconsistent designation of national security positions among federal employees.

Response: We agree, and have revised § 1400.102 definition and applicability to include the statutory definitions for the terms ''key resources'' and ''critical infrastructure.'' Namely, under Public Law 107–296 (the Homeland Security Act), dated November 25, 2002, ''key resources'' are defined as ''publicly or privately controlled resources essential to the minimal operations of the economy and government.'' 42 U.S.C. 5195c(e) (the Critical Infrastructures Protection Act of 2001, Section 1016 of the USA Patriot Act of 2001) defines ''critical infrastructures'' as ''systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.''

Two unions and a labor federation commented that the regulations fail to define the terms ''neglect, action, or inaction,'' and instead provide ''extreme and unguided'' deference to agencies in determining the types of conduct that could have a ''material adverse effect'' on national security. They stated that this will likely result in the arbitrary designation of ''national security positions'' inconsistent with the intent of the regulations and E.O. 10450. They proposed that OPM provide guidance to agencies to determine the types of conduct that constitute ''neglect, action, or inaction,'' and which would have a ''material adverse effect on the national security.''

Response: While we disagree with the allegations, we note, as described above, that we have given content to E.O. 10450's term ''material adverse effect'' by defining the degree of harm to the national security that must be posed by the occupant of a non-critical sensitive position, a critical-sensitive position, or a special-sensitive position. These definitions will deter over-designation. OPM's and ODNI's position designation model issued under § 1400.201(b) will provide agencies with further guidance in making these determinations. The terms neglect, action, or inaction are self-explanatory; thus they do not have to be defined.

Unions commented that the proposed regulations would also add to the definition in § 732.102(a)—now § 1400.102(a)—certain federal employee positions that are *not* typically considered to be national security related. OPM's regulations provide examples of these positions. They further stated that these examples are overly broad and should be amended to reflect those positions that have an actual adverse impact on national security as intended by the regulations and Executive Order 10450. They therefore recommended that OPM clarify the regulations to ensure that the proposed changes do not have the unintended effect of improperly designating an employee's position as a ''national security position'' when the occupant does not in fact ''have the potential to bring about a material adverse impact on the national security.''

Response: This rule provides clarity as to the categories of positions, which, by virtue of the nature of their duties, may have the potential to bring about a material adverse impact on the national security. Further, every position must be properly designated, individually, with regard to national security sensitivity considerations as this is necessary for determining appropriate investigative requirements. Finally, agency heads are responsible for complying with the requirement that positions will only be designated as national security positions when the occupant's neglect, action or inaction could bring about a material adverse effect on national security. As such, agencies will be responsible for carefully considering the nuances of position duties to determine whether or not a national security risk exists. It should not be assumed that if a position has a possible connection to the categories listed, it will always ultimately be determined to be a national security position.

A union commented that because federal fire fighters and first responders, by virtue of their positions, *respond* to emergencies, they are not typically in a position to ''bring about a material adverse effect on national security'' even if they respond to emergencies at facilities with custody over classified information. The union suggested using more clear and definitive standards that would better serve the intended purpose of the regulations. For example, OPM could amend the regulations by requiring that only those public safety officers whose routine or daily activity could ''bring about a material adverse effect on national security'' be designated as such.

Response: OPM and ODNI do not concur with amending the rule by requiring that only those public safety officer positions where the occupants' routine or daily activity could ''bring about a material adverse effect on national security'' be designated as national security positions. E.O. 10450 requires the designation of a position as ''sensitive'' whenever ''the occupant . . . could bring about, by virtue of the nature of the position, a material adverse effect on the national security.'' There are characteristics of a position other than the frequency or degree of access to classified information that could affect the occupant's ability to bring about a material adverse effect on the national security. However, as stated earlier, while positions that include responsibilities such as law enforcement, public safety, and government information systems could be classified as national security, in each instance the agency head must make a determination of whether the occupant's neglect, action or inaction could bring about a material adverse effect on national security. OPM and ODNI caution that not all positions with these responsibilities must be designated as national security positions. Rather, in each instance

agencies must make an individualized determination. Sensitivity designations are based on the nature of the position, not on the mission of the agency or of its subcomponents.

The same union recommended that OPM amend the proposed regulations to require a supervisor or manager in a national security position to oversee or accompany public safety officers while responding to emergencies where the national safety is at risk, or while handling hazardous materials, to ensure that the national security is safeguarded.

Response: OPM and ODNI will not adopt this suggestion as it is outside the scope of this rule. Agencies have authority to determine how best to manage their workforce.

One union recommended that concerning subsection (b) of § 732.102 (now § 1400.102(b)), rather than extend part 1400 to positions where the incumbent ''can'' be non-competitively converted to the competitive service, OPM should restrict the application of part 1400 to positions where the incumbent ''*will*'' be non-competitively converted to the competitive service upon successful completion of the incumbent's excepted service appointment. The commenter states that this is a more efficient use of resources and is more in line with the intent of part 1400.

Response: We do not accept this recommendation, since agencies cannot predict with certainty whether employees in excepted appointments that lead to conversion to the competitive service will meet the performance requirements and other conditions for conversion.

The same union stated that agencies should have leave to apply these regulations to its excepted service positions only when ''required'' by law, not ''to the extent consistent with law.''

Response: We do not accept this comment. Civil Service Rule VI, 5 CFR 6.3(b) gives agency heads great discretion to adopt regulations and practices governing appointments and position changes in their excepted service workforces.

Comments on Section 732.201: Sensitivity Level Designations and Investigative Requirements

A public interest organization raised several concerns about this section. First, it felt that the proposed definition is overbroad allowing almost any employee to be deemed to be holding a national security position, thus requiring the employee to undergo a background investigation, regardless of whether any potential risk to national security is genuine. Further, the commenter stated that if a federal employee is reclassified as holding a national security position and receives a negative determination as to their eligibility to maintain that position, the employee has little recourse for appeal.

Response: The commenter's statement is speculative and fails to recognize that agency heads will have no greater authority under the new rule than under the preexisting rule to designate positions in their agency at a particular level of sensitivity. Therefore, the concern for an increased risk of abuse is misplaced. Indeed, the new rule will provide greater clarity and structure to guide agencies in designating their positions than the current rule, providing less opportunity for the type of abuses feared by the commenter. Further, we disagree that agencies will have authority to designate virtually any position as a national security position under this rule. Rather, the rule requires the agency head to make a determination of whether the occupant's neglect, action or inaction could bring about a material adverse effect on national security.

Next, the organization voiced concerns that the potential for abuse is high because many of the factors that are evaluated during national security background investigations and weigh into the ultimate determination for eligibility to hold a national security position are highly subjective.

Response: Part 1400, like part 732 before it, does not prescribe adjudicative requirements or adjudicative criteria for eligibility for employment in a national security-sensitive position. Therefore, the comment is outside the scope of the rulemaking.

Third, the organization stated that the broadly proposed definition of a national security position may enable an agency head or designee to engage in retaliation for whistle blowing or exercising a grievance or complaint. The commenter complained that any appointee who reports a supervisor's misconduct under whistleblower protections of 5 U.S.C. 2302 could be reclassified as holding a national security position under the proposed definition.

Response: The commenter's statement is speculative and fails to recognize that agency heads will have the same authority under the new rule as they currently possess under the preexisting rule to designate positions in their agency as sensitive. Therefore, the concern for an increased risk of abuse is misplaced. Under both the new rule and the preexisting rule, managers are required to adhere to the merit system principles in 5 U.S.C. 2301 and to refrain from prohibited personnel practices described in 5 U.S.C. 2302(b). When OPM conducts merit system oversight under Civil Service Rule V, it is required to report the results of audits to agency heads with instructions for corrective action and, if warranted, refer evidence to the Office of Special Counsel. Additionally, if an employee appeals an adverse personnel action to the Merit Systems Protection Board, and the action was for a reason other than an unfavorable national security adjudication, the employee may raise, as an affirmative defense, that he or she was subjected to a prohibited personnel practice. Finally, the new rule itself provides greater clarity and structure to guide agencies in designating their positions than the current rule, providing less opportunity for the type of abuses feared by the commenter.

Fourth, the organization stated that a memorandum by OMB (since identified as dated January 3, 2011) solicits information from agencies in which this commenter believes provides standards for analyzing individuals' ''relative happiness'' ''despondence'' or ''grumpiness'' as a measure of waning trustworthiness. The commenter further stated that a whistleblower could be described ''grumpy,'' bringing his or her trustworthiness into question according to this analysis.

Response: This comment is outside of the scope of this rule. However, the memorandum that the commenter is citing does not establish adjudicative standards. Thus the memo is not relevant in the determination of whether or not an individual will be placed in a national security position. E.O. 10450 has historically given agency heads the responsibility to ensure that the employment and retention in employment of any civilian officer or employee is clearly consistent with the interest of national security. Positions are to be investigated at the level commensurate with their position sensitivity designation.

Finally, the organization stated that the broadness of the proposed definition of national security, subjectivity allowed in the background investigation of any appointee or applicant to a national security position, and the lack of an authorized process or guidelines for making these determinations creates unchecked opportunities for agency heads and their designees to engage in otherwise illegal retaliation.

Response: The commenter's statement is speculative and fails to recognize that agency heads will have no greater authority under the new rule than under the preexisting rule to designate positions in their agency as sensitive.

Therefore, the concern for an increased risk of abuse is misplaced. Under both the new rule and the preexisting rule, managers are required to adhere to the merit system principles in 5 U.S.C. 2301 and to refrain from prohibited personnel practices described in 5 U.S.C. 2302(b). When OPM conducts merit system oversight under Civil Service Rule V, it is required to report the results of audits to agency heads with instructions for corrective action and, if warranted, refer evidence to the Office of Special Counsel. Additionally, if an employee appeals an adverse personnel action to the Merit Systems Protection Board, and the action was for a reason other than an unfavorable national security adjudication, the employee may raise, as an affirmative defense, that he or she was subjected to a prohibited personnel practice. Finally, the new rule itself provides greater clarity and structure to guide agencies in designating their positions than the current rule, providing less opportunity for the type of abuses feared by the commenter.

Two unions stated that the proposed changes further cloud the distinction between positions that actually constitute a national security risk and those that do not, and that the examples provided in the proposed regulations are overly broad and provide little guidance to agencies in determining whether a national security position should be designated as such.

Response: We disagree that the proposed changes cloud the distinction between positions that actually constitute a national security risk and those that do not. This rule is intended to more fully conform to section 3(b) of E.O. 10450. This rule provides clarity as to the categories of positions, which, by virtue of the nature of their duties have the potential to bring about a material adverse impact on the national security. Every position must be properly designated with regard to national security sensitivity considerations as this is necessary for determining appropriate investigative requirements.

The unions further commented that the three types of national security classifications are vague, and that the differences among them are indistinguishable due to the use of ''overly broad and undefined terms,'' and voiced concern that a Federal agency could improperly designate any position as a national security position. They also commented that in proposing changes to the types of positions requiring ''critical-sensitive'' designations, as compared to noncritical-sensitive designations under §§ 1400.102(a) and 1400.201(a)(1) and (2), OPM's examples of positions that could constitute ''critical sensitive'' positions are overly broad and could have the unintended effect of resulting in the redesignation of many positions as ''critical-sensitive.'' As an example one of the unions cited the rule's reference to ''positions in which the occupant has the ability to independently damage health and safety with devastating results.'' The commenter opined that it is unclear what the meanings of ''independently'' or ''devastating results'' are in this context. They suggested that some agencies may think that a fire fighter or first responder ''independently'' failing to follow a protocol in responding to a fire or accident that results in injury or death to a victim would meet this definition of ''devastating result.'' They also felt that some agencies may believe that a fire fighter or first responder failing to follow protocol for providing emergency medical services that inadvertently results in patient illness or death could meet this same definition. The union further stated that under these interpretations, those fire fighters or first responders could inappropriately be deemed as holding national security positions due solely to the risks associated with negligence. Another union cited the rule's reference to ''[p]ositions in which the occupant has the ability to independently compromise or exploit the nation's nuclear or chemical weapons designs or systems.'' The commenter opined that the meaning of ''independently compromise or exploit'' is unclear in this context. The commenter suggested that some agencies may think that an engineer who performs maintenance on, or oversees the refueling of Navy ships or nuclear submarines could have his or her position improperly redesignated from ''nonsensitive'' to ''critical-sensitive.''

Response: OPM and ODNI disagree that the three types of national security designations are vague, and that the differences among them are indistinguishable due to the use of overly broad and undefined terms. To the contrary, the three sensitivity levels conform to established, long-standing national security policy. The examples were provided to assist agency personnel in placing positions at the various sensitivity levels once they have been designated as national security positions. Indeed, the new rule will provide greater clarity and structure to guide agencies in designating their positions than does the current rule.

We also do not agree that firefighters or first responders will be improperly placed in a critical-sensitive position; they must have the potential to cause exceptionally grave damage to the national security before their positions can be so designated. We believe the scenario concerning maintenance and refueling is not based on a natural or reasonable reading of the cited text. Moreover, the rule makes clear that an employee is in a ''critical-sensitive'' position only if he or she could cause ''exceptionally grave'' damage to the national security. This will deter the risk of over-designation.

A union commented that the list of examples provided in the proposed rule by OPM includes ''[p]ositions in which the occupant has the ability to independently compromise or exploit biological select agents or toxins, chemical agents, nuclear agents, or other hazardous materials.'' The definitions of ''independently compromise or exploit'' remain unclear. Some agencies may believe that a fire fighter or first responder, who may have access to certain chemicals used during emergency clean-up, or to medications used to assist during a medical emergency, would meet the criteria for a ''critical-sensitive'' position. However, as noted above, under this interpretation, those fire fighters or first responders would be improperly placed within that designation.

Response: We do not agree that firefighters or first responders will necessarily be improperly placed in a critical sensitive position; they may be properly placed in a critical sensitive position when the occupant of the position has the independent ability to cause exceptionally grave damage to the national security by means of hazardous materials through their neglect, action or inaction. Hazardous materials as used here include, but are not limited to, biological select agents or toxins, chemical agents, and nuclear materials.

Two unions likewise stated that the proposed regulations could confuse agencies and provide for the inconsistent application of the regulations throughout federal agencies. They stated the overly broad examples provided in the proposed regulations could potentially result in the over-designation of federal positions as ''sensitive'' positions. They recommended that OPM provide a more detailed definition of those classifications and provide a more detailed definition of the terms ''independently,'' ''devastating results,'' ''compromise,'' and ''exploit'' in the final regulation to ensure a narrower interpretation of employees that could be designated as ''critical-sensitive.''

Response: Again, OPM and ODNI disagree that the examples given are overly broad. The description of the

three sensitivity levels conform to established, long-standing national security policy, and does not refer to specific job positions, but to position duties and responsibilities. Agencies are reminded that sensitivity designations are based on the nature of the position, not on the mission of the agency or its subcomponents. Further, OPM and ODNI do not believe it necessary to provide a more detailed definition of sensitivity level designations in the final rule. Agencies are to use the examples provided as a guide in placing positions at the appropriate sensitivity level once they have been properly designated as national security positions. However, OPM and ODNI plan to provide a revised position designation model to facilitate agency head designations.

One union stated OPM should add a new sub-section (4) following § 732.201(a)(3). This new sub-section (4) should again clarify what is already present in the intent of OPM's proposed changes and in Executive Order 10450; that is, that: ''*Access or the requirement of eligibility for access to personally identifiable information, financially sensitive information, or other sensitive unclassified information, is not a basis for designating a position as a sensitive national security position under this part absent a finding by the head of the designating agency that the occupant of the position could, by virtue of the nature of the position, bring about a material adverse effect on the national security.*'' If OPM chooses not to add the suggested sub-section (4) above, the union recommended that OPM should include this language in its prefatory discussion of part 732's scope, given that OPM already cautions that not all positions having security or law enforcement-related duties must be designated as national security positions.

Response: OPM and ODNI do not agree. Access to unclassified information has never solely been a basis for designating a position as sensitive, and designation of a national security position has always been tied to whether an occupant can bring about material adverse impact to national security. This regulation already contains such language. The additional language will only cause confusion.

Comments on Section 732.202: Exceptions to and Waivers of Investigative Requirements in Limited Circumstances

An agency stated that the language in the proposed rule refers to a waiver being made only for a limited amount of time. The agency further stated that it is unclear as to what is meant by a limited time and clarification is needed.

Response: A ''limited period of time'' is intended for a case of emergency. In such a situation, the requisite investigation should be done as soon as practicable. The pre-appointment investigation waiver should only be utilized when an agency has found such a waiver to be in the national interest. Further, this finding must be made a part of the department or agency records.

One agency inquired as to whether each agency will be required to go to OPM for exception from investigative requirements for their unpaid interns since the National Agency Check with inquiries (NACI) takes a longer period of time to complete than the time that the intern is at the agency; or, alternatively, if OPM will consider giving blanket guidance in this matter. The commenter's rationale seems to indicate that the internship in question is temporary.

Response: Although the NACI is not an appropriate level of investigation for National Security positions, the comment related to interns is herein addressed for other types of investigations that are appropriate for National Security purposes, such as the Access National Agency Check and Inquiries (ANACI). While there is not a specific exception for interns, based on the commenter's rationale, this type of position is covered by the exception at § 1400.202(b)(1). Each agency will have to request an exception.

Section 3(a) of E.O. 10450, as amended, allows OPM to make exceptions from investigative requirements for temporary employees, including interns with temporary appointments, only ''upon the request of the head of the department or agency concerned.'' Our regulation must be consistent with the Executive Order it implements. However, while a request must be sufficiently informative to allow OPM to make a reasoned decision to grant it, the Executive Order imposes no requirement for the request to be individualized, highly detailed, or limited to a short duration. Therefore we do not believe that this long-standing requirement of E.O. 10450 will be unduly burdensome to implement. Internship, in and of itself, is not the determinate factor as to whether there should be an exception to investigative requirements, nor is pay status relevant. Rather, the nature of the duties of the position will be assessed to make this determination.

One agency felt that no changes should be made to the current § 732.202(a) (renumbered as § 1400.202(a)) concerning waivers of investigative requirements. The commenter expressed concern that the rule will expand the number of ''sensitive'' positions and that accordingly, the regulation should continue to allow waivers of investigations for noncritical-sensitive positions to be granted without any conditions and limitations. Lastly, the commenter stated that the elimination of the automatic exception is unnecessary.

Response: First, the commenter is incorrect in assuming that the regulation will expand the number of sensitive positions. The purpose of the rule is to clarify the kinds of positions where the occupant could have a material adverse effect on the national security, consistent with E.O. 10450; while defining materiality as at least a ''significant or serious'' effect. The rule does not foreordain a net increase or a net decrease in the number of positions designated as ''sensitive.'' The condition that a waiver can only be granted in an ''emergency'' and where retention is ''clearly consistent with the interests of the national security'' is a requirement of Executive Order that OPM has no authority to vary. Moreover, the proposed and final rule requires the investigation for the NCS position to have at least been initiated, even if a waiver is granted.

One agency noted that ''under the proposed regulations, a waiver of the pre-appointment check for Noncritical-Sensitive positions would be required to be based on an emergency, and the agency would be required to favorably evaluate a completed questionnaire and initiate the required investigation within 14 days after appointment.'' The agency expressed concern that individuals already possessing a Secret security clearance based on the level of investigation required for military service, the National Agency Check with Local law and Credit Checks (NACLC), may require a waiver before they can begin work in a civilian Noncritical-Sensitive position because a different level of investigation is required for civilian employment. The commenter suggested acceptance of investigations conducted for Secret access in the military service might decrease the number of waiver requests.

Response: The condition that a waiver can only be granted in an ''emergency'' and where retention is ''clearly consistent with the interests of the national security'' is a requirement of Executive Order that OPM has no authority to vary. Further, under existing guidelines for reciprocity, if the appointee has a current investigation

that meets the investigative and adjudicative requirements for the new position, no new investigation or adjudication is necessary. However, a NACLC is not a satisfactory investigation for civilian employment as it does not meet the requirements of E.O. 10450. We recognize that security clearance reciprocity rules require agencies to accept existing clearances as individuals move between various positions performing work for, or on behalf of, the Government. Accordingly, we have adjusted the language in § 1400.202(a)(2)(iii).

The investigative standards promulgated by OPM and ODNI pursuant to E.O. 13467, when implemented, will ensure alignment using consistent standards, to the extent possible, of security and suitability investigations for employment in covered positions, and to prevent unnecessary duplication of effort when an appointment in a sensitive position requires investigations for multiple purposes (*e.g.,* an investigation for suitability under E.O. 10577, and for eligibility for access to classified information under E.O. 12968).

The same agency questioned whether or not agencies can submit blanket exception requests versus annual submissions.

Response: This rule does not require an annual re-approval of the exception, or restrict OPM from approving blanket exceptions in appropriate circumstances. Upon request of an agency head, OPM may, in its discretion, authorize exceptions to investigative requirements for appointments that are intermittent, seasonal, temporary, or not to exceed an aggregate of 180 days.

Comments on Section 732.203: Periodic Reinvestigation Requirements

One public interest organization commented that the proposed rule will greatly increase the number of investigations, and retaliatory investigations in violation of the Whistleblower Protection Act.

Response: OPM and ODNI do not agree that the rule will greatly increase the number of background investigations, as E.O. 10450 already requires background investigations of all employees. Further, every position must be properly designated with regard to national security sensitivity considerations as this is necessary for determining appropriate investigative requirements. This rule is intended to provide increased detail over the current rule to assist agency heads in designating positions as sensitive as required in section 3(b) of E.O. 10450 and will advance uniformity and consistency in investigations and adjudications of persons occupying those positions as required in EO 13467.

The commenter's allegation about the possibility of abuse is speculative and fails to recognize that agency heads will have no greater authority under the new rule than under the preexisting rule to designate positions in their agency as sensitive. Therefore, the concern for an increased risk of abuse is misplaced. Under both the new rule and the preexisting rule, managers are required to adhere to the merit system principles in 5 U.S.C. 2301 and to refrain from prohibited personnel practices described in 5 U.S.C. 2302(b). When OPM conducts merit system oversight under Civil Service Rule V, it is required to report the results of audits to agency heads with instructions for corrective action and, if warranted, refer evidence to the Office of Special Counsel. Additionally, if an employee appeals an adverse personnel action to the Merit Systems Protection Board, and the action was for a reason other than an unfavorable national security adjudication, the employee may raise, as an affirmative defense, that he or she was subjected to a prohibited personnel practice. Finally, the new rule itself provides greater clarity and structure to guide agencies in designating their positions than the current rule, providing less opportunity for the type of abuses feared by the commenter.

One agency stated that the new ''tiered'' approach to investigations requires continuous evaluation at the higher tiers; thus, it requests clarification as to whether or not the requirement for a 5 year reinvestigation is in conflict with the continuous evaluation requirement or whether the 5 year reinvestigation will be in addition to continuous evaluation.

Response: For employees requiring access to classified information or eligibility for such access, section 3.4 of E.O. 12968, as amended, requires periodic reinvestigations and allows for reinvestigation at any time; while section 3.5 requires, in addition, a ''continuous evaluation'' program. They are distinct requirements. The new Federal investigative standards jointly issued by OPM and ODNI, and being implemented by agencies, are consistent with the standards prescribed by this final rule. ODNI will issue additional guidance on continuous evaluation as needed.

One agency commented that due to the cost impact of the five year reinvestigation cycle, a period of time should be allotted for agencies to assess the volume of reinvestigations needed and to comply with the new requirement.

Response: We agree that assessing the volume of reinvestigations needed may take time and resources to accomplish, and are essential investments to protect the public and the United States. Agencies have 24 months following the effective date of this rule to determine whether changes to position sensitivity designations are necessary. During this time, agencies should concurrently assess the volume of reinvestigations needed. We believe this is ample time to assess the volume of reinvestigations to be in compliance with the new requirements. Further, we recognize the need to balance risks and costs. E.O. 12866 requires us to consider cost effectiveness in our rule making. Every position must be properly designated with regard to national security sensitivity considerations as this is necessary for determining appropriate investigative requirements. In determining the type of investigation that will be required at each sensitivity level, the most comprehensive and costly investigation, the SSBI or Tier 5 investigation, has been reserved for critical sensitive and special sensitive positions. These positions are only those which could cause ''exceptionally grave damage'' or ''inestimable damage'' to the national security. Positions at the non-critical sensitive level will require a less extensive and, consequently, less costly, investigation.

One union noted that paragraph (b) of 5 CFR 732.203 (now § 1400.203) adds a 5-year reinvestigation requirement for national security positions that do not require eligibility for access to classified information. The union stated the plain language of the authorities relied on by OPM does not mandate periodic reinvestigations for national security positions that do not require eligibility for access to classified information. The union therefore recommended OPM eliminate the reinvestigation requirement for positions that do not require eligibility for access to classified information or, alternatively, decrease the frequency of periodic reinvestigations for positions that do not require eligibility for access to classified information.

Response: OPM and ODNI disagree with the commenter's recommendation to eliminate the reinvestigation requirement for positions that do not require eligibility for access to classified information or, alternatively, decrease the frequency of periodic reinvestigations for positions that do not require eligibility for access to classified information. In order to facilitate the goals of statute and Executive Order to

align investigations of persons working for or on behalf of the Federal Government to achieve consistency, efficiency and reciprocity of background investigations, both public trust positions under part 731 and sensitive positions under part 1400 will undergo reinvestigations on a coordinated cycle to ensure that a single investigative process can be used to address both security and suitability concerns. Accordingly, we have decided to retain the 5 year frequency.

One union opposed periodic reinvestigations at five-year intervals, and reaffirmed its long-standing view that reinvestigations at such short intervals are a waste of time and money, and impose undue burdens on employees and agencies alike. The union urged OPM to reconsider the frequency of the reinvestigation requirement for national security positions, especially positions whose incumbents do not require access to classified information.

Response: OPM and ODNI disagree with the commenter's recommendation that OPM reconsider the frequency of reinvestigation requirements for national security positions. Background investigations must occur frequently enough to ensure continued employment of individuals in national security positions remains clearly consistent with the interests of national security. Background investigations must be conducted at a frequency and scope that will satisfy the reinvestigation requirements for both national security and public trust positions. Accordingly, we have decided to retain the 5 year frequency.

The same union recommended that to mitigate the cost and the impact on employees of more frequent national security reinvestigations, OPM should narrow the scope of such reinvestigations.

Response: OPM and ODNI agree with this comment. Consistent with section 2.1(a) of E.O. 13467, OPM and ODNI chaired an inter-agency working group that developed new Federal investigative standards for national security and suitability investigations approved by the Security and Suitability Executive Agents in December 2012. When fully implemented, they will limit the coverage of reinvestigations to new information that is needed to ensure continued eligibility and suitability.

Comments on Section 732.204: Reassessment of Current Positions

An agency requested that new investigations based on position redesignation be done at the time individuals are due for reinvestigation as this timing will allow the costs and workload to be spread across a five year span, instead of all occurring in one year.

Response: Agencies have 24 months following the publication of this rule to determine whether changes and position sensitivity designations are necessary. We believe this is ample time to budget for cost of the position re-designation and the requisite investigation. However, in response to this comment we have amended § 1400.204 to allow agencies to request an extension of the timeframe for re-designation and initiation of reinvestigation, if justified.

Another agency commented that the period of 24 months is not adequate time for large agencies to reassess all of their positions and recommended the period be increased to 36 months to allow agencies ample opportunity to fully review the duties of positions and make the appropriate designation changes.

Response: OPM and ODNI believe that the 24 month time frame is enough time to allow agencies ample opportunity to review the positions and determine whether or not they impact national security under the new definition and make the appropriate designation changes. However, in response to this comment we have amended § 1400.204 to allow agencies to request an extension of the timeframe for re-designation, if justified.

A public interest organization stated that the proposed rule has excessive budgetary and administrative burdens that the required reassessments and additional background investigations impose on each agency and on the Office of Personnel Management.

Response: Again, while investigations will take time and financial resources to accomplish, they are essential investments to ensure continued employment is appropriate. This new rule is intended to provide greater detail to assist agency heads in designating positions as sensitive as required in section 3(b) of E.O. 10450 and will advance uniformity and consistency in investigations and adjudications of persons occupying those positions as required in E.O. 13467. This rule will provide clarity as to the categories of positions, which, by virtue of the nature of their duties have the potential to bring about a material adverse impact on the national security. Further, every position must be properly designated with regard to national security sensitivity considerations as this is necessary for determining appropriate investigative requirements.

A union commented the proposed changes do not set forth the procedures that agencies must take in assessing or reassessing national security positions. Failure to provide agencies with appropriate direction in assessing or reassessing current positions will force agencies to establish their own guidelines, and likely result in the inefficient and inconsistent application of the regulations throughout the federal government. The unions recommended that the final regulations designate a specific, detailed, uniform process for all agencies to make this determination.

Response: OPM and ODNI will issue further detailed guidance in a revised position designation system which will provide the uniformity the commenters are seeking. OPM and ODNI will require agencies to assess all current positions using the definitions of sensitivity level designations provided in § 1400.201 within 24 months of the effective date of the final rule, unless an extension is granted. This is necessary to ensure that all positions are properly designated using the updated definition. Agency heads must make a determination of whether the occupant's neglect, action or inaction could bring about a material adverse effect on national security to ensure proper position designations are applied and correct investigations conducted.

Comments on Section 732.205: Savings Provision

OPM specifically requested comment on its savings provision at § 732.205 (renumbered as § 1400.205). An agency stated it did not have any issues with the addition of a savings provision to avoid any adverse impact to employee procedural rights.

Response: We agree and have made no changes to this section of the regulation except as described below. The savings provision ensures there will be no adverse impact to the procedural rights of employees when employees are already awaiting adjudication of a prior investigation at the time of a redesignation required by this rule.

A union suggested that the rule at § 732.205, now § 1400.205, be modified to reflect OPM's stated intent to avoid ''any adverse impact'' (presumably from redesignations under this rule) to the procedural rights of employees awaiting adjudication of prior investigations.

Response: We agree and have revised the rule to say that the rule may not be applied to ''make an adverse inference'' in pending administrative proceedings. We have also revised the rule to make clear that after the redesignation of a position a new adjudication may be appropriate.

A public interest organization stated that OPM should obtain a cost estimate for the investigations anticipated by the rule and re-submit it with a new request for comments when the public knows how much the proposal will cost.

Response: OPM and ODNI are not adopting this recommendation. This rule is intended to provide increased detail over the preexisting rule to assist agency heads in designating positions as sensitive as required in section 3(b) of E.O. 10450 and will advance uniformity and consistency in investigations and adjudications of persons occupying those positions as required in E.O. 13467. While OPM and ODNI have not done a cost estimate for the investigations anticipated by this rule, agency heads already must investigate their employees and should already budget for this activity. Further, every position must be properly designated with regard to national security sensitivity considerations as this is necessary for determining appropriate investigative requirements. Ensuring personnel occupying national security sensitive positions by conducting the appropriate level of investigation is not an unnecessary expense.

Comments on Section 732.301: Procedural Rights

A public interest organization stated that background investigation interviews are conducted in secret and many factors used are entirely subjective, thus a negative determination could easily be made based on false or misleading information, and the employee would then be unable to remain in his/her job. Further, the commenter opined that employees have no way to challenge negative determinations which could be based on false information.

Response: The comment does not appear to be directly related to the regulation. Nonetheless, we note that investigative interviews are not conducted in secret. However, they are conducted in private because of the personal information discussed, and there are privacy protections associated with investigation records. The individual being investigated has the right to access the final report of investigation, has the opportunity to rebut any information he or she believes is false or inaccurate as part of the adjudicative process, and has the opportunity to request an amendment of records under the Privacy Act. E.O. 12968, as amended, provides individuals review and appeal rights when an investigation for eligibility for access to classified information results in an unfavorable eligibility determination, and § 1400.301 of the rule also prescribes minimum procedural requirements for unfavorable adjudications generally.

An agency inquired as to whether non-selected individuals will receive the procedural rights in § 1400.301, and stated that clarification is needed.

Response: The term ''non-selection'' is not a term used in this rule; the rule refers to a change from tentative favorable placement or clearance decision to an unfavorable decision. Therefore, we are unable to respond to this comment, because it is outside the scope of the rulemaking.

One agency objected to OPM deleting the reference to adjudicative decisions made ''under this part'' in § 732.301.

Response: We do not accept this comment. The intent of the revised language in § 732.301, now § 1400.301, is to ensure that agencies understand that this section is not the authority for making an eligibility decision. Rather, an agency makes an eligibility decision for sensitive positions using national security adjudicative guidelines rooted in requirements established in Executive Order 10450 and, if applicable, 12968. Section 1400.301 simply addresses procedures that agencies are to follow in rendering an unfavorable eligibility decision, under the applicable executive order, based on an OPM investigation.

A public interest organization takes issue with the statutory procedures available to employees under 5 U.S.C. 7513 or 7532, as relevant, when an employee is suspended or removed based on an unfavorable security determination. The commenter appears to be concerned that the amendment to 5 CFR part 1400 will result in more employees being subject to adverse actions under statutory procedures that the commenter perceives as deficient.

Response: The comment is outside the scope of the rulemaking and appears to take issue with existing statutory language that is not the subject of part 1400.

Two unions stated that OPM's proposed regulations do not provide adequate procedural rights for employees who are adversely affected by an agency's decision based on an OPM investigation, and more specifically, when an employee's favorable national security placement is unfavorably changed. These unions likewise believe that employees who are adversely affected by an agency's decision to classify them in a national security position are afforded minimal and inadequate due process. They requested OPM include in its final regulations certain procedural safeguards, including, but not limited to, (1) adequate notice to employees that their position is being reassessed for national security purposes; (2) requirements that the process be transparent; and (3) the ability for employees to appeal agency decisions to unfavorably redesignate national security positions.

Response: E.O. 10450 gives agency heads the responsibility to ensure that the employment, and retention in employment, of any civilian officer or employee is consistent with the interest of national security. Positions are to be investigated at the level commensurate with their position sensitivity designation. Agencies may provide advance notice of the redesignation of a position to allow time for a completion of the forms, releases, and other information needed from the incumbent to initiate the investigation. However, this rule intentionally does not create procedural rights regarding designation of national security positions. Since the position designation process is a discretionary agency decision, employees should consult with their agency human resources office regarding whether any administrative procedures are available to employees if they wish to dispute whether their position is properly designated.

In regard to assessment or reassessment of positions, in each instance agencies must make a determination of whether the occupant's neglect, action or inaction could bring about a material adverse effect on the national security. All positions must be assessed and the criteria used must provide transparency in agencies designating national security positions. Agencies are reminded that sensitivity designations are based on the nature of the position, not on the mission of the agency or of its subcomponents.

One union noted that OPM's December 14, 2010 document specifically states that ''Part 732 is not intended to provide an independent authority for agencies to take adverse actions when the retention of an employee is not consistent with national security.'' The union noted that by failing to provide procedural rights to those employees who are adversely affected by an improper agency determination, the regulations do not provide the safeguards necessary to prevent an agency from removing an employee under the guise of national security, when in fact the agency has an independent motive. The union thus requested that OPM include in its final regulations certain procedural safeguards, including, but not limited to, (1) adequate notice to employees that

their position is being reassessed for national security purposes; (2) requirements that the process be transparent; and (3) the ability for employees to appeal agency decisions to unfavorably redesignate national security positions.

Response: Again, This rule intentionally does not create procedural rights regarding designation of national security positions. Since the position designation is a discretionary agency decision, employees should consult with their agency human resources office regarding whether any administrative procedures are available to employees if they wish to dispute whether their position was properly designated.

One union noted that OPM correctly stated in the supplementary information accompanying the December 14, 2010 proposed rule that, absent a specific grant of statutory authority, OPM may not alter by this rulemaking the jurisdiction granted to a tribunal by statute. The union recommended adding a new paragraph to § 1400.301 to explicitly state that it is not OPM's purpose to affect any tribunal's jurisdiction or scope of review, or to affect unit determinations under 5 U.S.C. 7116.

Response: We do not accept this comment. It is self-evident that OPM and ODNI do not, in this rulemaking, attempt to affect any tribunal's jurisdiction or scope of review, or to affect unit determinations. This regulation is not intended to, nor could it alter, statutory authorities vested in the MSPB or the FLRA. This proposed rule is intended to provide increased detail over the current rule to assist agency heads in designating positions as sensitive as required in section 3(b) of E.O. 10450 and to advance uniformity and consistency in investigations and adjudications of persons occupying those positions as required in E.O. 13467. Agency heads will have the same authority under the new rule as they currently possess under the existing rule to designate all positions in their agency. For these reasons, inclusion of the language proposed by the commenter is unnecessary.

One union recommended that OPM insert the word ''reasonable'' before the word ''opportunity'' in § 732.301(a)(4)(ii), now § 1400.301(c)(1), because a ''reasonable opportunity'' is surely what is already implied by this sub-paragraph and part 732 as a whole.

Response: We have not adopted this suggestion because as noted by the commenter, ''reasonable opportunity'' to respond is implicit in the section; but more importantly, because the specific nature of the right to respond, *e.g.,* applicable time limits, will depend on the applicable executive order, regulation, or agency policy governing the proceeding.

A union endorsed the proposed language in the procedural rights section, 5 CFR 732.301 (now § 1400.301), and agreed that agencies should, at a minimum, comply with their own procedural regulations, and that employees should also be notified of any appeal rights. While the union is of the view that the MSPB should also review a determination that an employee is not eligible to hold a sensitive position, it agrees with OPM's comment, in the December 14, 2010 **Federal Register** document, that this regulation does not have any bearing on the Merit Systems Protection Board's appellate jurisdiction or the scope of the Board's appellate review of an adverse action.

Response: OPM and ODNI acknowledge this comment, to which no further response is needed.

Comments on Section 732.401: Reemployment Eligibility of Certain Former Federal Employees

An agency recommended amending § 732.401, concerning reemployment of persons summarily removed on national security grounds, to reprint the language from section 7 of E.O. 10450. A union stated OPM should make clearer in the text of the regulation that the provisions regarding reemployment eligibility for individuals removed for national security reasons do not apply to individuals removed pursuant to chapter 75. In this regard, OPM should remind agencies that, for example, individuals removed pursuant to chapter 75 remain immediately eligible for appointment to non-sensitive positions.

Moreover, another union noted that because the December 14, 2010 proposed rule is withdrawn, there is no proposed rule to finalize. It further commented that § 732.401 should be further amended to clarify that it does not apply to removals under chapter 75 of title 5, United States Code, and that persons removed under chapter 75 are eligible for appointment to nonsensitive positions without the need for prior OPM approval.

Response: We cannot accept these comments because they are outside the scope of the rulemaking. As OPM and ODNI stated in the **Federal Register** notice accompanying the proposed rule, § 732.401 is not affected by this joint rulemaking, and OPM will revise § 732.401 at a future date.

Comments on the May 28, 2013 Proposed Rule To Amend 5 CFR Part 1400: Designation of National Security Positions in the Competitive Service, and Related Matters

General Comments

Several commenters expressed general opinions on the proposed rule. An individual commenter agreed with the redesignation of the sections of the Code of Federal Regulations. In addition, an agency stated that this rule is long overdue and should make it easier and more efficient for agencies to make the national security determination.

Response: We acknowledge these comments, to which no further response is required.

An individual asked when the rule would be final.

Response: This rule will be effective 30 days after it is posted in the **Federal Register**, as required by 5 U.S.C. 553(d).

An agency suggested incorporating the Adjudicative Guidelines for Determining Eligibility For Access to Classified Information in the regulations, without specifying where. The agency stated that there are no standards for adjudicating whether an individual is fit to occupy a national security position in E.O. 10450.

Response: This recommendation is outside the scope of the rule. Part 1400, like part 732 before it, does not prescribe adjudicative requirements or adjudicative criteria for eligibility for employment in a national security-sensitive position. Section 2 of E.O. 10450 assigns to each agency head the responsibility to establish and maintain a program to ensure that the employment and retention of civilian officers and employees is clearly consistent with the interests of the national security. ODNI is currently working on guidance to address this concern. Furthermore, E.O. 10450, section 8 lays out adjudicative criteria. Agency heads have supplemented these criteria through agency regulations. A public interest organization raised several concerns regarding the proposed rule. First, it stated that OPM and ODNI should not proceed with the rulemaking until the conclusion of litigation in *Kaplan* v. *Conyers,* a case then pending before the Court of Appeals for the Federal Circuit.

Response: The Federal Circuit issued its decision on August 20, 2013. A petition for certiorari to the United States Supreme Court was denied on March 31, 2014 in *Northover* v. *Archuleta.*

Conyers concerns the question of whether the Merit Systems Protection

Board may review the merits of a national security determination. In contrast, this rule governs the standards for designating positions as national security sensitive under section 3 of E.O. 10450. The outcome of the referenced litigation does not affect this rule.

Next, the commenter stated that the proposed rule fails to ensure whistleblower protections for employees in national security sensitive positions who file appeals with the Merit Systems Protection Board.

Response: As we explained in response to an identical comment on the earlier proposed rule, it is not our purpose in this rulemaking to address the Merit Systems Protection Board's appellate jurisdiction over adverse actions, or the availability of whistleblower reprisal defenses. The comment is therefore outside the scope of the rulemaking.

Third, the commenter stated that ''the proposed rule grants the agencies the authority to adjudicate and determine eligibility for national security positions without sufficient oversight.''

Response: The commenter is incorrect. This rule does not address how agencies are to administer their security programs, instituted under section 2 of E.O. 10450, including any adjudications or determinations of eligibility required by such programs. Because this responsibility is committed to agency heads, section 1400.301 specifies only minimum procedural rights. However, with respect to oversight, OPM and ODNI intend for the recordkeeping and reporting requirements in §§ 1400.202, 1400.301, and 1400.302 to enhance their ability to conduct oversight under section 14 of E.O. 10450 and section 2.3 of E.O. 13467, respectively.

Fourth, the commenter felt that OPM and ODNI, by employing an ''extremely broad'' definition of a national security position, will allow agencies to erroneously designate low-level positions as national security positions.

Response: We do not accept this comment. As we noted in our response to an identical comment on the earlier proposed rule, the regulation adds content to section 3(b) of E.O. 10450, which requires the designation, as sensitive, of every position, the occupant of which could have a material adverse effect on the national security. This rule is intended to provide increased detail over the current rule to assist agency heads in designating positions as sensitive as required in section 3(b) of E.O. 10450 and will advance uniformity and consistency in investigations and adjudications of persons occupying those positions as required in E.O. 13467. The commenter does not recommend alternative text that would better guide agency heads in their exercise of judgment.

Fifth, the commenter was concerned that newly-required national security investigations will have significant cost implications in a constrained fiscal environment, and that the rule does not provide sufficient oversight to prevent inappropriate and expansive national security designations.

Response: As we noted in response to an identical comment on the earlier proposed rule, we agree that any re-designation of positions as national security positions, and resulting investigations, will take time and resources to accomplish; however, an investigation at a level commensurate with the risk to the national security is an essential investment to protect the public and the United States, and is indeed a requirement of section 3 of E.O. 10450. Agency heads are responsible for complying with the requirement that positions will only be designated as national security positions when the occupant's neglect, action or inaction could bring about a material adverse effect on national security. Further, we recognize the need to balance risks and costs. E.O. 12866 requires us to consider cost effectiveness in our rulemaking. Unless the positions in question are determined to be ones that could bring about ''exceptionally grave damage to the national security'' an SSBI or Tier 5 investigation would not be required. However, if it is determined that such damage could result from actions of individuals in these positions, the SSBI or Tier 5 investigation would be appropriate, just as it currently is when access to classified material at the top secret level is a requirement of the job.

Finally, the commenter requested more data on the current number of national security positions, the expected number after this rule goes into effect, the estimated cost of implementation, and the reporting and oversight mechanisms OPM recommends for improving the efficiencies, effectiveness, and accountability in agency national security designations.

Response: The requested data and supplemental information are not available. The intent of the proposed rule is to provide more uniform and consistent guidance to agencies when determining position sensitivity. OPM and ODNI believe that the two notices of proposed rulemaking, on December 14, 2010 and May 28, 2013 provided sufficient notice for informed public comment on the proposed rule.

A union felt that ''[t]he changes proposed by OPM and ODNI should be withdrawn in their entirety'' because they ''reflect a rushed effort to drastically expand the reach of national security designations without any attempt at meaningful analysis.''

Response: We disagree with the premise underlying this proposal to withdraw the rule. As indicated in the December 14, 2010 notice of proposed rulemaking, the rule was based on a careful analysis of the need to coordinate existing authorities governing investigative and reinvestigative requirements for suitability, security clearances, and national security position duties.

A union was concerned that OPM and ODNI's May 28, 2013 **Federal Register** document did not recite the supplementary information that accompanied the December 14, 2010 version of the proposed rule. The commenter felt that important precautionary notes had been lost. In particular, the commenter expressed concern about the omission of OPM's prior statements that ''in each instance, agencies must make a determination of whether the occupant's neglect, action or inaction could bring about a material adverse effect on the national security'' and that sensitivity designations ''are based on the nature of a position, not on the mission of the agency or of its subcomponents.'' The commenter expressed concern that the December 2010 **Federal Register** document cannot be relied upon as an interpretation of the rule. The commenter also read the absence of explanatory text as a ''deliberate silence . . . clearly evince[ing] a bias in favor of overdesignation.''

Response: On January 25, 2013, the President directed OPM and ODNI to jointly propose the regulations that OPM originally proposed on December 14, 2010, with only ''such modifications as are necessary to permit their joint publication.'' Further, in the supplementary information accompanying the May 28, 2013 joint proposed rule, OPM and ODNI expressly referenced the prior **Federal Register** document and advised that persons who already commented need not resubmit comments. Thus the supplementary information accompanying the December 14, 2010 proposed rule, including the two quotations the commenters referenced, are also relevant to the May 28, 2013 proposed rule. To reemphasize our position, the rule's purpose is not to increase or decrease the number of

positions designated as national security positions, but to add clarity and consistency to the position designation process.

A union commented that in proposing 5 CFR part 1400, OPM and ODNI removed the language in the December 2010 proposed amendments to 5 CFR part 732 making the part applicable to ''positions in the excepted service where the incumbent can be noncompetitively converted to the competitive service,'' and recognizing that agencies ''may apply the requirements of this part to other excepted service positions within the executive branch and contractor positions, to the extent consistent with law.'' The commenter objected that this was a ''dramatic change.''

Response: The commenter is incorrect. The quoted language appeared in the proposed rule in § 1400.102(b), and OPM and ODNI are now finalizing that section.

A public interest organization expressed concern that the rule, as applied, will have the effect of harming whistleblower protections, by increasing the number of national security positions. In support of its argument, the organization cites *Kaplan* v. *Conyers,* a case decided by the Court of Appeals for the Federal Circuit, in which OPM argued that the Merit Systems Protection Board cannot review the merits of an adjudicative decision that an individual is ineligible to occupy a national security position, when, as a result of the decision, the employing agency takes an adverse action against the employee.

Response: This rule's purpose is not to increase or decrease the number of positions designated as national security positions, but to clarify E.O. 10450's position designation requirements; to ensure that positions are investigated at the appropriate level, as also required by E.O. 10450; and to untangle the effect of multiple executive orders and regulations governing suitability and national security that have been issued subsequent to E.O. 10450. These regulations are silent on the scope of an employee's rights to Board review when an agency deems the employee ineligible to occupy a sensitive position.

Next, the commenter asked OPM and ODNI to defer their rulemaking until the *Conyers* litigation is resolved by the courts. It stated that it anticipated that if the Court of Appeals for the Federal Circuit rules in the Government's favor in *Conyers,* Congress will abrogate the decision through legislation. Thus, OPM and ODNI should not engage in rulemaking until the conclusion of the legislative process.

Response: We decline the commenter's request for further delays since the justification of the comment has been overcome by events—namely the conclusion of the litigation referenced by the commenter—and there is great current need to clarify position designation and national security reinvestigation requirements.

Third, the commenter stated that the regulation would give agencies ''unlimited authority'' to designate any positions in scientific or engineering fields as ''noncritical sensitive'' because of the possibility that the occupants of such positions could harm public safety or health.

Response: We disagree with the commenter. Under E.O. 10450, and as reflected in this rule, a position cannot be designated as a national security position unless the occupant could have a material adverse effect on the national security.

Finally, the commenter expressed concern that if, following the publication of these rules, agencies (1) designate greater numbers of scientific positions as national security positions; (2) agency managers are then motivated to retaliate against the scientists occupying those positions for complaining about the distortion or suppression of scientific information; (3) the agency at issue has a procedure for demoting or removing employees on national security grounds; and (4) the supervisors use those procedures, instead of ordinary conduct-based removal procedures to retaliate against the scientists, the scientists will not have robust appeal rights.

Response: The speculative chain of events posited by the commenter is not a convincing reason to withdraw this rule, which is needed to improve consistency across the Government in designating positions as sensitive as called for in E.O. 10450 and to harmonize the requirements of multiple Presidential executive orders.

Lastly, an individual urged that the rule not be implemented unless and until the President and heads of agencies excluded from the prohibited personnel practice protection ensure the federal civil service embodies the merit system principles.

Response: It is not clear exactly what the commenter is requesting, with respect to the rule's subject matter. However, the apparent concern for an increased risk of abuse is misplaced. Under both the new rule and the preexisting rule, managers are required to adhere to the merit system principles in 5 U.S.C. 2301 and to refrain from prohibited personnel practices described in 5 U.S.C. 2302(b).

Comments on Section 1400.102: Definitions and Applicability

One public interest organization commented that OPM and ODNI seek to expand the definition of a national security sensitive position to include certain positions where the occupant does not require eligibility for access to classified information.

Response: We disagree. Under the prior rule, as under the new rule, a national security sensitive position was one in which the occupant could have a material adverse effect on the national security even if the occupant did not require eligibility for access to classified information.

A public interest organization also commented that the standard for designating a ''national security position'' is low and subjective.

Response: We do not agree with this comment. A national security position must meet the materiality thresholds specified in § 1400.201(a).

An agency wishes to add a definition for ''security clearance.'' In addition, the agency would like OPM to identify the applicability of this guidance to individuals with security clearance *eligibility* versus individuals with a security clearance, or both.

Response: The proposed change is unnecessary. Section 1400.102(a)(4) already makes the rule applicable to positions requiring eligibility for access to classified information, while § 1400.201 already specifies the level of clearance that results in either a noncritical-sensitive or a critical-sensitive position designation.

An agency commented that § 1400.102(a)(4)(ii), by authorizing the designation of certain positions as ''sensitive'' even when the occupant does not require access to classified information or eligibility for such access, will create confusion over who has access to classified information.

Response: The preexisting provision, § 732.102(a)(1) authorized the designation of certain positions as ''sensitive'' even when the occupant does not require access to classified information or eligibility for such access, and it is unclear how retaining this requirement will result in any confusion. Further, even if a person is in a national security position, they must have a need to know before they can have access to classified information. The commenter requested no additional changes.

A union commented that the categories of national security positions in § 1400.102 are vague and overbroad, and will ''turn on its head'' the requirement of E.O. 10450 for

individualized determinations of position sensitivity. The union specifically expresses concern with § 1400.102(a)(4)(ii)(B) that national security positions include, but are not limited to, those whose duties include ''[d]eveloping defense plans or policies.''

Response: OPM and ODNI agree with the commenter that position designations must be on a position-by-position basis. While we disagree that the categories in § 1400.102 will result in a wholesale occupational approach to position designation rather than the position-by-position approach contemplated by E.O. 10450, we agree with the commenter that the specific example it cited is, as drafted, overbroad. We have revised it to read as follows: ''Developing plans or policies related to national defense or military operations.''

Comments on Section 1400.201: Sensitivity Level Designations and Investigative Requirements

One public interest organization commented that OPM and ODNI seek to designate virtually every meaningful job in the government as sensitive.

Response: We disagree with this comment. The rule makes clear that a position may be designated as a national security sensitive position only if the occupant could have a material, *i.e.,* at least a serious or significant adverse effect on the national security. It is not our purpose to increase or decrease the number of sensitive positions, but to ensure that agencies designate positions commensurate to national security impact.

The same organization commented that the standards for designating positions as noncritical-sensitive or critical-sensitive under § 1400.201(a)—respectively, the potential to cause ''significant or serious'' damage or ''exceptionally grave'' damage to national security– are too subjective, and cited a court case in which it believed that an agency applied position designation standards too subjectively.

Response: We do not accept this comment. The commenter failed to supply an alternative standard that in its view would provide a more reliable nexus to protecting the national security. Moreover, the case cited by the commenter does not concern position designation at all.

Finally, the organization commented that certain examples of critical-sensitive positions in § 1400.201(a)(2) are over-inclusive and lack a demonstrable nexus with the national security.

Response: We do not accept this comment. The regulation makes clear that the positions described in paragraph (a)(2) must be ''national security'' positions under § 1400.102(a), the occupants of which could cause ''exceptionally grave'' damage to the national security under § 1400.201(a)(2).

A union objected to the use of examples in § 1400.201(a) rather than guiding principles, stating that OPM's and ODNI's approach may result in categorical, rather than individual designations of positions contrary to the intent of E.O. 10450. The commenter singled out paragraph (a)(2)(vi), ''[p]ositions involving duty on personnel security boards,'' as especially likely to result in a categorical approach to position designation.

Response: OPM and ODNI agree with the commenter that position designation must be on a position-by-position basis; but we disagree with the commenter's assertion that agencies will use the examples in § 1400.201(a) as shortcuts rather than as guideposts. As noted above, we have added a new § 1400.201(a)(2)(ii), stating more generally that critical-sensitive positions include positions not requiring eligibility for access to classified information where the positions have ''the potential to cause exceptionally grave damage to the national security.''

An agency expressed concern that under § 1400.201(c) and (d), positions designated as ''sensitive'' must also have a position risk designation for suitability purposes under 5 CFR 731.106. The commenter asks whether this has the effect of conferring appeal rights to persons in sensitive positions under OPM's suitability regulations (5 CFR part 731). In addition, the commenter observed that a higher level of investigation would be required if a position required access to secret information but was also designated at the high risk level under 5 CFR part 731.

Response: 5 CFR 731.106 requires all positions in the competitive service and other covered positions to have a public trust designation, in addition to a sensitivity designation, if applicable. This is not a new requirement; it has been a requirement of OPM regulation for the past 14 years. What is new is the requirement in § 1400.201(c) and (d) for an automatic assignment of risk level based on position sensitivity. This will make it easier for agencies to manage their existing obligations.

The commenter is not correct in understanding that if an agency designates a position requiring access to classified information at the ''Secret'' level as High Risk instead of Moderate Risk, that may require a higher level of investigation.

Two unions commented in opposition to § 1400.201(c) and (d), which provide, with certain exceptions, for automatic public trust designations at the high or moderate risk level for all national security positions. The commenter argued that the rule change is inconsistent with 5 CFR 731.106, which makes the designation of a position's public trust risk independent of the designation of a position's national security sensitivity, and which gives agency heads discretion to make public trust risk designations.

Response: We disagree that § 1400.201(c) and (d) are inconsistent with § 731.106. Section 731.106 does not give agencies complete discretion to determine the public trust risk level of each position. Indeed, § 731.106(a) states that position designations are guided by OPM issuances and § 731.106(c) states that national security sensitivity designations are ''complementary'' to public trust risk designations. Agencies' authority to designate the public trust risk level of a position is a delegated OPM function and as such, is subject to OPM performance standards and oversight under 5 U.S.C. 1104(b).

One of these unions commented that § 1400.201(c) and (d) will have the effect of making public trust position designations unreviewable.

Response: There was no prior provision for administrative or judicial review of public trust position designations. OPM, in 5 CFR 731.501, has never made position designations appealable to the Merit Systems Protection Board. Thus, the change in policy identified by the commenter does not exist.

The same union, commenting in opposition to § 1400.201(c) and (d), which provide, with certain exceptions, for automatic public trust designations at the high or moderate risk level for all national security positions, expressed concern that OPM's and ODNI's purpose in making the change is to allow agencies to argue in pending litigation that employees in noncritical-sensitive positions also pose public trust risks, thereby justifying their removal on national security grounds.

Response: Our purpose in making this change, as stated in the May 28, 2013 **Federal Register** document, is to streamline the existing designation process. We emphasized in that document, however, that ''[d]eterminations regarding suitability and determinations regarding eligibility to hold a sensitive position are governed by distinct standards.'' The national

security sensitivity of a position has no bearing on whether an individual has the requisite character and conduct for appointment in the competitive service under the suitability standards in 5 CFR 731.202. Accordingly, we reject the comment.

Comments on Section 1400.203: Periodic Reinvestigation Requirements

An agency suggested incorporating the Adjudicative Guidelines for Determining Eligibility For Access to Classified Information in the reinvestigation standards in § 1400.203(b). The agency states that there are no standards for adjudicating whether an individual is fit to occupy a national security position in E.O. 10450 following a reinvestigation.

Response: This recommendation is outside the scope of the rule. Part 1400, like part 732 before it, does not prescribe adjudicative requirements or adjudicative criteria for eligibility for employment in a national security-sensitive position. Section 2 of E.O. 10450 assigns to each agency head the responsibility to establish and maintain a program to ensure that the employment and retention of civilian officers and employees is clearly consistent with the interests of the national security.

A commenter asked that § 1400.203(b) be written in such a way as to ensure that employees receive an aligned investigation that addresses both suitability and security concerns.

Response: We agree with the comment. Ensuring greater alignment is the principal reason why OPM and ODNI proposed amending this section, and why we revised the investigative standards in December 2012. No additional changes were proposed by the commenter so no further response is required.

An agency commented, ''If the issue is the level and frequency of background investigations, [we] suggest simply increasing the frequency and/or investigation level of high risk public trust positions and [letting] the current designations stand.''

Response: We did not accept this comment. The purpose of § 1400.203, like § 732.203 before it, is to establish a reinvestigation requirement for sensitive positions that do not require eligibility for access to classified information. The only new requirement is to establish a reinvestigation requirement for noncritical sensitive positions that do not have access to classified information. The reinvestigation requirement for these national security positions will occur at a frequency and scope sufficient to satisfy the reinvestigative requirement for both national security and public trust positions. This ensures greater alignment between national security and suitability reinvestigations and prevents duplication of investigations, consistent with E.O. 13467.

One union commented that OPM and ODNI should eliminate reinvestigation requirements for national security positions that do not require eligibility for access to classified information, or in the alternative, adopt a 15-year reinvestigation cycle.

Response: We do not accept this recommendation. Section 2 of E.O. 10450 mandates that agency heads ensure that ''retention in employment of any civilian officer or employee in the department or agency is clearly consistent with the interests of the national security,'' and section 3(b) requires an investigation for any position designated as national security sensitive. We do not see, and the commenter does not explain, how eliminating the investigative requirements for the occupants of national security positions altogether, or reducing the frequency of investigations to once every 15 years, would allow the Government to meet E.O. 10450's mandates.

The same union commented that section 3001(a)(7) of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), which defines a ''periodic reinvestigation'' solely for purposes of that section as a reinvestigation for a security clearance every 5, 10, or 15 years, allows an inference that Congress did not intend for investigations *other than* for security clearances to occur as frequently.

Response: The commenter did not draw a correct inference from section 3001(a)(7), which addresses only periodic reinvestigations for security clearances, not for national security positions generally; and which does so by incorporating a reinvestigation cycle mandated by the President pursuant to his discretionary powers under Article II of the Constitution and section 801(a)(2) of the National Security Act of 1947, as amended. Indeed, section 3001(a)(7) does not even have any legal effect within section 3001 of the IRTPA, as it is an orphaned definition; the term appears nowhere else in that section. The President, in E.O.s 10450 and 13467, has conferred authority upon OPM and ODNI to prescribe investigative standards for sensitive positions and this rule is an exercise of that delegated authority.

The commenter also felt that the responsibility to conduct ''continuous evaluation'' of cleared personnel under section 3.5 of E.O. 12968 cannot be the source of the reinvestigation requirements in 5 CFR 1400.203.

Response: The commenter is correct. Section 1400.203(a) refers to the reinvestigation requirements in section 3.4 of E.O. 12968, as amended; not to the continuous evaluation requirements in section 3.5 of that order, which are distinct requirements to be implemented by ODNI.

One union commented that ''based on the number of employees holding sensitive positions who do not have access to classified information, the additional number of employees who would now be subject to periodic reinvestigation as a result of the proposed change could very well be in the tens of thousands;'' and that ''OPM's billing rates for FY–2013 indicate that a single periodic reinvestigation for an employee in a Public Trust position that is also a national security position is upward of $2,964.'' The commenter stated that the rule's new reinvestigation requirements are unnecessary and costly.

Response: The prior regulation, 5 CFR 732.203, already required national security reinvestigations at least every 5 years for the occupants of critical-sensitive positions; and the existing regulations in 5 CFR 731.106 already required suitability reinvestigations at least every 5 years for those occupants of public trust positions who were also designated as noncritical-sensitive under § 731.106(c)(2). This may limit the rule change's financial impact. But in addition, E.O. 10450 expressly requires agency heads to ensure that ''retention in employment . . . is clearly consistent with the interests of the national security.'' It is difficult to see how agency heads can fulfill this obligation in the absence of a periodic reinvestigation requirement. Moreover, E.O. 13467 directs that investigations for employment in a national security position be ''aligned using consistent standards to the extent possible.'' Consistent with section 2.1(a) of E.O. 13467, OPM and ODNI chaired an inter-agency working group that developed new Federal investigative standards for national security and suitability investigations approved by the Security and Suitability Executive Agents in December 2012, with a 5-year reinvestigation cycle. This interagency process by its nature took account of agencies' budgetary concerns.

Comments on Section 1400.204: Reassessment of Current Positions

An agency commented that the administrative burden of re-evaluating position designations is unnecessary,

since in its view most positions designated as ''sensitive'' already require a security clearance.

Response: We believe that the 24-month time frame is sufficient to allow agencies ample opportunity to review positions to determine whether or not they impact national security under the new definition, and make the appropriate designation changes. However, in response to this comment we have amended § 1400.204 to allow agencies to request an extension of the timeframe for re-designation, if justified.

To the extent that the commenter believes that reevaluating positions is unnecessary, regardless of time frame, OPM and ODNI disagree. The under-designation of positions poses a risk to the national security while the over-designation of positions imposes unjustified investigative costs on the Government.

One public interest organization commented that OPM and ODNI should not promulgate this regulation, requiring, in § 1400.204, that agencies determine which positions should be sensitive, until OPM has first determined which positions already are sensitive. The commenter states that without knowledge of the number of such positions, OPM cannot demonstrate the need for an ''expansion'' of such positions.

Response: OPM disagrees with the commenter's statement that the rule's purpose is to expand the number of positions designated as sensitive. Under the new rule, as under the prior rule, a national security sensitive position is one in which the occupant could have a material adverse effect on the national security. Correct application of this standard is a requirement of Executive order. The commenter's proposal for a headcount by OPM prior to agencies' own assessment of their position designations will result in significant, unnecessary duplication of effort.

The same public interest organization commented that OPM should prescribe guidance on position designation.

Response: The final rule already accomplishes this.

A union commented that 24 months will be an insufficient period of time for agencies to reassess current positions and to determine if changes are necessary.

Response: OPM and ODNI note that agencies have 24 months following the effective date of this rule to determine whether changes and position sensitivity designations are necessary. We believe this is ample time. However, as previously noted, in response to this comment we have amended § 1400.204 to allow agencies to request an extension of the timeframe for re-designation, if justified.

Comments on Section 1400.301: Procedural Rights

An agency suggested incorporating the Adjudicative Guidelines for Determining Eligibility For Access to Classified Information as a requirement in § 1400.301.

Response: We reject this comment, since § 1400.301 addresses the minimum procedural and recordkeeping requirements for security determinations, not the substantive standards for making favorable or unfavorable adjudicative decisions.

An agency recommended that OPM clarify that agencies must not compromise national security when applying procedural rights, and the agency suggested amending § 1400.301 to incorporate the specific procedures in E.O. 12968 for withholding material that could compromise national security.

Response: The amendment requested by the commenter is unnecessary. Section 1400.301 already states that agencies must comply with all applicable administrative procedural requirements, as provided by law, rule, or regulation. Section 1400.301(c) specifies that an agency is ''subject to requirements of law, rule, regulation, or Executive order.''

An agency recommended amending § 1400.301 to incorporate the specific procedures, in E.O. 12968, for reconsideration and appeal of preliminary decisions to deny or revoke a security clearance.

Response: We do not accept this comment as it is not our purpose with this rulemaking to supplant existing procedures established under E.O.s 10450 and 12968.

An agency suggested amending section 1400.301 to refer to the procedural rights when a decision is made based on an OPM investigation *or* based on an investigation by an agency acting under delegated authority pursuant to 5 CFR part 736.

Response: We accept this change. 5 U.S.C. 1104 requires OPM to prescribe performance standards and a system of oversight for delegated investigative functions. The recommended change will help OPM meet this statutory obligation.

One agency expressed concern that § 1400.301 changes the Merit Systems Protection Board's appellate jurisdiction over adverse actions.

Response: The commenter is incorrect. Section 1400.301 addresses procedures that agencies are to follow in rendering a decision based on an OPM investigation. This section does not address the scope of the Board's review when an agency takes an adverse action against an employee following an unfavorable security determination.

One public interest organization commented that OPM and ODNI seek to divest civil service employees of their right to appeal adverse actions.

Response: We disagree with this comment. The rule's purpose is to ensure that agencies are properly carrying out their position designation responsibilities under E.O. 10450. The MSPB's jurisdiction over adverse actions initiated under chapter 75, subchapter II is prescribed by statute.

Comments on Section 1400.302: Reporting to OPM

An agency recommended that OPM amend its reporting forms and its investigative database to accommodate the reporting requirements prescribed by § 1400.302.

Response: We agree with this comment. Section 1400.302(c) already states that OPM will issue separate guidance on new data collections. We are amending this text to state that ODNI jointly issues this guidance with OPM. The commenter requested no additional changes.

Additional Technical Revision

OPM and ODNI did not receive public comments on the text in proposed § 1400.102(b) related to Senior Executive Service positions. The proposed text—in describing the ''*positions*'' to which the part applies—referred to ''career *appointments* in the Senior Executive Service in the executive branch.'' In the final rule, OPM and ODNI have revised the text to refer to ''Senior Executive Service (SES) positions held by career appointees in the SES in the executive branch.'' This revision does not substantively change the scope of the rule's coverage.

Note on the Authority Citation: OPM and ODNI are amending the authority citation to reflect the Office of the Law Revision Counsel's editorial reclassification of 50 U.S.C. 403 and 435b as 50 U.S.C. 3023 and 3341, respectively; to reflect the compilation of the President's Memorandum of January 25, 2013 (formerly cited as 78 FR 7253) in title 3 of the Code of Federal Regulations; and to make technical citation corrections.

Regulatory Flexibility Act

OPM and ODNI certify that this rule will not have a significant economic impact on a substantial number of small entities because the rules pertain only to Federal employees and agencies.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget under Executive Order 12866.

E.O. 13132

This rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

E.O. 12988, Civil Justice Reform

This rule meets the applicable standard set forth in section 3(a) and (b)(2) of Executive Order 12988.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This action pertains to agency management, personnel and organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 5 CFR Part 1400

Administrative practices and procedures, Classified information, Government employees, Investigations.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director. Office of the Director of National Intelligence.

James R. Clapper, Jr.,

Director.

Accordingly, OPM and ODNI amend title 5, Code of Federal Regulations, by establishing chapter IV, consisting of part 1400, to read as follows:

Chapter IV—Office of Personnel Management and Office of the Director of National Intelligence

PART 1400—DESIGNATION OF NATIONAL SECURITY POSITIONS

Subpart A—Scope

Sec.
1400.101 Purpose.
1400.102 Definitions and applicability.
1400.103 Implementation.

Subpart B—Designation and Investigative Requirements

1400.201 Sensitivity level designations and investigative requirements.
1400.202 Waivers and exceptions to preappointment investigative requirements.
1400.203 Periodic reinvestigation requirements.
1400.204 Reassessment of current positions.
1400.205 Savings provision.

Subpart C—Procedural Rights and Reporting

1400.301 Procedural rights.
1400.302 Reporting to OPM.

Authority: 5 U.S.C. 1103(a)(5), 3301, 3302, 7312; 50 U.S.C. 3023, 3341; E.O. 10450, 3 CFR, 1949–1953 Comp., p. 936; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218; E.O. 12968, 3 CFR, 1995 Comp., p. 391; E.O. 13467, 3 CFR, 2008 Comp., p. 196; 3 CFR, 2013 Comp., p. 358.

Subpart A—Scope

§ 1400.101 Purpose.

(a) This part sets forth certain requirements and procedures which each agency shall observe for determining national security positions pursuant to Executive Order 10450—Security Requirements for Government Employment (April 27, 1953), 3 CFR 1949–1953 Comp., p. 936.

(b) All positions must be evaluated for a position sensitivity designation commensurate with the responsibilities and assignments of the position as they relate to the impact on the national security, including but not limited to eligibility for access to classified information.

§ 1400.102 Definitions and applicability.

(a) In this part—

(1) *Critical infrastructures* are systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

(2) *Key resources* are publicly or privately controlled resources essential to the minimal operations of the economy and government.

(3) *National security* refers to those activities which are directly concerned with the foreign relations of the United States, or protection of the Nation from internal subversion, foreign aggression, or terrorism.

(4) *National security position* includes any position in a department or agency, the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security.

(i) Such positions include those requiring eligibility for access to classified information.

(ii) Other such positions include, but are not limited to, those whose duties include:

(A) Protecting the nation, its citizens and residents from acts of terrorism, espionage, or foreign aggression, including those positions where the occupant's duties involve protecting the nation's borders, ports, critical infrastructure or key resources, and where the occupant's neglect, action, or inaction could bring about a material adverse effect on the national security;

(B) Developing plans or policies related to national defense or military operations;

(C) Planning or conducting intelligence or counterintelligence activities, counterterrorism activities and related activities concerned with the preservation of the military strength of the United States;

(D) Protecting or controlling access to facilities or information systems where the occupant's neglect, action, or inaction could bring about a material adverse effect on the national security;

(E) Controlling, maintaining custody, safeguarding, or disposing of hazardous materials, arms, ammunition or explosives, where the occupant's neglect, action, or inaction could bring about a material adverse effect on the national security;

(F) Exercising investigative or adjudicative duties related to national security, suitability, fitness or identity credentialing, where the occupant's neglect, action, or inaction could bring about a material adverse effect on the national security;

(G) Exercising duties related to criminal justice, public safety or law enforcement, where the occupant's neglect, action, or inaction could bring about a material adverse effect on the national security; or

(H) Conducting investigations or audits related to the functions described in paragraphs (a)(4)(ii)(B) through (G) of this section, where the occupant's neglect, action, or inaction could bring about a material adverse effect on the national security.

(b) The requirements of this part apply to positions in the competitive service, positions in the excepted service where the incumbent can be noncompetitively converted to the competitive service, and Senior Executive Service (SES) positions held by career appointees in the SES within the executive branch. Departments and agencies may apply the requirements of this part to other excepted service positions within the executive branch and contractor positions, to the extent consistent with law.

§ 1400.103 Implementation.

OPM and the Security Executive Agent designated pursuant to Executive Order 13467 or any successor order may set forth policies, general procedures, criteria, standards, quality control procedures, and supplementary guidance for the implementation of this part.

Subpart B—Designation and Investigative Requirements

§ 1400.201 Sensitivity level designations and investigative requirements.

(a) For purposes of this part, the head of each agency must designate, or cause to be designated, a position within the department or agency as a national security position pursuant to § 1400.102(a). National security positions must then be designated, based on the degree of potential damage to the national security, at one of the following three sensitivity levels:

(1) Noncritical-Sensitive positions are national security positions which have the potential to cause significant or serious damage to the national security, including but not limited to:

(i) Positions requiring eligibility for access to Secret, Confidential, or ''L'' classified information; or

(ii) Positions not requiring eligibility for access to classified information, but having the potential to cause significant or serious damage to the national security.

(2) Critical-Sensitive positions are national security positions which have the potential to cause exceptionally grave damage to the national security, including but not limited to:

(i) Positions requiring eligibility for access to Top Secret or ''Q'' classified information;

(ii) Positions not requiring eligibility for access to classified information, but having the potential to cause exceptionally grave damage to the national security;

(iii) Positions involving development or approval of war plans, major or special military operations, or critical and extremely important items of war;

(iv) National security policy-making or policy-determining positions;

(v) Positions with investigative duties, including handling of completed counterintelligence or background investigations, the nature of which have the potential to cause exceptionally grave damage to the national security;

(vi) Positions involving national security adjudicative determinations or granting of personnel security clearance eligibility;

(vii) Positions involving duty on personnel security boards;

(viii) Senior management positions in key programs, the compromise of which could result in exceptionally grave damage to the national security;

(ix) Positions having direct involvement with diplomatic relations and negotiations;

(x) Positions involving independent responsibility for planning or approving continuity of Government operations;

(xi) Positions involving major and immediate responsibility for, and the ability to act independently without detection to compromise or exploit, the protection, control, and safety of the nation's borders and ports or immigration or customs control or policies, where there is a potential to cause exceptionally grave damage to the national security;

(xii) Positions involving major and immediate responsibility for, and the ability to act independently without detection to compromise or exploit, the design, installation, operation, or maintenance of critical infrastructure systems or programs;

(xiii) Positions in which the occupants have the ability to independently damage public health and safety with devastating results;

(xiv) Positions in which the occupants have the ability to independently compromise or exploit biological select agents or toxins, chemical agents, nuclear materials, or other hazardous materials;

(xv) Positions in which the occupants have the ability to independently compromise or exploit the nation's nuclear or chemical weapons designs or systems;

(xvi) Positions in which the occupants obligate, expend, collect or control revenue, funds or items with monetary value in excess of $50 million, or procure or secure funding for goods and/or services with monetary value in excess of $50 million annually, with the potential for exceptionally grave damage to the national security;

(xvii) Positions in which the occupants have unlimited access to and control over unclassified information, which may include private, proprietary or other controlled unclassified information, but only where the unauthorized disclosure of that information could cause exceptionally grave damage to the national security;

(xviii) Positions in which the occupants have direct, unrestricted control over supplies of arms, ammunition, or explosives or control over any weapons of mass destruction;

(xix) Positions in which the occupants have unlimited access to or control of access to designated restricted areas or restricted facilities that maintain national security information classified at the Top Secret or ''Q'' level;

(xx) Positions working with significant life-critical/mission-critical systems, such that compromise or exploitation of those systems would cause exceptionally grave damage to essential Government operations or national infrastructure; or

(xxi) Positions in which the occupants conduct internal and/or external investigation, inquiries, or audits related to the functions described in paragraphs (a)(2)(i) through (xx) of this section, where the occupant's neglect, action, or inaction could cause exceptionally grave damage to the national security.

(3) Special-Sensitive positions are those national security positions which have the potential to cause inestimable damage to the national security, including but not limited to positions requiring eligibility for access to Sensitive Compartmented Information (SCI), requiring eligibility for access to any other intelligence-related Special Sensitive information, requiring involvement in Top Secret Special Access Programs (SAP), or positions which the agency head determines must be designated higher than Critical-Sensitive consistent with Executive order.

(b) OPM and ODNI issue, and periodically revise, a Position Designation System which describes in greater detail agency requirements for designating positions that could bring about a material adverse effect on the national security. Agencies must use the Position Designation System to designate the sensitivity level of each position covered by this part. All positions receiving a position sensitivity designation under this part shall also receive a risk designation under 5 CFR part 731 (see 5 CFR 731.106) as provided in paragraphs (c) and (d) of this section.

(c) Any position receiving a position sensitivity designation under this part at the critical-sensitive or special-sensitive level shall automatically carry with that designation, without further agency

action, a risk designation under 5 CFR 731.106 at the high level.

(d) Any position receiving a position sensitivity designation at the noncritical-sensitive level shall automatically carry with that designation, without further agency action, a risk designation under 5 CFR 731.106 at the moderate level, unless the agency determines that the position should be designated at the high level. Agencies shall designate the position at the high level where warranted on the basis of criteria set forth in OPM issuances as described in § 731.102(c) of this title.

§ 1400.202 Waivers and exceptions to preappointment investigative requirements.

(a) *Waivers*—(1) *General.* A waiver of the preappointment investigative requirement contained in section 3(b) of Executive Order 10450 for employment in a national security position may be made only for a limited period:

(i) In case of emergency if the head of the department or agency concerned finds that such action is necessary in the national interest; and

(ii) When such finding is made a part of the records of the department or agency.

(2) *Specific waiver requirements.* (i) The preappointment investigative requirement may not be waived for appointment to positions designated Special-Sensitive under this part.

(ii) For positions designated Critical-Sensitive under this part, the records of the department or agency required by paragraph (a)(1) of this section must document the decision as follows:

(A) The nature of the emergency which necessitates an appointment prior to completion of the investigation and adjudication process;

(B) A record demonstrating the successful initiation of the required investigation based on a completed questionnaire; and

(C) A record of the Federal Bureau of Investigation fingerprint check portion of the required investigation supporting a preappointment waiver.

(iii) When a waiver for a position designated Noncritical-Sensitive is granted under this part, the agency head will determine documentary requirements needed to support the waiver decision. In these cases, the agency must favorably evaluate the completed questionnaire and expedite the submission of the request for an investigation at the appropriate level.

(iv) When waiving the preappointment investigation requirements, the applicant must be notified that the preappointment decision was made based on limited information, and that the ultimate appointment decision depends upon favorable completion and adjudication of the full investigative results.

(b) *Exceptions to investigative requirements.* Pursuant to section 3(a) of E.O. 10450, upon request of an agency head, the Office of Personnel Management may, in its discretion, authorize such less investigation as may meet the requirement of national security with respect to:

(1) Positions that are intermittent, seasonal, per diem, or temporary, not to exceed an aggregate of 180 days in either a single continuous appointment or series of appointments; or

(2) Positions filled by aliens employed outside the United States.

(c) *Applicability.* This section does not apply to:

(1) Investigations, waivers of investigative requirements, and exceptions from investigative requirements under 42 U.S.C. 2165(b);

(2) Investigative requirements for eligibility for access to classified information under Executive Order 12968; or

(3) Standards for temporary eligibility for access to classified information established by the Security Executive Agent pursuant to section 3.3(a)(2) of Executive Order 12968.

§ 1400.203 Periodic reinvestigation requirements.

(a) The incumbent of a national security position requiring eligibility for access to classified information is subject to the reinvestigation requirements of E.O. 12968.

(b) The incumbent of a national security position that does not require eligibility for access to classified information is subject to periodic reinvestigation at least once every five years. Such reinvestigation must be conducted using a national security questionnaire, and at a frequency and scope that will satisfy the reinvestigation requirements for both national security and public trust positions.

§ 1400.204 Reassessment of current positions.

(a) Agency heads must assess each position covered by this part within the agency using the standards set forth in this regulation as well as guidance provided in OPM issuances to determine whether changes in position sensitivity designations are necessary within 24 months of July 6, 2015.

(b) Where the sensitivity designation of the position is changed, and requires a higher level of investigation than was previously required for the position,

(1) The agency must initiate the investigation no later than 14 working days after the change in designation; and

(2) The agency will determine whether the incumbent's retention in sensitive duties pending the outcome of the investigation is consistent with the national security.

(c) Agencies may provide advance notice of the redesignation of a position to allow time for completion of the forms, releases, and other information needed from the incumbent to initiate the investigation.

(d) Agencies may request an extension, pursuant to guidance issued jointly by OPM and ODNI, of the timeframe for redesignation of positions or initiation of reinvestigations, if justified by severe staffing, budgetary, or information technology constraints, or emergency circumstances.

§ 1400.205 Savings provision.

No provision of the rule in this part may be applied to make an adverse inference in pending administrative proceedings. However, the redesignation of a position may require that the occupant of that position undergo a new adjudication. An administrative proceeding is deemed to be pending from the date of the agency or OPM notice described in § 1400.301(c)(1).

Subpart C—Procedural Rights and Reporting

§ 1400.301 Procedural rights.

When an agency makes an adjudicative decision based on an OPM investigation or an investigation conducted under an OPM delegation of authority, or when an agency, as a result of information in such an investigation, changes a tentative favorable placement or clearance decision to an unfavorable decision, the agency must comply with all applicable administrative procedural requirements, as provided by law, rule, regulation, or Executive order, including E.O. 12968, and the agency's own procedural regulations, and must:

(a) Ensure that the records used in making the decision are accurate, relevant, timely, and complete to the extent reasonably necessary to assure fairness to the individual in any determination;

(b) Consider all available, relevant information in reaching its final decision; and

(c) At a minimum, subject to requirements of law, rule, regulation, or Executive order:

(1) Provide the individual concerned notice of the specific reason(s) for the

decision, an opportunity to respond, and notice of appeal rights, if any; and

(2) Keep any record of the agency action required by OPM as published in its issuances.

§ 1400.302 Reporting to OPM.

(a) Each agency conducting an investigation under E.O. 10450 is required to notify OPM when the investigation is initiated and when it is completed.

(b) Agencies must report to OPM an adjudicative determination and action taken with respect to an individual investigated pursuant to E.O. 10450 as soon as possible and in no event later than 90 days after receipt of the final report of investigation.

(c) To comply with process efficiency requirements, additional data may be collected from agencies conducting investigations or taking action under this part. These collections will be identified in separate OPM and ODNI guidance, issued as necessary under § 1400.103.

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