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DEPARTMENT OF AGRICULTURE

Office of Procurement and Property Management

7 CFR Part 3201

RIN 0599–AA23

Guidelines for Designating Biobased Products for Federal Procurement

AGENCY: Office of Procurement and Property Management, USDA.

ACTION: Final rule.

SUMMARY: The U.S. Department of Agriculture (USDA) is amending its regulations concerning Guidelines for Designating Biobased Products for Federal Procurement to incorporate statutory changes to section 9002 of the Farm Security and Rural Investment Act (FSRIA) that went into effect when the Agricultural Act of 2014 (the 2014 Farm Bill) was signed into law on February 7, 2014.

DATES: This rule is effective July 15, 2015.

FOR FURTHER INFORMATION CONTACT: Ron Buckhalt, USDA, Office of Procurement and Property Management, Room 361, Reporters Building, 300 7th St. SW., Washington, DC 20024; email: *BioPreferred_Support@amecfw.com;* phone (202) 205–4008. Information regarding the federal biobased preferred procurement program (one part of the BioPreferred Program) is available on the Internet at *http://www.biopreferred.gov.*

SUPPLEMENTARY INFORMATION: The information presented in this preamble is organized as follows:

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II. Authority
III. Background
IV. Summary of Changes
V. Discussion of Public Comments
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B. Regulatory Flexibility Act (RFA)
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I. Paperwork Reduction Act
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I. Executive Summary

USDA is amending 7 CFR part 3201 to incorporate statutory changes to section 9002 of the Farm Security and Rural Investment Act made by enactment of the Agricultural Act of 2014 on February 7, 2014.

A. Summary of Major Provisions of the Final Rule

1. Revisions to the BioPreferred Program Definitions

USDA is amending 7 CFR 3201.2 by revising one definition and adding two new definitions for terms that are used in the Guidelines as a result of revisions to section 9002 made by the 2014 Farm Bill. USDA is revising the definition of ''biobased product'' to state that the term includes forest products that meet biobased content requirements, notwithstanding the market share the product holds, the age of the product, or whether the market for the product is new or emerging.

USDA is adding definitions for the terms ''forest product'' and ''renewable chemical.'' These terms were defined in the text of the 2014 Farm Bill and USDA is proposing to add them verbatim to the BioPreferred Program Guidelines.

USDA is also deleting the current definition of ''forestry materials'' from section 3201.2. USDA is deleting the existing definition of the term ''forestry materials'' because the newly defined term ''forest product'' is more appropriate and, thus, will generally replace the existing term.

2. Addition of Reporting Requirements

USDA is also adding a new paragraph (b)(1)(iv) to section 3201.4 to require federal agencies to report the quantities and types of biobased products purchased. This new paragraph responds to specific language included in the 2014 Farm Bill and is intended to provide a means by which the effectiveness of the BioPreferred Program can be measured.

3. Addition of Targeted, Biobased-Only Purchasing Requirement

USDA is also adding a new paragraph (b)(4) to section 3201.4 ''Procurement programs.'' This new paragraph adds the 2014 Farm Bill requirement that federal procuring agencies establish a targeted biobased-only procurement requirement under which the procuring agency must issue a certain number of biobased-only contracts when the agency is purchasing products, or purchasing services that include the use of products, that are included in a biobased product category designated by the Secretary.

4. Addition of Criteria for Evaluating ''Innovative Approaches''

USDA is also adding paragraphs to section 3201.5 ''Category designation'' to expand the description of the procedures and considerations for designating product categories, including those product categories that were excluded from the BioPreferred Program under the previous mature market products exclusion. The Conference Report on the 2014 Farm Bill states: ''It is the Managers' intention that all products in the program use innovative approaches in the growing, harvesting, sourcing, procuring, processing, manufacturing, or application of the biobased product.'' USDA is, therefore, incorporating criteria to be used when evaluating whether biobased products meet the requirement to use ''innovative approaches.''

B. Costs, Benefits, and Transfers

Type	Costs	Benefits	Transfers
Quantitative	Unable to quantify at this time	Unable to quantify at this time	Unable to quantify at this time.

Type	Costs	Benefits	Transfers
Qualitative	1. Costs of developing biobased alternative products. 2. Costs to gather and submit biobased product information for BioPreferred Web site.	Advances the objectives of the BioPreferred Program, as envisioned by Congress in developing the 2002, 2008, and 2014 Farm Bills.	1. Opens new (federal) market for biobased products that USDA newly designates. 2. Opportunity for newly developed biobased products to be publicized via BioPreferred Web site. 3. Loss of market share by manufacturers who choose not to offer biobased versions of products.

II. Authority

The Guidelines for Designating Biobased Products for Federal Procurement (the Guidelines) are established under the authority of section 9002 of the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill), as amended by the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), and further amended by the Agricultural Act of 2014 (the 2014 Farm Bill), 7 U.S.C. 8102. (Section 9002 of the 2002 Farm Bill, as amended by the 2008 and the 2014 Farm Bills, is referred to in this document as ''section 9002'').

III. Background

As originally enacted, section 9002 provides for the preferred procurement of biobased products by federal agencies. USDA proposed the Guidelines for implementing this preferred procurement program on December 19, 2003 (68 FR 70730–70746). The Guidelines were promulgated on January 11, 2005 (70 FR 1792), and are contained in 7 CFR part 3201, ''Guidelines for Designating Biobased Products for Federal Procurement.''

The Guidelines identify various procedures federal agencies are required to follow in implementing the requirements of section 9002. They were modeled in part on the ''Comprehensive Procurement Guidelines for Products Containing Recovered Materials'' (40 CFR part 247), which the Environmental Protection Agency (EPA) issued pursuant to the Resource Conservation Recovery Act (''RCRA''), 40 U.S.C. 6962.

On June 18, 2008, the 2008 Farm Bill was signed into law. Section 9001 of the 2008 Farm Bill included several provisions that amended the provisions of section 9002. USDA subsequently amended the Guidelines to incorporate those provisions of the 2008 Farm Bill (79 FR 44641).

The purpose of these amendments is to further revise the Guidelines to incorporate additional changes to section 9002 that were included in the 2014 Farm Bill. These revisions to the Guidelines will not affect products that have already been designated for federal procurement preference. Any changes necessary to the existing designation status of products will be established by future rule-makings.

IV. Summary of Changes

As a result of public comments received on the proposed amendments to the Guidelines, USDA has made changes in finalizing the amendments. These changes are summarized in the remainder of this section. A summary of each comment received, USDA's response to the comment or group of related comments, and the rationale for any change made in the final rule is presented in section V.

A. 7 CFR 3201.2—Definitions

USDA is finalizing the proposed definitions with no changes.

B. 7 CFR 3201.4—Procurement Programs

This section has been finalized as proposed.

C. 7 CFR 3201.5—Category designation

In the final rule, USDA added a sentence at 3201.5(b)(2) to clarify that evidence of an innovative approach will not be restricted to only those innovative criteria listed in the Guidelines and that consideration of other evidence will be on a case by case basis.

USDA also revised the proposed language in paragraph (b)(2)(i) and (ii) to add the word ''biobased'' to the description of products or materials that qualify under the first two criteria and also added a paragraph (b)(2)(i)(C) stating that products meet the criteria if the biobased content of the product or material makes its composition different from products or material used for the same historical uses or applications.

D. 7 CFR 3201.6—Providing Product Information to Federal Agencies

This section has been finalized as proposed.

V. Discussion of Public Comments

USDA solicited comments on the proposed amendments for 60 days ending on December 26, 2014. USDA received ten comments by that date. One of the comments was from an individual citizen, five were from industry trade groups, one was from a biobased product manufacturer, one was from an academic institution, and two were from federal agencies. The comments are presented below, along with USDA's responses, and are grouped by the Code of Federal Regulation (CFR) section numbers to which they apply.

A. General Comments on BioPreferred Program

Comment: Several commenters were supportive of USDA's efforts to include innovative forestry products in the BioPreferred Program and to encourage consumers to use biobased products. One commenter stated that this inclusion will ''promote the use of sustainable materials,'' enhance rural and national economic development, and ''broaden the range of products included in the definition of ''forest products'' and ''renewable chemicals.'' '' Another commenter stated generally that the BioPreferred Program and its proposed changes are defined well.

Response: USDA appreciates the support of the commenters.

B. 7 CFR 3201.2—Definitions

Comment: One commenter agreed with USDA's proposed definitions for ''Biobased product'' and ''Forest product.'' Another commenter stated that ''biobased-only contracts'' should be defined in the program Guidelines and provided a possible definition.

Response: USDA thanks the commenters for their input. Regarding the definition of ''biobased-only contracts,'' USDA's Office of Procurement and Property Management (OPPM) will take the issue to the Interagency Sustainable Acquisition and Materials Management Practices Workgroup (SAMM). USDA OPPM, as part of the SAMM, will work with other agencies to determine whether a definition of biobased-only contracts is needed.

Comment: One commenter stated that the definition of ''Biobased product'' should be modified to include renewable chemicals. The commenter stated that renewable chemicals are already included within the existing statutory and regulatory definition, and proposed that the regulatory definition needs to change to add ''renewable chemical'' so that the definition includes the words ''intermediate ingredient, renewable chemical, or feedstock.''

Response: USDA's believes that when definitions of key BioPreferred Program terms are provided in the Farm Bill language authorizing the Program, those definitions should be used without changes. The proposed definition of ''biobased product'' is taken verbatim from Section 9001 of the 2014 Farm Bill. USDA agrees with the commenter that renewable chemicals are an important segment of biobased products and is adding a stand-alone definition of ''renewable chemical'' to the Guidelines to clarify the inclusion of these products in the BioPreferred Program. The definition of ''biobased product'' has not been revised, however, and is being finalized as proposed.

C. 7 CFR 3201.4—Procurement Programs

1. 7 CFR 3201.4(b)—Federal Agency Preferred Procurement Programs

Comment: Three commenters stated that USDA should provide more guidance for federal agencies on how to establish the proposed targeted biobased-only procurement requirement and that USDA should specify what information this requirement needs to include. Two of the commenters stated that more guidance from USDA and clearer definition of ''Biobased Procurement'' would limit ''significant differences in implementation,'' ''inconsistencies in the results of interagency assessment,'' and ''green washing.''

One commenter asked USDA to consider several questions, such as how it differs from other procurement programs, if it is only defined by having FAR Clause 52.223–1 or 52.223–2 in a contract, if buying a product with a ''Biobased symbol'' on GSA Advantage is enough, and if it excludes ''other sustainability programs such as recycling or energy efficiency.'' This commenter also asked for more details on ''applicability, data sources, standard data collection methods and consistent analysis of data collected.''

Another commenter recommended that USDA work closely with the Sustainable Acquisition and Materials Management Practices Workgroup to provide guidance to federal agencies and their contractors on fulfilling the new reporting requirement. The commenter stated that this guidance should be ''implemented via a policy directive from the Office of Management and Budget/OFPP [Office of Federal Procurement Policy]'' such that overlapping reporting requirements and the reporting burden on federal agencies and their contractors are reduced.

Response: USDA appreciates the comments provided by these commenters and agrees with the commenters that communication, coordination, and guidance will be needed to fully implement the biobased-only contracts requirement as well as the collection and reporting of data regarding biobased purchases. While USDA is committed to working with federal agencies to develop and implement procedures for complying with the requirements of the 2014 Farm Bill and the BioPreferred Program, those efforts will be separate from the current efforts to finalize the amendments to the Program Guidelines. USDA OPPM will take this 2014 Farm Bill requirement for biobased-only contracts to the interagency Sustainable Acquisition and Materials Management Practices (SAMM) Workgroup. OPPM, as part of the SAMM, will work with other agencies to develop guidance. Specific questions regarding how the procurement programs should work will be addressed with Workgroup members rather than in the context of these Guideline amendments.

2. § 3201.4(b)(1)(iii)—Provisions for the Annual Review and Monitoring of the Effectiveness of the Procurement Program

Comment: One commenter noted that this new reporting requirement creates an additional burden on federal agencies and their contractors because there is not an electronic means of effectively documenting this information at ''the individual product level,'' specifying that the Federal Procurement Data System is not designed to do so.

Another commenter stated that USDA should decide which data sources to use for collecting the annual biobased procurement results: ''Federal Procurement Data System (FPDS), SAMM.gov, or General Services Administration and Defense Logistics Agency.'' In addition, the commenter indicated that USDA should issue a standard method for how the data will be collected and analyzed and that USDA should conduct the data review via a third-party.

A third commenter stated that for the proposed reporting requirement to be successful, it should be ''codified in the Federal Acquisition Regulation and a specific reporting portal (such as the Federal Procurement Data System—Next Generation or the System for Award Management [SAM]) should be identified for agencies'' to report the data. This commenter urged USDA to ''take additional steps'' to make sure that federal agencies fulfill the reporting requirement. The commenter suggested implementing a new feature in SAM that would allow federal agencies to report quantities and types of biobased products that they purchased, because there is already a FAR clause in SAM that requires prime contractors to report product types and dollar values of biobased products that are purchased annually.

Response: USDA appreciates the comments and recommendations offered by the commenters on the recordkeeping and reporting requirements. USDA agrees with the commenters that communication, coordination, and guidance will be needed to fully implement the requirements for the collection and reporting of data regarding biobased purchases. Federal government-wide data on biobased product purchases are entered into the System for Award Management (SAM) by Contractors entering data into the BioPreferred portal. This is the automated procurement system that has officially been endorsed by the Chief Acquisition Officers Council, OFPP and the federal government agencies. USDA OPPM is using it to fulfill this requirement. Thus, while USDA is committed to working with federal agencies to develop and implement procedures for complying with the requirements of the 2014 Farm Bill and the BioPreferred Program, those efforts will be separate from the current efforts to finalize the amendments to the Program Guidelines.

3. § 3201.4(b)(1)(iv)—Provisions for Reporting Quantities and Types of Biobased Products Purchased by the Federal Agency

Comment: Two commenters provided feedback on what reporting data federal agencies should provide to USDA regarding their annual biobased-only purchases. One commenter recommended that USDA should first establish a baseline for the rate of biobased procurement for federal agencies and then examine this rate after each year. The same commenter stated that after determining this baseline, USDA should work with agencies to set an annual percentage

growth rate goal. Another commenter stated that the reporting requirement should specify biobased procurement quantities in ''dollar values.''

Response: As discussed in the response to the previous comment, USDA appreciates the input from the commenters but does not believe that it is appropriate to make any revisions to the proposed amendments to the Guidelines. Federal government-wide data on biobased product purchases are entered into the System for Award Management (SAM) by Contractors entering data into the BioPreferred portal. This is the automated procurement system that has officially been endorsed by the Chief Acquisition Officers Council, OFPP and the federal government agencies. USDA OPPM is using it to fulfill this requirement. There will be an amendment to the FAR requesting that FAR Clause 52.223–2 be revised to add quantities. As presently written, it requires the Contractor to report on product types and dollars to the SAM. USDA OPPM will seek to amend it to add quantities.

4. § 3201.4(b)(4)—Targeted Biobased-Only Procurement Requirement

Comment: Three commenters requested that USDA offer more details on how federal agencies should establish a set number of biobased-only contracts under this proposed requirement. One commenter inquired whether the goal for federal agencies to meet is a set number of contracts, a certain percentage of contracts with specific FAR clauses, or a certain value based on a total agency spend threshold. This commenter asked if specific service contracts should be targeted, as well. Another commenter suggested that instead of stating in proposed § 3201.4(b)(4) that a procuring agency should issue ''a certain number of biobased-only contracts,'' that the proposed rule should state that the agency should issue ''a minimum of 20'' biobased contracts ''annually, unless a lower or higher number is justified by market research on the availability of products.'' The same commenter suggested adding the following sentence at the end of the proposed rule § 3201.4(b)(4), ''Each procuring agency shall report the number of biobased-only contracts issued annually and the types and dollar values of biobased products purchased directly under these contracts or used by contractors in carrying out the services provided under the contracts.'' The third commenter advised that federal agencies should select a set amount of the current year's planned contracts to be biobased-only based on the previous year's purchase of products and services. The commenter also stated that, as an option, federal agencies could select the top 10 products based on their previous year's purchase of products and services to be biobased-only.

Response: USDA agrees with the commenters that additional guidance will be needed to fully implement the biobased-only contracts requirement. USDA will take this 2014 Farm Bill requirement for biobased-only contracts to the interagency SAMM Workgroup. USDA, as part of the SAMM, will work with other agencies to develop guidance. While USDA is committed to working with federal agencies to develop and implement procedures for complying with the requirements of the 2014 Farm Bill and the BioPreferred Program, those efforts will be separate from the current efforts to finalize the amendments to the Program Guidelines.

D. 7 CFR 3201.5—Category Designation

1. 7 CFR 3201.5(b)(2)—Innovative Approach Criteria

Comment: Three commenters expressed support for USDA for allowing forestry and other traditional biobased products to be eligible for participation in the BioPreferred Program. Of these three commenters, two expressed overall support for the proposed criteria for demonstrating innovative approaches as a means of evaluating all biobased products that may be eligible for participation in the BioPreferred Program. One of the commenters stated that these proposed criteria are ''reasonable and provide companies submitting products a clear and consistent manner to demonstrate the innovative nature of their product'' and that they also allow manufacturers the ability to demonstrate innovation for products that are not easily categorized in the options that USDA outlined. The other commenter stated that these proposed criteria ''will help expand the use of biobased products.'' The third commenter pointed out that USDA only requires reviewing information for the proposed criterion in § 3201.5(b)(2)(i) but not for any of the others; thus, the commenter asked what information USDA would review to ''implement'' the other proposed criteria. This commenter also questioned whether this proposed rule would be applied in a ''multi-plant manufacturing scenario'': would it be applied at the product or at the manufacturing plant level, and would one plant's compliance be sufficient for all plants?

Response: USDA thanks the commenters for their support of, and participation in, the BioPreferred Program. In response to the one commenter's questions, the text that was proposed and is being finalized for paragraph (b)(2) identifies the criteria that USDA will use to determine a product's eligibility to participate in the Program. USDA has specified in the text that product manufacturers may be asked to provide documentation to verify their claims that they are meeting any one of the criteria. Submitting an EPD is one of the means available for manufacturers to demonstrate that their biobased products meet the ''innovative approach'' criteria. Various other types of documentation are also acceptable. In evaluating whether the criteria have been met, USDA will work with manufacturers on a case by case basis to determine the most appropriate documentation. Also, USDA review of information to determine eligibility to participate in the BioPreferred Program is product specific, but is independent of the actual manufacturing plant in which the product is produced. That is, if a manufacturer produces product A in two different locations and the product is otherwise identical, the manufacturer only has to apply for registration of their product once.

Comment: One commenter stated that the proposed rule in § 3201.5(b)(2) is unclear and asked if it should it be read with the current rule in § 3201.5(b)(1) or if it would be ''used independently to designate products.'' This commenter stated that the 2014 Farm Bill wording ''implies the latter,'' while the proposed rule ''implies the former.'' The commenter stated that a ''federal preference program'' should not endorse products on the grounds that they contain biobased ingredients and that they are ''new and different'' from the way products were manufactured historically instead of considering whether the products are better for the environment and human health, or perform better than those that are currently available. Additionally, this commenter recommended that USDA apply these proposed criteria in a manner such that federal agencies are not required to choose between a ''biobased product that does not meet other federal purchasing requirements such as less-ozone-depleting'' and a non-biobased product that meets these requirements within a particular product category when making purchasing decisions. This commenter was also concerned that the proposed criteria § 3201.5(b)(2) would ''expand the reach'' of the BioPreferred Program ''beyond what was originally intended.'' The commenter recommended that the proposed criterion for an Environmental

Product Declaration (EPD) should merely supplement the product's participation in the BioPreferred Program, instead of being a requirement for it.

Response: The amendments that were proposed and are being finalized by this final rule revise paragraph (b)(2) but do not change existing paragraph (b)(1). Paragraph (b)(1) states that USDA will establish a minimum biobased content for designated product categories and that the product categories will be listed in subpart B of part 3201. While USDA understands the commenter's position regarding consideration of environment and human health impacts, the statutory requirements of the 2002 Farm Bill, as amended in the 2008 and 2014 Farm Bills, mandate that the BioPreferred Program promote and give a preference to the purchase of biobased products. USDA does not have the authority nor the resources to evaluate the life cycle environmental and human health impacts of biobased products compared to those of traditional petroleum based products. USDA does present manufacturer-supplied information regarding the performance of products in cases where the manufacturer provides such information. However, as with life cycle impacts, USDA does not have the statutory authority or the resources to independently investigate the performance of products that participate in the Program.

Comment: One commenter expressed concern that the paragraph in § 3201.5(b)(2) was written specifically for forestry products, which could cause issues for non-forestry ones. Thus, the commenter suggested clarifying the introductory paragraph in § 3201.5(b)(2) by adding the word ''biobased'' in front of ''product'' and ''products.'' The commenter also suggested clarifying § 3201.5(b)(2)(i) and (ii) to read:

(i) *Product composition and applications.* (A) The biobased product or material is used or applied in applications that differ from historical applications; (B) The biobased product or material is grown, harvested, manufactured, processed, sourced, or applied in other innovative ways.; or (C) The biobased content of the product or material makes its composition different from products used for the same historical uses or applications.

(ii) *Manufacturing and processing.* (A) The biobased product or material is manufactured or processed using renewable, biomass energy or using technology that is demonstrated to increase energy efficiency or reduce reliance on fossil fuel based energy sources; or (B) The biobased product or material is manufactured or processed with technologies that ensure high feedstock material recovery and use; or (C) The product or material is manufactured or processed in a way that adds biobased content.

Two additional commenters supported USDA in designating intermediate chemical categories according to ''functional use'' because it ''offers transparent linkage to the established finished product categories of the Program, as well as recognizing their functional importance in the BioPreferred value chain.'' Each commenter provided the same list of ''priority'' intermediate chemical categories based upon functional use.

Response: USDA agrees with the commenter that certain edits to the proposed language add clarity to the rule and, thus, will revise the proposed language for the final rule. However, USDA disagrees with the commenter's recommendation to include the statement that the manufacturing and processing criteria should be revised to specifically include processes that ''add biobased content.'' Many biobased products are made by replacing petroleum-based components of traditional products with biobased components, which could be characterized as adding biobased content, and these products would be covered by criterion (i)(C) in the commenter's edited paragraphs. Thus, there would be no benefit to adding a third item to the manufacturing and processing criterion.

2. § 3201.5(b)(2)(iii)—Environmental Product Declaration

Comment: One commenter provided USDA with two examples of a Type III EPD and noted that the EPD requires a product to meet ''Product Category Rules.'' The commenter pointed out that this information ''may or may not be available and would require time to develop.'' The commenter added that the ''LCA related data'' included in the EPD will assist in comparing products but inquired how federal agencies will use this data. Additionally, the commenter asked if there is an advantage to using this data as one means of defining ''biobased purchasing.''

Response: USDA points out that the proposal did not make it a ''requirement'' that a manufacturer submit an Environmental Product Declaration (EPD) to participate in the BioPreferred Program. Submitting an EPD is one of the means available for manufacturers to demonstrate that their biobased products meet the ''innovative approach'' criteria. Various other types of documentation are also acceptable. USDA also agrees that not all manufacturers have EPDs for their products and that the completion of an EPD can be time consuming. The purpose of requesting documentation such as, but not limited to, an EPD is to demonstrate that the manufacturer meet Congress' intention that ''all products in the program use innovative approaches in the growing, harvesting, sourcing, procuring, processing, manufacturing, or application of the biobased product.'' Because not all manufacturers have performed an EPD, USDA does not believe that it would be beneficial to require this type of data in defining ''biobased purchases'' by federal agencies. USDA's position is that purchases of biobased products that have been accepted into the BioPreferred Program and are, thus, listed in the Program's Biobased product catalog are eligible to be counted as ''biobased purchases.''

3. § 3201.5(b)(2)(iv)—Raw Material Sourcing

Comment: One commenter wanted USDA to take into account that a finished wood product may be sourced domestically or globally; thus, the commenter cautioned USDA that the criteria proposed in § 3201.5(b)(2)(iv) do not ''inadvertently create a technical barrier to trade'' and do not exclude imported wood products that were harvested and exported legally in the U.S. and in their country of origin. This commenter recommended that USDA recognize in the proposed rule that new certification schemes for forestry products develop every year; as such, the commenter encouraged USDA to include ''new legality systems,'' for example, the Voluntary Partnership Agreements under the European Union's Forest Law Enforcement, Governance and Trade Action Plan as another way to demonstrate innovation. In addition, the commenter advised USDA to be aware that the definitions for ''legal, responsible, or certified sources'' are not applied such that innovation in forestry management and certification are not considered. The commenter looked forward to ''working closely with USDA'' to help implement these rules.

Response: USDA agrees with the commenters that the proposed innovative criteria should not be considered as an all-inclusive list. USDA recognizes that sustainability advances are occurring worldwide and does not intend that new and valid certifications be excluded from consideration by the BioPreferred Program. In the final rule, USDA will clarify that evidence of an innovative approach will not be restricted to only those innovative criteria listed in the Guidelines and that consideration of other evidence will be on a case-by-case basis.

E. 7 CFR 3201.6—Providing Product Information to Federal Agencies

No comments were received on the revisions proposed for this section.

VI. Regulatory Information

A. Executive Orders 12866 and 13563: Regulatory Planning and Review

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''non-significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the final rule was not reviewed by the Office of Management and Budget.

1. Need for the Rule

Today's final rule amends the BioPreferred Program Guidelines to establish the regulatory framework for the designation of product categories that were previously excluded from the federal procurement preference because they were mature market products. The designation of such products is specifically required under the Agricultural Act of 2014, which states that the Guidelines shall: ''(vi) Promote biobased products, including forest products, that apply an innovative approach to growing, harvesting, sourcing, procuring, processing, manufacturing, or application of biobased products regardless of the date of entry into the marketplace.''

2. Transfers

This rule advances the objectives of the BioPreferred Program, as envisioned by Congress in the 2002, 2008 and 2014 Farm Bills, by expanding the scope of products that may be considered for federal procurement preference. The entry into the BioPreferred Program of biobased products that were previously considered to be mature market products will open a new federal market for biobased products that are designated by USDA and also provides newly developed biobased products to be publicized via the BioPreferred Web site. Thus, the rule is expected to increase demand for these products once designated, which, in turn, is expected to increase demand for those agricultural products that can serve as ingredients and feedstocks. This federal procurement preference will thus yield private benefits for businesses producing these ingredients and feedstocks.

Simultaneously, this action could reduce demand for products that do not receive federal procurement preference designation. Producers of biobased products, including intermediate ingredients and feedstocks, that are not so designated or producers of non-biobased products could face a loss of market share within federal procurement.

3. Costs

Manufacturers of biobased products will incur the actual costs of developing the biobased products as well as the costs to gather and submit the biobased product information for the BioPreferred Web site. The costs of developing and marketing new products are, in this case, a voluntary expense if manufacturers choose to pursue a share of the biobased product market.

Although this rule amends or establishes procedures for designating qualifying biobased product categories, no product categories are being designated today. The actual designation of biobased product categories under this program will be accomplished through future rulemaking actions and the effect of those rulemakings on the economy will be addressed at that time.

B. Regulatory Flexibility Act (RFA)

The RFA, 5 U.S.C. 601–602, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

Although the BioPreferred Program ultimately may have a direct impact on a substantial number of small entities, USDA has determined that this final rule itself does not have a direct significant economic impact on a substantial number of small entities. This rule directly affects federal agencies, which are required to consider designated products for purchase. In addition, private sector manufacturers and vendors of biobased products voluntarily may provide information to USDA through the means set forth in this rule. However, the rule imposes no requirement on manufacturers and vendors to do so, and does not differentiate between manufacturers and vendors based on size. USDA does not know how many small manufacturers and vendors may opt to participate at this stage of the program.

As explained above, when USDA issues a proposed rulemaking to designate product categories for preferred procurement under this program, USDA will assess the anticipated impact of such designations, including the impact on small entities. USDA anticipates that this program will positively impact small entities that manufacture or sell biobased products. For example, once product categories are designated, this program will provide additional opportunities for small businesses to manufacture and sell biobased products to federal agencies. This program also will impact indirectly small entities that supply biobased materials to manufacturers. Additionally, this program may decrease opportunities for small businesses that manufacture or sell non-biobased products or provide components for the manufacturing of such products. It is difficult for USDA to definitively assess these anticipated impacts on small entities until USDA proposes product categories for designation. This rule does not designate any product categories.

C. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights

This final rule has been reviewed in accordance with Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and does not contain policies that have implications for these rights.

D. Executive Order 12988: Civil Justice Reform

This final rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. This rule does not preempt State or local laws, is not intended to have retroactive effect, and does not involve administrative appeals.

E. Executive Order 13132: Federalism

This final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions of this rule do not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various government levels.

F. Unfunded Mandates Reform Act of 1995

This final rule contains no federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538, for State, local, and tribal governments, or the private sector. Therefore, a statement under section 202 of UMRA is not required.

G. Executive Order 12372: Intergovernmental Review of Federal Programs

For the reasons set forth in the Final Rule Related Notice for 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372, which requires intergovernmental consultation with State and local officials. This program does not directly affect State and local governments.

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

This final rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this final rule will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

I. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 through 3520), the information collection under the Guidelines is currently approved under OMB control number 0503–0011.

J. E-Government Act Compliance

USDA is committed to compliance with the E-Government Act, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. USDA is implementing an electronic information system for posting information voluntarily submitted by manufacturers or vendors on the products they intend to offer for federal preferred procurement under each designated item. For information pertinent to E-Government Act compliance related to this rule, please contact Ron Buckhalt at (202) 205–4008.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, that includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. USDA has submitted 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**.

List of Subjects in 7 CFR Part 3201

Biobased products, Procurement.

For the reasons stated in the preamble, the Department of Agriculture is amending 7 CFR part 3201 as follows:

PART 3201—GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL PROCUREMENT

■ 1. The authority citation for part 3201 continues to read as follows:

Authority: 7 U.S.C. 8102.

■ 2. Section 3201.2 is amended by:
■ a. Revising the definition of ''Biobased product'';
■ b. Removing the definition of ''Forestry materials''; and
■ c. Adding, in alphabetical order, definitions for ''Forest product'' and ''Renewable chemical''.

The revision and additions read as follows:

§ 3201.2 Definitions.

* * * * *

Biobased product. (1) A product determined by USDA to be a commercial or industrial product (other than food or feed) that is:

(i) Composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or

(ii) An intermediate ingredient or feedstock.

(2) The term ''biobased product'' includes, with respect to forestry materials, forest products that meet biobased content requirements, notwithstanding the market share the product holds, the age of the product, or whether the market for the product is new or emerging.

* * * * *

Forest product. A product made from materials derived from the practice of forestry or the management of growing timber. The term ''forest product'' includes:

(1) Pulp, paper, paperboard, pellets, lumber, and other wood products; and

(2) Any recycled products derived from forest materials.

* * * * *

Renewable chemical. A monomer, polymer, plastic, formulated product, or chemical substance produced from renewable biomass.

* * * * *

■ 3. Section 3201.4 is amended by revising paragraphs (b)(1)(i) through (iii) and adding paragraphs (b)(1)(iv) and (b)(4) to read as follows:

§ 3201.4 Procurement programs.

* * * * *

(b) * * *

(1) * * *

(i) A preference program for purchasing qualified biobased products;

(ii) A promotion program to promote the preference program;

(iii) Provisions for the annual review and monitoring of the effectiveness of the procurement program; and

(iv) Provisions for reporting quantities and types of biobased products purchased by the Federal agency.

* * * * *

(4) No later than June 15, 2016, each Federal agency shall establish a targeted biobased-only procurement requirement under which the procuring agency shall issue a certain number of biobased-only contracts when the procuring agency is purchasing products, or purchasing services that include the use of products, that are included in a biobased product category designated by the Secretary.

* * * * *

■ 4. Section 3201.5 is amended by adding paragraph (b)(2) to read as follows:

§ 3201.5 Category designation.

* * * * *

(b) * * *

(2) In designating product categories and intermediate ingredient or feedstock categories for the BioPreferred Program, USDA will consider as eligible only those products that use innovative approaches in the growing, harvesting, sourcing, procuring, processing, manufacturing, or application of the biobased product. USDA will consider products that meet one or more of the criteria in paragraphs (b)(2)(i) through (iv) of this section to be eligible for the BioPreferred Program. USDA will also consider other documentation of innovative approaches in the growing, harvesting, sourcing, procuring, processing, manufacturing, or application of biobased products on a case-by-case basis. USDA may exclude from the BioPreferred Program any products whose manufacturers are unable to provide USDA with the documentation necessary to verify claims that innovative approaches are

used in the growing, harvesting, sourcing, procuring, processing, manufacturing, or application of their biobased products.

(i) *Product applications.* (A) The biobased product or material is used or applied in applications that differ from historical applications; or

(B) The biobased product or material is grown, harvested, manufactured, processed, sourced, or applied in other innovative ways; or

(C) The biobased content of the product or material makes its composition different from products or material used for the same historical uses or applications.

(ii) *Manufacturing and processing.* (A) The biobased product or material is manufactured or processed using renewable, biomass energy or using technology that is demonstrated to increase energy efficiency or reduce reliance on fossil-fuel based energy sources; or

(B) The biobased product or material is manufactured or processed with technologies that ensure high feedstock material recovery and use.

(iii) *Environmental Product Declaration.* The product has a current Environmental Product Declaration as defined by International Standard ISO 14025, Environmental Labels and Declarations—Type III Environmental Declarations—Principles and Procedures.

(iv) *Raw material sourcing.* (A) The raw material used in the product is sourced from a Legal Source, a Responsible Source, or a Certified Source as designated by ASTM D7612–10, Standard Practice for Categorizing Wood and Wood-Based Products According to Their Fiber Sources; or

(B) The raw material used in the product is 100% resourced or recycled (such as material obtained from building deconstruction); or

(C) The raw material used in the product is from an urban environment and is acquired as a result of activities related to a natural disaster, land clearing, right-of-way maintenance, tree health improvement, or public safety.

* * * * *

■ 5. Section 3201.6 is amended by revising the first sentence of paragraph (a)(1) to read as follows:

§ 3201.6 Providing product information to Federal agencies.

(a) * * *

(1) * * * The Web site will, as determined to be necessary by the Secretary based on the availability of data, provide information as to the availability, price, biobased content, performance and environmental and public health benefits of the designated product categories and designated intermediate ingredient or feedstock categories. * * *

* * * * *

Dated: June 5, 2015.

Gregory L. Parham,

Assistant Secretary for Administration, U.S. Department of Agriculture.

[FR Doc. 2015–14418 Filed 6–12–15; 8:45 am]

BILLING CODE 3410–TX–P

DEPARTMENT OF AGRICULTURE

Office of Procurement and Property Management

7 CFR Part 3202

RIN 0599–AA22

Voluntary Labeling Program for Biobased Products

AGENCY: Office of Procurement and Property Management, USDA.

ACTION: Final rule.

SUMMARY: The U.S. Department of Agriculture (USDA) is amending its regulations concerning the Voluntary Labeling Program for Biobased Products, to incorporate statutory changes to section 9002 of the Farm Security and Rural Investment Act (the 2002 Farm Bill) that went into effect when the Agricultural Act of 2014 (the 2014 Farm Bill) was signed into law on February 7, 2014.

DATES: This rule is effective July 15, 2015.

FOR FURTHER INFORMATION CONTACT: Ron Buckhalt, USDA, Office of Procurement and Property Management, Room 361, Reporters Building, 300 7th St. SW., Washington, DC 20024; email: *BioPreferred_Support@amecfw.com*; phone (202) 205–4008. Information regarding the Voluntary Labeling Program for Biobased Products (one part of the BioPreferred® Program) is available on the Internet at *http://www.biopreferred.gov.*

SUPPLEMENTARY INFORMATION: The information presented in this preamble is organized as follows:

I. Executive Summary
II. Authority
III. Background
IV. Summary of Changes
V. Discussion of Public Comments
VI. Regulatory Information
A. Executive Orders 12866 and 13563: Regulatory Planning and Review
B. Regulatory Flexibility Act (RFA)
C. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights
D. Executive Order 12988: Civil Justice Reform
E. Executive Order 13132: Federalism
F. Unfunded Mandates Reform Act of 1995
G. Executive Order 12372: Intergovernmental Review of Federal Programs
H. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
I. Paperwork Reduction Act
J. E-Government Act Compliance
K. Congressional Review Act

I. Executive Summary

USDA is amending 7 CFR part 3202 to incorporate the statutory changes to section 9002 of the Farm Security and Rural Investment Act made by enactment of the Agricultural Act of 2014 on February 7, 2014. USDA is also finalizing amendments that clarify the rules under which the voluntary labeling program operates. The remainder of this section presents a brief summary of the amendments to the existing voluntary labeling program rules and Section IV of this preamble presents more detailed discussions.

A. Summary of Major Provisions of the Final Rule

1. Revisions to Section 3202.2 ''Definitions''

USDA is amending 7 CFR 3202.2 by deleting the definitions of ''BioPreferred Product,'' ''Designated item,'' and ''Mature market products.'' USDA is also revising the definitions of ''Biobased product,'' ''Certification mark artwork,'' and ''Intermediate ingredient or feedstock'' and adding new definitions for ''Designated product category,'' ''Forest product,'' ''Qualified biobased product,'' and ''Renewable chemical.'' These changes are being made to bring the voluntary labeling rule up to date with the BioPreferred Program Guidelines and the 2014 Farm Bill.

2. Revisions to Section 3202.4 ''Criteria for Product Eligibility To Use the Certification Mark''

USDA is adding a paragraph and subparagraphs to section 3202.4 that describe the biobased content criteria for complex assemblies. Procedures for designating complex assemblies for the federal preferred procurement initiative have been added to the BioPreferred Program Guidelines and this final rule updates the voluntary labeling program rules to include these products.

USDA is also adding paragraphs to section 3202.4 to present the criteria for evaluating whether products use ''innovative approaches.'' The Conference Report on the 2014 Farm Bill states that ''It is the Managers'

intention that all products in the program use innovative approaches in the growing, harvesting, sourcing, procuring, processing, manufacturing, or application of the biobased product.'' USDA is, therefore, adopting criteria to be used when evaluating whether biobased products meet the requirement to use ''innovative approaches.''

3. Revisions to Section 3202.5 ''Initial Approval Process''

USDA is amending paragraph (a)(1) to specifically address situations where a manufacturer seeks certification for a new product that is composed of the same biobased ingredients and has the same biobased content as a previously certified product. In these cases, where a new product for which certification is sought is composed of the same biobased ingredients and has the same biobased content as a product that has already been certified, the manufacturer may, in lieu of having the new product tested, self-declare the biobased content of the new product by referencing the tested biobased content of the certified product. Certification of the original product must have been obtained by either the manufacturer of the new product or by the supplier of the biobased ingredients used in the new product. This provision will result in reduced biobased content testing, and thus a cost savings, for manufacturers who use the same biobased ingredients to formulate products that differ in size or shape or that are marketed for different applications.

USDA is also amending paragraph (c)(5) to state that manufacturers wishing to change the name of their company or the name of a certified product must notify USDA in writing within 30 days of making such changes.

USDA is also amending paragraph (d)(2) to clarify that, although certifications do not have a predetermined expiration date, they are subject to mandatory periodic auditing activities and to suspension or revocation if biobased content violations are identified. USDA is amending this paragraph to allow for the revocation of a certification if it is discovered that certification was issued as a result of error(s) on the part of USDA during the approval process.

4. Revisions to Section 3202.8 ''Violations''

USDA is amending paragraph 3202.8(c)(3) to correct an error in a reference cited in the paragraph. The reference to 7 CFR part 3017 is incorrect. The appropriate references are 2 CFR part 417 and 48 CFR subpart 9.4.

5. Revisions to Section 3202.10 ''Oversight and Monitoring''

USDA is adding a new section 3202.10(d) that identifies three auditing efforts that will be ongoing for the voluntary labeling program. The 2014 Farm Bill contained specific language authorizing USDA to perform auditing and compliance activities necessary to ensure that the label is used only on products that meet the established eligibility criteria.

USDA expects to conduct audits of the voluntary labeling program on an ongoing basis with audit activities conducted every other calendar year (bi-annually). Audit activities will include three stages and will be conducted in sequential order. Stage 1 was conducted in 2012, Stage 2 will be conducted in 2014, and Stage 3 will be conducted in 2016. In 2018, the sequence will start over with Stage 1.

Stage 1 auditing includes contacting all participants via email and requesting that they complete a ''Declaration of Conformance Form.'' Program participants are asked to confirm that they still manufacture the product and that the formulation and manufacturing processes remain the same.

Stage 2 auditing consists of a random sampling of certified products to confirm the accuracy of biobased content percentages claimed. The participants whose products are selected will be required to submit product samples to be tested by independent testing labs at USDA expense.

Stage 3 auditing requires manufacturers of products that have been certified for 5 years or more to have their products re-tested at their expense to confirm that the biobased content remains at or above the level at which the product was originally certified.

USDA believes that the audit program outlined above will be a valuable tool in ensuring the integrity of the program and compliance with the voluntary labeling program rules.

B. Costs, Benefits, and Transfers

Type	Costs	Benefits	Transfers
Quantitative	Unable to quantify at this time	Unable to quantify at this time	Unable to quantify at this time.
Qualitative	1. Costs of developing biobased alternative products; 2. Costs to gather and submit biobased product information for BioPreferred Web site;	Advances the objectives of the BioPreferred Program, as envisioned by Congress in developing the 2002, 2008, and 2014 Farm Bills.	1. Opens new (federal) market for biobased products that USDA newly designates. 2. Opportunity for newly developed biobased products to be publicized via BioPreferred Web site. 3. Loss of market share by manufacturers who choose not to offer biobased versions of products.

II. Authority

The Voluntary Labeling Program for Biobased Products was established under the authority of section 9002 of the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill), as amended by the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), and further amended by the Agricultural Act of 2014 (the 2014 Farm Bill), 7 U.S.C. 8102. (Section 9002 of the 2002 Farm Bill, as amended by the 2008 and the 2014 Farm Bills, is referred to in this document as ''section 9002'').

III. Background

Section 9002 establishes a program for preferred procurement of biobased products by federal agencies and a voluntary program for the labeling of biobased products. These two programs are referred to collectively by USDA as the BioPreferred® program.

Under the preferred procurement program, federal agencies and their contractors are required to purchase biobased products, as defined in regulations implementing the statute, that are within designated product categories when the cumulative purchase price of the products to be procured is more than $10,000 or when the quantities of functionally equivalent items purchased over the preceding fiscal year equaled $10,000 or more. The final rules under which the preferred procurement program operates are

found at 7 CFR part 3201, ''Guidelines for Designating Biobased Products for Federal Procurement.'' In a separate rulemaking, the provisions of the Guidelines are being amended to reflect the provisions of the 2014 Farm Bill.

The final rules for the voluntary labeling program, under which USDA authorizes manufacturers and vendors of biobased products to use a ''USDA Certified Biobased Product'' label (hereafter referred to in this preamble as ''the certification mark''), are found at 7 CFR part 3202. The voluntary labeling program is intended to encourage the purchase and use of biobased products by reaching beyond the federal purchasing community and promoting the purchase of biobased products by commercial entities and the general public. In establishing this program, USDA identified the criteria to determine those products on which the certification mark may be used and developed specific requirements for how the mark can be used. It is USDA's intent that the presence of the certification mark on a product will mean that the labeled product is one for which credible factual information is available as to the biobased content, consistently measured across labeled products by use of the American Society of Testing and Materials (ASTM) radioisotope test D6866.

On July 31, 2009, USDA published a proposed rule for the voluntary labeling program under the authority of section 9002 (74 FR 38296–01). The voluntary labeling program final rule was promulgated on January 20, 2011 (76 FR 3790–01).

On February 7, 2014, the 2014 Farm Bill was signed into law and included several provisions that amended the provisions of section 9002. The primary purpose of these rule amendments is to revise the voluntary labeling program final rule to incorporate changes to section 9002 that were included in the 2014 Farm Bill. USDA is also finalizing certain clarifying amendments to the program rules based on several years of operating experience. These amendments will not affect the status of products that have already been certified by USDA to display the certification mark. However, when Stage 3 of the auditing program (7 CFR part 3202, section 3202.10) is conducted in 2016, manufacturers whose product certification is at least 5 years old will incur additional costs of about $400 per certified product for biobased content re-testing.

IV. Summary of Changes

As a result of public comments received on the proposed amendments to the Voluntary Labeling Program regulations, USDA has made changes in finalizing the amendments. These changes are summarized in the remainder of this section. A summary of each comment received, USDA's response to the comment or group of related comments, and the rationale for any change made in the final rule is presented in section V.

A. 7 CFR 3202.2—Definitions

USDA is finalizing the proposed definitions with no changes.

B. 7 CFR 3202.4—Criteria for Product Eligibility To Use the Certification Mark

USDA revised the proposed language in paragraph (c)(2) to add the word ''biobased'' to the description of products or materials that qualify under criterion 1 and also added a paragraph (iii) stating that products meet the criteria if the biobased content of the product or material makes its composition different from products or material used for the same historical uses or applications.

In the final rule, USDA added a sentence at 3202.4(c)(4) to clarify that evidence of an innovative approach will not be restricted to only those innovative criteria listed in the Guidelines and that consideration of other evidence will be on a case-by-case basis.

C. 7 CFR 3202.5—Initial Approval Process

This section has been finalized as proposed.

D. 7 CFR 3202.8—Violations

This section has been finalized as proposed.

E. 7 CFR 3202.10—Oversight and Monitoring

This section has been finalized as proposed.

V. Discussion of Public Comments

USDA solicited comments on the proposed amendments for 60 days ending on December 26, 2014. USDA received eight comments by that date. One of the comments was from an individual citizen, five were from industry trade groups, one was from an academic institution, and one was from a biobased product manufacturer. The comments are presented below, along with USDA's responses, and are grouped by the Code of Federal Regulation (CFR) section numbers to which they apply.

A. General Comments on BioPreferred Program

Comment: One commenter expressed concern that the proposed amendments to the Voluntary Labeling Program will ''reduce consumer protection.'' The commenter did not specify which part of the proposed amendments she was referring to but stated that she expects the government to inform and protect her and not to create an easier process for ''controversial production activities including ongoing use and further development of GMO's.''

Response: USDA appreciates the commenter's interest in the BioPreferred Program but disagrees with the idea that the proposed amendments might reduce consumer protection. The purpose of the voluntary labeling program is to inform the consumer regarding the biobased content of certified products. USDA does not make or specifically endorse any claims of performance nor consumer protection or risks. The BioPreferred Program also does not evaluate or investigate the use of genetically modified organisms (GMOs) and the use of such materials is neither defended nor endorsed by the Program.

Comment: Another commenter recommended including in the Voluntary Labeling Program biochar and the process used to produce this material. The commenter described briefly what biochar is and how it may be produced. In addition, the commenter provided USDA with a research paper that may provide background information on this material.

Response: USDA agrees with the commenter and notes that a biochar product has already been certified to display the label. No change to the proposed rule language is required in response to this comment.

B. 7 CFR 3202.2—Definitions

Comment: One commenter stated their agreement with USDA's proposed definitions for ''Biobased product,'' ''Certification mark artwork,'' and ''Forest product'' and none of the commenters provided adverse comments.

Response: USDA appreciates the support of the commenters.

C. 7 CFR 3202.4—Criteria for Product Eligibility To Use the Certification Mark

Comment: One commenter believed that a ''federal preference program'' should not endorse products on the grounds that they contain biobased ingredients and that they are ''new and different'' from the way products were manufactured historically instead of

considering whether the products are better for the environment and human health, or perform better than those that are currently available.

Response: While USDA understands the commenter's position, the statutory requirements of the 2002 Farm Bill, as amended in the 2008 and 2014 Farm Bills, mandate that the BioPreferred Program promote and give a preference to the purchase of biobased products, particularly those using ''innovative approaches.'' USDA does not have the authority nor the resources to evaluate the life cycle environmental and human health impacts of biobased products compared to those of traditional petroleum based products. USDA does present manufacturer-supplied information regarding the performance of products in cases where the manufacturer provides such information. However, as with life cycle impacts, USDA does not have the statutory authority or the resources to independently investigate the performance of products that participate in the Program.

Comment: One commenter asked USDA whether this proposed rule would be applied in a ''multi-plant manufacturing scenario'': Would it be applied at the product or at the manufacturing plant level, and would one plant's compliance be sufficient for all plants?

Response: USDA certification of biobased products to display the label is product specific, but is independent of the actual manufacturing plant in which the product is produced. That is, if a manufacturer produces product A in two different locations and the product is otherwise identical, the manufacturer only has to apply for certification once and the manufacturer may select a sample for biobased content testing from either manufacturing plant. USDA believes that this procedural question is adequately covered in the Program operating procedures and has not made changes to the actual rule language.

1. 7 CFR 3202.4(b)(4)—Finished Products That Are Complex Assemblies

Comment: One commenter stated that calculating the biobased content of a complex assembly is complicated and recommended that USDA provide extra guidance via written communication or webinars for companies interested in receiving certification to display the USDA Certified Biobased Product label on products that would be considered complex assemblies. The commenter explained that because ''complex products'' have not yet been designated as a product category for federal procurement preference they should meet or exceed the default 25% minimum biobased content requirement to receive certification to display the USDA Certified Biobased Product label. The commenter stated that companies and stakeholders will need assistance from USDA to determine appropriate eligibility conditions to ''support a proposed alternative applicable minimum biobased content.''

Response: USDA appreciates the support expressed by the commenter regarding the labeling of complex assemblies and agrees that additional guidance for applicants would be beneficial. As the labeling of complex assemblies is initiated, USDA will prepare training materials that will be provided to applicants. USDA routinely provides training and guidance materials to applicants seeking to certify their products and will expand the coverage of such materials as the BioPreferred Program expands. No revisions to the proposed rule language are expected as a result of this comment.

2. 7 CFR 3202.4(c)—Innovative Approach

Comment: One commenter expressed concern that § 3202.4(c) was written specifically for forestry products, which may cause issues for non-forestry products. The commenter suggested clarifying the first paragraph in § 3202.4(c) by adding the word ''biobased'' in front of ''product'' and ''products.'' The commenter also suggested clarifying § 3202.4(c)(2)(i) and (ii) to read:

(i) *Product composition and applications.* (A) The biobased product or material is used or applied in applications that differ from historical applications; (B) The biobased product or material is grown, harvested, manufactured, processed, sourced, or applied in other innovative ways; or (C) The biobased content of the product or material makes its composition different from products used for the same historical uses or applications.

(ii) *Manufacturing and processing.* (A) The biobased product or material is manufactured or processed using renewable, biomass energy or using technology that is demonstrated to increase energy efficiency or reduce reliance on fossil fuel based energy sources; or (B) The biobased product or material is manufactured or processed with technologies that ensure high feedstock material recovery and use; or (C) The product or material is manufactured or processed in a way that adds biobased content.

Response: USDA agrees with the commenter that certain edits to the proposed language add clarity to the rule and, thus, will revise the proposed language for the final rule. However, USDA disagrees with the commenter's recommendation to include the statement that the manufacturing and processing criteria should be revised to specifically include processes that ''add biobased content.'' Many biobased products are made by replacing petroleum-based components of traditional products with biobased components, which could be characterized as adding biobased content, and these products would be covered by criterion (i)(C) in the commenter's edited paragraphs. Thus, there would be no benefit to adding a third item to the manufacturing and processing criterion.

3. 7 CFR 3202.4(c)(3)—Environmental Product Declaration

Comment: One commenter was concerned that the proposed criterion for an Environmental Product Declaration (EPD) would ''expand the reach'' of the BioPreferred Program ''beyond what was originally intended.'' This commenter added that the EPD should merely supplement the product's participation in the BioPreferred Program, instead of being a requirement for it.

A second commenter provided USDA with two examples of a Type III EPD and noted that the EPD requires a product to meet ''Product Category Rules.'' The commenter pointed out that this information ''may or may not be available and would require time to develop.'' The commenter added that the ''LCA related data'' included in the EPD will assist in comparing products but inquired how federal agencies will use this data. Additionally, the commenter asked if there is an advantage to using this data as one means of defining ''biobased purchasing.''

Response: In response to both commenters, USDA points out that the proposal did not make it a ''requirement'' that a manufacturer submit an EPD to participate in the BioPreferred Program. Submitting an EPD is one of the means available for manufacturers to demonstrate that their biobased products meet the ''innovative approach'' criteria. Various other types of documentation are also acceptable. Also, in response to the second commenter, USDA agrees that not all manufacturers have EPDs for their products and that the completion of an EPD can be time consuming. The purpose of requesting documentation such as, but not limited to, an EPD is to demonstrate that the manufacturer meet Congress' intention that ''all products in the program use innovative approaches in the growing, harvesting, sourcing, procuring, processing, manufacturing, or application of the biobased product.'' Because not all manufacturers have

performed an EPD, USDA does not believe that it would be beneficial to require this type of data in defining ''biobased purchases'' by federal agencies. USDA's position is that purchases of biobased products that have been accepted into the BioPreferred Program and are, thus, listed in the Program's Biobased product catalog are eligible to be counted as ''biobased purchases.''

4. 7 CFR 3202.4(c)(4)—Raw Material Sourcing

Comment: One commenter wanted USDA to take into account that a finished wood product may be sourced domestically or globally; thus, the commenter cautioned USDA that the criteria proposed in § 3202.4(c)(4) do not ''inadvertently create a technical barrier to trade'' and do not exclude imported wood products that were harvested and exported legally in the U.S. and their country of harvest. This commenter recommended that USDA recognize in the proposed rule that new certification measures for forestry products develop every year and encouraged USDA to include ''new legality systems,'' for example, the Voluntary Partnership Agreements under the European Union's Forest Law Enforcement, Governance and Trade Action Plan as another way to demonstrate innovation. In addition, the commenter advised USDA to be aware that the definitions for ''legal, responsible, or certified sources are not applied in a manner that prevents innovation in forestry management and certification.'' The commenter looked forward to ''working closely with USDA'' to help implement these rules.

Response: USDA agrees with the commenters that the proposed innovative criteria should not be considered as an all-inclusive list. USDA recognizes that sustainability advances are occurring worldwide and does not intend that new and valid certifications be excluded from consideration by the BioPreferred Program. In the final rule, USDA will clarify that evidence of an innovative approach will not be restricted to only those innovative criteria listed in the Guidelines and that consideration of other evidence will be on a case-by-case basis.

D. 7 CFR 3202.5—Initial Approval Process

Comment: While one commenter specifically supported this section of the proposed rule, another expressed concern regarding a manufacturer's ability to waive testing via ASTM D6866 and to self-declare its product's biobased content by referencing the tested biobased content of a product that has already been certified if both products share the same biobased ingredients and biobased content. The commenter indicated that this approach would work smoothly if these products are made by the same manufacturer; however, ''complications'' could arise if the manufacturers are different. Thus, the commenter suggested that USDA clarify how manufacturers are supposed to proceed and recommended that USDA make sure this proposed approach does not cause the manufacturer of the initially certified product to have a disadvantage, as that manufacturer ''would carry the entire burden and cost of testing.'' Thus, the commenter stated that USDA should consider any obligations that the manufacturer of the initially certified product may have to check the biobased content of the new product before sharing its certification. The commenter added that because USDA has not provided guidance on the conditions in which certifications may be shared, USDA should be ''proactive'' in doing so to address any questions that manufacturers will have.

The same commenter stated appreciation for the proposed rule but recommended that USDA develop methods for downstream companies that use USDA Certified Biobased chemicals/products in their formulations. The commenter stated that companies that choose to blend USDA Certified Biobased chemicals/products in their products should be able to display the USDA Certified Biobased Product label.

Response: USDA agrees with the commenter that the ''self-declare'' procedure should not result in a situation where one manufacturer is relieved of the cost of testing the biobased content of their product at the expense of another manufacturer without permission. The proposed rule language restricts the use of this provision to (1) manufacturers seeking certification of additional products they manufacture that have the same formulation as a previously certified product and (2) manufacturers whose products are made from certified intermediate ingredients in those cases where the manufacturer of the certified intermediate ingredient gives permission to use the test results from their product. It is not OPPM's intention that one manufacturer be allowed to use the test results from another manufacturer without the approval and cooperation of the party who paid for the testing. USDA also points out that the commenter's statement regarding ''downstream'' companies is addressed by USDA plans to designate for federal procurement those finished products that are made from designated intermediate ingredients and feedstock materials. USDA does not believe the any changes in the proposed rule language are necessary as a result of this comment.

E. 7 CFR 3202.8—Violations

No comments were received on the revisions proposed for this section.

F. 7 CFR 3202.10—Oversight and Monitoring

Comment: One commenter expressed support specifically for USDA's periodic auditing activities.

Response: USDA appreciates the commenter's support for the auditing plans as described in the proposed rule.

VI. Regulatory Information

A. Executive Orders 12866 and 13563: Regulatory Planning and Review

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''non-significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the final rule was not reviewed by the Office of Management and Budget.

1. Need for the Rule

This final rule amends the voluntary labeling program rules to establish the regulatory framework for the labeling of products that were previously excluded from the program because they were mature market products. The designation of such products is specifically required under the Agricultural Act of 2014, which states that the Guidelines shall: ''(vi) Promote biobased products, including forest products, that apply an innovative approach to growing, harvesting, sourcing, procuring, processing, manufacturing, or application of biobased products regardless of the date of entry into the marketplace.''

2. Costs, Benefits and Transfers

This rule advances the objectives of the BioPreferred Program, as envisioned by Congress in the 2002, 2008 and 2014

Farm Bills, by expanding the scope of products that may be certified to display the USDA Certified Biobased Product certification mark. The entry into the voluntary labeling program of biobased products that were previously considered to be mature market products provides newly developed biobased products the opportunity to be publicized via the BioPreferred Web site. Thus, the rule is expected to increase demand for these products, which, in turn, is expected to increase demand for those agricultural products that can serve as ingredients and feedstocks. This expansion of the voluntary labeling program will, thus, yield private benefits for businesses producing these ingredients and feedstocks.

Simultaneously, this action could reduce demand for competing products that are not eligible for the voluntary labeling program. Producers of biobased products, including intermediate ingredients and feedstocks, that are not certified for labeling or producers of non-biobased products could face a loss of market share within both the public and federal agencies. USDA does not have sufficient information on the expected extent of this potential loss of market share to assign a dollar value to this impact.

As part of the Stage 3 auditing process to be conducted during calendar year 2016, manufacturers of biobased products that have been certified for five or more years will be required to have their products biobased content re-tested. We estimate that the cost for product re-testing is about $300 to $400 per product. The labeling program was implemented in 2011 and only those products that were certified during 2011 will incur the re-testing cost of the Stage 3 audit to be conducted during 2016. There were 1,338 applications for certification received during 2011 and USDA estimates that 1,000 of the products represented by those applications continue to display the label under the original certification. Thus, the total estimated cost of the auditing effort to all manufacturers is expected to be, at most, $400,000 (1,000 products × $400 per test) during 2016. Considering that this total cost would be spread over several hundred manufacturers making these products and that no additional re-testing costs are expected until the year 2022, USDA believes that the cost to any one manufacturer is reasonable.

B. Regulatory Flexibility Act (RFA)

The RFA, 5 U.S.C. 601–602, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

Although the voluntary labeling program ultimately may have a direct impact on a substantial number of small entities, USDA has determined that this final rule itself will not have a direct significant economic impact on a substantial number of small entities. Private sector manufacturers and vendors of biobased products voluntarily may provide information to USDA through the means set forth in this rule. However, the rule imposes no requirement on manufacturers and vendors to do so, and does not differentiate between manufacturers and vendors based on size. USDA does not know how many small manufacturers and vendors may opt to participate in the voluntary labeling program. USDA anticipates that this program will positively impact small entities which manufacture or sell biobased products by allowing them to display the certification mark and to list their products in the BioPreferred Program Web site catalog. However, this program may decrease opportunities for small businesses that manufacture or sell non-biobased products or provide components for the manufacturing of such products. It is, however, not possible for USDA to definitively assess these anticipated impacts on small entities.

C. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights

This final rule has been reviewed in accordance with Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and does not contain policies that have implications for these rights.

D. Executive Order 12988: Civil Justice Reform

This final rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. This rule does not preempt State or local laws, is not intended to have retroactive effect, and does not involve administrative appeals.

E. Executive Order 13132: Federalism

This final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions of this rule do not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various government levels.

F. Unfunded Mandates Reform Act of 1995

This final rule contains no federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538, for State, local, and tribal governments, or the private sector. Therefore, a statement under section 202 of UMRA is not required.

G. Executive Order 12372: Intergovernmental Review of Federal Programs

For the reasons set forth in the Final Rule Related Notice for 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372, which requires intergovernmental consultation with State and local officials. This program does not directly affect State and local governments.

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

This final rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this final rule will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

I. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 through 3520), the information collection under the voluntary labeling program is currently approved under OMB control number 0503–0020.

J. E-Government Act Compliance

USDA is committed to compliance with the E-Government Act, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. USDA is implementing an electronic information system for posting information voluntarily submitted by manufacturers or vendors on the products they intend to offer for federal preferred procurement under each designated item. For information pertinent to E-Government Act compliance related to this rule, please contact Ron Buckhalt at (202) 205–4008.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, that includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. USDA has submitted 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**.

List of Subjects in 7 CFR Part 3202

Biobased products, Procurement.

For the reasons stated in the preamble, the Department of Agriculture is amending 7 CFR part 3202 as follows:

PART 3202—VOLUNTARY LABELING PROGRAM FOR BIOBASED PRODUCTS

■ 1. The authority citation for part 3202 continues to read as follows:

Authority: 7 U.S.C. 8102.

■ 2. In § 3202.2:
■ a. Revise the definition of ''Biobased product'';
■ b. Remove the definition of ''BioPreferred Product'';
■ c. Revise the definition of ''Certification mark artwork'';
■ d. Remove the definition of ''Designated item'';
■ e. Add in alphabetical order definitions of ''Designated product category'' and ''Forest product'';
■ f. Remove the definition of ''Intermediate ingredients or feedstocks'';
■ g. Add in alphabetical order a definition of ''Intermediate ingredient or feedstock'';
■ h. Remove the definition of ''Mature market products''; and
■ i. Add in alphabetical order definitions of Qualified biobased product'' and ''Renewable chemical''.

The revisions and additions read as follows:

§ 3202.2 Definitions.

* * * * *

Biobased product. (1) A product determined by USDA to be a commercial or industrial product (other than food or feed) that is:

(i) Composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or

(ii) An intermediate ingredient or feedstock.

(2) The term ''biobased product'' includes, with respect to forestry materials, forest products that meet biobased content requirements, notwithstanding the market share the product holds, the age of the product, or whether the market for the product is new or emerging.

* * * * *

Certification mark artwork. The distinctive image, as shown in Figures 1–3, that identifies products as USDA Certified.

Figure 1. USDA Certified Biobased Product Certification Mark
(Note: actual size will vary depending on application)

Figure 2. USDA Certified Biobased Product: Package Certification Mark
(Note: actual size will vary depending on application

Figure 3. USDA Certified Biobased Product & Package Certification Mark
(Note: actual size will vary depending on application

* * * * *

Designated product category. A generic grouping of biobased products, including those final products made from designated intermediate ingredients or feedstocks, or complex assemblies identified in subpart B of 7

CFR part 3201, that is eligible for the procurement preference established under section 9002 of FSRIA.

* * * * *

Forest product. A product made from materials derived from the practice of forestry or the management of growing timber. The term ''forest product'' includes:

(1) Pulp, paper, paperboard, pellets, lumber, and other wood products; and

(2) Any recycled products derived from forest materials.

* * * * *

Intermediate ingredient or feedstock. A material or compound made in whole or in significant part from biological products, including renewable agricultural materials (including plant, animal, and marine materials) or forestry materials that have undergone value added processing (including thermal, chemical, biological, or a significant amount of mechanical processing), excluding harvesting operations, offered for sale by a manufacturer or vendor and that is subsequently used to make a more complex compound or product.

* * * * *

Qualified biobased product. A product that is eligible for federal preferred procurement because it meets the definition and minimum biobased content criteria for one or more designated product categories, or one or more designated intermediate ingredient or feedstock categories, as specified in subpart B of 7 CFR part 3201.

Renewable chemical. A monomer, polymer, plastic, formulated product, or chemical substance produced from renewable biomass.

* * * * *

■ 3. Section 3202.4 is amended by revising the introductory text and the headings for paragraphs (b)(1) and (2) and adding paragraphs (b)(4) and (c) to read as follows:

§ 3202.4 Criteria for product eligibility to use the certification mark.

A product must meet each of the criteria specified in paragraphs (a) through (c) of this section in order to be eligible to receive biobased product certification.

* * * * *

(b) * * *

(1) *Qualified Biobased Products.* * * *

(2) *Finished biobased products that are not Qualified Biobased Products.* * * *

* * * * *

(4) *Finished products that are complex assemblies.* (i) If the product is a complex assembly, as defined in subpart A of 7 CFR part 3201, that is not eligible for federal preferred procurement at the time the application for certification is submitted, the applicable minimum biobased content is 25 percent. The biobased content shall be determined using the procedures specified in § 3201.7(c)(3) of this chapter. Manufacturers, vendors, groups of manufacturers and/or vendors, and trade associations may propose an alternative applicable minimum biobased content for the product by developing, in consultation with USDA, and conducting an analysis to support the proposed alternative applicable minimum biobased content. If approved by USDA, the proposed alternative applicable minimum biobased content would become the applicable minimum biobased content for the complex assembly to be labeled.

(ii) If a product certified under paragraph (b)(4)(i) of this section is within a category that USDA subsequently designates for federal preferred procurement, the applicable minimum biobased content shall become, as of the effective date of the final designation rule, the minimum biobased content specified for the item as found in subpart B of 7 CFR part 3201.

(c) *Innovative approach.* In determining eligibility for certification under the BioPreferred Program, USDA will consider as eligible only those products that use innovative approaches in the growing, harvesting, sourcing, procuring, processing, manufacturing, or application of the biobased product. USDA will consider products that meet one or more of the criteria in paragraphs (c)(1) through (4) of this section to be eligible for certification. USDA will also consider other documentation of innovative approaches in the growing, harvesting, sourcing, procuring, processing, manufacturing, or application of biobased products on a case by case basis. USDA may deny certification for any products whose manufacturers are unable to provide USDA with the documentation necessary to verify claims that innovative approaches are used in the growing, harvesting, sourcing, procuring, processing, manufacturing, or application of their biobased products.

(1) *Product applications.* (i) The biobased product or material is used or applied in applications that differ from historical applications; or

(ii) The biobased product or material is grown, harvested, manufactured, processed, sourced, or applied in other innovative ways; or

(iii) The biobased content of the product or material makes its composition different from products or material used for the same historical uses or applications.

(2) *Manufacturing and processing.* (i) The biobased product or material is manufactured or processed using renewable, biomass energy or using technology that is demonstrated to increase energy efficiency or reduce reliance on fossil-fuel based energy sources; or

(ii) The biobased product or material is manufactured or processed with technologies that ensure high feedstock material recovery and use.

(3) *Environmental Product Declaration.* The product has a current Environmental Product Declaration as defined by International Standard ISO 14025, Environmental Labels and Declarations—Type III Environmental Declarations—Principles and Procedures.

(4) *Raw material sourcing.* (i) The raw material used in the product is sourced from a Legal Source, a Responsible Source, or a Certified Source as designated by ASTM D7612—10, Standard Practice for Categorizing Wood and Wood-Based Products According to Their Fiber Sources; or

(ii) The raw material used in the product is 100% resourced or recycled (such as material obtained from building deconstruction); or

(iii) The raw material used in the product is from an urban environment and is acquired as a result of activities related to a natural disaster, land clearing, right-of-way maintenance, tree health improvement, or public safety.

■ 4. Section 3202.5 is amended by:

■ a. Revising paragraph (a)(1);

■ b. Adding a sentence to the end of paragraph (c) introductory text;

■ c. Adding paragraph (c)(5);

■ d. Revising paragraph (d)(1); and

■ e. Adding paragraphs (d)(2)(iv) and (v).

The revisions and additions read as follows:

§ 3202.5 Initial approval process.

(a) * * *

(1) *General content.* The applicant must provide contact information and product information including all brand names or other identifying information, intended uses of the product, information to document that one or more of the innovative approach criteria specified in section 3202.4(c) has been met, and, if applicable, the corresponding product category classification for federal preferred procurement. The applicant must also provide a sample of the product to be

analyzed by a third-party, ISO 9001 conformant, testing entity for determination of the biobased content. In situations where a new product for which certification is sought is composed of the same biobased ingredients and has the same biobased content as a product that has already been certified, the manufacturer may, in lieu of having the new product tested, self-declare the biobased content of the new product by referencing the tested biobased content of the original certified product. Certification of the original product must have been obtained by either the manufacturer of the new product or by the supplier of the biobased ingredients used in the new product.

(c) * * * Paragraph (c)(5) of this section presents the procedures for revising the information provided under paragraphs (c)(1) through (4) of this section after a notice of certification has been issued.

* * * * *

(5) If at any time, during the application process or after a product has been certified, any of the information specified in paragraphs (c)(1) through (4) of this section changes, the applicant must notify USDA of the change within 30 days. Such notification must be provided in writing to USDA.

(d) * * *

(1) The effective date of certification is the date on which the applicant receives a notice of certification from USDA. Except as specified in paragraphs (d)(2)(i) through (d)(2)(v) of this section, certifications will remain in effect as long as the product is manufactured and marketed in accordance with the approved application and the requirements of this subpart.

(2) * * *

(iv) All certifications are subject to USDA periodic auditing activities, as described in § 3202.10(d). If a manufacturer or vendor of a certified biobased product fails to participate in such audit activities or if such audit activities reveal biobased content violations, as specified in § 3202.8(b)(1), the certification will be subject to suspension and revocation according to the procedures specified in § 3202.8(c).

(v) If USDA discovers that a certification has been issued for an ineligible biobased product as a result of errors on the part of USDA during the approval process, USDA will notify the product's manufacturer or vendor in writing that the certification is revoked effective 30 days from the date of the notice.

■ 5. Section 3202.8 is amended by revising paragraph (c)(3) to read as follows:

§ 3202.8 Violations.

* * * * *

(c) * * *

(3) *Other remedies.* In addition to the suspension or revocation of the certification to use the label, depending on the nature of the violation, USDA may pursue suspension or debarment of the entities involved in accordance with 2 CFR part 417 and 48 CFR subpart 9.4. USDA further reserves the right to pursue any other remedies available by law, including any civil or criminal remedies, against any entity that violates the provisions of this part.

■ 6. Section 3202.10 is amended by adding paragraph (d) to read as follows:

§ 3202.10 Oversight and monitoring.

* * * * *

(d) *Audits.* USDA expects to conduct audits of the voluntary labeling program on an ongoing basis with audit activities conducted every other calendar year (bi-annually). Audit activities will include three stages and will be conducted in sequential order as follows:

(1) Stage 1 auditing includes contacting all participants via email and requesting that they complete a ''Declaration of Conformance Form.'' Program participants are asked to confirm that they still manufacture the product and that the formulation and manufacturing processes remain the same. Participants are also asked to list all active products and advise the USDA of any complaints regarding the claim of the biobased content. The first Stage 1 auditing activity was completed in 2012 and the second Stage 1 audit will be conducted in 2018.

(2) Stage 2 auditing consists of a random sampling of certified products to confirm the accuracy of biobased content percentages claimed. The participants whose products are selected will be required to submit product samples to be tested by independent testing labs at USDA expense. The first Stage 2 auditing activity began in 2014 and is scheduled to be completed during 2015 and the second Stage 2 audit will be conducted in 2020.

(3) Stage 3 auditing requires manufacturers of products that have been certified for 5 years or more to have their products re-tested at their expense to confirm that the biobased content remains at or above the level at which the product was originally certified. The first Stage 3 auditing activity is scheduled to be completed during 2016 and the second Stage 3 audit will be conducted in 2022.

Dated: June 5, 2015.

Gregory L. Parham,

Assistant Secretary for Administration, U.S. Department of Agriculture.

[FR Doc. 2015–14417 Filed 6–12–15; 8:45 am]

BILLING CODE 3410–TX–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 4, 5, 7, 14, 24, 32, 34, 100, 116, 143, 144, 145, 146, 150, 152, 159, 160, 161, 162, 163, 174, 192, 193

[Docket ID OCC–2014–0007]

RIN 1557–AD80

Integration of National Bank and Federal Savings Association Regulations: Licensing Rules

Correction

In rule document 2015–11229 beginning on page 28346 in the issue of Monday, May 18, 2015, make the following correction:

Appendix 1 to Part 24 [Corrected]

On pages 28475 through 28477, in Appendix 1 to Part 24, the form should appear as follows:

BILLING CODE 1505–01–D

Section 2 — All Requests

1. **Please indicate how the bank's investment is consistent with Part 24 requirements for public welfare investments, under 12 CFR 24.3.**

   a. Check at least one of the following that applies to the bank's investment:

   The investment primarily benefits low- and moderate-income individuals. ☐

   The investment primarily benefits low- and moderate-income areas. ☐

   The investment primarily benefits other areas targeted by a governmental entity for redevelopment. ☐

   The investment would receive consideration under 12 CFR 25.23 as a "qualified investment" for purposes of the Community Reinvestment Act. ☐

2. **Please indicate how the bank's investment is consistent with Part 24 requirements for investment limits under 12 CFR 24.4 by responding to the following questions.**

   a. Dollar amount of the bank's investment that is the subject of this submission: _____

   b. Percentage of the bank's capital and surplus represented by the bank's investment that is the subject of this submission: _____%.

   c. Percentage of the bank's capital and surplus represented by the aggregate outstanding Part 24 investments and commitments, including this investment: _____ %.

   d. Does this investment expose the bank to unlimited liability?

   Yes ☐ (This investment cannot be made under Part 24.)

   No ☐

3. **Please attach a brief description of the bank's investment. (*See* 12 CFR 24.5(a)(3)(i) and (b)(2)(i)). Include the following information in the description.**

   a. The name of the community and economic development entity (CEDE) into which the bank's investment has been (or will be) made.

   b. The type of bank investment (equity, debt, or other).

   c. The activity or activities of the CEDE in which the bank has invested (or will invest). (*See* examples of qualifying investment activities described in 12 CFR 24.6 (a), (b), (c), and (d).)

   d. How the investment is structured so that it does not expose the bank to unlimited liability, such as by describing the structure of the CEDE (*e.g.*, CDC subsidiary, multi-bank CDC, multi-investor CDC, limited partnership, limited liability company, community development bank, community development financial institution, community development entity, community development venture capital fund, community development lending consortia, community development closed-end mutual funds, non-diversified closed-end investment companies, or any other CEDE) and by providing any other relevant information.

   e. The geographic area served by the CEDE.

f. The total funding or other support by community development partners involved in the project (*e.g.*, government or public agencies, nonprofits, other investors), if known.

g. Supplemental information (*e.g.*, prospectus, annual report, Web address that contains information about the CEDE in which the investment is or will be made), if available.

4. Evidence of qualification is readily available for examination purposes.

The bank maintains information concerning this investment in a form readily accessible and available for examination that supports the certifications contained in this form and demonstrates that the investment meets the standards set out in 12 CFR 24.3, including, where applicable, the criteria of 12 CFR 25.23.

Yes ☐ No ☐

5. Certification

The undersigned hereby certifies that the foregoing information in this form is accurate and complete. It is further certified that the undersigned is authorized to file this form on Part 24 investments for the bank.

Name: _____

Title: _____

Signature: _____

Date: _____

THE SPACE BELOW MAY BE USED TO DESCRIBE THE BANK'S CD INVESTMENT AS REQUESTED IN SECTION 2, QUESTION 3.

[FR Doc. C2–2015–11229 Filed 6–12–15; 8:45 am]
BILLING CODE 1505–01–C

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Docket No. SBA–2013–0002]

RIN 3245–AG53

Microloan Program Expanded Eligibility and Other Program Changes

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Final rule.

SUMMARY: This rule finalizes the proposed rule that the U.S. Small Business Administration (''SBA'') issued for the Microloan Program to accomplish the goals of expanding the pool of eligible microborrowers, increasing minimum microloan production standards, removing the requirement that Intermediaries deposit funds only in interest bearing accounts, and allowing Microloan Program Intermediaries to use credit unions as depositories for their Microloan Revolving Funds (MRFs) and Loan Loss Reserve Funds (LLRFs). The rule also includes technical amendments that conform the regulations to current statutory authority.

DATES: This rule is effective July 15, 2015.

FOR FURTHER INFORMATION CONTACT: Grady Hedgespeth, Director, Office of Economic Opportunity: ATTN: Daniel Upham, Chief, Microenterprise Development Division, Office of Economic Opportunity, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, telephone 202–205–7001.

SUPPLEMENTARY INFORMATION:

I. Background

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) (''Act'') authorizes SBA's Microloan Program, which assists small businesses that need small amounts of financial assistance. Under the program, SBA makes direct loans to Intermediaries, as defined in § 120.701(e), that use the loan proceeds to make microloans to eligible borrowers. SBA is also authorized to make grants to Intermediaries to be used for marketing, management, and technical assistance.

On March 17, 2014, SBA published a proposed rule in the **Federal Register** in order to clarify certain program requirements that have caused confusion and in response to feedback from existing Intermediaries. The changes proposed by SBA included: (1) revising the definition of insured depository institution in § 120.701(d) to specifically include Federally-insured credit unions; (2) amending § 120.707(a) to allow Intermediaries to make loans to businesses with an Associate, as defined in § 120.10, who is currently on probation or parole, except in limited circumstances; (3) removing the requirement that Deposit Accounts, as defined in § 120.701(a), be interest-bearing; and (4) increasing the minimum number of microloans Intermediaries are required to close and fund each year. The proposed rule also included a technical amendment to conform the regulations to current statutory authority. The comment period was open until May 16, 2014.

A summary of the comments received on the four proposed changes follows. There were no comments on the technical amendment. The final rule also includes two additional technical amendments that remove provisions with expired statutory authority, as further described below.

II. Summary of Comments Received

SBA received 19 written comments on the proposed rule during the comment period. Three of the comments addressed issues unrelated to the proposed rule changes; the remaining 16 comments were carefully considered. Commenters included several trade associations/advocacy groups and Intermediaries currently participating in the Microloan program. In general, commenters were supportive of the proposed changes. A section-by-section discussion of the comments received and the changes made follows.

A. *Use of Federally-Insured Credit Unions.* SBA received six comments regarding the proposal to revise the definition of insured depository institution in § 120.701(d) to specifically include Federally-insured credit unions. This change would clarify that Federally-insured credit unions are approved depositories for Microloan Revolving Funds and Loan Loss Reserve Funds. Five of the commenters, including two national advocacy groups, fully supported the revision, citing the need for Intermediaries to be able to use financial institutions that best meet their needs. One commenter opposed the change based on an overall opinion that credit unions have a competitive advantage over banks.

SBA agrees that Microloan Program Intermediaries should be allowed to use the type of depository institution that best meets their needs, as long as the institution is federally insured. Proposed § 120.701(d) is adopted without change.

B. *Expanded Eligibility.* SBA received ten comments regarding the proposal to allow Intermediaries to make loans to businesses with an Associate who is currently on probation or parole, most of which were supportive of the change. One commenter indicated that SBA should better define a ''crime involving fraud or dishonesty.'' An industry organization requested that SBA clarify that the change would allow Intermediaries to choose to make loans to businesses with an Associate on probation or parole, but would not require Intermediaries to make such loans. The organization also indicated that one of its members felt that these particular microloans may call for a high level of collateralization. The organization also asked why this allowance was being made only for the Microloan program, and not for SBA's guaranteed business loan programs (7(a) and 504). Another commenter stated the need for a high level of trust in the borrower by the Intermediary.

Expanding eligibility for the Microloan Program will allow for increased creation of new businesses and will reduce the Federal barriers to successful reentry of formerly incarcerated individuals, who often have difficulty finding steady employment. The Agency developed this revision to the Microloan Program eligibility requirements as a result of a regulatory review conducted in connection with SBA's participation on the Federal Interagency Reentry Council. SBA's Microloan Program offers an opportunity for formerly incarcerated individuals who meet the Intermediaries' lending criteria to receive financing and technical assistance to start their own businesses.

Risk to the taxpayer is mitigated because the Intermediary makes lending decisions locally, and provides microborrowers with training and technical assistance to help them learn to manage, market, and grow their small businesses. Furthermore, unlike in SBA's 7(a) and 504 programs, microloans are not guaranteed by SBA. Intermediaries are responsible for ensuring that their borrowers repay, and Intermediaries are obligated to repay their loans to SBA regardless of the performance of the microloans funded using those loan proceeds.

SBA agrees that a clarified definition of ''crime involving fraud or dishonesty'' should be provided and will do so via updates to the Microloan Program Standard Operating Procedures (SOP 52 00), which provides details regarding Microloan Program

operations. The SOP will provide examples of crimes involving fraud or dishonesty, such as larceny, theft, embezzlement, and forgery. As to the comment suggesting that loans to the expanded population would have to be highly collateralized due to the ''inherent risk of recidivism,'' there was no accompanying data or research provided by the commenter that demonstrated a higher level of risk of repayment in this community. As with all other microloans, Intermediaries that choose to make loans to this newly eligible population may follow their own policies and procedures, including the same collateral policies applicable to their other borrowers, as long as they do not conflict with Microloan Program requirements. In addition, while this change to the rule expands borrower eligibility, it does not impose any requirements on Intermediaries to make loans to this newly eligible population. Proposed § 120.707 is adopted without change.

C. *Interest Bearing Deposit Accounts.* SBA received seven comments regarding removal of the requirement that Microloan Revolving Funds and Loan Loss Reserve Funds be held in deposit accounts that are interest bearing. All were in full favor of removal of the restriction. The provision is adopted as proposed.

D. *Increased Minimum Microloan Requirement.* SBA received 13 comments regarding § 120.716, which proposed to increase the minimum number of loans that an Intermediary must make each Federal fiscal year from four loans to twelve loans, and also specifically stated that Intermediaries that do not meet the minimum loan requirement are not eligible to receive new grant funding.

One commenter questioned whether it would be possible for an Intermediary to meet the minimum loan requirement during the last years of the term of the Intermediary's SBA loan, when the loan balance may not support an additional twelve loans. SBA does not believe that this comment warrants a change in the final rule, for a number of reasons. The minimum loan requirement is an overall requirement, not one based on each SBA loan to an Intermediary. The majority of Intermediaries in the Microloan program have multiple outstanding SBA loans; therefore it is rare for an Intermediary to rely on only one SBA loan as the source of its Microloan funds.

A trade organization questioned SBA's proposal to establish an across the board 12 loan minimum threshold for all lenders and suggested that SBA consider looking at other indicators in addition to the volume of loans made, such as the total amount of loans made. SBA believes that number of loans, rather than dollar volume of loans, is the most appropriate indicator for the Microloan Program. The Act specifically states that one of the purposes of the Program is to enable Intermediaries ''to provide small-scale loans, particularly loans in amounts averaging not more than $10,000.'' (15 U.S.C. 636(m)(1)(A)(iii)(I)). In addition, the statute provides incentives, including lower costs of funds and additional grant funding, to Intermediaries that make smaller loans. Furthermore, despite the recent increase in the maximum microloan amount to $50,000, Congress did not similarly raise the average dollar amount threshold required to qualify for the incentives mentioned above.

Assuming the same number of loans per year, the volume of lending for an Intermediary with an average loan size of less than $10,000 is significantly less than the volume of lending for an Intermediary with an average loan size above $25,000. Therefore, SBA does not feel it is appropriate to measure Intermediaries based on volume of dollars loaned. Such a measure would disproportionally harm Intermediaries that make the smallest dollar loans and provide Intermediaries with an incentive to do larger loans. Given these facts, SBA believes that a standard based on number of loans is more consistent with Congressional intent than a standard based on dollar volume of loans.

The current minimum loan requirement is four loans per year. Proposed § 120.716 would have gradually increased the minimum loan requirement over a three-year period to twelve loans per year. Most of the commenters generally supported increasing the minimum number of microloans from the current requirement. Five commenters supported increasing the requirement to twelve loans per year, as proposed. Several commenters supported a smaller increase in the minimum loan requirement, such as six, eight or ten loans per year. Some commenters were concerned that rural Intermediaries, small Intermediaries, and Intermediaries serving smaller geographic areas would be unable to meet a twelve loan requirement, and would therefore become ineligible to receive grant funding. Several of these commenters recommended a prorated approach to grant funding so as not to penalize the microloan borrowers of Intermediaries that fail to make the minimum required number of loans.

In response to these comments, SBA has reduced the minimum loan requirement from twelve loans to ten loans and modified the rule to provide a corrective action process and possible eligibility for reduced grants for Intermediaries that make less than the minimum required number of loans. As in the proposed rule, there will be a gradual ramp-up period: six microloans in fiscal year 2016, eight microloans in fiscal year 2017, and ten microloans in fiscal year 2018 and thereafter. SBA also added a provision to clarify that the minimum loan requirement for fiscal year 2015 remains four microloans. Based on average loan data for active Intermediaries (*i.e.,* Intermediaries that make at least four loans per year) over the past five years, approximately 61 active Intermediaries would need to increase loan production in order to meet the proposed rule requirement of twelve loans per year. Using this same data, 51 active Intermediaries would need to increase production to meet the requirement of ten loans per year. This represents a 16% decrease in the number of Intermediaries that will be affected by the new loan production requirement of ten loans per year. Section 120.716(a) has been revised to incorporate this lower minimum loan requirement.

In addition, SBA has revised § 120.716(b) to include a corrective action process for Intermediaries that do not meet the minimum loan requirement. SBA determines whether an Intermediary is eligible for grant funding based on the number of microloans made in the previous Federal fiscal year. Under the proposed rule, an Intermediary that did not make the minimum number of microloans in the previous year would be ineligible for any grant funds. In response to comments received on the proposed rule, SBA revised § 120.716(b) to allow Intermediaries that do not meet the minimum loan requirement to submit corrective action plans to SBA. An Intermediary that submits an acceptable corrective action plan may be awarded a reduced grant. This change makes it possible for Intermediaries that have not met the minimum loan requirement, but are taking steps to improve loan production, to still receive some grant funding. Conditions for reduced grants and details on corrective action plan submission requirements will be provided in the Microloan SOP.

Several commenters also pointed out that it could be difficult for a new Intermediary to make the required number of loans per year, and suggested an exception for these Intermediaries. In response to these comments, SBA

revised § 120.716(a) to provide that a new Intermediary is not required to meet the minimum loan requirement during the year it enters the program.

Another commenter asked whether an Intermediary that has multiple loans from SBA is required to meet minimum loan requirements for each such SBA loan. The minimum loan requirement is an overall requirement; it does not increase based on the number of loans the Intermediary has outstanding from SBA.

An advocacy group that supported the proposed minimum loan requirement nonetheless raised a concern that an increase in the minimum loan requirement might create a gap in the availability of funds for businesses in need of larger loans in the $20,000 to $50,000 range, because Intermediaries would make more small-dollar loans in order to meet the requirements. SBA does not anticipate that Intermediaries with average loan sizes of $20,000 or more (which currently make up 39% of all Intermediaries) will significantly alter their lending practices as a result of the increased loan production requirements. Furthermore, none of the comments from current Intermediaries indicated that average loan sizes would be likely to change as a result of the increased loan requirement.

III. Additional Technical Amendments

The final rule revises § 120.712(d), Intermediaries eligible to receive additional grant monies, to remove subparagraph (1), which provided additional grant eligibility for an Intermediary that makes at least 25 percent of its loans to small businesses located in or owned by residents of an Economically Distressed Area. The authority to provide additional grants to such Intermediaries expired on October 1, 1997. See Public Law 103–403, section 208(c). Under current statutory authority, only Intermediaries that maintain a microloan portfolio averaging $10,000 or less, defined as Specialized Intermediaries in § 120.701, are eligible to receive additional grant funding.

The final rule also removes the definition of Economically Distressed Area in § 120.701(b), because that term was only present in former § 120.712(c) and (d)(1). As stated above, subparagraph (1) of § 120.712(d) was removed because the statutory authority for the provision expired. Similarly, as stated in the proposed rule, the authority for § 120.712(c) was removed from the statute in 2010.

These additional technical amendments serve only to conform program regulations to current SBA statutory authority; they do not change existing Agency practice, nor do they have any effect on program participants.

Compliance With Executive Orders 12866, 12988, 13132, and 13563, the Paperwork Reduction Act (44 U.S.C. Ch.35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Order 13563 and Executive Order 12866

The Office of Management and Budget (OMB) has determined that this final rule is a significant regulatory action for purposes of Executive Order 12866. However, this is not a major rule under the Congressional Review Act, 5 U.S.C. 800. A Regulatory Impact Analysis was published in the proposed rule. In summary, the regulatory objectives include: allowing Federally-insured credit unions to hold MRF and LLRF accounts; allowing any Microloan Program Intermediary to make a microloan (loan of $50,000 or less) to a business with an Associate who is on probation or parole; removing the requirement that the Microloan Revolving Fund (MRF) and Loan Loss Reserve Fund (LLRF) be held in interest bearing deposit accounts; increasing the minimum number of loans that an Intermediary must make annually in order to qualify for grant funding; and, adding technical amendments that conform the regulations to current statutory authority. No comments were received regarding the Regulatory Impact Analysis.

A description of the need for this regulatory action and the benefits and costs associated with this action, including possible distributional impacts that relate to Executive Order 13563, were included in the Regulatory Impact Analysis under Executive Order 12866. The changes would impact approximately 50 Microloan Intermediaries that generally make fewer than 10 loans per year but more than three loans. It is anticipated that the costs to the Intermediaries will be only those associated with the operating expenses associated with making and servicing an increased number of loans. SBA does not anticipate any impact on the program's subsidy model and believes that Intermediaries will continue to make prudent lending decisions. SBA also anticipates improved use of resources as more microloans are made.

Based on the analysis of the Federal Interagency Reentry Council from 2010 (*http://csgjusticecenter.org/nrrc/facts-and-trends/*) there are some 4.9 million probationers and parolees. Therefore, SBA believes that the regulatory changes will expand access to capital for people who are not easily employable, but who have the capacity to operate a small business, will reduce program costs, and better utilize taxpayer dollars.

Executive Order 12988

This action meets applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

SBA has determined that this final 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, for the purpose of Executive Order 13132, SBA has determined that this final rule has no federalism implications warranting preparation of a federalism assessment.

Executive Order 13563

Executive Order (E.O.) 13563 reaffirms the principles of E.O. 12866 while calling for improvements to promote predictability, reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 further emphasizes that regulations be based in the best available science and that the rulemaking process allow for public participation and the open exchange of ideas. This rule has been developed consistent with these requirements and is written with the idea of reducing the number and burden of regulations.

The Microloan Program operates through SBA lending partners, which are Intermediary lenders. Prior to publication of the proposed rule, the Agency presented the proposals in meetings which allowed it to reach the vast majority of Microloan Program participants and stakeholder trade associations. In this way, the Agency was able to gain valuable insight, guidance, and suggestions from interested parties.

Paperwork Reduction Act, 44 U.S.C., Ch.35

As discussed above, in response to comments received, SBA is making a change in the final rule that will require Intermediaries that are not in compliance with the minimum loan standards to submit a corrective action plan to the Agency as a condition of

receiving a grant. Section 120.716(b). However, this change does not impose a new reporting requirement. Currently, SBA may require microloan Intermediaries that are generally not in compliance with program requirements to submit a corrective plan outlining how the Intermediary intends to resolve its noncompliance issues. This requirement is covered under OMB-approved information collection number 3245–0365, SBA Lender, Microloan Intermediary, and NTAP Reporting Requirements.

Regulatory Flexibility Act, 5 U.S.C. 601–612

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires administrative agencies to consider the economic impact of their actions on small entities, including small businesses, small nonprofit businesses, and small local governments. The RFA requires the Agency to prepare a regulatory flexibility analysis describing the economic impact that the rule will have on small entities, or certify that the rule will not have a significant economic impact on a substantial number of small entities.

SBA has determined that although the rulemaking will impact all of the approximately 145 Intermediaries, such impact will not be significant. All of the Intermediaries are small nonprofit or quasi-governmental entities. Approximately 63 existing Intermediaries (43 percent), including Intermediaries that are not currently active, will be required to increase loan production in order to meet new minimum lending requirements. To minimize hardship, SBA will increase the minimum lending requirement in a graduated fashion: six microloans in 2016, 8 microloans in 2017, and 10 microloans in 2018 and thereafter. This graduated increase will provide Intermediaries with time to ramp up loan production to meet the higher requirements. SBA anticipates that a small number of Intermediaries may choose to end their participation in the Microloan Program as a result of the new requirements. However, these entities are making so few loans, and generating such a small amount of revenue from these microloans, that exiting the program will not cause a significant economic impact for the Intermediaries or for potential borrowers. The 63 affected Intermediaries represent an estimated 315 total microloans for approximately $5.3 million, or 5 microloans per Intermediary. Over the past five years, the Microloan Program has averaged 4,180 microloans totaling $49.3 million. Therefore, even if all of the affected Intermediaries left the program, the impact would reduce microloan volumes by just 7.5 percent in terms of number of loans and 10.9 percent in terms of volume of loans. These estimates assume that all 63 impacted Intermediaries would leave the Program. SBA believes that the number of Intermediaries choosing to leave the Program would actually be significantly less, further reducing potential economic impact. In addition, although failure to meet the minimum loan requirement is grounds for an enforcement action under § 120.1425, SBA does not currently anticipate using the minimum loan requirement as the sole basis for taking enforcement actions against Intermediaries.

SBA estimates that entities leaving the program will lose approximately $23,000 in annual revenue associated with microloans that would have been made under the SBA Microloan Program. The $23,000 represents approximate annual interest and fee income for five microloans of $17,000. An organization making just five microloans a year is not sustainable and must rely on other sources of income to operate. Microloan Intermediaries average more than $1.25 million in annual revenues; $23,000 in lost revenue represents less than 2 percent of total annual revenues per affected Intermediary.

No comments were received regarding economic impact except that some small Intermediaries indicated concern that they would not be able to appropriately serve rural areas. This concern has been addressed in the final rule by reducing the minimum loan requirement from twelve loans to ten loans per year and providing a corrective action process by which Intermediaries that do not meet the minimum loan requirement may still be eligible for grant funding at a reduced amount. Accordingly, the SBA Administrator hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 13 CFR Part 120

Community development, Equal employment opportunity, Loan programs—business, Reporting and recordkeeping requirements, Small business.

For reasons stated in the preamble, the U.S. Small Business Administration amends 13 CFR part 120 as follows:

PART 120—BUSINESS LOANS

■ 1. The authority citation for 13 CFR part 120 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), (b)(7), (b)(14), (h), and note 636(a), (h), and (m), 650, 687(f), 696(3), and 697(a) and (e); Pub. Law 111–5, 123 Stat. 115, Pub. Law 111–240, 124 Stat 2504.

■ 2. In § 120.701, remove paragraph (b) and redesignate paragraphs (c) through (i) as paragraphs (b) through (h) respectively, and revise newly redesignated paragraph (c) to read as follows:

§ 120.701 Definitions.

* * * * *

(c) *Insured depository institution* means any Federally insured bank, savings association, or credit union.

* * * * *

■ 3. Amend § 120.707 by revising paragraph (a) to read as follows:

§ 120.707 What conditions apply to loans by Intermediaries to Microloan borrowers?

(a) Except as otherwise provided in this paragraph, an Intermediary may only make Microloans to small businesses eligible to receive financial assistance under this part. A borrower may also use Microloan proceeds to establish a nonprofit child care business. An Intermediary may also make Microloans to businesses with an Associate who is currently on probation or parole; provided, however, that the Associate is not on probation or parole for an offense involving fraud or dishonesty or, in the case of a child care business, is not on probation or parole for an offense against children. Proceeds from Microloans may be used only for working capital and acquisition of materials, supplies, furniture, fixtures, and equipment. SBA does not review Microloans for creditworthiness.

* * * * *

■ 4. Amend § 120.709 by revising the first sentence to read as follows:

§ 120.709 What is the Microloan Revolving Fund?

The Microloan Revolving Fund (''MRF'') is a Deposit Account into which an Intermediary must deposit the proceeds from SBA loans, its contributions from non-Federal sources, and payments from its Microloan borrowers. * * *

■ 5. Amend § 120.710 by revising paragraph (a) to read as follows:

§ 120.710 What is the Loan Loss Reserve Fund?

(a) *General.* The Loan Loss Reserve Fund (''LLRF'') is a Deposit Account which an Intermediary must establish to pay any shortage in the MRF caused by delinquencies or losses on Microloans.

* * * * *

■ 6. Amend § 120.712 by removing paragraph (c) and redesignating paragraphs (d) and (e) as paragraphs (c) and (d) respectively, and revising newly redesignated paragraph (c) to read as follows:

§ 120.712 How does an Intermediary get a grant to assist Microloan borrowers?

* * * * *

(c) *Intermediaries eligible to receive additional grant monies.* An Intermediary may receive an additional SBA grant equal to five percent of the outstanding balance of all loans received from SBA (with no obligation to contribute additional matching funds) if the Intermediary is a Specialized Intermediary.

* * * * *

■ 7. Add new § 120.716 to read as follows:

§ 120.716 What is the minimum number of loans an Intermediary must make each Federal fiscal year?

(a) *Minimum loan requirement.* Intermediaries must close and fund the required number of microloans per year (October 1–September 30) as follows, except that an Intermediary entering the program will not be required to meet the minimum in that year:

(1) For fiscal year 2015, four microloans,

(2) For fiscal year 2016, six microloans,

(3) For fiscal year 2017, eight microloans, and

(4) For fiscal years 2018 and thereafter, ten microloans per year.

(b) Intermediaries that do not meet the minimum loan requirement are not eligible to receive new grant funding unless they submit a corrective action plan acceptable to SBA, in its discretion. Intermediaries that have submitted acceptable corrective action plans may receive a reduced grant at SBA's discretion.

■ 8. Amend § 120.1425 by revising paragraph (d)(2) to read as follows:

§ 120.1425 Grounds for enforcement actions—Intermediaries participating in the Microloan Program and NTAPs.

* * * * *

(d) * * *

(2) Failure to close and fund the required number of microloans per year under § 120.716.

* * * * *

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2015–14413 Filed 6–12–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No 150306233–5233–01]

RIN 0648–BE95

Expansion of Gulf of the Farallones and Cordell Bank National Marine Sanctuaries, and Regulatory Changes; Name Change

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of effective date; final rule, technical amendment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is providing notice that the final rule published on March 12, 2015 (80 FR 13078) became effective on June 9, 2015. NOAA is also changing the name of Gulf of the Farallones National Marine Sanctuary to Greater Farallones National Marine Sanctuary.

DATES: *Effective Date:* The regulations published on March 12, 2015 (80 FR 13078) became effective on June 9, 2015. The technical amendment changing the name of Gulf of the Farallones National Marine Sanctuary becomes effective upon publication of this final rule on June 15, 2015.

FOR FURTHER INFORMATION CONTACT: Maria Brown, Superintendent, Greater Farallones National Marine Sanctuary, (415) 561–6622 ext. 301 or *Maria.Brown@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Gulf of the Farallones National Marine Sanctuary (GFNMS) was designated in 1981 and was originally named the Point Reyes/Farallon Islands National Marine Sanctuary. The name was changed to Gulf of the Farallones National Marine Sanctuary on January 27, 1997 (62 FR 3788). In March 2015, NOAA expanded the sanctuary from approximately 1,282 square miles (968 square nautical miles) to approximately 3,295 square miles (2,488 square nautical miles)(80 FR 13078).

This document provides notice that pursuant to Section 304(b) of the National Marine Sanctuaries Act (16 U.S.C. 1434(b)), the final regulations for GFNMS and Cordell Bank National Marine Sanctuary published on March 12, 2015 (80 FR 13078) took effect after 45 days of continuous session of Congress beginning on March 12, 2015. Through this notice, NOAA is announcing the regulations became effective on June 9, 2015. The final rule published on March 12, 2015 postponed for 6 months the effective date for the discharge requirements in both expansion areas with regard to U.S. Coast Guard activities, starting on the day when the rest of the final rule became effective. Therefore the effective date for the discharge requirements in both expansion areas with regard to U.S. Coast Guard activities is December 9, 2015.

With this expansion, which extends the scope of the sanctuary well beyond the Farralon Islands, the existing name ''Gulf of the Farallones'' no longer adequately reflects the area's bioregion. The need to change the sanctuary's name was raised during the public hearings on the GFNMS expansion. Consequently, the GFNMS Sanctuary Advisory Council established a subcommittee to explore a potential new name for the expanded sanctuary. GFNMS staff, working with a team of marketing experts, then developed a list of 30 potential names and presented them to the subcommittee, which narrowed the list to three names for consideration by the full Advisory Council on November 19, 2014. On February 25, 2015, the Advisory Council recommended two options to the GFNMS Superintendent: (1) Keeping the name ''Gulf of the Farallones National Marine Sanctuary'' because the name is familiar and still represents one of the core elements of the sanctuary ecosystem; and (2) changing the name to the Greater Farallones National Marine Sanctuary to better capture the added features of the expanded sanctuary. After reviewing both of these recommendations carefully, NOAA decided on ''Greater Farallones National Marine Sanctuary'' to be more inclusive and representative of the expanded sanctuary.

Classification

A. Executive Order 12866: Regulatory Impact

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

B. Administrative Procedure Act/ Regulatory Flexibility Act

The Assistant Administrator of the National Ocean Service (NOS) finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive the notice and comment requirements of the Administrative Procedure Act because this amendment is technical in nature, having no substantive impact, and no useful purpose would be served by

providing notice and opportunity for comment under the Administrative Procedure Act. Nor is a 30-day delay in effective date required under 5 U.S.C. 553(d) due to the non-substantive nature of this technical amendment. NOAA has decided to make this document effective upon publication because public comment and delayed effectiveness are unnecessary.

C. 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.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: June 9, 2015.

W. Russell Callender,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

Accordingly, for the reasons discussed in the preamble, the National Oceanic and Atmospheric Administration amends 15 CFR part 922 as follows:

PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

■ 1. The authority citation for part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq.*

Subpart H—[Amended]

■ 2. Amend Subpart H of Part 922 by removing ''Farallones National Marine Sanctuary'' wherever it appears and adding in its place ''Greater Farallones National Marine Sanctuary.''

§ 922.110 [Amended]

■ 3. Amend § 922.110 by removing ''Farallones National Marine Sanctuary'' and adding in its place ''Greater Farallones National Marine Sanctuary'' and removing ''FNMS'' and adding in its place ''GFNMS.''

§ 922.130 [Amended]

■ 4. Amend § 922.130 by removing ''Gulf of the Farallones National Marine Sanctuary'' and adding in its place ''Greater Farallones National Marine Sanctuary.''

[FR Doc. 2015–14639 Filed 6–12–15; 8:45 am]

BILLING CODE 3510–NK–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2007–0040]

20 CFR Part 404

RIN 0960–AG50

Sixty-Month Period of Employment Requirement for Government Pension Offset Exemption

AGENCY: Social Security Administration (SSA).

ACTION: Final rule.

SUMMARY: This final rule adopts, with clarifying changes, the proposed rule we previously published in the **Federal Register** on August 3, 2007. This final rule revises our Government Pension Offset (GPO) regulations to reflect changes to the Social Security Act (''Act'') made by section 9007 of the Omnibus Budget Reconciliation Act of 1987 (OBRA 1987) and section 418 of the Social Security Protection Act of 2004 (SSPA). These regulations explain how and when we will reduce the Social Security spouse's benefit for some people who receive Federal, State, or local government pensions if Social Security did not cover their government work.

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

FOR FURTHER INFORMATION CONTACT: Sylvia Diaz, Social Insurance Specialist, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 965–1981. For information on eligibility or filing 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 *www.socialsecurity.gov*.

SUPPLEMENTARY INFORMATION:

Background

Congress enacted the GPO in 1977 to reduce the Social Security spouse's benefit of workers who receive a government pension based on noncovered employment. A Social Security spouse's old-age benefit is a benefit that, under certain circumstances, the spouse, widow(er), mother, father, divorced spouse, or surviving divorced spouse of an insured person is entitled to receive. Congress created spouse's benefits to help people who depend on their working spouses for financial support, either because they did not work or did not work long enough to be entitled to their own Social Security retirement benefit.

Spouse's benefits are separate from the Social Security retirement benefits earned based on an individual's own earnings record. We base a spouse's benefit on the Social Security earnings record of an individual's current, deceased, or former spouse. The GPO does not apply to Social Security retirement or disability benefits that we base on an individual's own earnings.

Under the Social Security program, an individual who is entitled to more than one Social Security benefit at the same time does not receive the full amount of each benefit. For example, an individual who worked and paid Social Security taxes may be eligible for a retirement benefit based on his or her own earnings and may also be eligible for spouse's benefits based on another person's earnings. In this case, if the spouse's benefit is greater than the individual's retirement benefit, we will reduce the spouse's benefit by the amount of the individual's own retirement benefit. Therefore, the individual's own retirement benefit ''offsets'' the benefit amount paid as a spouse.

In certain instances, an individual may earn wages but not pay Social Security taxes. We call this noncovered work. This situation exists for some Federal, State, and local government employees who contributed to a government-employee pension plan and receive a government pension. Since these individuals did not pay Social Security taxes on their noncovered employment, they are not eligible for Social Security retirement benefits based on that work. However, they may be eligible for Social Security spouse's benefits.

Congress believed that individuals who received a government pension based on their own noncovered work would receive a ''windfall'' if they also received Social Security spouse's benefits that their government pension did not offset.[1] To prevent this ''windfall,'' Congress passed the GPO provision in 1977.[2] The GPO treats government workers similarly to individuals who worked in jobs that Social Security covered by reducing their Social Security spouse's benefit when they receive a government pension based on their own noncovered work.

Under the 1977 law, the GPO did not apply if Social Security covered the person's last day of government employment. The wording of this law allowed an individual to spend an entire career in a noncovered job and avoid the GPO by working in a covered job for only 1 day. To close this ''last

[1] See S. Rep. No. 95–572, at 28 (1977).

[2] Public Law 95–216, 91 Stat. 1509 (1977); *see* 42 U.S.C. 402(k)(5)(A).

day loophole,'' Congress enacted section 418 of the SSPA, Public Law 108–203, which amended the GPO provision of the Act. This amendment, made by section 418, requires that an individual's final 60 months of government work must be covered by both Social Security and the pension plan that provides the government pension in order to be exempt from the GPO. This amendment also phased out the ''last day'' loophole and provided a transitional rule that covered people whose last day of government employment occurred within 5 years of the enactment of SSPA.

For workers whose last day of State or local government employment occurred between March 2, 2004 and March 1, 2009, we will reduce the 60-month requirement by the total number of months that the worker served in covered employment on or before March 2, 2004. The worker must perform the remaining month(s) of service needed to fulfill this 60-month requirement after March 2, 2004. Therefore, even if a worker had 60 or more months of covered government service on or before March 2, 2004, that worker would still have to work his or her last month of covered government service after March 2, 2004.

The last 60-month requirement established by section 418 of the SSPA is similar to a requirement established by section 9007 of the OBRA 1987, Public Law 100–203. Section 9007 specified that Federal employees who transfer from the Civil Service Retirement System to the Federal Employees Retirement System must work for at least 60 months, taken together, in covered employment in order to avoid application of the GPO.

On August 3, 2007, we published an NPRM in the **Federal Register** at 72 FR 43202 proposing to revise our regulations to reflect the changes to the GPO made by section 418 of SSPA and section 9007 of the OBRA 1987. We are finalizing the changes announced in the NPRM, with the modifications noted below.

Changes to Language Proposed in NPRM

We re-worded and reorganized the proposed regulatory language to better explain how we apply the GPO rules. These changes make the regulations clearer and easier to understand. The language changes do not affect the substance of the regulation as proposed in our NPRM.

In the NPRM, we proposed replacing the words ''receiving'' and ''received'' with the word ''payable.'' We decided against this change. Variations of the term ''receive'' more clearly describe the fact that a government pension plan must pay a person a periodic benefit from for GPO to apply. Additionally, use of the term ''receive'' in this section maintains consistency throughout our regulations.

We simplified the language in proposed 404.408a(a)(1), and redesignated the section as 404.408a(a)(2).We redesignated proposed 404.408a(a)(1) as (a)(2) because we are adding a new 404.408a(a)(1). In the proposed rules, we used the terms ''government pension'' and ''noncovered employment'' without a definition. We also referred to an individual's ''Social Security benefits as a wife, husband, widow, widower, mother or father, divorced or surviving divorced spouse'' throughout proposed 404.408a(a), as well as in proposed 404.408a(b) and (d).

To simplify and clarify the rules, we added a definitional paragraph to 404.408a(a) for these terms. We defined the terms government pension and noncovered employment in 404.408a(a)(1)(i) and (a)(1)(ii) and added 404.408a(a)(2)(iii) to define ''spouse's benefits,'' which is a single term used to represent those beneficiaries affected by this section: Wives, husbands, widows, widowers, mothers, fathers, divorced or surviving divorced spouses. Using a single term to describe these groups simplifies our rules and makes them easier to understand. The addition of these terms does not change or affect the categories of beneficiaries affected or change the substance of the rules we proposed.

We simplified the language in proposed 404.408a(a)(3) and moved it to 404.408a(b)(6), except for the final sentence of (3)(ii).

We revised the final sentence of proposed 404.408a(a)(3)(ii) and moved it to 404.408a(a)(2).

We simplified the first sentence of proposed 404.408a(a)(4) and moved it to 404.408a(b)(6)(ii) to clarify that it applies to the last 60 months rule.

We simplified the second sentence of proposed 404.408a(a)(4) and moved it to 404.408a(a)(1)(ii) to clarify that it applies to all of § 404.408a.

We simplified the language of proposed 404.408a(d) and added provisions from proposed paragraph 404.408a(a)(5).

We revised the language of proposed 404.408a(b)(6) and moved it to 404.408a(b)(7).

We simplified formerly proposed 404.408a(a)(2) and moved it to 404.408a(b)(8) as a new exception.

Public Comment

On August 3, 2007, we published an NPRM in the **Federal Register** at 72 FR 43202 and provided the public with a 60-day comment period. We received one comment. We carefully considered the concerns expressed in this comment but did not make any changes to the final rule as a result of the comment.

Comment: A member of the public objected to the GPO, stating that government pensions are already larger than private pensions. The commenter opined that people who receive government pensions should not get extra payments since they already receive more than workers who lack pensions.

Response: We did not adopt this comment, which reflects a misunderstanding of the GPO. The GPO does not increase government pensions and it does not increase Social Security benefits. Instead, it reduces the Social Security spouse's benefit of workers who receive a government pension based on noncovered employment. Because our current regulations reflect the purpose of the GPO, people who receive government pensions are not receiving extra payments.

Regulatory Procedures

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 and was not subject to OMB review.

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 imposes no reporting or recordkeeping requirements subject to OMB clearance.

(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.)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure; Blind; Disability benefits; Old-Age, Survivors and Disability

Insurance; Reporting and recordkeeping requirements; Social Security.

Dated: June 5, 2015.

Carolyn W. Colvin,

Acting Commissioner of Social Security.

For the reasons set out in the preamble, we amend 20 CFR chapter III, part 404, subpart E as follows:

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

Subpart E—Deductions; Reductions; and Nonpayments of Benefits

■ 1. The authority citation for subpart E of part 404 is revised to read as follows:

Authority: Secs. 202, 203, 204(a) and (e), 205(a) and (c), 216(l), 222(c), 223(e), 224, 225, 702(a)(5), and 1129A of the Social Security Act (42 U.S.C. 402, 403, 404(a) and (e), 405(a) and (c), 416(l), 422(c), 423(e), 424a, 425, 902(a)(5), and 1320a–8a); 48 U.S.C. 1801.

■ 2. Amend § 404.408a by revising paragraph (a), adding paragraphs (b)(6) through (8), and revising paragraph (d) to read as follows:

§ 404.408a Reduction where spouse is receiving a government pension.

(a) *General*—(1) *Terms used in this section.* (i) *Government pension* means any monthly periodic benefit (or equivalent) you receive that is based on your Federal, State, or local government employment.

(ii) *Noncovered employment* means Federal, State, or local government employment that Social Security did not cover and for which you did not pay Social Security taxes. For the purposes of this section, we consider your Federal, State, or local government employment to be noncovered employment if you pay only Medicare taxes.

(iii) *Spouse's benefits* are Social Security benefits you receive as a wife, husband, widow(er), mother, father, divorced spouse, or surviving divorced spouse.

(2) *When reduction is required.* We will reduce your spouse's benefit for each month that you receive a government pension based on noncovered employment, unless one of the exceptions in paragraph (b) of this section applies. When we consider whether you receive a government pension based on noncovered employment, we consider the entire month to be a month covered by Social Security if you worked for a Federal, State, or local government employer in a position covered by Social Security for at least 1 day in that month and there was no noncovered employment that month under the same pension plan.

(b) * * *

(6) If you are receiving a government pension and the last 60 months of your government employment were covered by both Social Security and the pension plan that provides your government pension.

(i) If the last day of your government employment was after June 30, 2004 and on or before March 2, 2009, we will apply a transitional rule to reduce the last 60-month requirement under the following conditions:

(A) You worked 60 months in Federal, State, or local government employment covered by Social Security before March 2, 2004, and you worked at least 1 month of covered government employment after March 2, 2004, or

(B) You worked fewer than 60 months in government employment covered by Social Security on or before March 2, 2004 and you worked the remaining number of months needed to total 60 months after March 2, 2004. The months that you worked before or after March 2, 2004 do not have to be consecutive.

(ii) We will always reduce your monthly spouse's benefit if you receive a government pension based on noncovered employment and you later go back to work for a Federal, State, or local government, unless:

(A) Your final 60 months of Federal, State, or local government employment were covered by Social Security; and

(B) Both your earlier and later Federal, State, or local government employment were under the same pension plan.

(7) If you are a former Federal employee and you receive a government pension based on work that included at least 60 months in employment covered by Social Security in the period beginning January 1, 1988 and ending with the first month you became entitled to spouse's benefits, whether or not the 60 months are consecutive), and:

(i) You worked in the Civil Service Retirement System (CSRS), but switched after 1987 to either the Federal Employees Retirement System (FERS) or the Foreign Service Pension System; or

(ii) You worked in the legislative branch and left CSRS after 1987 or received a lump sum payment from CSRS or another retirement system after 1987.

(8) You were a State or local government employee, or a Federal employee who worked in the CSRS but switched to the FERS before 1988, your last day of service was in covered employment, and

(i) You filed for spouse's benefits before April 1, 2004 and became entitled to benefits based on that filing, or

(ii) Your last day of service was before July 1, 2004,

* * * * *

(d) *Amount and priority of reduction*—(1) *Post-June 1983 government pensions.* (i) If you became eligible for a government pension after June 1983, and you do not meet one of the exceptions in paragraph (b) of this section, we will reduce (to zero, if necessary) your monthly Social Security spouse's benefits by two-thirds of the amount of your government pension.

(ii) If you earned part of your pension based on employment other than Federal, State, or local government employment, we will only use the part of your pension earned in government employment to compute the GPO.

(iii) If the reduction is not a multiple of 10 cents, we will round it to the next higher multiple of 10 cents.

(2) *Pre-July 1983 government pensions.* (i) If you became eligible for a government pension before July 1983, and do not meet one of the exceptions in paragraph (b) of this section, we will reduce (to zero, if necessary) your monthly Social Security spouse's benefits as follows:

(A) By the full amount of your pension for months before December 1984; and

(B) By two-thirds the amount of your monthly pension for months after November 1984.

(ii) If the reduction is not a multiple of 10 cents, we will round it to the next higher multiple of 10 cents.

(3) *Reductions for age and simultaneous entitlement.* We will reduce your spouse's benefit, if necessary, for age and for simultaneous entitlement to other Social Security benefits before we reduce it because you are receiving a government pension. In addition, this reduction follows the order of priority stated in § 404.402(b).

(4) *Reduction not a multiple of $1.00.* If the monthly benefit payable to you after the required reduction(s) is not a multiple of $1.00, we will reduce it to the next lower multiple of $1.00 as required by § 404.304(f).

(5) *Lump sum payments.* If the government pension is not paid monthly or is paid in a lump sum, we will allocate the pension on a basis equivalent to a monthly benefit and then reduce the monthly Social Security benefit accordingly.

(i) We will generally obtain information about the number of years covered by a lump-sum payment from the pension plan.

(ii) If one of the alternatives to a lump-sum payment is a life annuity, and we can determine the amount of the

monthly annuity, we will base the reduction on that monthly amount.

(iii) If the period or the equivalent monthly pension benefit is not clear, we may determine the reduction period and the equivalent monthly benefit on an individual basis.

* * * * *

[FR Doc. 2015–14509 Filed 6–12–15; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9719]

RIN 1545–BM62

Notional Principal Contracts; Swaps With Nonperiodic Payments; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final regulations (TD 9719) that were published in the **Federal Register** on May 8, 2015 (80 FR 26437). The final regulations amend the treatment of nonperiodic payments made or received pursuant to certain notional principal contracts.

DATES: This correction is effective on June 15, 2015 and applicable May 8, 2015.

FOR FURTHER INFORMATION CONTACT: Alexa T. Dubert at (202) 317–6895 (not a toll free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9719) that are the subject of this correction is under section 446 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 9719) contain an error that may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

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

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 * * *

§ 1.446–3 [Corrected]

■ **Par. 2.** Section 1.446–3 is amended by removing paragraph (k).

Martin V. Franks,

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

[FR Doc. 2015–14622 Filed 6–12–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

28 CFR Part 16

[CPCLO Order No. 008–2015]

Privacy Act of 1974; Implementation

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice (DOJ or Department) amends its Privacy Act regulations for the system of records entitled ''Giglio Information System, JUSTICE/DOJ–017.'' Information in this system of records has been established to enable DOJ investigative agencies to collect and maintain records of potential impeachment information and to disclose such information to DOJ prosecuting offices in order to ensure that prosecutors receive sufficient information to meet their obligations under *Giglio* v. *United States,* 405 U.S. 150 (1972), as well as to enable DOJ prosecuting offices to maintain records of potential impeachment information obtained from DOJ investigative agencies, other federal agencies, and state, and local agencies and to disclose such information in accordance with the *Giglio* decision.

DATES: *Effective Date:* June 15, 2015.

FOR FURTHER INFORMATION CONTACT: Tricia Francis, Executive Office for United States Attorneys, FOIA/Privacy Staff, 600 E Street NW., Suite 7300, Washington, DC 20530, or by facsimile (202) 252–6047.

SUPPLEMENTARY INFORMATION: The Department published a notice of proposed rulemaking (NPRM) in the **Federal Register** at 80 FR 15951, Mar. 26, 2015. The Department invited public comment on the NPRM and the accompanying system notice (SORN). The comment period closed on April 27, 2015 for both the NPRM and the SORN. The Department received two comments from members of the public regarding this system's exemption from the access provisions of the Privacy Act. The Department adjudicated the comments. Both comments supported the approval of the regulation.

List of Subjects in 28 CFR Part 16

Administrative practices and procedures, Courts, Freedom of information, Privacy, Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 2940–2008, 28 CFR part 16 is amended as follows:

PART 16—[AMENDED]

■ 1. The authority citation for part 16 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

Subpart E—Exemption of Records Systems Under the Privacy Act

§ 16.81 [AMENDED]

■ 2. Amend § 16.81 by removing and reserving paragraphs (g) and (h).

■ 3. Add § 16.136 to subpart E to read as follows:

§ 16.136 Exemption of the Department of Justice, Giglio Information System, Justice/DOJ–017.

(a) The Department of Justice, Giglio Information Files (JUSTICE/DOJ–017) system of records is exempted from subsections (c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G), (H), and (I), (5), and (8); (f); and (g) of the Privacy Act. These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) and/or (k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because this subsection is inapplicable to the extent that an exemption is being claimed for subsection (d).

(2) From subsection (c)(4) because this subsection is inapplicable to the extent that an exemption is being claimed for subsection (d).

(3) From subsection (d) because access to the records contained in this system may interfere with or impede an ongoing investigation as it may be related to allegations against an agent or witness who is currently being investigated. Further, other records that are derivative of the subject's employing agency files may be accessed through the employing agency's files.

(4) From subsection (e)(1) because it may not be possible to determine in

advance if potential impeachment records collected and maintained in order to sufficiently meet the Department's *Giglio* requirements and obligations are all relevant and necessary. In order to ensure that the Department's prosecutors and investigative agencies receive sufficient information to meet their obligations under *Giglio,* it is appropriate to maintain potential impeachment information in accordance with Department policy as such records could later be relevant and necessary in a different case in which the same witness or affiant subsequently testifies.

(5) From subsection (e)(2) because collecting information directly from the subject individual could serve notice that the individual is the subject of investigation and because of the nature of the records in this system, which are used to impeach or demonstrate bias of a witness, requires that the information be collected from others.

(6) From subsection (e)(3) because federal law enforcement officers receive notice from their supervisors and prosecuting attorneys that impeachment information may be used at trial. Law enforcement officers are also given notice by the *Giglio* decision itself.

(7) From subsections (e)(4)(G), (H), and (I) because this system of records is exempt from the access and amendment provisions of subsection (d).

(8) From subsection (e)(5) because it may not be possible to determine in advance if all potential impeachment records collected and maintained in order to sufficiently meet the Department's *Giglio* requirements and obligations are all accurate, relevant, timely, and complete at the time of collection. Although the Department has policies in place to verify the records, the records may be originated from another agency, third party, or open source media and it may be impossible to ensure the accuracy, relevance, timeliness, and completeness of potential impeachment information maintained prior to and during the process of being verified.

(9) From subsection (e)(8) because the nature of the *Giglio* discovery process renders notice of compliance with the compulsory discovery process impractical.

(10) From subsections (f) and (g) because these subsections are inapplicable to the extent that the system is exempt from other specific subsections of the Privacy Act.

Dated: June 4, 2015.

Erika Brown Lee,

Chief Privacy and Civil Liberties Officer, United States Department of Justice.

[FR Doc. 2015–14641 Filed 6–12–15; 8:45 am]

BILLING CODE 4410–FB–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under the benefit payments regulation for valuation dates in July 2015 and interest assumptions under the asset allocation regulation for valuation dates in the third quarter of 2015. The interest assumptions are used for valuing and paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective July 1, 2015.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*Klion.Catherine@PBGC.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulations on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) and Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulations are also published on PBGC's Web site (*http://www.pbgc.gov*).

The interest assumptions in Appendix B to Part 4044 are used to value benefits for allocation purposes under ERISA section 4044. PBGC uses the interest assumptions in Appendix B to Part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to Part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in Appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for July 2015 and updates the asset allocation interest assumptions for the third quarter (July through September) of 2015.

The third quarter 2015 interest assumptions under the allocation regulation will be 2.32 percent for the first 20 years following the valuation date and 2.37 percent thereafter. In comparison with the interest assumptions in effect for the second quarter of 2015, these interest assumptions represent no change in the select period (the period during which the select rate (the initial rate) applies), a decrease of 0.39 percent in the select rate, and a decrease of 0.41 percent in the ultimate rate (the final rate).

The July 2015 interest assumptions under the benefit payments regulation will be 1.25 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for June 2015, these interest assumptions represent an increase of 0.50 percent in the immediate annuity rate and are otherwise unchanged.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the valuation and payment of benefits under plans with valuation dates during July 2015, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action''

under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 261 is added to the table to read as follows:

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	*
261	7–1–15	8–1–15	1.25	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 261 is added to the table to read as follows:

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	*
261	7–1–15	8–1–15	1.25	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE–EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry for July–September 2015 is added to the table to read as follows:

Appendix B to Part 4044—Interest Rates Used To Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
*	*	*	*	*	*	*
July–September 2015	0.0232	1–20	0.0237	>20	N/A	N/A

Issued in Washington, DC, on this 8th day of June 2015.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2015–14592 Filed 6–12–15; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 515 and 596

Cuban Assets Control Regulations; Terrorism List Governments Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is amending the Terrorism List Governments Sanctions Regulations to replace the list of countries designated as supporting international terrorism with information on the availability of state sponsor of terrorism determination and rescission decisions in the **Federal Register** and the availability of a current list of state sponsors of terrorism maintained on the Web site of the Department of State. A conforming amendment is made to the Cuban Assets Control Regulations.

DATES: *Effective:* June 15, 2015.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Licensing, tel.: 202/622–2480, Assistant Director for Policy, tel.: 202/622–6746, Assistant Director for Regulatory Affairs, tel.: 202/622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

Section 321 of the Antiterrorism and Effective Death Penalty Act of 1996, 18 U.S.C. 2332d (the ''Act''), makes it a criminal offense for United States persons, except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, to engage in financial transactions with the governments of countries designated under section 6(j) of the Export Administration Act of 1979, 50 U.S.C. App. 2405(j) (the ''EAA''), as supporting international terrorism. To implement section 321 of the Act, OFAC promulgated the Terrorism List Governments Sanctions Regulations, 31 CFR part 596 (the ''Regulations''), effective August 22, 1996. 61 FR 43462 (Aug. 23, 1996).

Section 596.201 of the Regulations provides that, except as authorized by regulations, orders, directives, rulings, instructions, licenses, or otherwise, no United States person, knowing or having reasonable cause to know that a country is designated under section 6(j) of the EAA as a country supporting international terrorism, shall engage in a financial transaction with the government of such country. Since the promulgation of the Regulations, paragraph (b) of § 596.201 has listed those countries that are currently designated under section 6(j) (''state sponsors of terrorism'').

Upon a determination that a country should be added to the list of state sponsors of terrorism, and also upon a rescission of such a determination, the State Department publishes the determination or rescission in the **Federal Register** and updates the list of State Sponsors of Terrorism on its Web site at *http://www.state.gov/j/ct/list/c14151.htm.* On May 28, 2015, the Secretary of State issued a Public Notice rescinding the designation of Cuba as a state sponsor of terrorism. 80 FR 31945 (June 4, 2015). OFAC is taking this opportunity to replace paragraph (b) of § 596.201 with information regarding state sponsor of terrorism determinations and rescissions in the **Federal Register** and a reference to the current list of state sponsors of terrorism maintained on the Web site of the Department of State. A conforming amendment also is made to the authority citation for the Cuban Assets Control Regulations, 31 CFR part 515, by removing the reference to 18 U.S.C. 2332d.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the ''Reporting, Procedures and Penalties Regulations''). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects

31 CFR Part 515

Administrative practice and procedure, Banking, Blocking of assets, Cuba, Remittances, Reporting and recordkeeping requirements, Travel restrictions.

31 CFR Part 596

Administrative practice and procedure, Banks, Banking and finance, Penalties, Reporting and recordkeeping requirements, Terrorism, Transfer of assets.

For the reasons set forth in the preamble, the Department of the Treasury's Office of Foreign Assets Control amends 31 CFR parts 515 and 596 as set forth below:

PART 515—CUBAN ASSETS CONTROL REGULATIONS

■ 1. The authority citation for part 515 is revised to read as follows:

Authority: 22 U.S.C. 2370(a), 6001–6010, 7201–7211; 31 U.S.C. 321(b); 50 U.S.C. App 1–44; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104–114, 110 Stat. 785 (22 U.S.C. 6021–6091); Pub. L. 105–277, 112 Stat. 2681; Pub. L. 111–8, 123 Stat. 524; Pub. L. 111–117, 123 Stat. 3034; E.O. 9193, 7 FR 5205, 3 CFR, 1938–1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943–1948 Comp., p. 748; Proc. 3447, 27 FR 1085, 3 CFR, 1959–1963 Comp., p. 157; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614.

PART 596—TERRORISM LIST GOVERNMENTS SANCTIONS REGULATIONS

■ 2. The authority citation for part 596 continues to read as follows:

Authority: 18 U.S.C. 2332d; 31 U.S.C. 321(b).

Subpart B—Prohibitions

■ 3. Revise § 596.201 to read as follows:

§ 596.201 Prohibited financial transactions.

Except as authorized by regulations, orders, directives, rulings, instructions, licenses, or otherwise, no United States person, on or after the effective date, knowing or having reasonable cause to know that a country is designated under section 6(j) of the Export Administration Act, 50 U.S.C. App. 2405, as a country supporting international terrorism, shall engage in a financial transaction with the government of that country.

Note to § 596.201: The name of each country that has been designated under section 6(j) of the Export Administration Act, 50 U.S.C. App. 2405, as a country supporting international terrorism is published in the **Federal Register** by the Department of State, and a complete list of countries currently so designated can be found via the Web site of the Department of State at *http://www.state.gov/j/ct/.*

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–14459 Filed 6–12–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0373]

RIN 1625–AA09

Drawbridge Operation Regulation; Grand River, Grand Haven, MI

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulation for the Grand Trunk Western Railroad drawbridge at the mouth of Spring Lake, mile 0.2, at Grand Haven, Ottawa County, Michigan. The bridge was removed in 1982 and the operating regulation is no longer applicable or necessary.

DATES: This rule is effective June 15, 2015.

ADDRESSES: The docket for this final rule, [USCG–2015–0373] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this final rule. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Lee Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone (216) 902–6085, email *Lee.D.Soule@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

A. Regulatory History and Information

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Grand Trunk Western Railroad bridge, that once required draw operations in 33 CFR 117.633, was removed from the waterway in 1982. Therefore, the regulation is no longer applicable and shall be removed from publication. It is unnecessary to publish an NPRM because this regulatory action does not purport to place any restrictions on mariners but rather removes a restriction that has no further use or value. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The bridge has been removed from the waterway for 33 years and this rule merely requires an administrative change to the Code of Federal Regulations, in order to omit a regulatory requirement that is no longer applicable or necessary. The removal has already taken place and the removal of the regulation will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

B. Basis and Purpose

The Grand Trunk Western Railroad drawbridge at the mouth of Spring Lake, mile 0.2, was removed in 1982. It has come to the attention of the Coast Guard that the governing regulation for this drawbridge was never removed subsequent to the removal of the bridge. The elimination of this drawbridge necessitates the removal of the drawbridge operation regulation, 33 CFR 117.633(d), that pertained to the former drawbridge.

The purpose of this rule is to remove the section of 33 CFR 117.633 that refers to the Grand Trunk Western Railroad drawbridge at the mouth of Spring Lake, mile 0.2, from the Code of Federal Regulations since it governs a bridge that has been removed.

C. Discussion of Rule

The Coast Guard is amending the regulation in 33 CFR 117.633 by removing restrictions and the regulatory burden related to the draw operations for this bridge that is no longer in existence. The amendment removes the paragraph of the regulation governing the Grand Trunk Western Railroad drawbridge since the bridge has been removed from the waterway. This Final Rule seeks to update the Code of Federal Regulations by removing language that governs the operation of the Grand Trunk Western Railroad drawbridge, which in fact no longer exists. This change does not affect waterway or land traffic. This change does not affect nor does it alter the operating schedules in 33 CFR 117.633 that governs the remaining active drawbridges on the Grand River.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The Coast Guard does not consider this rule to be ''significant'' under that Order because it is an administrative change and does not affect the way vessels operate on the waterway.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will have no effect on small entities since this drawbridge has been removed and the regulation governing draw operations for this bridge is no longer applicable. There is no new restriction or regulation being imposed by this rule; therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

3. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

4. Federalism

A rule has implications for federalism under Executive Order 13132,

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

5. Protest Activities

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

6. Unfunded Mandates Reform Act

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

7. Taking of Private Property

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

8. Civil Justice Reform

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

9. Protection of Children

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

10. Indian Tribal Governments

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

11. Energy Effects

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

12. Technical Standards

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

13. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves amending 33 CFR 117.633 in the regulations to remove a drawbridge operating regulation for a drawbridge that no longer exists. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

§ 117.633 [Amended]

■ 2. In § 117.633, remove paragraph (d).

Dated: June 2, 2015.

F.M. Midgette,

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

[FR Doc. 2015–14638 Filed 6–12–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0048]

RIN 1625–AA00

Safety Zone, Chesapeake Bay; Cape Charles, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the navigable waters of the Chesapeake Bay in Cape Charles, Virginia. This safety zone will restrict vessel movement in the specified area during the fireworks display. This action is necessary to provide for the safety of life and property on the surrounding navigable waters during the fireworks display.

DATES: This rule is effective and enforced from 9:30 p.m. to 10 p.m. on August 1, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0048]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Gregory Knoll, Waterways Management Division Chief, Sector Hampton Roads, Coast Guard; telephone (757) 668–5580, email *HamptonRoadsWaterway@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The town of Cape Charles has not held a Clam Slam Fireworks display in the past. However, this same location is

used for other firework displays throughout the year as published in 33 CFR 165.506(c). The perimeter of the safety zone and the enforcement times remain the same as that from the table, only the day of the week will change. A Notice to Proposed Rulemaking was published on March 23, 2015 in the **Federal Register** (79 FR 19031).

The Coast Guard received one comment on the NPRM, which is addressed below in Section C. No request for a public meeting was received, and no meeting was held.

B. Basis and Purpose

The legal basis and authorities for this rule are found in 33 U.S.C. 1231; 33 CFR 1.05–1, 6.04–1, 160.5; Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to propose, establish, and define regulatory safety zones.

The purpose of this safety zone is to protect the event participants, patrol vessels, spectator craft and other vessels transiting navigable waters of the Chesapeake Bay from hazards associated with a fireworks display. The potential hazards to mariners within the safety zone include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

C. Discussion of the Final Rule

The Coast Guard received one comment that fully supported the proposed actions to put in place a safety zone for the Cape Charles Clam Slam Fireworks event.

The Captain of the Port of Hampton Roads will establish a safety zone on the waters of the Chesapeake Bay within a 350 yard radius of the center located near the shoreline at position 35°15′47″ N./076°01′29″ W. (NAD 1983), in the vicinity of Cape Charles Harbor in Cape Charles, Virginia. This safety zone will be enforced on August 1, 2015 between the hours of 9:30 p.m. and 10 p.m. Access to the safety zone will be restricted during the specified dates and times.

Except for vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the safety zone during the time frame listed. The Captain of the Port will give notice of the enforcement of the safety zone by all appropriate means to provide the widest dissemination of notice among the affected segments of the public. This will include publication in the Local Notice to Mariners and Marine Information Broadcasts.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. Although this safety zone restricts vessel traffic through the regulated area, the effect of this rule will not be significant because: (i) This rule will only be enforced for the limited size and duration of the event; and (ii) the Coast Guard will make extensive notification to the maritime community via marine information broadcasts so mariners may adjust their plans accordingly.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in waters of the Chesapeake Bay in the vicinity of Cape Charles Harbor during the enforcement period.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) The safety zone is of limited size and duration, and (ii) Sector Hampton Roads will issue maritime advisories widely available to users of the Chesapeake Bay in the vicinity of Cape Charles Harbor allowing mariners to adjust their plans accordingly.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a

State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–0048 to read as follows:

§ 165.T05–0048 Safety Zone, Chesapeake Bay; Cape Charles, VA.

(a) *Definitions.* For the purposes of this section, *Captain of the Port* means the Commander, Sector Hampton Roads. *Representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized to act on the behalf of the Captain of the Port. *Participants* mean individuals responsible for launching the fireworks.

(b) *Locations.* The following area is a safety zone:

(1) All waters of the Chesapeake Bay within a 350 yard radius of the fireworks display in approximate position 37°15′47″ N., 076°01′29″ W. and 36°50′30.3678″ N., 076°16′39.936″ W., in the vicinity of Cape Charles Harbor in Cape Charles, Virginia.

(2) [Reserved]

(c) *Regulations.* (1) All persons are required to comply with the general regulations governing safety zones in § 165.23.

(2) With the exception of participants, entry into or remaining in this safety zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(3) All vessels underway within this safety zone at the time it is implemented are to depart the zone immediately.

(4) The Captain of the Port, Hampton Roads or his representative can be contacted at telephone number (757) 668–5555.

(5) The Coast Guard vessels enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65Mhz) and channel 16 (156.8 Mhz).

(6) This section applies to all persons or vessels wishing to transit through the safety zone except participants and vessels that are engaged in the following operations:

(i) Enforcing laws;

(ii) Servicing aids to navigation; and

(iii) Emergency response vessels.

(7) The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(d) *Enforcement period.* This rule will be enforced from 9:30 p.m. to 10 p.m. on August 1, 2015.

Dated: May 29, 2015.

Christopher S. Keane,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 2015–14631 Filed 6–12–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0434]

RIN 1625–AA00

Safety Zone; Salvage and Recovery of CSS Georgia and Recovery and Transit of Unexploded Ordnance, Savannah River, Savannah, GA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Savannah River, in Savannah, GA. A stationary safety zone will be enforced around the BARGE SALONAN in the area of Buoy 52A, while the United States Navy commences dive and salvage operations to salvage CSS GEORGIA. A moving safety zone will be enforced while unexploded ordnance is salvaged and transited for disposal to Tide Gate Landing, approximately two mile transit from the salvage site. This regulation is necessary to protect life, and property on the navigable waters of the Savannah River due to the hazards associated with diving and salvage operations, and hazards associated with recovery and transportation of unexploded ordnance.

DATES: This rule is effective without actual notice from June 15, 2015 until

October 1, 2015. For the purposes of enforcement, actual notice will be used from June 22, 2015 until October 1, 2015. The stationary zone will be enforced during dive and salvage operations. The moving zone will be enforced during transits of unexploded ordnance.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0434]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Christopher McElvaine, Marine Safety Unit Savannah Office of Waterways Management, Coast Guard; telephone (912) 652–4353 ext 221, email *Christopher.D.McElvaine@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard did not receive notice of planned salvage operations until May 15, 2015. Publishing a NPRM and delaying its effective date would be impracticable and contrary to public interest because immediate action is needed to protect the United States Navy divers, TUG LITTLE BULLY, BARGE SALONAN, other vessels, and mariners from the hazards associated with the salvage of CSS GEORGIA and recovery and transport of unexploded ordnance from Savannah River.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** for the same reasons discussed above.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of the rule is to ensure the safety of life and vessels on a navigable waterway of the United States during the salvage of CSS GEORGIA and recovery and transport of unexploded ordnance from Savannah River.

C. Discussion of the Final Rule

The Coast Guard is establishing this safety zone to facilitate the safe salvage of CSS GEORGIA and recovery and transport of unexploded ordnance from the Savannah River. The salvage operations and recovery of unexploded ordnance pose a danger to other vessels that may meet, pass or attempt to overtake the BARGE SALONAN in the narrow waterway of the Savannah River. This safety zone is necessary to protect the safety of lives and persons during salvage and recovery operations.

A moving and fixed safety zone will be established when the United States Navy commences dive and salvage operations and during the recovery and river transits with unexploded ordnance. During dive and salvage operations, no vessel may pass within 100 yards of BARGE SALONAN in approximate position 32–05′02.6 N., 081–02′21.6 W. in the area of Buoy 52A, unless authorized by the COTP Savannah or designated representative, and during recovery and transit of unexploded ordnances, no other vessel may meet or pass within 500ft of the United States Navy small boat carrying the ordnance, unless authorized by the COTP Savannah or a designated representative.

Entry into the safety zone is prohibited for all vessels unless specifically authorized by the Captain of the Port (COTP) Savannah or a designated representative. Coast Guard assets or designated representatives will enforce this safety zone, and coordinate vessel movements into the zone when safe to minimize the zone's impact on vessel movements. Persons or vessels desiring to enter, transit through, anchor in, or remain within the safety zone may contact the Captain of the Port Savannah by telephone at (912) 652–4353, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the Captain of the Port Savannah or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Savannah or a designated representative. The Coast Guard will provide notice of the safety zones by Broadcast Notice to Mariners, and on-scene designated representatives.

Due to fluctuations in tide and recovery operations based upon the best available information known at the time this rule was drafted, this rule is effective from June 22, 2015 until October 1, 2015. However, it will only be enforced during dive and salvage operations and transits of unexploded ordnance. The COTP Savannah or a designated representative will inform the public through broadcast notice to mariners of the enforcement periods for this safety zone.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The economic impact of this rule is not significant for the following reasons: This safety zone will only be enforced during times of diving operations and the recovery and transit of unexploded ordnance on the Savannah River. Once salvage operations have ceased, the safety zone will be terminated. Dive and salvage operations are only expected to take place during day light hours and are expected to last a few hours a day.

The receiving site for unexploded ordnance is only 14,000 feet from the CSS GEORGIA salvage site.

The Coast Guard has notified the Georgia Ports Authority and Savannah Pilots Association of the needs, conditions, and effective dates and times of the safety zone so that they may schedule arriving and departing vessels that may be affected by this safety zone to minimize shipping delays. The presence of other moored vessels is not expected to impede salvage operations, and sufficient channel width is anticipated while the dive and salvage operations are in effect so that other vessels may transit through the area.

Notifications of the enforcement periods of this safety zone will be made to the marine community through broadcast notice to mariners. Representatives of the COTP will be on-scene to coordinate the movements of vessels seeking to enter the safety zone. These representatives will authorize vessels to transit into the zone to the maximum safe allowable extent during salvage operations.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit the Savannah River while salvage operations have commenced. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: (1) The COTP Savannah may consider granting vessels permission to enter into the moving and fixed safety zone if conditions allow for such transit to be conducted safely, and (2) the Coast Guard will issue a broadcast notice to mariners informing the public of the safety zone.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the creation of a temporary safety zone. This

rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0434 to read as follows:

§ 165.T07–0434 Safety Zone; Salvage and Recovery of CSS Georgia and Recovery and Transit of Unexploded Ordnance, Savannah River, Savannah, GA.

(a) *Regulated area.* The fixed safety zone will be centered on BARGE SALONAN in approximate position 32–05′02.6 N., 081–02′21.6 W. in vicinity of Buoy 52A, while moored and conducting dive and salvage operations, extending 100 yards in all directions. The moving safety zone will cover all waters of the Savannah River 500 feet ahead and astern of the United States Navy small boat while loading and transferring unexploded ordnance to the designated shore side site.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Savannah in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zones unless authorized by the Captain of the Port Savannah or a designated representative.

(2) Persons or vessels desiring to enter, transit through, anchor in, or remain within the safety zones may contact the Captain of the Port Savannah by telephone at (912) 652–4353, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the Captain of the Port Savannah or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Savannah or a designated representative.

(3) The Coast Guard will provide notice of the regulated areas by Broadcast Notice to Mariners and on-scene designated representatives.

(d) *Effective period.* This rule is effective on June 22, 2015 through October 1, 2015. The stationary zone will be enforced during dive and salvage operations. The moving zone will be enforced during transits of unexploded ordnance.

Dated: June 1, 2015.

O. Vazquez,

Lieutenant Commander, U.S. Coast Guard, Acting Captain of the Port Savannah.

[FR Doc. 2015–14637 Filed 6–12–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0315]

RIN 1625–AA00

Safety Zone for Fireworks Display, Patapsco River, Inner Harbor; Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone encompassing certain waters of the Patapsco River. This action is necessary to provide for the safety of life on navigable waters during a fireworks display launched from a barge located within the Inner Harbor at Baltimore, MD, on July 2, 2015. This safety zone is intended to protect the maritime public in a portion of the Patapsco River.

DATES: This rule is effective from 8:30 p.m. through 10:30 p.m. on July 2, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0315]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ronald Houck, U.S. Coast Guard Sector Baltimore, MD; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

On May 8, 2015, we published a notice of proposed rulemaking (NPRM) entitled ''Safety Zone for Fireworks Display, Patapsco River, Inner Harbor; Baltimore, MD'' in the **Federal Register** (80 FR 26511). We received no comments on the proposed rule. No public meeting was requested, and none was held. The permanent safety zones listed in the Table to 33 CFR 165.506 do not apply to this event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Event planners did not provide the Coast Guard adequate advance notice of the event to allow 30 days after publication with an appropriate period for public comment. Notice for this event was submitted to the Coast Guard on April 14, 2015.

B. Basis and Purpose

The legal basis and authorities for this rule are found in 33 U.S.C. 1231; 33 CFR 1.05–1 and 160.5; and Department of Homeland Security Delegation No. 0170.1., which collectively authorize the Coast Guard to propose, establish, and define regulatory safety zones. Fireworks displays are frequently held from locations on or near the navigable waters of the United States. The potential hazards associated with fireworks displays are a safety concern during such events. The purpose of this rule is to promote public and maritime safety during a fireworks display, and to protect mariners transiting the area from the potential hazards associated with a

fireworks display, such as the accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. This rule is needed to ensure safety on the waterway before, during and after the scheduled event.

C. Discussion of Comments, Changes and the Final Rule

The Coast Guard received no comments in response to the NPRM. No public meeting was requested and none was held.

During the drafting of this rule, the Coast Guard became aware that the regulatory text published in the NPRM, describing the area of the safety zone as all waters of the Patapsco River within a 300 yards radius of a fireworks discharge barge, is not correct. The required area of the safety zone is less than that published in the NPRM. This rule corrects the area of the safety zone, as all waters of the Patapsco River within a 100 yards radius of a fireworks discharge barge.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

Although this regulation would restrict access to this area, the effect of this proposed rule will not be significant because: (i) The safety zone will only be in effect from 8:30 p.m. through 10:30 p.m. on July 2, 2015, (ii) the Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly, and (iii) although the safety zone will apply to certain portions of the Inner Harbor, smaller vessel traffic will be able to transit safely around the safety zone.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to operate or transit through or within, or anchor in, the safety zone during the enforcement period.

This safety zone will not have a significant economic impact on a substantial number of small entities for the reasons stated under paragraph D.1., Regulatory Planning and Review.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing a temporary safety zone for a fireworks display. The fireworks are launched from navigable waters of the United States and may negatively impact the safety or other interests of waterway users and near shore activities in the event area. The activity includes fireworks launched from barges near the shoreline that generally rely on the use of navigable waters as a safety buffer to protect the public from fireworks fallouts and premature detonations. This action is necessary to protect persons and property during the project. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–0315 to read as follows:

§ 165.T05–0315 Safety Zone for Fireworks Display, Patapsco River, Inner Harbor; Baltimore, MD.

(a) *Location.* The following area is a safety zone: All waters of the Patapsco River, within a 100 yards radius of a fireworks discharge barge in approximate position latitude 39°16′56″ N., longitude 076°36′19″ W., located in the Inner Harbor at Baltimore, Maryland. All coordinates refer to datum NAD 1983.

(b) *Regulations.* The general safety zone regulations found in 33 CFR 165.23 apply to the safety zone created by this temporary section, § 165.T05–0315.

(1) All persons are required to comply with the general regulations governing safety zones found in 33 CFR 165.23.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Baltimore. All vessels underway within this safety zone at the time it is implemented are to depart the zone.

(3) Persons desiring to transit the area of the safety zone must first obtain authorization from the Captain of the Port Baltimore or his designated representative. To seek permission to transit the area, the Captain of the Port Baltimore and his designated representatives can be contacted at telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Baltimore or his designated representative and proceed as directed while within the zone.

(4) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(c) *Definitions.* As used in this section:

Captain of the Port Baltimore means the Commander, U.S. Coast Guard Sector Baltimore, Maryland.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Baltimore to assist in enforcing the safety zone described in paragraph (a) of this section.

(d) *Enforcement period.* This section will be enforced from 8:30 p.m. through 10:30 p.m. on July 2, 2015.

Dated: May 29, 2015.

Kevin C. Kiefer,

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

[FR Doc. 2015–14633 Filed 6–12–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0652; FRL–9929–07–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Update of the Motor Vehicle Emissions Budgets and General Conformity Budgets for the Scranton/Wilkes-Barre 1997 8-Hour Ozone National Ambient Air Quality Standard Maintenance Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania (Pennsylvania). These revisions consist of an update to the motor vehicle emissions budgets (MVEBs) for nitrogen oxides (NO_X) for the 1997 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) maintenance SIP for the Scranton/Wilkes-Barre 1997 8-Hour Ozone NAAQS Maintenance Area (Scranton/Wilkes-Barre Maintenance Area or Area). These SIP revisions also include general conformity budgets for the construction of the Bell Bend Nuclear Power Plant. In addition, these SIP revisions include updated point and area source inventories for NO_X. EPA is approving these revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

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

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2014–0652. 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 the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Asrah Khadr, (215) 814–2071, or by email at *khadr.asrah@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 10, 2015 (80 FR 12604), EPA published a notice of proposed rulemaking (NPR) for revisions to the Pennsylvania SIP. In the NPR, EPA proposed approval of an update to the MVEBs, updates to the point and area source inventories, and general conformity budgets for the construction of the Bell Bend Nuclear Power Plant. The formal SIP revision was submitted by Pennsylvania on May 28, 2014.

II. Summary of SIP Revision

Pennsylvania's SIP revisions revised the MVEBs for the Scranton/Wilkes-Barre Maintenance Area to reflect the use of the MOVES model; made updates to the point and area source inventories; and established general conformity budgets for the construction of the Bell Bend Nuclear Power Plant. A detailed discussion of the SIP revisions can be found in the SIP submittal, NPR, and technical support document (TSD) in this docket. The rationale for EPA's action is explained in the NPR and will not be restated here. No public comments were received on the NPR.

III. Final Action

EPA is approving an update to the MVEBs for the Scranton/Wilkes-Barre Maintenance Area, updates to the point and area source inventories for NO_X, and general conformity budgets for the construction of the Bell Bend Nuclear Power Plant as revisions to the Pennsylvania SIP.

IV. 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 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 14, 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 which approves an update to the MVEBs for the Scranton/Wilkes-Barre Maintenance Area, updates to the point and area source inventories, and general conformity budgets for the construction of the Bell Bend Nuclear Power Plant 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 dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 1, 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 NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by revising the entry ''8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory'' for ''Scranton/Wilkes-Barre Area: Lackawanna, Luzerne, Monroe and Wyoming Counties'' to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA Approval date	Additional explanation
*	*	*	*	*
8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory.	Scranton/Wilkes-Barre Area: Lackawanna, Luzerne, Monroe and Wyoming Counties.	6/12/07	11/14/07 72 FR 64948.	
		5/28/14	6/15/15 [Insert **Federal Register** citation].	Revised 2009 and 2018 Motor Vehicle Emission Budgets. Revised 2009 and 2018 point source inventories. Revised 2018 area source inventory. General conformity budgets for the construction of the Bell Bend Nuclear Power Plant. See sections 52.2043 and 52.2052.
*	*	*	*	*

* * * * *

3. Section 52.2043 is amended by adding paragraphs (d), (e), and (f) to read as follows:

§ 52.2043 Control strategy for maintenance plans: ozone.

* * * * *

(d) As of June 15, 2015, EPA approves the following revised 2009 and 2018 point source inventory for nitrogen oxides (NO_X) for the Scranton/Wilkes-Barre 1997 8-Hour Ozone Maintenance Area submitted by the Secretary of the Pennsylvania Department of Environmental Protection:

Applicable geographic area	Year	Tons per day NO_X
Scranton/Wilkes-Barre 1997 8-Hour Ozone Maintenance Area	2009	7.7
Scranton/Wilkes-Barre 1997 8-Hour Ozone Maintenance Area	2018	5.8

(e) As of June 15, 2015, EPA approves the following revised 2018 area source inventory for nitrogen oxides (NO_X) for the Scranton/Wilkes-Barre 1997 8-Hour Ozone Maintenance Area submitted by the Secretary of the Pennsylvania Department of Environmental Protection:

Applicable geographic area	Year	Tons per day NO_X
Scranton/Wilkes-Barre 1997 8-Hour Ozone Maintenance Area	2018	7.5

(f) As of June 15, 2015, EPA approves the following general conformity budgets for 2009 and 2018 for nitrogen oxides (NO_X) for the Scranton/Wilkes-Barre 1997 8-Hour Ozone Maintenance Area submitted by the Secretary of the Pennsylvania Department of Environmental Protection:

Applicable geographic area	Year	Tons per day NO_X
Scranton/Wilkes-Barre 1997 8-Hour Ozone Maintenance Area	2009	1.0
Scranton/Wilkes-Barre 1997 8-Hour Ozone Maintenance Area	2018	1.0

4. Section 52.2052 is amended by adding paragraph (d) to read as follows:

§ 52.2052 Motor vehicle emissions budgets for Pennsylvania ozone areas.

* * * * *

(d) As of June 15, 2015, EPA approves the following revised 2009 and 2018 Motor Vehicle Emissions Budgets (MVEBs) for nitrogen oxides (NO_X) for the Scranton/Wilkes-Barre 1997 8-Hour Ozone Maintenance Area submitted by the Secretary of the Pennsylvania Department of Environmental Protection:

Applicable geographic area	Year	Tons per day NO_X
Scranton/Wilkes-Barre 1997 8-Hour Ozone Maintenance Area	2009	59.3
Scranton/Wilkes-Barre 1997 8-Hour Ozone Maintenance Area	2018	30.5

[FR Doc. 2015–14440 Filed 6–12–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0176; FRL–9928–63]

Di-n-butyl carbonate; 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 di-n-butyl carbonate (CAS Reg. No. 542–52–9) 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 pesticide formulations in food-contact surfaces sanitizer products at a maximum level

in the end-use concentration of 15,000 ppm (1.5%). Exponent Inc., on behalf of 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 di-n-butyl carbonate.

DATES: This regulation is effective June 15, 2015. Objections and requests for hearings must be received on or before August 14, 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–2014–0176, 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, Director, 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–2014–0176 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 14, 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–2014–0176, 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 January 28, 2015 (80 FR 4525) (FRL–9921–55), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10683) by Exponent Inc., 1150 Connecticut Ave. NW., Suite 1100, Washington, DC 20036, on behalf of Huntsman Corporation, 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 di-n-butyl carbonate (CAS Reg. No. 542–52–9) 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 of Huntsman Corp., the petitioner, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to 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 di-n-butyl carbonoate 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 ''Di-n-Butyl Carbonate; 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–2014–0176.

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 di-n-butyl carbonate including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with di-n-butyl carbonate 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 di-n-butyl carbonate 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.

Di-n-butyl carbonate acute toxicity testing indicate that it has low acute oral, dermal and inhalation toxicity (acute oral and dermal LD_{50} > 2,000 milligrams/kilogram (mg/kg); acute inhalation LC_{50} >8 mg/Liter (mg/L) and is non-irritating to the eyes and negative for dermal sensitization. Di-n-butyl carbonate is irritating to the skin. In a combined repeated dose toxicity study with the reproductive and developmental toxicity screening test, di-n-butyl carbonate was administered daily to rats by gavage. The di-n-butyl carbonate test material did not result in any test material related mortality or clinical observations in the parental animals. No effects were observed in the functional observational battery, hematology and clotting parameters, clinical chemistry parameters, or organ weights. No macroscopic findings related to the test item were observed. No histopathological effects were reported in neurological tissues (cerebrum, cerebellum, pons, peripheral nerve, spinal cord) (cervical, midthoracic and lumbar sections) or any immunological tissues (bone marrow, thymus, spleen, lymph nodes).

The NOAEL of di-n-butyl carbonate in rats is 500 mg/kg bw/day for parental animals (males and females) and 500 mg/kg bw/day for embryo-fetal toxicity. The LOAEL is 750 mg/kg bw/day based on decreased body weight gain in male and female paternal animals and embryo-fetal toxicity at 750 mg/kg bw/day as evidenced by increased pre- and post-implantation losses and decreased total number of pups.

If ingested di-n-butyl carbonate would be readily hydrolyzed by esterases in the gut to generate two molar equivalents of n-butanol and one molar equivalent of carbonic acid. EPA has stated for the n-butanol tolerance reassessment that once absorbed, n-butanol disappears rapidly from the blood. The carbonic acid rapidly dissociates into CO_2 and water.

Di-n-butyl carbonate was negative in an OCSPP Harmonized Test Guideline Bacterial Reverse Mutation Assay (at concentrations ranging from 1.5 to 5,000 ug per plate); no positive mutagenic response was observed.

There are no carcinogenicity studies available for di-n-butyl carbonate. 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, di-n-butyl carbonate 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.*

No acute toxicological endpoints have been identified for di-n-butyl carbonate; therefore no acute exposure assessments are warranted.

The overall NOAEL for di-n-butyl carbonate was established at 500 mg/kg/day. The chronic risk assessment for di-n-butyl carbonate is based on this endpoint and the chronic reference dose (cRfD) is therefore 5.0 mg/kg/day. The cRfD incorporates a 10X interspecies factor and a 10X intraspecies factor. Since the FQPA SF has been reduced to 1X, the cPAD is also 5.0 mg/kg/day.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to di-n-butyl carbonate, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from di-n-butyl carbonate in food as follows:

The Agency assessed the dietary exposures to di-n-butyl carbonate 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 di-n-butyl carbonate 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 di-n-butyl carbonate. In the absence of specific residue data, EPA has developed an approach which 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 di-n-butyl carbonate 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 EPA 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 di-n-butyl carbonate can be found at *http://www.regulations.gov* in document ''Di-n-Butyl Carbonate; 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. 12–23 in docket ID number EPA–HQ–OPP–2014–0176.

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 di-n-butyl carbonate, a conservative drinking water concentration value of 100 parts per billions (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 di-n-butyl carbonate; however, it is possible that di-n-butyl carbonate may be used as an inert ingredient in pesticide products. A highly conservative residential exposure assessment was performed in which it was assumed that all residential use pesticide products would contain di-n-butyl carbonate as an inert ingredient. A complete description of the approach used to assess possible residential exposures from di-n-butyl carbonate can be found in *http://www.regulations.gov* in document ''Di-n-Butyl Carbonate; 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–2014–0176.

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 di-n-butyl carbonate to share a common mechanism of toxicity with any other substances, and di-n-butyl carbonate does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that di-n-butyl carbonate 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 evidence for qualitative susceptibility in the OECD 422 study. In this study, embryo-fetal toxicity was manifested as evidenced by increased pre- and post-implantation losses and decreased total number of pups in the presence of maternal toxicity (decreased in body weights). However, considering the overall toxicity profile and the toxicity endpoints and doses selected for di-n-butyl carbonate, the degree of concern for the effects observed in the di-n-butyl carbonate reproductive and developmental toxicity screening study

is low. There is a clear NOAEL for the offspring effects, and endpoints and regulatory doses were selected for use in the dietary risk assessment to be protective of these effects.

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 di-n-butyl carbonate summarize the studies included in the database. EPA concludes that these data are sufficient for assessing the effects of di-n-butyl carbonate on infants and children.

ii. There is no indication that di-n-butyl carbonate is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. Although there is some evidence that di-n-butyl carbonate results in increased susceptibility in rats, the degree of concern for these effects is low for the reasons explained in Unit IV.D.2.

iv. 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 regarding exposures from food-contact sanitizer uses. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to di-n-butyl carbonate in drinking water. These assessments will not underestimate the exposure and risks posed by di-n-butyl carbonate.

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, di-n-butyl carbonate 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 di-n-butyl carbonate from food and water will utilize 21% of the cPAD for the U.S. population and 94% 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 di-n-butyl carbonate 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 di-n-butyl carbonate 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.

4. *Aggregate cancer risk for U.S. population.* As discussed in Unit IV.A., di-n-butyl carbonate 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 di-n-butyl carbonate residues.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method for enforcement purposes is not required for di-n-butyl carbonate in pesticide formulations which 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 di-n-butyl carbonate on food-contact surfaces in antimicrobial applications since the Agency is not establishing a numerical tolerance for residues of di-n-butyl carbonate in or on any food commodities. EPA is establishing a limitation on the amount of di-n-butyl carbonate 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 di-n-butyl carbonate by weight.

VI. Conclusions

Therefore, exemptions from the requirement of a tolerance is established under 40 CFR 180.910, 180.930, and 180.940(a) for di-n-butyl carbonate (CAS Reg. No. 542–52–9) 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 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: June 5, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.910, 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
* * *	*	*
Di-n-butyl carbonate (CAS Reg. No. 542–52–9).	.....	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
* * *	*	*
Di-n-butyl carbonate (CAS Reg. No. 542–52–9).	.....	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
* *	*	* * * *
Di-n-butyl carbonate	542–52–9	When ready for use, the end-use concentration is not to exceed 15,000 ppm.
* *	*	* * * *

* * * * *

[FR Doc. 2015–14647 Filed 6–12–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0161; FRL–9928–20]

Sethoxydim; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of sethoxydim in or on multiple commodities that are identified and discussed later in this document. In addition, this regulation removes existing tolerances for residues of sethoxydim in or on several commodities identified later in this document that are superseded by this action. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective June 15, 2015. Objections and requests for hearings must be received on or before August 14, 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–2014–0161, 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 EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. 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–2014–0161 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 14, 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–2014–0161, 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. Summary of Petitioned-For Tolerance

In the **Federal Register** of May 23, 2014 (79 FR 29729) (FRL–9910–29), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4E8239) by Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR 180.412 be amended by establishing tolerances for combined residues of the herbicide sethoxydim 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide sethoxydim) in or on raw agricultural commodities (RACs): Bushberry subgroup 13–07B at 5.0 parts per million (ppm); caneberry subgroup 13–07A at 5.0 ppm; berry, low growing subgroup 13–07H, except strawberry at 2.5 ppm; fescue forage at 6.0 ppm; fescue, hay at 4.0 ppm; fruit, citrus group 10–10 at 0.5 ppm; fruit, pome group 11–10 at 0.2 ppm; fruit, small, vine climbing subgroup 13–07F, except fuzzy kiwifruit at 1.0 ppm; rapeseed subgroup 20A at 35 ppm; sunflower subgroup 20B, except safflower, seed at 7.0 ppm; cottonseed subgroup 20C at 5.0 ppm; vegetable, bulb group 3–07 at 1.0 ppm; and vegetable, fruiting group 8–10 at 4.0 ppm. That document referenced a summary of the petition prepared by BASF Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* One comment was received on the notice of filing. EPA's response to this comment is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA has made certain modifications, including revising certain petitioned-for tolerance levels, setting meal tolerances for various oilseed crop subgroups to cover potential processed commodities, and updating crop definitions as well as the tolerance expression for sethoxydim to conform to current EPA policies. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish 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 . . . . ''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), 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 sethoxydim including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with sethoxydim 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.

Toxicological tests in animals (rats, mice, and dog) show that the target organ of sethodydim toxicity is the liver. Toxic effects are characterized by increased liver weight; hypertrophy; fatty degeneration; hepatocyte swelling; increased serum bilirubin, alkaline phosphatase, aspartate

aminotransferase, and alanine aminotransferase levels; focal granulomatous inflammation; and eosinophilic foci. Liver toxicity was observed by exposure through both the oral and inhalation routes.

Findings other than liver toxicity were also observed. In a subchronic rat study, decreased body weight, body weight gain, and food efficiency were noted at a lower dose than liver toxicity. In a chronic dog toxicity study, increased hemosiderosis in the spleen and depressed myeloid erythropoiesis in the sternal bone marrow were observed. Interstitial fibrosis and heart failure cells in lung in female rats were observed in the chronic toxicity/carcinogenicity study in rats.

In the developmental rat study, maternal toxicity was observed, as evidenced by an irregular gait, decreased activity, excessive salivation, and anogenital staining at a dose greater than half the limit dose and at the limit dose. All clinical signs reported were transient, with the exception of the anogenital staining, which did not reverse.

Developmental toxicity occurred at the same dose as maternal toxicity in rats and included decreased fetal weights, filamentous tail, and lack of tail due to the absence of sacral and/or caudal vertebrae, and delayed ossification in the hyoids, vertebral centrum and/or transverse processes, sternebrae and/or metatarsals, and pubes. No maternal toxicity was noted in rabbits at 400 milligrams per kilogram (mg/kg)/day, and developmental toxicity was noted at 400 mg/kg/day (NOAEL = 320 mg/kg/day) as an increase in the incidence of incompletely ossified 6th sternebrae. In the reproduction study, no parental or reproductive toxicity was observed at 150 mg/kg/day (highest dose tested), but offspring toxicity was noted at this dose as decreased pup weight in the F_{1a}, F_{1b}, and F_{2b} generation during lactation (no-observed-adverse-effect-level (NOAEL) = 30 mg/kg/day). There is a low concern for these findings, since the selected points of departure are protective; there is low concern for pre- and/or postnatal toxicity resulting from exposure to sethoxydim.

Dermal toxicity was not observed at the limit dose in a 21-day dermal study in rabbits. Based on the lack of sensitization in treated guinea pigs, sethoxydim is not a skin sensitizer. No eye or dermal irritation were noted in rabbits. No neurotoxicity or other toxicity was observed at the highest dose tested (207 mg/kg/day) in the subchronic neurotoxicity test in rats.

There was no evidence of carcinogenicity in rats and mice, and no evidence of genotoxicity. Sethoxydim is classified as ''*Not Likely to Be Carcinogenic to Humans.*'' Specific information on the studies received and the nature of the adverse effects caused by sethoxydim, as well as the NOAEL and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies, can be found at *http://www.regulations.gov* in document ''Sethoxydim: Human Health Risk Assessment for Registration Review and to Support the Section 3 Registration of Proposed Uses on High Bush Blueberry and Fine Fescue Grasses'', dated February 3, 2015 at page 40 in docket ID number EPA–HQ–OPP–2014–0161–000x.

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.*

A summary of the toxicological endpoints for sethoxydim used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR SETHOXYDIM FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (females 13–49 years of age).	NOAEL = 180 mg/kg/day. UF_A = 10x ..... UF_H = 10x ..... FQPA SF =1x	Acute RfD = aPAD = 1.8 mg/kg/day.	Rat Developmental Toxicity Developmental LOAEL = 650 mg/kg/day based on decreased fetal body weight, tail abnormalities, and delayed ossification Tail abnormalities were considered an acute effect.
Acute dietary (general population including infants and children).	NOAEL = 180 mg/kg/day. UF_A = 10x ..... UF_H = 10x ..... FQPA SF = 1x	Acute RfD = aPAD = 1.8 mg/kg/day.	Rat Developmental Toxicity Maternal LOAEL = 650 mg/kg/day based on irregular gait that was observed in 12/34 dams on the first day of dosing.
Chronic dietary (all populations)	NOAEL = 14 mg/kg/day. UF_A = 10x ..... UF_H =10x ..... FQPA SF =1x	Chronic RfD = cPAD = 0.14 mg/kg/day.	Mouse Carcinogenicity Study LOAEL = 41 mg/kg/day based on liver hypertrophy and fatty degeneration.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR SETHOXYDIM FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Incidental oral short-term (1 to 30 days).	NOAEL = 180 mg/kg/day. UF_A = 10x ..... UF_H = 10x ..... FQPA SF = 1x	Residential LOC for MOE = 100.	Rat Developmental Toxicity Maternal LOAEL = 650 mg/kg/day based on irregular gait, decreased activity, excessive salivation, and anogenital staining.
Short- and Intermediate term Inhalation.	Inhalation study NOAEL = 0.3 mg/L. UF_A = 3x ..... UF_H = 10x ..... FQPA SF = 1x ..... HEC = 0.932 mg/L/day (residential handler). HED = 26.7 mg/kg/day (residential handler) or 39.8–138.9 mg/kg/day (occupational handler).	Residential LOC for MOE = 30. Occupational LOC for MOE = 30.	Rat 28-day Inhalation Study LOAEL = 2.4 mg/L based on increased liver weight, increased total serum bilirubin, and increased incidence of slight centrilobular hepatocyte swelling.
Cancer (oral, dermal, inhalation).	"Not Likely to Be Carcinogenic to Humans" based on the lack of evidence of carcinogenicity in rats and mice.		

Point of Departure (POD) = A data point or an estimated point that is derived from observed dose-response data and used to mark the beginning of extrapolation to determine risk associated with lower environmentally relevant human exposures. FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_{DB} = to account for the absence of data or other data deficiency. UF_H = potential variation in sensitivity among members of the human population (intraspecies). UF_L = use of a LOAEL to extrapolate a NOAEL. UF_S = use of a short-term study for long-term risk assessment. Human equivalent concentrations (HECs), Human equivalent dose (HED).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to sethoxydim, EPA considered exposure under the petitioned-for tolerances as well as all existing sethoxydim tolerances in 40 CFR 180.412. EPA assessed dietary exposures from sethoxydim in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for sethoxydim. In conducting the acute dietary exposure assessment for sethoxydim, EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID) Version 3.16. This software uses 2003–2008 food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). A partially refined acute analysis was performed based on tolerance-level residues; percent crop treated (PCT) estimates for most agricultural uses of sethoxydim were applied, and DEEM™ default processing factors were applied to account for processed commodities.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment for sethoxydim, EPA used DEEM–FCID Version 3.16 in which the software uses 2003–2008 food consumption data from the USDA's NHANES/WWEIA. A partially refined chronic dietary exposure assessment was conducted, which used PCT data, but the overall dietary assessment represents high-end exposure because tolerance-level residues were used for food and bounding modeled residues for drinking water. Anticipated residues (based on maximum theoretical diets) were used for livestock commodities.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that sethoxydim is not likely to pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- Condition a: The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- Condition b: The exposure estimate does not underestimate exposure for any significant subpopulation group.
- Condition c: Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To

provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the PCT for existing uses. For acute dietary risk assessment for sethoxydim the following maximum PCT estimates were used: Alfalfa 2.5%; almonds 5%; apples 2.5%; apricots 10%; artichokes 2.5%; asparagus 10%; beans, green 15%; blueberries 10%; broccoli 5%; cabbage 10%; caneberries 10%; canola 2.5%; cantaloupes 25%; carrots 5%; cauliflower 10%; celery 2.5%; cherries 2.5%; corn 2.5%; cotton 2.5%; cucumbers 10%; dry beans/peas 35%; eggplant 10%; fallow 2.5%; garlic 5%; grapefruit 2.5%; grapes 5%; hazelnuts 2.5%; lettuce 10%; oats 2.5%; onions 15%; oranges 5%; peaches 2.5%; peanuts 10%; pears 2.5%; peas, green 15%; pecans 2.5%; peppers 15%; pistachios 2.5%; plums/prunes 2.5%; potatoes 5%; pumpkins 10%; soybeans 2.5%; spinach 2.5%; squash 10%; strawberries 10%; sugar beets 5%; sunflowers 10%; sweet corn 5%; tobacco 10%; tomatoes 5%; walnuts 5%; watermelons 20%; wheat 2.5%.

For chronic dietary risk assessment, the following average PCT estimates for sethoxydim were used: Alfalfa 1%; almonds 2.5%; apples 1%; apricots 2.5%; artichokes 2.5%; asparagus 5%; beans, green 10%; blueberries 5%; broccoli 2.5%; cabbage 5%; caneberries 5%; canola 2.5%; cantaloupes 5%; carrots 2.5%; cauliflower 5%; celery 2.5%; cherries 2.5%; corn 1%; cotton 1%; cucumbers 5%; dry beans/peas 30%; eggplant 5%; fallow 1%; garlic 2.5%; grapefruit 2.5%; grapes 2.5%; hazelnuts 2.5%; lettuce 2.5%; oats 1%; onions 5%; oranges 2.5%; peaches 1%; peanuts 5%; pears 2.5%; peas, green 5%; pecans 2.5%; peppers 5%; pistachios 1%; plums/prunes 1%; potatoes 2.5%; pumpkins 5%; soybeans 1%; spinach 2.5%; squash 5%; strawberries 2.5%; sugar beets 2.5%; sunflowers 5%; sweet corn 2.5%; tobacco 5%; tomatoes 2.5%; walnuts 2.5%; watermelons 10%; wheat 1%.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6–7 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than one. In those cases, 1% is used as the average PCT and 2.5% is used as the maximum PCT. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which Sethoxydim may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for sethoxydim in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of sethoxydim. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) Surface Water Calculator (SWCC Version 1.106), Surface Water Provisional Cranberry Model and Tier 1 mode of the Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of sethoxydim for acute exposures are estimated to be 79.6 parts per billion (ppb) for surface water and 0.565 ppb for ground water.

For chronic exposures for non-cancer assessments are estimated to be 13.9 ppb for surface water and 0.51 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

For acute dietary risk assessment, the water concentration value of 79.6 ppb was used to assess the contribution to drinking water.

For chronic dietary risk assessment, the water concentration of value 13.9 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Sethoxydim is currently registered for the following uses that could result in residential exposures: Turf (including lawns, golf courses, recreational parks, and sod farms) and ornamentals. Short-term exposure to sethoxydim may occur via the dermal and inhalation routes for adults using sethoxydim products in residential settings. Since no dermal hazard was identified, only inhalation exposures were assessed for residential applicators. In addition, children may potentially be exposed orally in post-application turf scenarios. Intermediate- or long-term exposures are not expected due to the intermittent nature of applications by homeowners.

EPA assessed residential exposure using the following assumptions: Since no dermal hazard was identified in the toxicity database for sethoxydim, a quantitative residential post-application dermal risk assessment is not required and was not completed. Post-application inhalation exposures while performing activities in previously treated turf or ornamentals are not expected, primarily due to the very low vapor pressure (1.6×10^{-7} mm Hg at 25 °C) and the expected dilution in outdoor air after an application has occurred. Therefore, post-application inhalation exposures were not assessed. The residential post-application assessment considers non-dietary incidental oral exposures only. Residential post-application exposures are generally considered to be intermittent and short-term in duration.

For the residential turf use scenario, post-application incidental oral exposure is assessed for children (1 to < 2 years old as the sentinel population). The turf use site assessed was residential lawn turf as exposures from that use are expected to be higher than any potential exposures from other

turf uses (*i.e.,* recreational parks, golf courses, or treated sod). The assessment was conducted assuming the maximum application rate (0.47 lbs ai/acre) and used unit exposure values and estimates for area treated or amount handled.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/science/residential-exposure-sop.html.*

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 sethoxydim to share a common mechanism of toxicity with any other substances, and sethoxydim does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that sethoxydim 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 evidence of increased susceptibility of the young following exposure to sethoxydim in the rat and/or rabbit developmental and reproduction studies. To further assess these effects, the EPA performed a Degree of Concern Analysis in which sethoxydim was evaluated for potential developmental effects in the rat and rabbit. Maternal toxicity included transient clinical signs (irregular gait, decreased activity, excessive salivation, and anogenital staining) in rats at 650 mg/kg/day and at the limit dose. Decreased fetal body weight, delayed ossification, and malformations (filamentous tail; lack of tail) were observed in the rat at 650 mg/kg/day and at the limit dose. Maternal toxicity was not observed in rabbits, whereas an increased incidence of incompletely ossified 6th sternebrae was noted in fetuses at the high dose (400 mg/kg/day). Decreased body weight was observed in F_{1a}, F_{1b}, and F_{2b} pups during lactation in the 2-generation reproduction study at 150 mg/kg/day (highest dose tested), while parental toxicity was not observed. The Agency concluded from the Degree of Concern Analysis that there was low concern for pre- and/or post-natal toxicity resulting from exposure to sethoxydim, because the chosen points of departure for risk assessment for each exposure scenario are protective for these effects.

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 sethoxydim is complete.

ii. There was no clear evidence of neurotoxicity or neuropathology in the available studies, which include a subchronic neurotoxicity study. The acute neurotoxicity study and developmental neurotoxicity study requirements have been waived.

iii. There is evidence that sethoxydim results in increased susceptibility in *in utero* exposure to sethoxydim in the rabbit developmental toxicity study and following *in utero* and/or pre-/post-natal exposure in the 2-generation reproduction study in rats. However, there is low concern because the chosen points of departure for risk assessment for each exposure scenario are protective for these effects.

iv. There are no residual uncertainties identified in the exposure databases. The dietary exposure estimates were partially refined by incorporation of percent of crop treated assumptions; however, tolerance-level residue in food and upper-bound drinking water estimates based on modeling were used which are conservative assumptions. EPA used similarly conservative assumptions to assess post-application exposure of children, as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by sethoxydim.

E. 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 chronic PAD (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. Using the exposure assumptions described in this unit for acute exposure, acute dietary risk estimates for the registered and proposed uses of sethoxydim will occupy 5.4% of the aPAD for the general U.S. population. The risk estimate for the most highly exposed subgroup, children 1–2 year old, was 8.6% of the aPAD.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to sethoxydim from food and water will utilize 27% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of sethoxydim is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Sethoxydim is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to sethoxydim. The short-term aggregate assessment for children 1–2 years old, the most exposed subpopulation group, includes post-application oral residential exposures from treated turf and chronic dietary exposure.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 4,000 that are below the EPA's level of concern for sethoxydim.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Because there is no intermediate-term exposure, sethoxydim is not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, sethoxydim is not expected to pose a cancer risk to humans.

6. *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 sethoxydim residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

An adequate gas chromatography/flame photometric detection GC/FPD method is available (Method I in PAM Vol. II) for determining the combined residues of sethoxydim and its metabolites containing the 3-alkyl substituted pentanedioic acid moiety in plant and livestock commodities which provides a 0.05 ppm limit of quantitation (LOQ).

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

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

There are no Codex MRLs established for the residues of sethoxydim in/on raw agricultural or processed commodities.

C. Response to Comments

One comment was received from a private citizen objecting to establishment of petitioned-for tolerances for residues of sethoxydim and a number of other pesticides on food items as these are ''dangerous chemicals'' and children are disproportionately exposed to health risks from their use. In addition, the commenter expressed concern about the potential for increased cancer rates in children due to pesticide exposures. The Agency understands the commenters' concerns regarding chemicals and their potential effects on humans. Pursuant to its authority under the FFDCA, and as discussed further in this preamble, EPA conducted a comprehensive assessment of sethoxydim, which included an assessment on the carcinogenic potential of sethoxydim. Based on its assessment of the available data, EPA has found that there is a reasonable certainty of no harm to humans, with special emphases on infants and children sensitivity, from aggregate exposure to sethoxydim based on a complete toxicological database and the potential exposure levels.

D. Revisions to Petitioned-For Tolerances

The tolerance for the bushberry subgroup 13–07B is based on the residue data on blueberry, the representative crop at 4.0 ppm and not the previously established tolerances for juneberry, lingonberry, and salal at 5.0 ppm. The juneberry, lingonberry, and salal tolerances were based on the translation of caneberry data, which are no longer relevant to these crops following updated crop grouping realignment. Moreover, EPA has determined that available data support a reduction in sethoxydim residue tolerance level for these crops from 5.0 ppm to 4.0 ppm.

Based on available data and the application of the OECD calculation procedures, EPA is establishing a tolerance of 7.0 ppm for fescue, forage, rather than 6.0 ppm as requested by the petitioner. This difference stems from the conclusion that only 4 independent grass trials were conducted instead of 5 (as assumed by IR–4).

In addition, for the requested rapeseed subgroup 20A and sunflower subgroup 20B crop group conversions, each RAC could potentially be processed into meal. Therefore, following the established meal tolerance of the representative crop, canola meal at 40 ppm for subgroup 20A and sunflower meal at 20 ppm for subgroup 20B, tolerances for the residues of sethoxydim are also required for translation to the following commodities: Calendula, meal at 20 ppm; castor oil plant, meal at 20 ppm; Chinese tallowtree, meal at 20 ppm; cuphea, meal at 40 ppm; echium, meal 40 ppm; euphoriba, meal at 20 ppm; evening primrose, meal at 20 ppm; flax seed, meal at 40 ppm; hare's ear mustard, meal at 40 ppm; jojoba, meal at 20 ppm; lesquerella, meal at 40 ppm; lunaria, meal at 40 ppm; meadowfoam, meal at 40 ppm; milkweed, meal at 40 ppm; mustard, meal at 40 ppm; niger seed, meal at 20 ppm; oil radish, meal at 40 ppm; poppy seed, meal at 40 ppm; rose hip, meal at 20 ppm; sesame, meal at 40 ppm; stokes aster, meal at 20 ppm; sweet rocket, meal at 40 ppm; tallowwood, meal at 20 ppm; tea oil plant, meal at 20 ppm; and vernonia, meal at 20 ppm. Additionally, an existing borage, meal tolerance at 10 ppm is being raised to 40 ppm.

Lastly, the Agency is updating the tolerance expressions for sethoxydim as follows to reflect current EPA policies: Tolerances are established for the herbicide sethoxydim, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one (CAS Reg. No. 74051–80–2) and its metabolites containing the 2-cyclohexen-1-one moiety, calculated as the stoichiometric equivalent of sethoxydim, in or on the commodities listed in the subsections.

E. Trade Considerations

Establishing a tolerance at 4.0 ppm for the expanded crop subgroup 13–07B results in reductions of the existing sethoxydim tolerance level for juneberry, lingonberry, and salal, which are each set individually at 5.0 ppm. In order to allow a reasonable interval for producers in the exporting member countries of the World Trade Organization's Sanitary and Phytosanitary Measures Agreement to adapt to the requirements of these modified tolerances, EPA is establishing an expiration date for those higher individual tolerances (for juneberry, lingonberry, and salal) of December 15, 2015. Those tolerances will remain in place for six months after the publication of this rule—and residues of sethoxydim may be present on juneberry, lingonberry, and salal at levels up to 5.0 ppm until their

expiration date—in order to allow a reasonable interval for producers in exporting member countries to adapt to the reduced tolerances. After that 6-month period, those individual tolerances will expire, and residues of sethoxydim on juneberry, lingonberry, and salal will need to comply with the bushberry subgroup 13–07B tolerance, which includes those commodities and limits residues to 4.0 ppm.

V. Conclusion

Tolerances are established for the herbicide sethoxydim, including its metabolites and degradates, in or on the commodities listed below. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one (CAS Reg. No. 74051–80–2) and its metabolites containing the 2-cyclohexen-1-one moiety, calculated as the stoichiometric equivalent of sethoxydim, in or on commodities: Berry, low growing, subgroup 13–07H, except strawberry at 2.5 ppm; borage, meal at 40 ppm; bushberry, subgroup 13–07B at 4.0 ppm; calendula, meal at 20 ppm; caneberry, subgroup 13–07A at 5.0 ppm; castor oil plant, meal at 20 ppm; Chinese tallowtree, meal at 20 ppm; cottonseed, subgroup 20C at 5.0 ppm; cuphea, meal at 40 ppm; echium, meal 40 ppm; euphorbia, meal at 20 ppm; evening primrose, meal at 20 ppm; fescue, forage at 7.0 ppm; fescue, hay at 4.0 ppm; flax seed, meal at 40 ppm; fruit, citrus, group 10–10 at 0.5 ppm; fruit, pome, group 11–10 at 0.2 ppm; fruit, small, vine climbing, subgroup 13–07F, except fuzzy kiwifruit at 1.0 ppm; hare's ear mustard, meal at 40 ppm; jojoba, meal at 20 ppm; lesquerella, meal at 40 ppm; lunaria, meal at 40 ppm; meadowfoam, meal at 40 ppm; milkweed, meal at 40 ppm; mustard, meal at 40 ppm; niger seed, meal at 20 ppm; oil radish, meal at 40 ppm; poppy seed, meal at 40 ppm; rapeseed, subgroup 20A at 35 ppm; rose hip, meal at 20 ppm; sesame, meal at 40 ppm; stokes aster, meal at 20 ppm; sunflower subgroup 20B, except safflower at 7.0 ppm; sweet rocket, meal at 40 ppm; tallowwood, meal at 20 ppm; tea oil plant, meal at 20 ppm; vegetable, bulb, group 3–07 at 1.0 ppm; vegetable, fruiting, group 8–10 to 4.0 ppm; and vernonia, meal at 20 ppm. In addition, upon establishment of the above tolerances, remove the following entries that are superseded by this action including: Blueberry; borage, seed; caneberry subgroup 13A; canola, seed; cotton, undelinted seed; crambe, seed; cranberry; cuphea, seed; echium, seed; flax, seed; fruit, citrus group 10; fruit, pome, group 11; gold of pleasure, seed; grape; hare's ear mustard, seed; lesquerella, seed; lunaria, seed; meadowfoam, seed; milkweed, seed; mustard, seed; oil radish, seed; okra; poppy, seed; rapeseed, seed; sesame, seed; sunflower, seed; sweet rocket, seed; vegetable, bulb group 3; and vegetable, fruiting group 8.

Finally, the individual tolerances for juneberry, lingonberry, and salal at 5.0 ppm will expire 6 months from the date of publication of this final rule in the **Federal Register**.

VI. Statutory and Executive Order Reviews

This action establishes tolerances 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 tolerances 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).

VII. 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: June 4, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. § 180.412 is revised to read as follows:

§ 180.412 Sethoxydim; tolerances for residues.

(a) Tolerances are established for the herbicide sethoxydim, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by

measuring only the sum of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one (CAS Reg. No. 74051–80–2) and its metabolites containing the 2-cyclohexen-1-one moiety, calculated as the stoichiometric equivalent of sethoxydim, in or on the commodity.

Commodity	Parts per illion
Alfalfa, forage	40
Alfalfa, hay	40
Almond, hulls	2.0
Apricot	0.2
Apple, wet pomace	0.8
Asparagus	4.0
Bean, succulent	15
Beet, sugar, molasses	10
Beet, sugar, tops	3.0
Berry, low growing, subgroup 13–07H, except strawberry	2.5
Borage, meal	40
Buckwheat, flour	25
Buckwheat, grain	19
Bushberry subgroup 13–07B	4.0
Calendula, meal	20
Caneberry subgroup 13–07A	5.0
Canola, meal	40
Castor oil plant, meal	20
Cattle, fat	0.2
Cattle, meat	0.2
Cattle, meat byproducts	1.0
Cherry, sweet	0.2
Cherry, tart	0.2
Chinese tallowtree, meal	20
Citrus, dried pulp	1.5
Clover, forage	35
Clover, hay	55
Coriander, leaves	4.0
Corn, field, forage	2.0
Corn, field, grain	0.5
Corn, field, stover	2.5
Corn, sweet, forage	3.0
Corn, sweet, kernel plus cob with husk removed	0.4
Corn, sweet, stover	3.5
Cottonseed subgroup 20C	5.0
Cowpea, forage	15
Cowpea, hay	50
Crambe, meal	40
Cuphea, meal	40
Dillweed, fresh leaves	10
Echium, meal	40
Egg	2.0
Euphorbia, meal	20
Evening primrose, meal	20
Flax seed, meal	40
Fruit, citrus, group 10–10	0.5
Fruit, pome, group 11–10	0.2
Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F	1.0
Goat, fat	0.2
Goat, meat	0.2
Goat, meat byproducts	1.0
Gold of pleasure, meal	40
Grape, raisin	2.0
Hare's ear mustard, meal	40
Hog, fat	0.2
Hog, meat	0.2
Hog, meat byproducts	1.0
Horse, fat	0.2
Horse, meat	0.2
Horse, meat byproducts	1.0
Jojoba, meal	20
Juneberry [1]	5.0
Lesquerella, meal	40
Lingonberry [1]	5.0
Lunaria, meal	40
Meadowfoam, meal	40
Milk	0.5
Milkweed, meal	40
Mustard, meal	40
Nectarine	0.2
Niger seed, meal	20
Nut, tree, group 14	0.2
Oil radish, meal	40
Pea and bean, dried shelled, except soybean, subgroup 6C	25
Pea, field, hay	40
Pea, field, vines	20
Pea, succulent	10
Peach	0.2
Peanut	25
Peppermint, tops	30
Pistachio	0.2
Poppy seed, meal	40
Potato granules/flakes	8.0
Potato waste, processed	8.0
Poultry, fat	0.2
Poultry, meat	0.2
Poultry, meat byproducts	2.0
Radish, tops	4.5
Rapeseed, meal	40
Rapeseed subgroup 20A	35
Rose hip, meal	20
Safflower, seed	15
Salal [1]	5.0
Sesame, meal	40
Sheep, fat	0.2
Sheep, meat	0.2
Sheep, meat byproducts	1.0
Soybean, hay	10
Soybean, seed	16
Spearmint, tops	30
Strawberry	10
Stokes aster, meal	20
Sunflower, meal	20
Sunflower subgroup 20B, except safflower	7.0
Sweet rocket, meal	40
Tallowwood, meal	20
Tea oil plant, meal	20
Turnip, tops	5.0
Vegetable, brassica, leafy, group 5	5.0
Vegetable, bulb, group 3–07	1.0
Vegetable, cucurbit, group 9	4.0
Vegetable, fruiting, group 8–10	4.0
Vegetable, leafy, except brassica, group 4	4.0
Vegetable, root and tuber, group 1	4.0
Vernonia, meal	20

[1] The individual tolerances for Juneberry, Lingonberry, and Salal expire on December 15, 2015.

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registration.* Tolerances are established for the herbicide sethoxydim, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one) and its metabolites containing the 2-cyclohexen-1-one moiety, calculated as the stoichiometric equivalent of sethoxydim, in or on the commodity.

Commodity	Parts per million
Artichoke, globe	5.0
Fescue, forage	7.0
Fescue, hay	4.0
Rhubarb	0.3

(d) *Indirect and inadvertent residues.* [Reserved]

[FR Doc. 2015–14642 Filed 6–12–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 216

Types of Contracts

CFR Correction

In Title 48 of the Code of Federal Regulations, Chapter 2, Parts 200 to 299, revised as of October 1, 2014, on page 111, redesignate section 216.405–270 as section 216.405–2–70.

[FR Doc. 2015–14527 Filed 6–12–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 217

Special Contracting Methods

CFR Correction

In Title 48 of the Code of Federal Regulations, Chapter 2, Parts 200 to 299, revised as of October 1, 2014, on page 117, in section 217.171, redesignate paragraph (c)(2)(C)(2) as paragraph (c)(2)(i).

[FR Doc. 2015–14528 Filed 6–12–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 227

Patents, Data, and Copyrights

CFR Correction

■ In Title 48 of the Code of Federal Regulations, Chapter 2, Parts 200 to 299, revised as of October 1, 2014, on page 220, in section 227.7100, redesignate paragraphs (a)(6) and (7) as paragraphs (a)(8) and (9) and add paragraphs (a)(6) and (7) to read as follows:

227.7100 Scope of subpart.

* * * * *

(a) * * *

* * * * *

(6) 10 U.S.C. 7317.

(7) 17 U.S.C. 1301, *et seq.*

* * * * *

[FR Doc. 2015–14530 Filed 6–12–15; 8:45 am]

BILLING CODE 1505–01–P

Proposed Rules

Federal Register
Vol. 80, No. 114
Monday, June 15, 2015

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1493

RIN 0551–AA73

Facility Guarantee Program

AGENCY: Foreign Agricultural Service and Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise and amend the regulations at 7 CFR 1493 subpart C used to administer the Facility Guarantee Program (FGP). Changes in this proposed rule incorporate statutory changes from the Food, Conservation, and Energy Act of 2008 and modifications intended to reduce burden on participants and improve program efficiency and effectiveness. Certain revisions will ensure the FGP is operated in compliance with the Organisation for Economic Cooperation and Development (OECD) Arrangement on Officially Supported Export Credits. Additionally, this proposed rule incorporates significant changes made to the regulations for the Export Credit Guarantee Program (GSM–102), that are also applicable to the FGP.

DATES: Comments concerning this proposed rule must be received by August 14, 2015 to be assured consideration.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions to submit comments.
- *E-Mail: GSMregs@fas.usda.gov.*
- *Fax:* (202) 720–2495, Attention: ''FGP Proposed Rule Comments''.
- *Hand Delivery, Courier, or U.S. Postal delivery:* Amy Slusher, Deputy Director, Credit Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Stop 1025, Room 5509, Washington, DC 20250–1025.

Comments may be inspected at 1400 Independence Avenue SW., Washington, DC, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. A copy of this proposed rule is available through the Foreign Agricultural Service (FAS) homepage at: *http://www.fas.usda.gov/topics/export-financing.*

FOR FURTHER INFORMATION CONTACT: Amy Slusher, Deputy Director, Credit Programs Division, by phone at (202) 720–6211, or by email at: *Amy.Slusher@fas.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Commodity Credit Corporation's (CCC) Facility Guarantee Program (FGP) is administered by the Foreign Agricultural Service (FAS) of the U.S. Department of Agriculture (USDA) on behalf of CCC, pursuant to program regulations codified at 7 CFR part 1493; through the issuance of ''Program Announcements'' and ''Notices to Participants'' that are consistent with this program regulation; and in compliance with the requirements of the Arrangement on Officially Supported Export Credits of the Organisation for Economic Cooperation and Development (OECD). Under the FGP, CCC provides payment guarantees to facilitate the financing of manufactured goods and U.S. services to improve or establish agriculture-related facilities in emerging markets. By supporting such facilities, the FGP is designed to enhance sales of U.S. Agricultural Commodities and products to emerging markets where the demand for such commodities and products may be limited due to inadequate storage, processing, handling, or distribution capabilities for such products.

The current FGP regulations became effective on August 8, 1997. The Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246) (2008 Act) modified the program by including a ''construction waiver'' that allows the Secretary of Agriculture to waive requirements related to the use of U.S. goods in the construction of a proposed facility if the Secretary determines that ''(A) goods from the United States are not available; or (B) the use of goods from the United States is not practicable.''

On August 6, 2009, CCC published an advance notice of proposed rulemaking (ANPR) in the **Federal Register** (74 FR 39240). This notice was intended to solicit comments on improvements and changes to be made in the implementation and operation of the FGP program, with the intent of improving the FGP's effectiveness and efficiency and lowering costs. CCC received comments to the ANPR from five entities. One of the key comments was that program requirements, particularly the application process, are too burdensome on participants and prohibit its use. Further, program fees were consistent with those charged by the U.S. Export-Import Bank for similar products but coverage was inferior.

On November 18, 2014, CCC published a final rule for the Export Credit Guarantee (GSM–102) Program, found at 7 CFR 1493 subpart B. The GSM–102 and FGP Programs are similarly structured and many of the same requirements apply. For this reason, CCC completed the rulemaking process for the GSM–102 program prior to issuing this proposed rule so that relevant GSM–102 program changes could be incorporated into the FGP. The affected provisions include (but are not limited to) information and certifications required for program participation, letter of credit requirements, terms and requirements of the payment guarantee, assignments, notice of default and claims for default, payments and recoveries, additional obligations and requirements, dispute resolution and appeals, and miscellaneous provisions. Explanations of the changes incorporated in both the GSM–102 and FGP regulations can be found in the following documents:

GSM–102 Proposed Rule (July 27, 2011): *https://www.federalregister.gov/articles/2011/07/27/2011-18403/ccc-export-credit-guarantee-gsm-102-program.*

GSM–102 Proposed Rule (December 27, 2013): *https://www.federalregister.gov/articles/2013/12/27/2013-29439/ccc-export-credit-guarantee-gsm-102-program-and-facility-guarantee-program-fgp.*

GSM–102 Final Rule (November 18, 2014): *https://federalregister.gov/a/2014-27129.*

Key changes in the proposed rule are discussed below by topic. The numbering system of this proposed rule

differs from that in the current regulation. For the purposes of this discussion, the numbering of the proposed rule will be used. Capitalized terms are defined terms that are found in § 1493.210, *Definition of Terms.*

Changes in Response to the 2008 Act

The 2008 Act contains a ''construction waiver'' that allows the Secretary of Agriculture to waive requirements related to the use of U.S. goods in the construction of a proposed facility if the Secretary determines that ''(A) goods from the United States are not available; or (B) the use of goods from the United States is not practicable.''

To implement this provision, CCC proposes to permit a Seller to request a Coverage Waiver in the application for Payment Guarantee. As described in § 1493.290(f)(1), the Seller may request a Coverage Waiver to allow for coverage of non-U.S. Goods or to waive the U.S. Content Test. The U.S. Content Test states that CCC will issue a Payment Guarantee only if the value of Eligible Non-U.S. Goods and Eligible Imported Components are less than 50 percent of the sum of the Net Contract Value plus the value of approved Local Costs. CCC included criteria in § 1493.290(f)(2) that will be the basis for CCC to issue a Coverage Waiver. A Seller must rely on one or more of these criteria as the basis for justifying a Coverage Waiver. By allowing the Seller to request a waiver and obtain coverage of non-U.S. Goods and/or imported components, CCC intends to provide maximum flexibility in approving goods, services and projects that will meet the requirement to primarily promote the export of U.S. Agricultural Commodities.

Changes To Reduce Burden and Improve Program Effectiveness and Efficiency

Application for Payment Guarantee

CCC proposes to expand the current Payment Guarantee application process. This change is designed to reduce the burden on the Seller by allowing the Seller to supply information to CCC in stages and obtain conditional approval before moving to the next step of the application process. It also may expedite the application process by allowing CCC to focus its time on proposals meeting FGP criteria.

In § 1493.260(a), CCC added an optional ''letter of interest.'' Prior to submitting an initial application for a Payment Guarantee, the Seller may choose to submit a letter of interest to CCC describing a proposed transaction. CCC will review information submitted and provide preliminary feedback on whether the proposed transaction may be eligible for FGP coverage. In doing so, CCC hopes to reduce the burden on participants by ruling out ineligible projects prior to the Seller providing in-depth information required in the Payment Guarantee application. A short letter of interest form will be available on the FAS Web site and must be accompanied by a non-refundable fee that will be deducted from the final guarantee fee if the application results in a payment guarantee.

The first required step in the application process is the submission of the initial application. Information submitted with the initial application will include the details of the proposed export, project or facility as specified in § 1493.260(b), including a description of all goods and services for which coverage is sought and information about environmental impact. If applicable, the Seller will also request a Coverage Waiver. This stage of the application process will require an in-depth review and analysis by FAS to determine whether the proposal meets requirements for coverage. To avoid tying up the Seller's full guarantee fee during this time, CCC will not require the guarantee fee with the initial application. Instead, the Seller must submit a non-refundable initial application fee. If CCC determines to issue a Payment Guarantee for the transaction, this fee will be deducted from the final guarantee fee. Both the letter of intent and initial application fees are designed to ensure that the Seller is serious about the particular transaction and the associated Payment Guarantee before FAS expends resources on review and analysis.

CCC will review the information submitted in the initial application and determine whether to approve the application as is or with amendments, and also whether to grant any requested coverage waiver. If CCC approves the initial application, the Seller will have 30 calendar days in which to submit information in a final application (§ 1493.260(c)). The Seller needs CCC's feedback on the initial application to determine most of the elements in the final application. CCC will require the Seller to submit the full guarantee fee (less the letter of interest and initial application fees) with the final application.

Promoting the Export of U.S. Agricultural Commodities

The Food, Agriculture, Conservation, and Trade Act of 1990, as amended, allows for the provision of export credit guarantees for ''(A) the establishment or improvement of facilities, or (B) the provision of services or United States products goods, in emerging markets by United States persons to improve handling, marketing, processing, storage, or distribution of imported agricultural commodities and products thereof *if the Secretary of Agriculture determines that such guarantees will primarily promote the export of United States agricultural commodities . . .*'' (emphasis added). To meet this requirement, the current FGP regulation requires significant information and analysis to be included in the Seller's application, including projected prices, quantities, and country of origin of the agricultural commodities that will benefit from the goods, services or facility over a five-year period.

CCC determined that this requirement is too burdensome on Sellers whose expertise is more likely in constructing facilities or exporting equipment than in agricultural commodities. CCC modified the requirements of the Application for Payment Guarantee (§ 1493.260(b)(7)) to now require the Seller to provide only a list of agricultural commodities or products to be used by the proposed project and a description of how the goods and/or Services will specifically benefit exporters of U.S. Agricultural Commodities. As part of the application review process, FAS will perform an analysis to determine whether the proposed project will primarily benefit U.S. Agricultural Commodity exporters. FAS will reach out to other areas of USDA and to relevant commodity organizations, state/regional trade groups, and exporters, as needed, for assistance in collecting data and conducting this analysis.

Qualification of Program Participants

To reduce the burden on program participants, CCC proposes to ease or eliminate FGP qualification requirements on certain participants already qualified to participate in the GSM–102 Program. In accordance with § 1493.220(c), Sellers who are qualified exporters under the GSM–102 program will only be required to submit additional information specific to the FGP in order to qualify as a Seller under the FGP. U.S. Financial Institutions qualified under the GSM–102 program are automatically qualified to participate in the FGP.

Due to the longer tenors and corresponding higher risk under the FGP, Foreign Financial Institutions will be required to apply separately for participation, even if already qualified under the GSM–102 Program. As explained in § 1493.240, CCC will establish specific dollar participation

limits for Foreign Financial Institutions qualifying for the FGP. These participation limits will be separate from any participation limits that may be established under the GSM–102 program.

Compliance With the OECD Arrangement on Officially Supported Export Credits

The United States is a participant in the OECD Arrangement on Officially Supported Export Credits (''the Arrangement''). The Arrangement seeks to foster a level playing field for official export credits and applies ''to all official support provided by or on behalf of a government for export of goods and/or services, including financial leases, which have a repayment term of two years or more.'' All FGP activity with a repayment term of two years or more, therefore, must comply with the provisions of the Arrangement. The Arrangement is updated periodically by OECD Participants. The most recent version can be found at *http://www.oecd.org/tad/xcred/arrangement.htm.*

Aspects of the FGP that are governed by the Arrangement include, but are not limited to, the following:

Environmental and Social Impact Screening

The OECD Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence provides guidelines for addressing environmental and social issues related to exports of capital goods and/or services and the location for which they are destined. The primary purpose of these guidelines is to encourage OECD members to prevent and mitigate adverse environmental and social impacts of projects receiving official support. To support this goal, the OECD provides guidelines for screening applications for official support.

CCC will screen all FGP Payment Guarantee applications for any negative environmental and social impact. In accordance with § 1493.260(b), Sellers must submit a completed environmental screening document with each initial application for a Payment Guarantee. The screening document will be available on the USDA Web site. CCC will review the screening document to determine whether the transaction is likely to have significant adverse environmental and/or social impacts. If CCC determines that a transaction has potential adverse impact, the transaction will be subject to an in-depth environmental and social review. CCC may reject an application based on the results of this review.

Guarantee Fees

The Arrangement prescribes minimum fees to be charged based on country risk, obligor risk, tenor, percentage of cover, and other factors. Guarantee fees for the FGP will be available on the USDA Web site and will be consistent with rules of the Arrangement.

Initial Payment

The Arrangement requires a minimum downpayment to be made by the Buyer prior to the start of the credit. The minimum amount of the required Initial Payment (as a percentage of the Net Contract Value) will be available on the USDA Web site. The current requirement under the Arrangement is 15 percent.

Local Costs

The Arrangement prescribes a limit on the maximum amount of official support for local costs. Local Costs are defined in § 1493.210 as ''expenditures for goods in the Destination Country that are necessary for executing the Firm Sales Contract and that are within scope of the Firm Sales Contract.'' CCC will consider providing coverage for Local Costs within the limits of the Arrangement, but because Local Costs are non-U.S. Goods, the Seller must also request and receive from CCC a Coverage Waiver for these costs. The maximum amount of Local Costs permitted (as a percentage of the Net Contract Value) will be available on the USDA Web site. The current maximum under the Arrangement is 30 percent.

Maximum Tenor

Maximum tenor (repayment term) under the Arrangement is determined by country of destination. Maximum tenors under FGP will be available on the USDA Web site and may be less than prescribed by the Arrangement as determined appropriate by CCC.

Executive Order 12866

This proposed rule is issued in conformance with Executive Order 12866. It has been determined to be not significant for the purposes of Executive Order 12866 and was not reviewed by OMB. A cost-benefit assessment of this rule was not completed.

Executive Order 12988

This proposed rule has been reviewed in accordance with Executive Order 12988. This proposed rule would not preempt State or local laws, regulations, or policies unless they present an irreconcilable conflict with this proposed rule. Before any judicial action may be brought concerning the provisions of this proposed rule, the appeal provisions of 7 CFR part 1493.200 would need to be exhausted. This rulemaking would not be retroactive.

Executive Order 12372

This program is not subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 13132

This proposed rule has been reviewed under Executive Order 13132, ''Federalism.'' The policies contained in this proposed rule do not have any substantial direct effect on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government, nor does this proposed rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

Executive Order 13175

The United States has a unique relationship with Indian Tribes as provided in the Constitution of the United States, treaties, and Federal statutes. On November 5, 2009, President Obama signed a Memorandum emphasizing his commitment to ''regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications including, as an initial step, through complete and consistent implementation of Executive Order 13175.'' This proposed rule has been reviewed for compliance with E.O. 13175 and CCC worked directly with the Office of Tribal Relations in the rule's development. The policies contained in this proposed rule do not have tribal implications that preempt tribal law.

Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because CCC is not required by 5 U.S.C. 553 or any other law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Assessment

CCC has determined that this proposed rule does not constitute a major State or Federal action that would significantly affect the human or natural environment. Consistent with the National Environmental Policy Act

(NEPA), 40 CFR part 1502.4, ''Major Federal Actions Requiring the Preparation of Environmental Impact Statements'' and the regulations of the Council on Environmental Quality, 40 CFR parts 1500–1508, no environmental assessment or environmental impact statement will be prepared.

Unfunded Mandates

This proposed rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA). Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Paperwork Reduction Act of 1995

In accordance with the Paperwork Reduction Act of 1995, CCC is requesting comments from all interested individuals and organizations on a proposed revision to the currently approved information collection for this program. This revision includes the proposed change in information collection activities related to the regulatory changes in this proposed rule.

Title: CCC Facility Guarantee Program (FGP).

OMB Control Number: 0551–0032.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Abstract: This information collection is required to support the existing regulations and proposed changes to 7 CFR part 1493, subpart C, ''CCC Facility Guarantee Program (FGP) Operations,'' which establishes the requirements for participation in CCC's FGP program. This revised collection incorporates changes in estimated burden to program participants as a result of certain revised requirements in this proposed rule for (1) seller and U.S. and foreign financial institution qualification; (2) applications for payment guarantees; (3) notices of assignment; (4) evidence of performance reports; and (5) appeals. This information collection is necessary for CCC to manage, plan and evaluate the program and to ensure the proper and judicious use of government resources.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 0.819 hours per response.

Respondents: U.S. exporters (sellers), U.S. financial institutions, and foreign financial institutions.

Estimated Number of Respondents: 18 per year.

Estimated Number of Responses per Respondent: 13.4 per year.

Estimated Total Annual Burden on Respondents: 197.4 hours.

Comments on this information collection may be submitted to CCC in accordance with the instructions for submitting comments to this proposed rule. All comments received in response to this notice will be a matter of public record.

E-Government Act Compliance

CCC 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 forms, regulations, and other information collection activities required to be utilized by a person subject to this rule are available at: *http://www.fas.usda.gov.*

List of Subjects in 7 CFR Part 1493

Agricultural commodities, Exports.

For the reasons stated in the preamble, CCC proposes to amend 7 CFR part 1493 as follows:

Title 7—Agriculture

PART 1493—CCC EXPORT CREDIT GUARANTEE PROGRAMS

■ 1. The authority citation for 7 CFR part 1493 continues to read as follows:

Authority: 7 U.S.C. 5602, 5622, 5661–5664, 5676; 15 U.S.C. 714b(d), 714c(f).

■ 2. Subpart C is revised to read as follows:

Subpart C—CCC Facility Guarantee Program (FGP) Operations

Sec.

1493.200 General statement.
1493.210 Definition of terms.
1493.220 Information required for Seller participation.
1493.230 Information required for U.S. Financial Institution participation.
1493.240 Information required for Foreign Financial Institution participation.
1493.250 Certification requirements for program participation.
1493.260 Application for Payment Guarantee.
1493.270 Certifications required for obtaining Payment Guarantee.
1493.280 Special requirements of the Foreign Financial Institution Letter of Credit and Terms and Conditions Document, if applicable.
1493.290 Terms and requirements of the Payment Guarantee.
1493.300 Fees.
1493.310 Assignment of the Payment Guarantee.
1493.320 Evidence of performance.
1493.330 Certification requirements for the evidence of performance.
1493.340 Proof of entry.
1493.350 Notice of default.
1493.360 Claims for default.
1493.370 Payment for default.
1493.380 Recovery of defaulted payments.
1493.385 Additional obligations and requirements.
1493.390 Dispute resolution and appeals.
1493.395 Miscellaneous provisions.

Subpart C—CCC Facility Guarantee Program (FGP) Operations

§ 1493.200 General statement.

(a) *Overview.* The FGP of the Commodity Credit Corporation (CCC) was developed to expand U.S. Agricultural Commodity exports by making available Payment Guarantees to encourage U.S. private sector financing to establish or improve facilities or provide Services or goods in emerging markets to improve handling, marketing, processing, storage, or distribution of imported agricultural commodities and products. Such guarantees will primarily promote the export of U.S. Agricultural Commodities. CCC will give priority to projects that encourage privatization of the agricultural sector or that benefit private farms and cooperatives in emerging markets, and for which nongovernmental persons agree to assume a relatively larger share of costs. The Payment Guarantee issued under FGP is an agreement by CCC to pay the Seller, or the U.S. Financial Institution that may take assignment of the Payment Guarantee, specified amounts of principal and interest in case of default by the Foreign Financial Institution that issued the Letter of Credit for the sale covered by the Payment Guarantee. The program is targeted toward those countries that have sufficient financial strength so that foreign exchange will be available for scheduled payments. In providing this program, CCC seeks to expand and/or maintain market opportunities for U.S. agricultural exporters and assist long-term market development for U.S. Agricultural Commodities.

(b) *Program administration.* The FGP is administered under the direction of the General Sales Manager and Vice President, CCC, pursuant to this subpart, subpart A of this part, any Program Announcements issued by CCC, and, as applicable, the Organisation for Economic Cooperation and Development's (OECD) Arrangement on Officially Supported Export Credits. From time to time, CCC may issue a notice to participants on the USDA Web site to remind participants of the requirements of the FGP or to clarify the program requirements contained in these regulations in a

manner not inconsistent with this subpart and subpart A of this part. Program information, such as approved U.S. and Foreign Financial Institutions, is available on the USDA Web site.

(c) *Country and regional program announcements.* From time to time, CCC will issue a Program Announcement on the USDA Web site to announce the FGP for a specific country or region. The Program Announcement will contain any requirements applicable to that country or region as determined by CCC.

§ 1493.21 Definition of terms.

Terms set forth in this part, on the USDA Web site (including in Program Announcements and notices to participants), and in any CCC-originated documents pertaining to the FGP will have the following meanings:

Affiliate. Entities are affiliates of each other if, directly or indirectly, either one controls or has the power to control the other or a third person controls or has the power to control both. Control may include, but is not limited to: Interlocking management or ownership; identity of interests among family members; shared facilities and equipment; or common use of employees.

Assignee. A U.S. Financial Institution that has obtained the legal right to make a claim and receive the payment of proceeds under the Payment Guarantee.

Business Day. A day during which employees of the U.S. Department of Agriculture in the Washington, DC metropolitan area are on official duty during normal business hours.

Buyer. A foreign purchaser that enters into a Firm Sales Contract with a Seller for the sale of goods to be shipped to the Destination Country and/or U.S. Services to be provided in the Destination Country.

Buyer's Representative. An entity having a physical office and that is either organized under the laws of or registered to do business in the Destination Country or region specified in the Payment Guarantee and that is authorized to act on the Buyer's behalf with respect to the sale described in the Firm Sales Contract.

CCC. The Commodity Credit Corporation, an agency and instrumentality of the United States within the Department of Agriculture, authorized pursuant to the Commodity Credit Corporation Charter Act (15 U.S.C. 714 *et seq.*).

CCC Late Interest. Interest payable by CCC pursuant to § 1493.370(c).

Contractual Event. A specific deliverable (activity or milestone) measured by objective or quantifiable methods within the Firm Sales Contract which, when met by the Seller, results in an obligation to make payment in accordance with the agreed contractual terms without recourse, and triggers the start of coverage under the Payment Guarantee. Such events may include, but are not limited to, exports of goods, completion of Services, or commissioning date of equipment or a facility.

Cost of Services. The price for Services as stipulated in the Firm Sales Contract.

Coverage Waiver. A determination by CCC, upon request of the Seller, to allow guarantee coverage of non-U.S. Goods and/or to waive the U.S. Content Test in § 1493.290(e).

Date of Performance. The date that a Contractual Event occurs in accordance with the Firm Sales Contract. The Date of Performance may be, but is not limited to, an installation date, the date of completion of the Service, the commissioning date of equipment or a facility, or the date of export of goods (one of the following dates, depending upon the method of shipment: The on-board date of an ocean bill of lading or the on-board ocean carrier date of an intermodal bill of lading; the on-board date of an airway bill; or, if exported by rail or truck, the date of entry shown on an entry certificate or similar document issued and signed by an official of the government of the importing country).

Date of Sale. The earliest date on which a Firm Sales Contract exists between the Seller and the Buyer.

Destination Country. The location (country) of the agricultural-related facility that will use the goods and/or Services covered by the Payment Guarantee. If the Payment Guarantee covers goods not intended for a specific facility, then the country where the goods will be delivered and utilized.

Director. The Director, Credit Programs Division, Office of Trade Programs, Foreign Agricultural Service, or designee.

Discounts and allowances. Any consideration provided directly or indirectly, by or on behalf of the Seller, to the Buyer in connection with a sale of a good or Service, above and beyond its value. Discounts and allowances include, but are not limited to, the provision of additional goods, services or benefits; the promise to provide additional goods, services or benefits in the future; financial rebates; the assumption of any financial or contractual obligations; commissions where the Buyer requires the Seller to employ and compensate a specified agent as a condition of concluding the sale; the whole or partial release of the Buyer from any financial or contractual obligations; or settlements made in favor of the Buyer for quality or weight.

Eligible Export Sale. A transaction in which the obligation of payment for the portion registered under the FGP arises solely and exclusively from a Foreign Financial Institution Letter of Credit or Terms and Conditions Document issued in connection with a Payment Guarantee.

Eligible Imported Components. Imported components in U.S. Goods that are eligible for coverage because either:

(1) The project meets the U.S. Content Test in § 1493.290(e); or

(2) A Coverage Waiver of the U.S. Content Test has been requested by the Seller and approved by CCC.

Eligible Non-U.S. Goods. Goods, including Local Costs, that are not U.S. Goods but for which a Coverage Waiver has been requested by the Seller and approved by CCC.

Eligible Interest. The amount of interest that CCC agrees to pay the Holder of the Payment Guarantee in the event that CCC pays a claim for default of Ordinary Interest. Eligible Interest shall be the lesser of:

(1) The amount calculated using the interest rate agreed by the Holder of the Payment Guarantee and the Foreign Financial Institution; or

(2) The amount calculated using the specified percentage of the Treasury bill investment rate set forth on the face of the Payment Guarantee.

Firm Sales Contract. The written sales contract entered into between the Seller and the Buyer which sets forth the terms and conditions of an Eligible Export Sale from the Seller to the Buyer. Written evidence of a sale may be in the form of a signed sales contract, a written offer and acceptance between parties, or other documentary evidence of sale. The Firm Sales Contract between the Seller and the Buyer may be conditioned upon CCC's approval of the Seller's application for a Payment Guarantee. The written evidence of sale for the purposes of the FGP must, at a minimum, document the following information:

(1) Date of sale;

(2) A complete description of all goods associated with the project. For goods to be covered by the Payment Guarantee, include the brand name and model number, country where the good was manufactured and country from which the good will be exported (if applicable), quantity, value, and Incoterms (if applicable);

(3) A complete description of all Services associated with the project. For Services to be covered by the Payment

Guarantee, include the supplier and cost;

(4) The Date of Performance of each Contractual Event; and

(5) The date and evidence of agreement between Buyer and Seller.

Foreign Financial Institution. A financial institution (including foreign branches of U.S. financial institutions):

(1) Organized and licensed under the laws of a jurisdiction outside the United States;

(2) Not domiciled in the United States; and

(3) Subject to the banking or other financial regulatory authority of a foreign jurisdiction (except for multilateral and sovereign institutions).

Foreign Financial Institution Letter of Credit or Letter of Credit. An irrevocable documentary letter of credit, subject to the current revision of the Uniform Customs and Practices (UCP) for Documentary Credits (International Chamber of Commerce Publication No. 600, or latest revision), and if electronic documents are to be utilized, the current revision of the Supplement to the Uniform Customs and Practice for Documentary Credits for Electronic Presentation (eUCP) providing for payment in U.S. dollars against stipulated documents and issued in favor of the Seller by a CCC-approved Foreign Financial Institution.

GSM. The General Sales Manager, Foreign Agricultural Service (FAS), USDA, acting in his or her capacity as Vice President, CCC, or designee.

Guaranteed Value. The maximum amount indicated on the face of the Payment Guarantee, exclusive of interest, that CCC agrees to pay the Holder of the Payment Guarantee. The Guaranteed Value is calculated by deducting the Initial Payment and any Discounts and Allowances from the Net Contract Value and adding to that result the value of Local Costs that CCC has approved for coverage. The resulting figure is then multiplied by the guaranteed percentage (up to the maximum percentage allowable in the applicable country or regional Program Announcement).

Holder of the Payment Guarantee. The Seller or the Assignee of the Payment Guarantee with the legal right to make a claim and receive the payment of proceeds from CCC under the Payment Guarantee in case of default by the Foreign Financial Institution.

Incoterms. Trade terms developed by the International Chamber of Commerce in Incoterms 2010 (or latest revision), which define the respective obligations of the Buyer and the Seller in a sales contract.

Initial Payment. The amount that the Buyer is required to pay the Seller prior to CCC's approval of the Payment Guarantee, expressed as a percentage (specified on the USDA Web site) of the Net Contract Value.

Local Costs. Expenditures for goods in the Destination Country that are necessary for executing the Firm Sales Contract and that are within scope of the Firm Sales Contract.

Net Contract Value. The aggregate Value of Goods and Cost of Services (exclusive of Local Costs) that are eligible for guarantee coverage and for which coverage is requested.

North American Industry Classification System (NAICS). Standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

Ordinary Interest. Interest (other than Post Default Interest) charged on the principal amount identified in the Foreign Financial Institution Letter of Credit or, if applicable, the Terms and Conditions Document.

Payment Guarantee. An agreement under which CCC, in consideration of a fee paid, and in reliance upon the statements and declarations of the Seller, subject to the terms set forth in the written guarantee, this subpart, and any applicable Program Announcements, agrees to pay the Holder of the Payment Guarantee in the event of a default by a Foreign Financial Institution on its Repayment Obligation under the Foreign Financial Institution Letter of Credit issued in connection with a guaranteed sale or, if applicable, under the Terms and Conditions Document.

Post Default Interest. Interest charged on amounts in default that begins to accrue upon default of payment, as specified in the Foreign Financial Institution Letter of Credit or, if applicable, in the Terms and Conditions Document.

Principal. A principal of a corporation or other legal entity is an individual serving as an officer, director, owner, partner, or other individual with management or supervisory responsibilities for such corporation or legal entity.

Program Announcement. An announcement issued by CCC on the USDA Web site that provides information on specific country and regional programs and may identify eligible projects and countries, length of credit periods which may be covered, and other information.

Repayment Obligation. A contractual commitment by the Foreign Financial Institution issuing the Letter of Credit in connection with an Eligible Export Sale to make payment(s) on principal amount(s), plus any Ordinary Interest and Post Default Interest, in U.S. dollars, to a Seller or U.S. Financial Institution on deferred payment terms consistent with those permitted under CCC's Payment Guarantee. The Repayment Obligation must be documented using one of the methods specified in § 1493.280.

Repurchase Agreement. A written agreement under which the Holder of the Payment Guarantee may from time to time enter into transactions in which the Holder of the Payment Guarantee agrees to sell to another party Foreign Financial Institution Letter(s) of Credit and, if applicable, Terms and Conditions Document(s) secured by the Payment Guarantee, and repurchase the same Foreign Financial Institution Letter(s) of Credit and Terms and Conditions Documents secured by the Payment Guarantee, on demand or date certain at an agreed upon price.

SAM (System for Award Management). A Federal Government owned and operated free Web site that contains information on parties excluded from receiving Federal contracts or certain subcontracts and excluded from certain types of Federal financial and nonfinancial assistance and benefits.

Seller. A supplier of goods and/or Services that is both qualified in accordance with the provisions of § 1493.220 and the applicant for the Payment Guarantee.

Service. Any business activity classified in any of the 13 NAICS Services sectors (NAICS chapters 22 and 48–49 through 81). For the shipment of goods, freight and insurance costs to the port of entry that are included in the price of the goods (in accordance with the specified Incoterms) are not considered Services under this subpart.

Terms and Conditions Document. A document specifically identified and referred to in the Foreign Financial Institution Letter of Credit which may contain the Repayment Obligation and the special requirements specified in § 1493.280.

United States or *U.S.* Each of the States of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

U.S. Agricultural Commodity or *U.S. Agricultural Commodities.*

(1) (i) An agricultural commodity or product entirely produced in the United States; or

(ii) A product of an agricultural commodity—

(A) 90 percent or more of the agricultural components of which by weight, excluding packaging and added water, is entirely produced in the United States; and

(B) That the Secretary determines to be a high value agricultural product.

(2) For purposes of this definition, fish entirely produced in the United States include fish harvested by a documented fishing vessel as defined in title 46, United States Code, in waters that are not waters (including the territorial sea) of a foreign country.

U.S. Content Test. A determination of the value of total Eligible Non-U.S. Goods and Eligible Imported Components as a percentage of the total Value of Goods and Cost of Services to be covered under the Payment Guarantee, as specified in § 1493.290(e).

USDA. United States Department of Agriculture.

U.S. Financial Institution. A financial institution (including branches of Foreign Financial Institutions):

(1) Organized and licensed under the laws of a jurisdiction within the United States;

(2) Domiciled in the United States; and

(3) Subject to the banking or other financial regulatory authority jurisdiction within the United States.

U.S. Goods. Goods that are assembled, processed or manufactured in, and exported from, the United States, including goods which contain imported raw materials or imported components. Minor or cosmetic procedures (*e.g.,* affixing labels, cleaning, painting, polishing) do not qualify as assembling, processing or manufacturing.

U.S. Person. One of the following:

(1) An individual who is a citizen or legal resident of the United States; or

(2) An entity constituted or organized in the United States, including any corporation, trust partnership, sole proprietorship, joint venture, or other association with business activities in the United States.

U.S. Services. Services performed by U.S. Persons, including those temporarily residing outside the United States. Costs for hotels, meals, transportation, and other similar Services incurred in the Destination Country are not U.S. Services.

Value of Goods or Components in Goods. The price derived for goods or components in goods, determined by:

(1) The price stipulated in the Firm Sales Contract or, if such price is not available;

(2) The declared customs value or, if the customs value is not available; then

(3) The fair market wholesale value in the United States.

§ 1493.220 Information required for Seller participation.

Sellers must apply and be approved by CCC to be eligible to participate in the FGP.

(a) *Qualification requirements.* To qualify for participation in the FGP, an applicant must submit the following information to CCC in the manner specified on the USDA Web site:

(1) For the applicant:

(i) The name and full U.S. address (including the full 9-digit zip code) of the applicant's office, along with an indication of whether the address is a business or private residence. A post office box is not an acceptable address. If the applicant has multiple offices, the address included in the information should be that which is pertinent to the FGP sales contemplated by the applicant;

(ii) Dun and Bradstreet (DUNS) number;

(iii) Employer Identification Number (EIN—also known as a Federal Tax Identification Number);

(iv) Telephone and fax numbers;

(v) Email address (if applicable);

(vi) Business Web site (if applicable);

(vii) Contact name;

(viii) Statement indicating whether the applicant is a U.S. domestic entity or a foreign entity domiciled in the United States; and

(ix) The form of business entity of the applicant, (*e.g.,* sole proprietorship, partnership, corporation, etc.) and the U.S. jurisdiction under which such entity is organized and authorized to conduct business. Such jurisdictions are a U.S. State, the District of Columbia, Puerto Rico, and the territories or possessions of the United States. Upon request by CCC, the applicant must provide written evidence that such entity has been organized in a U.S. State, the District of Columbia, Puerto Rico, or a territory or possession of the United States.

(2) For the applicant's headquarters office:

(i) The name and full address of the applicant's headquarters office (a post office box is not an acceptable address); and

(ii) Telephone and fax numbers.

(3) For the applicant's agent for the service of process:

(i) The name and full U.S. address of the applicant's agent's office, along with an indication of whether the address is a business or private residence;

(ii) Telephone and fax numbers;

(iii) Email address (if applicable); and

(iv) Contact name.

(4) A description of the applicant's business. Applicants must provide the following information:

(i) Nature of the applicant's business (*i.e.,* producer, Service provider, trader, consulting firm, etc.);

(ii) Explanation of the applicant's experience/history selling the goods or Services to be sold under the FGP, including number of years involved in selling, types of goods or Services sold, and destination of sales for the preceding three years;

(iii) Whether or not the applicant is a ''small or medium enterprise'' (SME) as defined on the USDA Web site.

(5) A listing of any related companies (*e.g.,* Affiliates, subsidiaries, or companies otherwise related through common ownership) currently qualified to participate in CCC export programs;

(6) A statement describing the applicant's participation, if any, during the past three years in U.S. Government programs, contracts or agreements; and

(7) A statement that: ''All certifications set forth in 7 CFR 1493.250(a) are hereby made in this application'' which, when included in the application, will constitute a certification that the applicant is in compliance with all of the requirements set forth in § 1493.250(a). The applicant will be required to provide further explanation or documentation if not in compliance with these requirements or if the application does not include this statement.

(b) *Qualification notification.* CCC will promptly notify applicants that have submitted information required by this section whether they have qualified to participate in the program or whether further information is required by CCC. Any applicant failing to qualify will be given an opportunity to provide additional information for consideration by the Director.

(c) *Previous qualification.* Any Seller that is currently qualified under subpart B of this part, § 1493.30 need only provide the information requested in § 1493.220(a)(4). Once CCC receives that information, CCC will notify the Seller that the Seller is qualified under this section to submit applications for a FGP Payment Guarantee, and the other information provided by the Seller pursuant to § 1493.30 will be deemed to also have been provided under this section. Any Seller not submitting an application for a GSM–102 or FGP Payment Guarantee for two consecutive U.S. Government fiscal years must resubmit a qualification application containing the information specified in § 1493.220(a) to CCC to participate in the FGP. If at any time the information required by paragraph (a) of this section changes, the Seller must promptly contact CCC to update this information and certify that the remainder of the

information previously provided under paragraph (a) of this section has not changed.

(d) *Ineligibility for program participation.* An applicant may be ineligible to participate in the FGP if such applicant cannot provide all of the information and certifications required in § 1493.220(a).

§ 1493.230 Information required for U.S. Financial Institution participation.

U.S. Financial Institutions must apply and be approved by CCC to be eligible to participate in the FGP.

(a) *Qualification requirements.* To qualify for participation in the FGP, a U.S. Financial Institution must submit the following information to CCC in the manner specified on the USDA Web site:

(1) Legal name and address of the applicant;

(2) Dun and Bradstreet (DUNS) number;

(3) Employer Identification Number (EIN—also known as a Federal Tax Identification Number);

(4) Year-end audited financial statements for the applicant's most recent fiscal year;

(5) Breakdown of the applicant's ownership as follows:

(i) Ten largest individual shareholders and ownership percentages;

(ii) Percentage of government ownership, if any; and

(iii) Identity of the legal entity or person with ultimate control or decision making authority, if other than the majority shareholder.

(6) Organizational structure (independent, or a subsidiary, Affiliate, or branch of another financial institution);

(7) Documentation from the applicable United States Federal or State agency demonstrating that the applicant is either licensed or chartered to do business in the United States;

(8) Name of the agency that regulates the applicant and the name and telephone number of the primary contact for such regulator; and

(9) A statement that: ''All certifications set forth in 7 CFR 1493.250 are hereby made in this application'' which, when included in the application, will constitute a certification that the applicant is in compliance with all of the requirements set forth in § 1493.250. The applicant will be required to provide further explanation or documentation if not in compliance with these requirements or if the application does not include this statement.

(b) *Qualification notification.* CCC will notify applicants that have submitted information required by this section whether they have qualified to participate in the program or whether further information is required by CCC. Any applicant failing to qualify will be given an opportunity to provide additional information for consideration by the Director.

(c) *Previous qualification.* Any U.S. Financial Institution that is qualified under subpart B, § 1493.40 is qualified under this section, and the information provided by the U.S. Financial Institution pursuant to § 1493.40 will be deemed to also have been provided under this section. Any U.S. Financial Institution not participating in the GSM–102 or FGP programs for two consecutive U.S. Government fiscal years must resubmit the information and certifications specified in paragraph (a) of this section to CCC to participate in the FGP. If at any time the information required by paragraph (a) of this section changes, the U.S. Financial Institution must promptly notify CCC to update this information and certify that the remainder of the information previously provided under paragraph (a) of this section has not changed.

(d) *Ineligibility for program participation.* A U.S. Financial Institution may be ineligible to participate in the FGP if such applicant cannot provide all of the information and certifications required in § 1493.230(a).

§ 1493.240 Information required for Foreign Financial Institution participation.

Foreign Financial Institutions must apply and be approved by CCC to be eligible to participate in the FGP.

(a) *Qualification requirements.* To qualify for participation in the FGP, a Foreign Financial Institution must submit the following information to CCC in the manner specified on the USDA Web site:

(1) Legal name and address of the applicant;

(2) Year-end, audited financial statements in accordance with the accounting standards established by the applicant's regulators, in English, for the applicant's three most recent fiscal years. If the applicant is not subject to a banking or other financial regulatory authority, year-end, audited financial statements in accordance with prevailing accounting standards, in English, for the applicant's three most recent fiscal years;

(3) Breakdown of applicant's ownership as follows:

(i) Ten largest individual shareholders and ownership percentages;

(ii) Percentage of government ownership, if any; and

(iii) Identity of the legal entity or person with ultimate control or decision making authority, if other than the majority shareholder.

(4) Organizational structure (independent, or a subsidiary, Affiliate, or branch of another legal entity);

(5) Name of foreign government agency that regulates the applicant; and

(6) A statement that: ''All certifications set forth in 7 CFR 1493.250 are hereby made in this application'' which, when included in the application, will constitute a certification that the applicant is in compliance with all of the requirements set forth in § 1493.250. The applicant will be required to provide further explanation or documentation if not in compliance with these requirements or if the application does not include this statement.

(b) *Qualification notification.* CCC will notify applicants that have submitted information required by this section whether they have qualified to participate in the program or whether further information is required by CCC. Any applicant failing to qualify will be given an opportunity to provide additional information for consideration by the Director.

(c) *Participation limit.* If, after review of the information submitted and other publicly available information, CCC determines that the Foreign Financial Institution is eligible for participation in the FGP, CCC will establish an FGP dollar participation limit for the institution. This limit will be the maximum amount of FGP exposure CCC agrees to undertake with respect to this Foreign Financial Institution at any point in time. CCC may change or cancel this dollar participation limit at any time based on any information submitted or any publicly available information.

(d) *Previous qualification and submission of annual financial statements.* Each qualified Foreign Financial Institution shall submit annually to CCC the certifications in § 1493.250 and its audited fiscal year-end financial statements in accordance with the accounting standards established by the applicant's regulators, in English, so that CCC may determine the continued ability of the Foreign Financial Institution to adequately service CCC guaranteed debt. If the Foreign Financial Institution is not subject to a banking or other financial regulatory authority, it must submit year-end, audited financial statements in accordance with prevailing accounting standards, in English, for the applicant's most recent fiscal year. Failure to submit this

information annually may cause CCC to decrease or cancel the Foreign Financial Institution's dollar participation limit. Any Foreign Financial Institution not participating in the FGP for two consecutive U.S. Government fiscal years may have its dollar participation limit cancelled. If this participation limit is cancelled, the Foreign Financial Institution must resubmit the information and certifications requested in paragraph (a) of this section to CCC when reapplying for participation. Additionally, if at any time the information required by paragraph (a) of this section changes, the Foreign Financial Institution must promptly contact CCC to update this information and certify that the remainder of the information previously provided under paragraph (a) of this section has not changed.

(e) *Ineligibility for program participation.* A Foreign Financial Institution:

(1) May be deemed ineligible to participate in the FGP if such applicant cannot provide all of the information and certifications required in § 1493.240(a); and

(2) Will be deemed ineligible to participate in the FGP if, based upon information submitted by the applicant or other publicly available sources, CCC determines that the applicant cannot adequately service the debt associated with the Payment Guarantees issued by CCC.

§ 1493.250 Certifications required for program participation.

(a) When making the statement required by §§ 1493.220(a)(7), 1493.230(a)(9), or 1493.240(a)(6), each Seller, U.S. Financial Institution and Foreign Financial Institution applicant for program participation is certifying that, to the best of its knowledge and belief:

(1) The applicant and any of its principals (as defined in 2 CFR 180.995) or affiliates (as defined in 2 CFR 180.905) are not presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from covered transactions by any U.S. Federal department or agency;

(2) The applicant and any of its principals (as defined in 2 CFR 180.995) or affiliates (as defined in 2 CFR 180.905) have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) The applicant and any of its principals (as defined in 2 CFR 180.995) or affiliates (as defined in 2 CFR 180.905) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this section;

(4) The applicant and any of its principals (as defined in 2 CFR 180.995) or affiliates (as defined in 2 CFR 180.905) have not within a three-year period preceding this application had one or more public transactions (Federal, State or local) terminated for cause or default;

(5) The applicant does not have any outstanding nontax debt to the United States that is in delinquent status as provided in 31 CFR 285.13;

(6) The applicant is not controlled by a person owing an outstanding nontax debt to the United States that is in delinquent status as provided in 31 CFR 285.13 (*e.g.,* a corporation is not controlled by an officer, director, or shareholder who owes such a debt); and

(7) The applicant does not control a person owing an outstanding nontax debt to the United States that is in delinquent status as provided in 31 CFR 285.13 (*e.g.,* a corporation does not control a wholly-owned or partially-owned subsidiary which owes such a debt).

(b) *Additional certifications for U.S. and Foreign Financial Institution applicants.* When making the statement required by § 1493.230(a)(9) or § 1493.240(a)(6), each U.S. and Foreign Financial Institution applicant for program participation is certifying that, to the best of its knowledge and belief:

(1) The applicant and its Principals are in compliance with all requirements, restrictions and guidelines as established by the applicant's regulators; and

(2) All U.S. operations of the applicant and its U.S. Principals are in compliance with U.S. anti-money laundering and terrorist financing statutes including, but not limited to, the USA Patriot Act of 2001, and the Foreign Corrupt Practices Act of 1977.

§ 1493.260 Application for Payment Guarantee.

(a) *Letter of interest.* Prior to submitting an initial application for a Payment Guarantee in accordance with paragraph (b) of this section, the Seller may, solely at the Seller's option, submit a letter of interest to CCC describing a transaction for which FGP coverage may be sought. The letter of interest must contain all of the information specified on the USDA Web site. A letter of interest fee, which will be specified on the USDA Web site, must accompany the letter of interest. CCC will review the letter of interest and provide preliminary feedback to the Seller on whether the transaction may be eligible for coverage under the FGP. However, CCC's determination whether to issue a Payment Guarantee will be based on the Seller's applications submitted pursuant to paragraphs (b) and (d) of this section.

(b) *Initial application for Payment Guarantee.* A Firm Sales Contract must exist before a Seller may submit an initial application for a Payment Guarantee. An initial application for a Payment Guarantee must be submitted in writing to CCC in the manner specified on the USDA Web site, and be accompanied by the application fee in accordance with § 1493.300(b). Each initial application for a Payment Guarantee must also include a completed environmental screening document, which can be found on the USDA Web site. An initial application must identify the name and address of the Seller and include the following information:

(1) Destination Country.

(2) The name and address of the Buyer. If the Buyer is not physically located in the Destination Country or region, it must have a Buyer's Representative in the Destination Country or region taking receipt of the goods and Services covered by the Payment Guarantee. If applicable, provide the name and address of the Buyer's Representative.

(3) The name and address of the party on whose request the Letter of Credit is issued, if other than the Buyer.

(4) The name and address of the end-user of the goods or Services, if other than the Buyer.

(5) The Seller's sales number pertinent to the application and a copy of the Firm Sales Contract.

(6) A description (including location, *i.e.,* address, city, port, and/or GPS coordinates, if available) of the agriculture-related facility that will use the goods and/or Services to be covered by the Payment Guarantee and an explanation of how the goods and/or Services will be used to improve handling, marketing, processing, storage, or distribution of U.S. Agricultural Commodities. If the Payment Guarantee covers goods not

intended for a specific facility, describe where the goods will be delivered in the Destination Country.

(7) List of all agricultural commodities or products (inputs) to be handled, marketed, processed, stored, or distributed by the proposed project after completion, and an explanation of why and how the facility or goods and/or Services will specifically benefit exporters of U.S. Agricultural Commodities.

(8) Total value of the Firm Sales Contract.

(9) A full description of each good to be covered by the Payment Guarantee. The goods specified in the Seller's application for the Payment Guarantee must correspond with the description of the goods specified in the Firm Sales Contract and the Foreign Financial Institution Letter of Credit. The description must include each of the following:

(i) Brand name and model number;

(ii) Applicable 10-digit Harmonized System classification code;

(iii) Description of the good;

(iv) Country where the good was manufactured and from which the good will be exported;

(v) For U.S. goods, the Value of imported Components used in the U.S. good's manufacture;

(vi) For goods that are Local Costs, the name of the local supplier;

(vii) Quantity;

(viii) Value of the good; and

(ix) Incoterms (if the sale of the goods is based on Incoterms delivery).

(10) A full description of each U.S. Service to be covered by the Payment Guarantee. The U.S. Services specified in the Seller's application for the Payment Guarantee must correspond with the description of the U.S. Services specified in the Firm Sales Contract and the Foreign Financial Institution Letter of Credit. The description must include each of the following:

(i) Description of the U.S. Service;

(ii) Supplier of the U.S. Service;

(iii) Cost of the U.S. Service; and

(iv) NAICS classification number.

(11) A description and Date of Performance of each Contractual Event, as specified in the Firm Sales Contract.

(12) Indication of whether a Coverage Waiver is requested in accordance with § 1493.290(f). If a Coverage Waiver is requested, the applicant must indicate the nature of the waiver requested per § 1493.290(f)(1) and provide the justification and explanation required by § 1493.290(f)(2).

(13) Name and location of the Foreign Financial Institution issuing the Letter of Credit and, upon request by CCC, written evidence that the Foreign Financial Institution has agreed to issue the Letter of Credit.

(14) The term length of the credit being extended and the intervals between principal payments for each Contractual Event under the Payment Guarantee.

(15) If applicable, a description of any arrangements or understandings with other U.S. or foreign government agencies, or with financial institutions or entities, private or public, providing guarantees or financing to the Seller or other competing sellers in connection with this sale, whether or not the goods or Services are of U.S. origin or would otherwise qualify for a Payment Guarantee under this subpart. Copies of any documents relating to such arrangements must be provided.

(16) A statement of how this project may encourage privatization of the agricultural sector, or benefit private farms or cooperatives, in the Destination Country. Include in the statement the share of any private sector ownership of the project.

(17) An estimate of how many U.S. Persons will be or have been hired because of the Firm Sales Contract and/or how many U.S Persons are required to fulfill the Firm Sales Contract.

(18) FGP tracking number assigned to previously submitted letter of interest, if applicable.

(c) *Review of initial application.*

(1) An initial application may receive conditional approval from CCC as submitted, be conditionally approved with modifications agreed to by the Seller, or be rejected by CCC. CCC's review will include, but not be limited to, the following criteria:

(i) CCC will only consider an initial application in connection with a transaction that CCC determines will benefit primarily exports of U.S. Agricultural Commodities.

(ii) If, based upon a price review, the unit sales price of any good(s) and/or Service(s) does not fall within the prevailing commercial market level ranges, as determined by CCC, the initial application will not be approved as submitted.

(iii) All initial applications submitted will be screened to determine their potential environmental and social impacts. Any application determined to have potentially significant adverse environmental and/or social impacts will be subject to an environmental and social review consistent with the provisions of the OECD Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence. CCC may reject an initial application for Payment Guarantee based on the results of this environmental and social review.

(2) Once CCC indicates its approval of the initial application to the Seller, the Seller must submit a final application as specified in paragraph (d) of this section before CCC will make a final determination of whether to issue a Payment Guarantee.

(d) *Final application for Payment Guarantee.* CCC must receive the Seller's final application for a Payment Guarantee within 30 calendar days of CCC's approval of the initial application, unless a longer timeframe is agreed to by CCC in writing. The final application for Payment Guarantee must be submitted in writing to CCC in the manner specified on the USDA Web site, and be accompanied by the full guarantee fee (less the letter of interest fee, if applicable, and the initial application fee). The final application must identify the name and address of the Seller and include the following information:

(1) FGP tracking number assigned by CCC.

(2) Destination country.

(3) The name and address of the Buyer.

(4) A description of each good and U.S. Service, along with the Value of the Good and Cost of the Service, for which guarantee coverage is requested, based on CCC's feedback on the Seller's initial application. If CCC approved a coverage waiver to provide guarantee coverage of only the U.S. components used in the assembly of U.S. Goods, provide the Value of the U.S. Components.

(5) Net Contract Value.

(6) Amount of the Initial Payment and evidence that the Initial Payment has been made by the Buyer to the Seller.

(7) Description and value of any discounts and allowances.

(8) Guaranteed Value.

(9) Guarantee fee.

(10) The Seller's statement, ''All certifications set forth in § 1493.270 are hereby being made by the Seller in this application'' which, when included in the application by the Seller, will constitute a certification that it is in compliance with all the requirements set forth in § 1493.270 with respect to both the initial and final applications.

(e) A final application for a Payment Guarantee may be approved as submitted, approved with modifications agreed to by the Seller, or rejected by CCC. CCC shall have the right to request the Seller to furnish any other information and documentation it deems pertinent to the evaluation of the Seller's application. In the event that the final application is approved, the Director will cause a Payment Guarantee

to be issued in favor of the Seller. Such Payment Guarantee will become effective at the time specified in § 1493.290(b).

§ 1493.270 Certification requirements for obtaining Payment Guarantee.

By providing the statement in § 1493.260(d)(10), the Seller is certifying that the information provided in the initial and final applications is true and correct and, further, that all requirements set forth in this section have been met. The Seller will be required to provide further explanation or documentation with regard to final applications that do not include this statement. If the Seller makes false certifications with respect to a Payment Guarantee, CCC will have the right, in addition to any other rights provided under this subpart or otherwise as a matter of law, to revoke guarantee coverage for any goods not yet exported and Services not yet performed and/or to commence legal action and/or administrative proceedings against the Seller. The Seller, in submitting an application for a Payment Guarantee and providing the statement set forth in § 1493.260(d)(10), certifies that:

(a) There have not been any corrupt payments or extra sales services or other items extraneous to the transaction provided, financed, or guaranteed in connection with the transaction, and the transaction complies with applicable United States law, including the Foreign Corrupt Practices Act of 1977 and other anti-bribery measures;

(b) At the time of submission of the final application for Payment Guarantee, the Buyer does not appear as an excluded party on the SAM list;

(c) The Seller is fully in compliance with the requirements of § 1493.320(b) for all existing Payment Guarantees issued to the Seller or has requested and been granted an extension per § 1493.320(b)(3); and

(d) The information provided pursuant to § 1493.220 has not changed and the Seller still meets all of the qualification requirements of § 1493.220.

§ 1493.280 Special requirements of the Foreign Financial Institution Letter of Credit and the Terms and Conditions Document, if applicable.

(a) *Permitted mechanisms to document special requirements.* (1) A Foreign Financial Institution Letter of Credit is required in connection with the sale to which CCC's Payment Guarantee pertains.

(i) If the obligation to pay by the Foreign Financial Institution is conditioned on shipment documentation, the Letter of Credit must stipulate presentation of at least one original clean on board bill of lading as a required document, unless:

(A) The Seller, or a related company previously reported to CCC by the Seller pursuant to 1493.220(a)(5), is named as the shipper on the clean, on-board bill of lading. If the Seller or a related company is named the shipper on the bill of lading, the Letter of Credit may stipulate a copy or photocopy of an original, clean, on-board bill of lading; or

(B) The Letter of Credit stipulates presentation of electronic documents per paragraph (a)(ii) of this section.

(ii) If the Letter of Credit will allow for presentation of electronic documents, the Letter of Credit must so stipulate.

(iii) If the obligation to pay by the Foreign Financial Institution is conditioned on a Contractual Event requiring other than shipment documentation, the Contractual Event must be clearly stipulated in either the Letter of Credit or the Terms and Conditions Document.

(2) The use of a Terms and Conditions Document is optional. The Terms and Conditions Document, if any, must be specifically identified and referred to in the Foreign Financial Institution Letter of Credit.

(3) The special requirements in paragraph (b) of this section must be documented in one of the two following ways:

(i) The special requirements may be set forth in the Foreign Financial Institution Letter of Credit as a special instruction from the Foreign Financial Institution; or

(ii) The special requirements may be set forth in a separate Terms and Conditions Document.

(b) Special requirements. The following provisions are required and must be documented in accordance with paragraph (a) of this section:

(1) The terms of the Repayment Obligation, including a specific promise by the Foreign Financial Institution issuing the Letter of Credit to pay the Repayment Obligation;

(2) The following language: ''In the event that the Commodity Credit Corporation (''CCC'') is subrogated to the position of the obligee hereunder, this instrument shall be governed by and construed in accordance with the laws of the State of New York, excluding its conflict of laws principles. In such case, any legal action or proceeding arising under this instrument will be brought exclusively in the U.S. District Court for the Southern District of New York or the U.S. District Court for the District of Columbia, as determined by CCC, and such parties hereby irrevocably consent to the personal jurisdiction and venue therein.'';

(3) A provision permitting the Holder of the Payment Guarantee to declare all or any part of the Repayment Obligation, including accrued interest, immediately due and payable, in the event a payment default occurs under the Letter of Credit or, if applicable, the Terms and Conditions Document; and

(4) Post Default Interest terms.

§ 1493.290 Terms and requirements of the Payment Guarantee.

(a) *CCC's obligation.* The Payment Guarantee will provide that CCC agrees to pay the Holder of the Payment Guarantee an amount not to exceed the Guaranteed Value, plus Eligible Interest, in the event that the Foreign Financial Institution fails to pay under the Foreign Financial Institution Letter of Credit and, if applicable, the Terms and Conditions Document. Payment by CCC will be in U.S. dollars.

(b) *Period of guarantee coverage.* The Payment Guarantee becomes effective on the Date(s) of Performance. For goods, the period of coverage will apply from the date on which interest begins to accrue, if earlier than the Date of Performance. The Payment Guarantee will apply to the period beginning with the Date(s) of Performance and will continue during the credit term specified in the Payment Guarantee or amendments thereto.

(c) *Terms of the CCC Payment Guarantee.* The terms of CCC's coverage will be set forth in the Payment Guarantee, as approved by CCC, and will include the provisions of this subpart, which may be supplemented by any Program Announcements and notices to participants in effect at the time the Payment Guarantee is approved by CCC.

(d) *Final Date of Performance.* The final allowable Date of Performance will be specified on the Payment Guarantee.

(e) *U.S. Content Test.* Except as allowed under § 1493.290(f), CCC will issue a Payment Guarantee only if the following items collectively represent less than 50 percent of the sum of the Net Contract Value and the value of approved Local Costs:

(1) The value of Eligible Non-U.S. Goods; and

(2) The value of Eligible Imported Components.

(f) *Coverage Waiver.*

(1) The Seller may request a Coverage Waiver for any of the following:

(i) To allow for guarantee coverage of non-U.S. Goods;

(ii) The U.S. Content Test, electing for guarantee coverage of only the U.S. components used in the assembly of U.S. Goods; and/or

(iii) The U.S. Content Test, allowing for guarantee coverage of non-U.S. Goods and imported components in U.S. Goods in excess of the value permitted under the U.S. Content Test.

(2) To request a Coverage Waiver on any of the bases specified in paragraph (1) of this sub-section, the Seller must submit with the initial application for a Payment Guarantee a justification of why the non-U.S. Goods and/or imported components in U.S. Goods are essential to the completion of the FGP project. This justification must be based on one of the following:

(i) The goods and/or components are no longer manufactured in or provided by the United States;

(ii) The use of U.S. Goods and/or components is not cost effective; or

(iii) U.S. Goods and/or components are not compatible with the existing infrastructure in the Destination Country.

(g) *Certain transactions are ineligible for Payment Guarantees.* A transaction (or any portion thereof) is ineligible for Payment Guarantee coverage if at any time CCC determines that:

(1) The sale includes corrupt payments or extra sales or services or other items extraneous to the transactions provided, financed, or guaranteed in connection with the transaction;

(2) The sale does not comply with applicable U.S. law, including the Foreign Corrupt Practices Act of 1977 and other anti-bribery measures;

(3) The Buyer is excluded or disqualified from participation in U.S. government programs;

(4) The goods, Services, and/or facility being financed will not primarily benefit U.S. Agricultural Commodity exports;

(5) The sale is not an Eligible Export Sale.

(h) *Certain Contractual Events are ineligible for Payment Guarantee coverage.* The following Contractual Events are ineligible for coverage under an FGP Payment Guarantee, except where it is determined by the Director to be in the best interest of CCC to provide guarantee coverage on such Contractual Events:

(1) Contractual Events with a Date of Performance prior to the date of receipt by CCC of the Seller's written application for a Payment Guarantee;

(2) Contractual Events with a Date of Performance later than the final Date of Performance shown on the Payment Guarantee or any amendments thereof;

(3) Contractual Events where the date of issuance of a Foreign Financial Institution Letter of Credit is later than the Date of Performance; or

(4) Contractual Events that have been guaranteed by CCC under another Payment Guarantee. If CCC determines that the Contractual Event has been guaranteed under multiple Payment Guarantees (or coverage has been requested under multiple Payment Guarantees), CCC will determine which Payment Guarantee (or application for Payment Guarantee), if any, corresponds to an Eligible Export Sale.

(i) *Additional requirements.* The Payment Guarantee may contain such additional terms, conditions, and limitations as deemed necessary or desirable by the Director. Such additional terms, conditions or qualifications as stated in the Payment Guarantee are binding on the Seller and the Assignee.

(j) *Amendments to the Firm Sales Contract.* Any amendments to the Firm Sales Contract that impact Contractual Event(s) covered by the Payment Guarantee must be submitted to CCC for approval for coverage prior to the Date of Performance of the Contractual Event.

(k) *Amendments to the Payment Guarantee.* A request for an amendment of a Payment Guarantee may be submitted only by the Seller, with the written concurrence of the Assignee, if any, and must be accompanied by the revised Firm Sales Contract, if applicable. The Director will consider such a request only if the amendment sought is consistent with this subpart and any applicable Program Announcements and sufficient budget authority exists. Any amendment to the Payment Guarantee, particularly those that result in an increase in CCC's liability under the Payment Guarantee, may result in an increase in the guarantee fee. CCC reserves the right to request additional information from the Seller to justify the request and to charge a fee for amendments. Such fees will be announced and available on the USDA Web site. Any request to amend the Foreign Financial Institution on the Payment Guarantee will require that the Holder of the Payment Guarantee resubmit to CCC the certification in § 1493.310(c)(1)(i) or § 1493.330(e).

§ 1493.300 Fees.

(a) *Letter of interest fee.* A letter of interest fee, as specified on the USDA Web site, must be received by CCC before CCC will consider the Seller's letter of interest.

(b) *Initial application fee.* An initial application fee, as specified on the USDA Web site, must be received by CCC before CCC will consider the Seller's initial application for a Payment Guarantee.

(c) *Guarantee fee rates.* Guarantee fee rates will be based upon the length of the payment terms provided for in the Firm Sales Contract, the degree of risk that CCC assumes, as determined by CCC, and any other factors that CCC determines appropriate for consideration.

(d) *Calculation of guarantee fee.* The guarantee fee will be computed by multiplying the Guaranteed Value by the guarantee fee rate.

(e) *Payment of guarantee fee.* The Seller shall remit, with his final application, the full amount of the guarantee fee, less the letter of interest fee, if applicable, and the initial application fee. CCC will not issue a Payment Guarantee until the full amount of the guarantee fee has been received by CCC. The Seller's wire transfer or check for the guarantee fee shall be made payable to CCC and be submitted in the manner specified on the USDA Web site.

(f) *Refunds of fees.* Letter of interest fees, initial application fees, and guarantee fees will ordinarily not be refundable unless the Director determines that such refund will be in the best interest of CCC.

§ 1493.310 Assignment of the Payment Guarantee.

(a) *Requirements for assignment.* The Seller may assign the Payment Guarantee only to a U.S. Financial Institution approved for participation by CCC. The assignment must cover all amounts payable under the Payment Guarantee not already paid, may not be made to more than one party, and, unless approved in advance by CCC, may not be:

(1) Made to one party acting for two or more parties; or

(2) Subject to further assignment.

(b) *CCC to receive notice of assignment of Payment Guarantee.* A notice of assignment signed by the parties thereto must be filed with CCC by the Assignee in the manner specified on the USDA Web site. The name and address of the Assignee must be included on the written notice of assignment. The notice of assignment should be received by CCC within 30 calendar days of the date of assignment.

(c) *Required certifications.*

(1) The U.S. Financial Institution must include the following certifications on the notice of assignment: ''I certify, that:

(i) [Name of Assignee] has verified that the Foreign Financial Institution, at the time of submission of the notice of

assignment, does not appear as an excluded party on the SAM list; and

(ii) To the best of my knowledge and belief, the information provided pursuant to § 1493.230 has not changed and [name of Assignee] still meets all of the qualification requirements of § 1493.230.''

(2) If the Assignee makes a false certification with respect to a Payment Guarantee, CCC may, in its sole discretion, in addition to any other action available as a matter of law, rescind and cancel the Payment Guarantee, reject the assignment of the Payment Guarantee, and/or commence legal action and/or administrative proceedings against the Assignee.

(d) *Notice of ineligibility to receive assignment.* In cases where a U.S. Financial Institution is determined to be ineligible to receive an assignment, in accordance with paragraph (e) of this section, CCC will provide notice thereof to the U.S. Financial Institution and to the Seller issued the Payment Guarantee.

(e) *Ineligibility of U.S. Financial Institutions to receive an assignment and proceeds.* A U.S. Financial Institution will be ineligible to receive an assignment of a Payment Guarantee or the proceeds payable under a Payment Guarantee if such U.S. Financial Institution:

(1) At the time of assignment of a Payment Guarantee, is not in compliance with all requirements of § 1493.230(a); or

(2) Is the branch, agency, or subsidiary of the Foreign Financial Institution issuing the Letter of Credit; or

(3) Is owned or controlled by an entity that owns or controls the Foreign Financial Institution issuing the Letter of Credit; or

(4) Is the U.S. parent of the Foreign Financial Institution issuing the Foreign Financial Institution Letter of Credit; or

(5) Is owned or controlled by the government of a foreign country and the Payment Guarantee has been issued in connection with sales of goods or Services to Buyers located in such foreign country.

(f) *Repurchase agreements.*

(1) The Holder of the Payment Guarantee may enter into a Repurchase Agreement, to which the following requirements apply:

(i) Any repurchase under a Repurchase Agreement by the Holder of the Payment Guarantee must be for the entirety of outstanding balance under the associated Repayment Obligation;

(ii) In the event of default with respect to the Repayment Obligation subject to a Repurchase Agreement, the Holder of the Payment Guarantee must immediately effect such repurchase; and

(iii) The Holder of the Payment Guarantee must file all documentation required by §§ 1493.350 and 1493.360 in case of a default by the Foreign Financial Institution under the Payment Guarantee.

(2) The Holder of the Payment Guarantee shall, within five Business Days of execution of a transaction under the Repurchase Agreement, notify CCC of the transaction in writing in the manner specified on the USDA Web site. Such notification must include the following information:

(i) Name and address of the other party to the Repurchase Agreement;

(ii) A statement indicating whether the transaction executed under the Repurchase Agreement is for a fixed term or if it is terminable upon demand by either party. If fixed, provide the purchase date and the agreed upon date for repurchase. If terminable on demand, provide the purchase date only; and

(iii) The following written certification: ''[Name of Holder of the Payment Guarantee] has entered into a Repurchase Agreement that meets the provisions of 7 CFR § 1493.310(f)(1) and, prior to entering into this agreement, verified that [name of other party to the Repurchase Agreement] does not appear as an excluded party on the SAM list.''

(3) Failure of the Holder of the Payment Guarantee to comply with any of the provisions of § 1493.310(f) may result in CCC annulling coverage on the Foreign Financial Institution Letter of Credit and Terms and Condition Document, if applicable, covered by the Payment Guarantee.

§ 1493.320 Evidence of performance.

(a) *Report of performance.* The Seller is required to provide CCC an evidence of performance report for each Contractual Event occurring under the Payment Guarantee. This report must include the following information:

(1) Payment Guarantee number;

(2) Evidence of performance report number (*e.g.,* Report 1, Report 2) reflecting the report's chronological order of submission under the particular Payment Guarantee;

(3) Date of Performance;

(4) Seller's Firm Sales Contract number;

(5) Detailed description of the Contractual Event. For goods, include the applicable 10-digit Harmonized System classification code and the quantity;

(6) Value of the Contractual Event covered by the Payment Guarantee;

(7) Description and value of Discounts and Allowances, if any;

(8) The Seller's statement, ''All certifications set forth in § 1493.330 are hereby made by the Seller in this evidence of performance'' which, when included in the evidence of performance by the Seller, will constitute a certification that it is in compliance with all the requirements set forth in § 1493.330; and

(9) In addition to all of the above information, the final evidence of performance report for the Payment Guarantee must include the following:

(i) The statement ''All Contractual Events under the Payment Guarantee have been completed.''

(ii) A statement summarizing the total value of all Contractual Events covered under the Payment Guarantee (*i.e.,* the cumulative totals on all numbered reports).

(b) *Time limit for submission of evidence of performance.*

(1) The Seller must provide a written report to CCC in the manner specified on the USDA Web site within 30 calendar days from the Date of Performance.

(2) If at any time the Seller determines that no Contractual Events are to occur under a Payment Guarantee, the Seller is required to notify CCC in writing no later than the final Date of Performance specified on the Payment Guarantee by furnishing the Payment Guarantee number and stating ''No Contractual Events will occur under the Payment Guarantee.''

(3) Requests for an extension of the time limit for submitting an evidence of performance report must be submitted in writing by the Seller to the Director and must include an explanation of why the extension is needed. An extension of the time limit may be granted if such extension is requested prior to the expiration of the time limit for filing and is determined by the Director to be in the best interests of CCC.

(c) *Failure to comply with time limits for submission.* CCC will not accept any new applications for Payment Guarantees from a Seller under § 1493.260 until the Seller is fully in compliance with the requirements of § 1493.320(b) for all existing Payment Guarantees issued to that Seller or has requested and been granted an extension in accordance with § 1493.320(b)(3).

§ 1493.330 Certification requirements for the evidence of performance.

By providing the statement contained in § 1493.320(a)(8), the Seller is certifying that the information provided in the evidence of performance report is

true and correct and, further, that all requirements set forth in this section have been met. The Seller will be required to provide further explanation or documentation with regard to reports that do not include this statement. If the Seller makes false certifications with respect to a Payment Guarantee, CCC will have the right, in addition to any other rights provided under this subpart or otherwise as a matter of law, to annul guarantee coverage for any Contractual Events that have not yet occurred and/or to commence legal action and/or administrative proceedings against the Seller. The Seller, in submitting the evidence of performance and providing the statement set forth in § 1493.230(a)(8), certifies that:

(a) The specifications and/or quantity of the Contractual Event conform with the information contained in the Seller's application for Payment Guarantee and Firm Sales Contract, or if different, CCC has approved such changes;

(b) A Foreign Financial Institution Letter of Credit has been opened in favor of the Seller by the Foreign Financial Institution shown on the Payment Guarantee to cover the dollar amount of the Contractual Event covered by the Payment Guarantee, less the Initial Payment and less Discounts and Allowances;

(c) There have not been any corrupt payments or extra sales services or other items extraneous to the transaction provided, financed, or guaranteed in connection with the transaction, and that the transaction complies with applicable United States law, including the Foreign Corrupt Practices Act of 1977 and other anti-bribery measures;

(d) If the Seller has not assigned the Payment Guarantee to a U.S. Financial Institution, the Seller has verified that the Foreign Financial Institution, at the time of submission of the evidence of performance report, does not appear as an excluded party on the SAM list; and

(e) The information provided pursuant to §§ 1493.220 and 1493.260 has not changed (except as agreed to and amended by CCC) and the Seller still meets all of the qualification requirements of § 1493.220.

§ 1493.340 Proof of entry.

(a) *Diversion.* The diversion of goods covered by an FGP Payment Guarantee to a country other than that shown on the Payment Guarantee is prohibited, unless expressly authorized in writing by the Director.

(b) *Records of proof of entry.*

(1) Sellers must obtain and maintain records of an official or customary commercial nature that demonstrate the arrival of the goods sold in connection with the FGP in the Destination Country. At the Director's request, the Seller must submit to CCC records demonstrating proof of entry. Records demonstrating proof of entry must be in English or be accompanied by a certified or other translation acceptable to CCC. Records acceptable to meet this requirement include an original certification of entry signed by a duly authorized customs or port official of the Destination Country, by an agent or representative of the vessel or shipline that delivered the goods to the Destination Country, or by a private surveyor in the Destination Country, or other documentation deemed acceptable by the Director showing:

(i) That the good(s) entered the Destination Country;

(ii) The identification of the export carrier;

(iii) The quantity of the good(s);

(iv) A description of the good(s); and

(v) The date(s) and place(s) of unloading of the good(s) in the Destination Country.

(2) Where shipping documents (*e.g.,* bills of lading) clearly demonstrate that the goods were shipped to the Destination Country, proof of entry verification may be provided by the Buyer.

§ 1493.350 Notice of default.

(a) *Notice of default.* If the Foreign Financial Institution issuing the Letter of Credit fails to make payment pursuant to the terms of the Letter of Credit or the Terms and Conditions Document, the Holder of the Payment Guarantee must submit a notice of default to CCC as soon as possible, but not later than 5 Business Days after the date that payment was due from the Foreign Financial Institution (the due date). A notice of default must be submitted in writing to CCC in the manner specified on the USDA Web site and must include the following information:

(1) Payment Guarantee number;

(2) Name of the country or region as shown on the Payment Guarantee;

(3) Name of the defaulting Foreign Financial Institution;

(4) Payment due date;

(5) Total amount of the defaulted payment due, indicating separately the amounts for principal and Ordinary Interest, and including a copy of the repayment schedule with due dates, principal amounts and Ordinary Interest rates for each installment;

(6) Date of Foreign Financial Institution's refusal to pay, if applicable;

(7) Reason for Foreign Financial Institution's refusal to pay, if known, and copies of any correspondence with the Foreign Financial Institution regarding the default.

(b) *Failure to comply with time limit for submission.* If the Holder of the Payment Guarantee fails to notify CCC of a default within 5 Business Days, CCC may deny the claim for that default.

(c) *Impact of a default on other existing Payment Guarantees.*

(1) In the event that a Foreign Financial Institution defaults under a Repayment Obligation under this subpart or under 7 CFR 1493, subpart B, CCC may declare that such Foreign Financial Institution is no longer eligible to provide additional Letters of Credit under the FGP. If CCC determines that such defaulting Foreign Financial Institution is no longer eligible for the FGP, CCC shall provide written notice of such ineligibility to all Sellers and Assignees, if any, having Payment Guarantees covering transactions with respect to which the defaulting Foreign Financial Institution is expected to issue a Letter of Credit. Receipt of written notice from CCC that a defaulting Foreign Financial Institution is no longer eligible to provide additional Letters of Credit under the FGP shall constitute withdrawal of coverage of that Foreign Financial Institution under all Payment Guarantees with respect to any Letter of Credit issued on or after the date of receipt of such written notice. CCC will not withdraw coverage of the defaulting Foreign Financial Institution under any Payment Guarantee with respect to any Letter of Credit issued before the date of receipt of such written notice.

(2) If CCC withdraws coverage of the defaulting Foreign Financial Institution, CCC will permit the Seller (with concurrence of the Assignee, if any) to utilize another approved Foreign Financial Institution, and will consider other requested amendments to the Payment Guarantee, for the balance of the transaction covered by the Payment Guarantee. If no alternate Foreign Financial Institution is identified to issue the Letter of Credit within 30 calendar days, CCC will cancel the Payment Guarantee and refund the Seller's guarantee fees corresponding to any unutilized portion of the Payment Guarantee.

§ 1493.360 Claims for default.

(a) *Filing a claim.* A claim by the Holder of the Payment Guarantee for a defaulted payment will not be paid if it is made later than 180 calendar days from the due date of the defaulted payment. A claim must be submitted in writing to CCC in the manner specified on the USDA Web site. The claim must

include the following documents and information:

(1) An original cover letter signed by the Holder of the Payment Guarantee and containing the following information:

(i) Payment Guarantee number;

(ii) A description of:

(A) Any payments from or on behalf of the defaulting party or otherwise related to the defaulted payment that were received by the Seller or the Assignee prior to submission of the claim; and

(B) Any security, insurance, or collateral arrangements, whether or not any payment has been realized from such security, insurance, or collateral arrangement as of the time of claim, from or on behalf of the defaulting party or otherwise related to the defaulted payment.

(iii) The following certifications:

(A) A certification that the defaulted payment has not been received (or, alternatively, specifying the portion of the scheduled payment that has not been received), listing separately scheduled principal and Ordinary Interest;

(B) A certification of the amount of the defaulted payment, indicating separately the amounts for defaulted principal and Ordinary Interest;

(C) A certification that all documents submitted under paragraph (a)(3) of this section are true and correct copies; and

(D) A certification that all documents conforming with the requirements for payment under the Foreign Financial Institution Letter of Credit have been submitted to the negotiating bank or directly to the Foreign Financial Institution under such Letter of Credit.

(2) An original instrument, in form and substance satisfactory to CCC, subrogating to CCC the respective rights of the Holder of the Payment Guarantee to the amount of payment in default under the applicable sale. The instrument must reference the applicable Foreign Financial Institution Letter of Credit and, if applicable, the Terms and Conditions Document; and

(3) A copy of each of the following documents:

(i) The repayment schedule with due dates, principal amounts and Ordinary Interest rates for each installment (if the Ordinary Interest rates for future payments are unknown at the time of the claim for default is submitted, provide estimates of such rates);

(ii) (A) The Foreign Financial Institution Letter of Credit securing the sale; and

(B) If applicable, the Terms and Conditions Document;

(iii) For goods, depending upon the method of shipment, the ocean carrier or intermodal bill(s) of lading signed by the shipping company with the onboard ocean carrier date for each shipment, the airway bill, or, if shipped by rail or truck, the bill of lading and the entry certificate or similar document signed by an official of the Destination Country. If the transaction utilizes electronic bill(s) of lading (e-BL), a print-out of the e-BL from electronic system with an electronic signature is acceptable;

(iv) The Seller's invoice. For shipment of goods, the invoice must show the applicable Incoterms;

(v) The evidence of performance report(s) previously submitted by the Seller to CCC in conformity with the requirements of § 1493.320(a); and

(vi) If the defaulted payment was part of a transaction executed under a Repurchase Agreement, written evidence that the repurchase occurred as required under § 1493.310(f)(1)(ii).

(b) *Additional documents.* If a claim is denied by CCC, the Holder of the Payment Guarantee may provide further documentation to CCC to establish that the claim is in good order.

(c) *Subsequent claims for defaults on installments.* If the initial claim is found in good order, the Holder of the Payment Guarantee need only provide all of the required claims documents with the initial claim relating to a covered transaction. For subsequent claims relating to failure of the Foreign Financial Institution to make scheduled installments on the same Contractual Event, the Holder of the Payment Guarantee need only submit to CCC a notice of such failure containing the information stated in paragraph (a)(1)(i), (a)(1)(ii), and (a)(1)(iii)(A) and (B) of this section; an instrument of subrogation as per paragraph (a)(2) of this section, and the date the original claim was filed with CCC.

(d) *Alternative satisfaction of Payment Guarantees.* CCC may establish procedures, terms and/or conditions for the satisfaction of CCC's obligations under a Payment Guarantee other than those provided for in this subpart if CCC determines that those alternative procedures, terms, and/or conditions are appropriate in rescheduling the debts arising out of any transaction covered by the Payment Guarantee and would not result in CCC paying more than the amount of CCC's obligation.

§ 1493.370 Payment for default.

(a) *Determination of CCC's liability.* Upon receipt in good order of the information and documents required under § 1493.360, CCC will determine whether or not a default has occurred for which CCC is liable under the applicable Payment Guarantee. Such determination shall include, but not be limited to, CCC's determination that all documentation conforms to the specific requirements contained in this subpart, and that all documents submitted for payment conform to the requirements of the Letter of Credit and, if applicable, the Terms and Conditions Document. If CCC determines that it is liable to the Holder of the Payment Guarantee, CCC will pay the Holder of the Payment Guarantee in accordance with paragraphs (b) and (c) of this section.

(b) *Amount of CCC's liability.* CCC's maximum liability for any claims submitted with respect to any Payment Guarantee, not including any CCC Late Interest Payments due in accordance with paragraph (c) of this section, will be limited to the lesser of:

(1) The Guaranteed Value as stated in the Payment Guarantee, plus Eligible Interest, less any payments received or funds realized from insurance, security or collateral arrangements prior to claim by the Seller or the Assignee from or on behalf of the defaulting party or otherwise related to the obligation in default (other than payments between CCC, the Seller or the Assignee); or

(2) The guaranteed percentage (as indicated in the Payment Guarantee) of the value of the Contractual Event indicated in the evidence of performance, plus Eligible Interest, less any payments received or funds realized from insurance, security or collateral arrangements prior to claim by the Seller or the Assignee from or on behalf of the defaulting party or otherwise related to the obligation in default (other than payments between CCC, the Seller or the Assignee).

(c) *CCC Late Interest.* If CCC does not pay a claim within 15 Business Days of receiving the claim in good order, CCC Late Interest will accrue in favor of the Holder of the Payment Guarantee beginning with the sixteenth Business Day after the day of receipt of a complete and valid claim found by CCC to be in good order and continuing until and including the date that payment is made by CCC. CCC Late Interest will be paid on the guaranteed amount, as determined by paragraph (b) of this section, and will be calculated at a rate equal to the average investment rate of the most recent Treasury 91-day bill auction as announced by the Department of Treasury as of the due date. If there has been no 91-day auction within 90 calendar days of the date CCC Late Interest begins to accrue, CCC will apply an alternative rate in a manner to be described on the USDA Web site.

(d) *Accelerated payments.* CCC will pay claims only on amounts not paid as

scheduled. CCC will not pay claims for amounts due as a result of the claimant invoking an accelerated payment clause in the Firm Sales Contract, the Foreign Financial Institution Letter of Credit, the Terms and Conditions Document (if applicable), or any obligation owed by the Foreign Financial Institution to the Holder of the Payment Guarantee that is related to the Letter of Credit issued in favor of the Seller, unless it is determined to be in the best interests of CCC. Notwithstanding the foregoing, CCC at its option may declare up to the entire amount of the unpaid balance, plus accrued Ordinary Interest, in default, require the Holder of the Payment Guarantee to invoke the acceleration provision in the Foreign Financial Institution Letter of Credit or, if applicable, in the Terms and Conditions Document, require submission of all claims documents specified in § 1493.360, and make payment to the Holder of the Payment Guarantee in addition to such other claimed amount as may be due from CCC.

(e) *Action against the Assignee.* If an Assignee submits a claim for default pursuant to Section § 1493.360 and all documents submitted appear on their face to conform with the requirements of such section, CCC will not hold the Assignee responsible or take any action or raise any defense against the Assignee for any action, omission, or statement by the Seller of which the Assignee has no knowledge.

§ 1493.380 Recovery of defaulted payments.

(a) *Notification.* Upon claim payment to the Holder of the Payment Guarantee, CCC will notify the Foreign Financial Institution of CCC's rights under the subrogation agreement to recover all monies in default.

(b) *Receipt of monies.*

(1) In the event that monies related to the obligation in default are recovered by the Seller or the Assignee from or on behalf of the defaulting party, the Buyer, or any source whatsoever (excluding payments between CCC, the Seller and the Assignee), such monies shall be immediately paid to CCC. Any monies derived from insurance or through the liquidation of any security or collateral after the claim is filed with CCC shall be deemed recoveries that must be paid by the Seller and/or Assignee to CCC. If such monies are not received by CCC within 15 Business Days from the date of recovery by the Seller or the Assignee, such party will also owe to CCC interest from the date of recovery of such funds to the date of CCC's receipt of such funds. This interest will be calculated at a rate equal to the latest average investment rate of the most recent Treasury 91-day bill auction, as announced by the Department of Treasury, in effect on the date of recovery and will accrue from such date to the date of payment by the Seller or the Assignee to CCC. Such interest will be charged only on CCC's share of the recovery. If there has been no 91-day auction within 90 calendar days of the date interest begins to accrue, CCC will apply an alternative rate in a manner to be described on the USDA Web site.

(2) If CCC recovers monies that should be applied to a Payment Guarantee for which a claim has been paid by CCC, CCC will pay the Holder of the Payment Guarantee its pro rata share if any, provided that the required information necessary for determining pro rata distribution has been furnished. If a required payment is not made by CCC within 15 Business Days from the date of recovery or 15 Business Days from receiving the required information for determining pro rata distribution, whichever is later, CCC will pay interest calculated at a rate equal to the latest average investment rate of the most recent Treasury 91-day bill auction, as announced by the Department of Treasury, in effect on the date of recovery, and interest will accrue from such date to the date of payment by CCC. The interest will apply only to the portion of the recovery payable to the Holder of the Payment Guarantee.

(c) *Allocation of recoveries.* Recoveries received by CCC from any source whatsoever that are related to the obligation in default will be allocated by CCC to the Holder of the Payment Guarantee and to CCC on a pro rata basis determined by their respective interests in such recoveries. The respective interest of each party will be determined on a pro rata basis, based on the combined amount of principal and interest in default on the date the claim is paid by CCC. Once CCC has paid out a particular claim under a Payment Guarantee, CCC prorates any collections it receives and shares these collections proportionately with the Holder of the Payment Guarantee until both CCC and the Holder of the Payment Guarantee have been reimbursed in full.

(d) *Liabilities to CCC.* Notwithstanding any other terms of the Payment Guarantee, under the following circumstances the Seller or the Assignee will be liable to CCC for any amounts paid by CCC under the Payment Guarantee:

(1) The Seller will be liable to CCC when and if it is determined by CCC that the Seller has engaged in fraud, or has been or is in material breach of any contractual obligation, certification or warranty made by the Seller for the purpose of obtaining the Payment Guarantee or for fulfilling obligations under the FGP; and

(2) The Assignee will be liable to CCC when and if it is determined by CCC that the Assignee has engaged in fraud or otherwise violated program requirements.

(e) *Cooperation in recoveries.* Upon payment by CCC of a claim to the Holder of the Payment Guarantee, the Holder of the Payment Guarantee and the Seller will cooperate with CCC to effect recoveries from the Foreign Financial Institution and/or the Buyer. Cooperation may include, but is not limited to, submission of documents to the Foreign Financial Institution (or its representative) to establish a claim; participation in discussions with CCC regarding the appropriate course of action with respect to a default; actions related to accelerated payments as specified in § 1493.370(d); and other actions that do not increase the obligation of the Holder of the Payment Guarantee or the Seller under the Payment Guarantee.

§ 1493.385 Additional obligations and requirements.

(a) *Maintenance of records and access to premises, and responding to CCC inquiries.* For a period of five years after the date of expiration of the coverage of a Payment Guarantee, the Seller and the Assignee, if applicable, must maintain and make available all records and respond completely to all inquiries pertaining to sales and deliveries of and extension of credit for goods and Services sold in connection with a Payment Guarantee, including those records generated and maintained by agents and related companies involved in special arrangements with the Seller. The Secretary of Agriculture and the Comptroller General of the United States, through their authorized representatives, must be given full and complete access to the premises of the Seller and the Assignee, as applicable, during regular business hours from the effective date of the Payment Guarantee until the expiration of such five-year period to inspect, examine, audit, and make copies of the Seller's, Assignee's, agent's, or related company's books, records and accounts concerning transactions relating to the Payment Guarantee, including, but not limited to, financial records and accounts pertaining to sales, inventory, processing, and administrative and incidental costs, both normal and unforeseen. During such period, the Seller and the Assignee may be required

to make available to the Secretary of Agriculture or the Comptroller General of the United States, through their authorized representatives, records that pertain to transactions conducted outside the program, if, in the opinion of the Director, such records would pertain directly to the review of transactions undertaken by the Seller in connection with the Payment Guarantee.

(b) *Responsibility of program participants.* It is the responsibility of all Sellers and U.S. and Foreign Financial Institutions to review, and fully acquaint themselves with, all regulations, Program Announcements, and notices to participants relating to the FGP, as applicable. All Sellers and U.S. and Foreign Financial Institutions participating in the FGP are hereby on notice that they will be bound by this subpart and any terms contained in the Payment Guarantee and in applicable Program Announcements.

(c) *Submission of documents by Principals.* All required submissions, including certifications, applications, reports, or requests (*i.e.,* requests for amendments), by Sellers, Assignees, or Foreign Financial Institutions under this subpart must be signed by a Principal of the Seller, Assignee, or Foreign Financial Institution or their authorized designee(s). In cases where the designee is acting on behalf of the Principal, the signature must be accompanied by wording indicating the delegation of authority or, in the alternative, by a certified copy of the delegation of authority, and the name and title of the authorized person or officer. Further, the Seller, Assignee, or Financial Institution must ensure that all information and reports required under these regulations are timely submitted.

(d) *Misstatements or noncompliance by Seller may lead to rescission of Payment Guarantee.* CCC may cancel a Payment Guarantee in the event that a Seller makes a willful misstatement in the certifications in §§ 1493.270(a) and 1493.330(d) or if the Seller fails to comply with the provisions of § 1493.340 or § 1493.385(a). However, notwithstanding the foregoing, CCC will not cancel its Payment Guarantee if it determines, in its sole discretion, that an Assignee had no knowledge of the Seller's misstatement or noncompliance at the time of assignment of the Payment Guarantee.

§ 1493.390 Dispute resolution and appeals.

(a) *Dispute resolution.* (1) The Director and the Seller or the Assignee will attempt to resolve any disputes, including any adverse determinations made by CCC, arising under the FGP, this subpart, the applicable Program Announcements and notices to participants, or the Payment Guarantee.

(2) The Seller or the Assignee may seek reconsideration of a determination made by the Director by submitting a letter requesting reconsideration to the Director within 30 calendar days of the date of the determination. For the purposes of this section, the date of a determination will be the date of the letter or other means of notification to the Seller or the Assignee of the determination. The Seller or the Assignee may include with the letter requesting reconsideration any additional information that it wishes the Director to consider in reviewing its request. The Director will respond to the request for reconsideration within 30 calendar days of the date on which the request or the final documentary evidence submitted by the Seller or the Assignee is received by the Director, whichever is later, unless the Director extends the time permitted for response. If the Seller or the Assignee fails to request reconsideration of a determination by the Director within 30 calendar days of the date of the determination, then the determination of the Director will be deemed final.

(3) If the Seller or the Assignee requests reconsideration of a determination by the Director pursuant to subparagraph (a)(2) of this section, and the Director upholds the original determination, then the Seller or the Assignee may appeal the Director's final determination to the GSM in accordance with the procedures set forth in paragraph (b) of this section. If the Seller or the Assignee fails to appeal the Director's final determination within 30 calendar days, as provided in section § 1493.390(b)(1), then the Director's decision becomes the final determination of CCC.

(b) *Appeal procedures.* (1) A Seller or Assignee that has exhausted the procedures set forth in paragraph (a) of this section may appeal a final determination of the Director to the GSM. An appeal to the GSM must be made in writing and filed with the office of the GSM no later than 30 calendar days following the date of the final determination by the Director. If the Seller or the Assignee requests an administrative hearing in its appeal letter, it shall be entitled to a hearing before the GSM or the GSM's designee.

(2) If the Seller or the Assignee does not request an administrative hearing, the Seller or the Assignee must indicate in its appeal letter whether or not it will submit any additional written information or documentation for the GSM to consider in acting upon its appeal. This information or documentation must be submitted to the GSM within 30 calendar days of the date of the appeal letter to the GSM. The GSM will make a decision regarding the appeal based upon the information contained in the administrative record. The GSM will issue his or her written decision within 60 calendar days of the latter of the date on which the GSM receives the appeal or the date that final documentary evidence is submitted by the Seller or the Assignee to the GSM.

(3) If the Seller or the Assignee has requested an administrative hearing, the GSM will set a date and time for the hearing that is mutually convenient for the GSM and the Seller or the Assignee. This date will ordinarily be within 60 calendar days of the date on which the GSM receives the request for a hearing. The hearing will be an informal procedure. The Seller or the Assignee and/or its counsel may present any relevant testimony or documentary evidence to the GSM. A transcript of the hearing will not ordinarily be prepared unless the Seller or the Assignee bears the costs involved in preparing the transcript, although the GSM may decide to have a transcript prepared at the expense of the Government. The GSM will make a decision regarding the appeal based upon the information contained in the administrative record. The GSM will issue his or her written decision within 60 calendar days of the latter of the date of the hearing or the date of receipt of the transcript, if one is to be prepared.

(4) The decision of the GSM will be the final determination of CCC. The Seller or the Assignee will be entitled to no further administrative appellate rights.

(c) *Failure to comply with determination.* If the Seller or the Assignee has violated the terms of this subpart or the Payment Guarantee by failing to comply with a determination made under this section, and the Seller or the Assignee has exhausted its rights under this section or has failed to exercise such rights, then CCC will have the right to exercise any remedies available to CCC under applicable law.

(d) *Seller's obligation to perform.* The Seller will continue to have an obligation to perform pursuant to the provisions of these regulations and the terms of the Payment Guarantee pending the conclusion of all procedures under this section.

§ 1493.395 Miscellaneous provisions.

(a) *Officials not to benefit.* No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the Payment Guarantee

or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the Payment Guarantee if made with a corporation for its general benefit.

(b) *OMB control number assigned pursuant to the Paperwork Reduction Act.* The information collection requirements contained in this part (7 CFR part 1493) have been approved by the Office of Management and Budget (OMB) in accordance with the provisions of 44 U.S.C. chapter 35 and have been assigned OMB Control Number 0551–0032.

Dated: April 29, 2015.

Philip Karsting,

Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2015–14449 Filed 6–12–15; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 201

Market Agencies Selling on Commission; Purchases From Consignment

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Request for information.

SUMMARY: The United States Department of Agriculture's (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA) is seeking comments from the public regarding regulations issued under the Packers and Stockyards Act, 1921, as amended and supplemented (P&S Act). GIPSA regulations address circumstances under which a market agency is allowed to sell livestock on a commission basis to its owners, officers, and employees. There may be some need to update this regulation to address current marketing practices. GIPSA would like to determine whether additional information is needed in clarifying the circumstances under which key employees of the market agency, those designated as an auctioneer, weighmaster, or salesman, may purchase livestock.

DATES: We will consider comments we receive by August 14, 2015.

ADDRESSES: We invite you to submit comments on this request for information. You may submit comments by any of the following methods:

- *E-Mail: comments.gipsa@usda.gov.*
- *Mail:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2542A–S, Washington, DC 20250–3613.
- *Fax:* (202) 690–2173.
- *Hand Delivery or Courier:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2542A–S, Washington, DC 20250–3613.
- *Internet: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All comments should make reference to the date and page number of this issue of the **Federal Register**. Regulatory analyses and other documents relating to this action will be available for public inspection in Room 2542A–S, 1400 Independence Avenue SW., Washington, DC 20250–3613 during regular business hours. All comments will be available for public review in the above office during regular business hours (7 CFR 1.27(b)). Please call the Management and Budget Services staff of GIPSA at (202) 720–7486 to arrange a viewing of comments.

FOR FURTHER INFORMATION CONTACT: S. Brett Offutt, Director, Policy and Litigation Division, P&SP, GIPSA, 1400 Independence Ave. SW., Washington, DC 20250–3646, (202) 720–7363, *s.brett.offutt@usda.gov.*

SUPPLEMENTARY INFORMATION: GIPSA enforces the P&S Act. Under the authority granted to the Secretary of Agriculture (Secretary) and delegated to GIPSA, the Packers & Stockyards Program (P&SP) is authorized (7 U.S.C. 228) to make regulations necessary to carry out the provisions of the P&S Act. Section 312 (7 U.S.C. 213) of the P&S Act makes it unlawful for markets to engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in connection with the marketing, buying, or selling of livestock on a commission basis. Section 307 (7 U.S.C. 208) of the P&S Act makes it the duty of every stockyard owner and market agency to establish, observe, and enforce just, reasonable, and nondiscriminatory regulations and practices with respect to the furnishing of stockyard services and makes every unjust, unreasonable, or discriminatory regulation or practice prohibited and unlawful. Section 201.56 (9 CFR 201.56) of the regulations issued under the P&S Act explains when and under what circumstances market agencies, individuals, or firms affiliated with a market agency, may purchase consigned livestock from sales conducted by the market agency.

Section 201.56 was amended in October 1993 [58 FR 52886]. Since then only a minor technical amendment has been made to Section 201.56. This amendment revised the Office of Management and Budget control number [68 FR 75388, December 31, 2003]. GIPSA is considering whether to update paragraph (c).

Section 201.56(c) of the regulations recognizes ''auctioneers,'' ''weighmasters,'' and ''salesmen'' as key employees of market agencies. Key employees are those market agency employees whose duties involve performing key functions (*i.e.,* functions involving determinations or decisions directly affecting the interests of consignors).

Individuals performing key functions for a market agency are restricted to a greater degree as to the purchases they may make from consignments to the market. Section 201.56(c) of the regulations currently states that key employees may not purchase livestock out of consignment for their own account (personal or business) for any purpose. Key employees may still purchase livestock in the name of the market agency; for example, key employees can bid in the name of the market agency to make market support purchases. Market support purchases are purchases made in the name of the market agency when the market agency believes that the highest bid does not reflect the true market value of the livestock being offered for sale. Key employees may also purchase livestock in the market agency's name for the market agency's livestock dealer account. Market agencies and their owners, officers, agents, non-key employees, and firms in which these individuals have an ownership or financial interest may purchase livestock out of consignments for any purpose. Only those employees designated as key employees may not purchase livestock for their own accounts.

In forty different locations within the regulations promulgated under the P&S Act, GIPSA refers to the livestock scale operator as the ''weigher.'' The regulations refer to the scale operator as the ''weighmaster,'' only twice. Section 201.56(c) is one of the two exceptions. To our knowledge there is no difference meant or intended between the two terms. For the sake of consistency, GIPSA is considering changing ''weighmaster'' to ''weigher'' in the list of key employees.

GIPSA is also considering the need to retain ''salesmen'' on the list of key employees. Historically, salesmen have been owners or employees of market agencies engaged in selling livestock on a commission basis in privately negotiated sales. Presently we know of

no market agencies selling livestock through privately negotiated sales. The stockyards in which privately negotiated sales occurred now sell livestock in public auctions. While some employees may have retained a ''salesman'' job title, these employees no longer perform those functions that made them key employees.

GIPSA is requesting comments from livestock industry representatives that address the following:

(1) Which of the following should be included as a key employee, and why:
(a) Auctioneer
(b) Clerk of Sale
(c) Ringmen
(d) Salesmen
(e) Weighmaster/Weigher
(f) Manager or Owner

(2) If weighers are otherwise considered key employees, should a weigher be allowed to bid on livestock when:
(a) The market scale is equipped with a digital indicator
(b) Livestock are not sold by weight

(3) If livestock scale operators remain on the list of key employees would you object to GIPSA referring to the livestock scale operator as the ''weigher'' rather than the ''weighmaster'' in 201.56(c)?

GIPSA is also interested to hear comments on whether key employees may purchase livestock during a sale under specific circumstances, or for specific purposes, such as:

(4) If a key employee would step down from the auctioneer's booth or scale during a sale:

(a) Could the key employee then bid on livestock for their own account from the bleachers with the other buyers as long as the employee provided no key services while doing so:

(i) Should this be limited to a specific species;

(ii) Should their time spent bidding or serving in a key capacity be documented, and if so, how;

(iii) Should a key employee be allowed to return to the auctioneer's booth or scale, to perform key employee duties, after bidding on livestock from the bleachers?

(5) Should GIPSA allow a key employee to buy livestock for market support or to fill orders held by their employer, the market agency?

(6) What is perceived to be the greatest impediment or barrier to effective competition at a market agency selling livestock on a commission basis?

GIPSA welcomes any comments addressing these issues and any other aspects of the general subject of permitting key employees to purchase livestock from consignments to a market agency.

Susan B. Keith,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2015–14538 Filed 6–12–15; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1981; Directorate Identifier 2014–NM–204–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus 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 Airbus Model A330–200 Freighter, A330–200, A330–300, A340–200, and A340–300 series airplanes. This proposed AD was prompted by reports that the inner bore of some main landing gear (MLG) unit bogie beams were insufficiently re-protected against corrosion after inspection or maintenance actions were accomplished. This proposed AD would require, for certain MLG units, determining which revision of the component maintenance manual (CMM) was used to accomplish the most recent MLG unit overhaul; a detailed inspection for missing or damaged paint, and if necessary, a detailed inspection of the cadmium plating for discrepancies, measurement of the depth of the cadmium plating, a general visual inspection of the base metal for corrosion or damage, a detailed inspection of repaired areas for cracking or corrosion; and corrective actions if necessary. We are proposing this AD to detect and correct corrosion in the bore of each MLG unit bogie beam, which could result in collapse of a MLG unit, and subsequent damage to the airplane and injury to occupants.

DATES: We must receive comments on this proposed AD by July 30, 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:* 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 Airbus service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330–A340@airbus.com;* Internet *http://www.airbus.com*. For Messier-Dowty service information contact Messier-Dowty Limited, Cheltenham Road, Cloucester, GL2 9QH, England; telephone +44(0) 1452 712424; fax+ 44(0) 1452 713821; Internet *http://www.messier-dowtycom*). 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–2015–1981; 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM 116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; 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–2015–1981; Directorate Identifier

2014–NM–204–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

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0222, dated October 6, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A330–200 Freighter, A330–200, A330–300, A340–200, and A340–300 series airplanes. The MCAI states:

> From in-service experience, it was found that the inner bore of some bogie beams had been insufficiently re-protected against corrosion after inspection and/or possible maintenance actions accomplished in this area (absence of corrosion inhibitor and damage to paint have been found in some specific areas).
>
> This condition, if not detected and corrected, could lead to corrosion on the bore of the bogie beam, potentially resulting in Main Landing Gear (MLG) collapse, ultimately resulting in damage to the aeroplane and injury to the occupants.
>
> To address this potential unsafe condition, Airbus issued Alert Operators Transmission (AOT) A32L004–14, providing inspection instructions for some aeroplane configurations.
>
> For the reasons described above, this [EASA] AD requires identification of the MLG units that are possibly affected, [a detailed] inspection [for missing or damaged paint] of the MLG Bogie Beam bore and, depending on findings, accomplishment of the applicable corrective actions.
>
> This [EASA] AD also prohibits the installation of MLG units that have been overhauled by using instructions from an earlier Components Maintenance Manual (CMM) revision.

Required actions also include a detailed inspection of the cadmium plating for discrepancies (gray in color), measurement of the depth of the cadmium plating if necessary, and a general visual inspection of the base metal for corrosion or damage, and a detailed inspection of repaired areas for cracking or corrosion. Corrective actions include removing cadmium plating and repairing any cracked, corroded, or damaged areas; re-applying cadmium plating and paint; and re-applying temporary corrosion protection to the bores of the MLG bogie beams.

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–2015–1981.

Related Service Information Under 1 CFR Part 51

Airbus has issued Alert Operators Transmission A32L004–14, dated July 28, 2014, including Appendices 1, 2, 3, and 4, which are not dated. This service information describes procedures for inspections of the bogie beam bore of the MLG.

Messier-Dowty has issued the following service information, which describes procedures for inspections of the internal diameter of the bogie beam for corrosion.

- Service Bulletin A33/34–32–272, including Appendices A, B, C, and D, dated November 16, 2007.
- Service Bulletin A33/34–32–272, Revision 1, including Appendices A, B, C, and D, dated September 22, 2008.

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 these same type designs.

Costs of Compliance

We estimate that this proposed AD affects 89 airplanes of U.S. registry.

We also estimate that it would take about 12 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 $90,780, or $1,020 per product.

We have received no definitive data that would enable us to provide cost estimates for any necessary follow-on actions.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this proposed AD is 2120–0056. The paperwork cost associated with this proposed AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this proposed AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

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):

Airbus: Docket No. FAA–2015–1981; Directorate Identifier 2014–NM–204–AD.

(a) Comments Due Date

We must receive comments by July 30, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model A330–201, A330–202, A330–203, A330–223, A330–223F, A330–243, A330–243F, A330–301, A330–302, A330–303, A330–321, A330–322, A330–323, A330–341, A330–342, and A330–343 airplanes; all manufacturer serial numbers; except those on which Airbus Modification 58896 has been embodied in production or embodied through Airbus Service Bulletin A330–32–3237.

(2) Model A340–211, A340–212, A340–213, A340–311, A340–312, and A340–313 airplanes; all manufacturer serial numbers; except those on which Airbus Modification 58896 has been embodied in production or embodied through Airbus Service Bulletin A340–32–4279.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Reason

This AD was prompted by reports that the inner bore of some main landing gear (MLG) unit bogie beams were insufficiently re-protected against corrosion after inspection or maintenance actions were accomplished. We are issuing this AD to detect and correct corrosion in the bore of each MLG unit bogie beam, which could result in collapse of a MLG unit, and subsequent damage to the airplane and injury to occupants.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Identification of Affected MLG Units

Within 12 months after the effective date of this AD: For MLG units having a 201252 series or 201490 series part number, determine the revision of the Airbus component maintenance manual (CMM) used to do the most recent MLG unit overhaul. If it is determined that the Airbus CMM revision specified in paragraph (g)(1) or (g)(2) of this AD was used to accomplish the most recent MLG unit overhaul: Within 12 months after the effective date of this AD, clean the area between the bogie pivot pin and the bogie beam bore of each MLG unit and do a detailed inspection for missing or damaged paint, in accordance with the instructions of Airbus Alert Operators Transmission A32L004–14 dated July 28, 2014.

(1) For MLG units having a part number in the 201252 series: Airbus CMM 32–11–74, Revision 25 or earlier.

(2) For MLG units having a part number in the 201490 series: Airbus CMM 32–12–05, Revision 20 or earlier.

(h) Inspection of Cadmium Plating

If, during the inspection required by paragraph (g) of this AD, any missing or damaged paint is found: Before further flight, do a detailed inspection of the cadmium plating for discrepancies, measure the depth of the plating as applicable, and do a general visual inspection of the base metal for corrosion or damage. If any discrepancy, damage, or corrosion is found, before further flight, do all applicable corrective actions, and do a detailed inspection of repaired areas for cracking or corrosion, in accordance with Airbus Alert Operators Transmission A32L004–14, dated July 28, 2014, except where Airbus Alert Operators Transmission A32L004–14, dated July 28, 2014, specifies to contact Messier-Dowty if cracking or corrosion is found in a repaired area, 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).

(i) Reporting Requirement

At the applicable time specified in paragraph (i)(1) or (i)(2) of this AD, report the findings of the inspection required by paragraph (g) of this AD to Airbus, Customer Services Engineering—SEEL1, Attn: Philippe Kerangueven, Product Leader A330/A340, ATA–32, Landing Gear Systems, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; phone +33 (0) 5 67 19 18 42; fax +33 0 5 67 19 12–05; email *philippe.kerangueven@airbus.com.* The report must include the information specified in Appendix 2 of Airbus Alert Operators Transmission A32L004–14, dated July 28, 2014.

(1) If the inspection was done on or after the effective date of this AD: Within 90 days after that inspection.

(2) If the inspection was done before the effective date of this AD: Within 90 days after the effective date of this AD.

(j) Optional Method of Compliance

Accomplishment of the boroscope inspection of the internal diameter of the bogie beam for corrosion or damage to the protective treatments, measurement of the depth of the protective treatments as applicable, and accomplishment of all applicable corrective actions, in accordance with the Accomplishment Instructions of Messier-Dowty Service Bulletin A33/34–32–272, dated November 16, 2007; or Revision 1, including Appendices A, B, C, and D, dated September 22, 2008; are acceptable for the corresponding actions required by paragraphs (g) and (h) of this AD for that MLG unit, provided the actions in the Messier-Dowty Service Bulletins identified in paragraphs (j)(1) through (j)(5) of this AD have not been accomplished on that MLG unit. Where Messier-Dowty Service Bulletin A33/34–32–272, dated November 16, 2007; or Revision 1, including Appendices A, B, C, and D, dated September 22, 2008; specify to contact Messier-Dowty for repair information, the repair 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.

(1) Messier-Dowty Service Bulletin A33/34–32–285, dated July 9, 2010.

(2) Messier-Dowty Service Bulletin A33/34–32–285, Revision 1, dated October 4, 2011.

(3) Messier-Dowty Service Bulletin A33/34–32–285, Revision 2, dated October 4, 2012.

(4) Messier-Dowty Service Bulletin A33/34–32–285, Revision 3, dated September 11, 2013.

(5) Messier-Dowty Service Bulletin A33/34–32–285, Revision 4, dated January 23, 2014.

Note 1 to paragraph (j) of this AD: Inspections done using the instructions in Messier-Dowty Service Bulletin A33/34–32–285, Revision 5, dated August 14, 2014, do not affect the optional method of compliance provided by this paragraph.

(k) Parts Installation Limitation

As of the effective date of this AD, any overhauled MLG unit having a 201252 series or 201490 series part number may be installed on an airplane, provided the most recent MLG overhaul was done using an Airbus CMM that is not specified in paragraph (g)(1) or (g)(2) of this AD, or, prior to installation, the MLG unit passes the inspection required by paragraph (g) of this AD.

(l) 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; 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:* 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.

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0222, dated October 6, 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–2015–1981.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@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 June 3, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14229 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1429; Directorate Identifier 2014–NM–246–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus 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 Airbus Model A319–113, A319–114, A320–211, and A320–212 airplanes. This proposed AD was prompted by a report that the aft mount pylon bolts of the CFM56–5 engines may have been installed using the wrong torque values. This proposed AD would require identification of engines that were installed using the wrong torque values and re-torque of the four aft mount pylon bolts of those engines. We are proposing this AD to detect and correct improper torque of the aft mount pylon bolts, which, if combined with any maintenance damage, could lead to aft engine mount failure, possibly resulting in engine detachment and consequent reduced control of the airplane.

DATES: We must receive comments on this proposed AD by July 30, 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:* 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–2015–1429; 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–2015–1429; Directorate Identifier 2014–NM–246–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

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness

Directive 2014–0258, dated November 28, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A319–113, A319–114, A320–211, and A320–212 airplanes. The MCAI states:

In the Aircraft Maintenance Manual (AMM) revision dated May 2013, a wrong torque value was added in AMM task 71–00–00–400–040–A01 ''Installation of the power plant with Engine Positioner TWW75E''. Temporary Revisions (TR) dated March 2014 were published by Airbus to correct the information and with AMM revision dated May 2014, Task 71–00–00–400–040–A01 was corrected to include the correct values. Notwithstanding those actions, static and fatigue analyses have concluded that this under-torque scenario negatively impacts the assembly performance, reducing the aft mount capability.

This condition, if not corrected and if combined with any maintenance damage, could lead to aft engine mount failure, possibly resulting in engine detachment and consequent reduced control of the aeroplane.

For the reasons described above, this [EASA] AD requires identification of CFM56–5 engines (those listed in TCDS EASA.E.067 [*http://easa.europa.eu/document-library/type-certificates/easae067*]) that were installed by using the wrong torque data of AMM instructions mentioned above and re-torque of the four aft mount pylon bolts of those engines.

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–2015–1429.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–71–1063, including Appendix 01, dated August 13, 2014. The service information describes procedures to detect and correct improper torque of the aft mount pylon bolts. 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 126 airplanes of U.S. registry.

We also estimate that it would take about 2 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 $21,420, or $170 per product.

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):

Airbus: Docket No. FAA–2015–1429; Directorate Identifier 2014–NM–246–AD.

(a) Comments Due Date

We must receive comments by July 30, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD, all manufacturer serial numbers.

(1) Airbus Model A319–113 and –114 airplanes.

(2) Airbus Model A320–211 and –212 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Reason

This AD was prompted by a report that the aft mount pylon bolts of the CFM56–5 engines may have been installed using the wrong torque values. We are issuing this AD to detect and correct improper torque of the aft mount pylon bolts, which, if combined with any maintenance damage, could lead to aft engine mount failure, possibly resulting in engine detachment and consequent reduced control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspection for Incorrect Torque Values

Within 6 months or 1,500 flight cycles, whichever occurs first after the effective date of this AD, determine the method used to install the engines, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–71–1063, including Appendix 01, dated August 13, 2014. A review of airplane maintenance records is acceptable in lieu of this inspection if the method used to install the engines can be

conclusively determined from that review. For any engine replaced as specified in the Airbus A318/A319/A320/A321 Aircraft Maintenance Manual (AMM), Task 71–00–00–400–040–A01, ''Installation of the Power Plant with Engine Positioner TWW 75E,'' dated May 2013: Within 6 months or 1,500 flight cycles, whichever occurs first after the effective date of this AD, re-torque the 4 aft mount pylon bolts using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus' EASA Design Organization Approval (DOA).

Note 1 to paragraph (g) of this AD: Additional guidance for the re-torque can be found in Airbus A318/A319/A320/A321 AMM Temporary Revision 71–030, dated March 14, 2014, or Airbus A318/A319/A320/A321 AMM Task 71–00–00–400–040–A01, ''Installation of the Power Plant with Engine Positioner TWW 75E,'' dated May 2014.

(h) Parts Installation Limitation

As of the effective date of this AD, no person may install a CFM56–5 engine, on any airplane, unless the engine is installed in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–71–1063, including Appendix 01, dated August 13, 2014.

(i) 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.* 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:* 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.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0258, dated November 28, 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–2015–1429.

(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 June 3, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14228 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1428; Directorate Identifier 2015–NM–026–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 777–200 and –300 series airplanes. This proposed AD was prompted by reports of fatigue cracking of a certain chord of the pivot bulkhead. This proposed AD would require repetitive inspections for cracking of the left side and right side forward outer chords of the pivot bulkhead, and related investigative and corrective actions if necessary. This proposed AD provides a modification of the pivot bulkhead, which would terminate the repetitive inspections. We are proposing this AD to detect and correct fatigue cracking of the outer flanges of the left and right side forward outer chords of the pivot bulkhead, which could result in a severed forward outer chord and consequent loss of horizontal stabilizer control.

DATES: We must receive comments on this proposed AD by July 30, 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 Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; phone: 206–544–5000, extension 1; fax: 206–766–5680; Internet *https://www.myboeingfleet.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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1428.

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–2015–1428; 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–2015–1428; Directorate Identifier 2015–NM–026–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 fatigue cracking of the forward outer chord of the STA 2370 pivot bulkhead. Cracks in the forward outer chords of the STA 2370 pivot bulkhead that are not found and repaired can become large and result in a severed forward outer chord. The cracks were caused by a stress concentration, which is generated at the transition radius of the forward outer flange of the chord prior to the chord splice at the upper longeron. Since the horizontal stabilizer is attached to the STA 2370 bulkhead at two pivot locations, fatigue cracking of the outer flanges of the left and right side forward outer chords of the STA 2370 pivot bulkhead, if not corrected, could result in a severed forward outer chord and consequent loss of horizontal stabilizer control.

Related Service Information Under 1 CFR Part 51

We reviewed the following Boeing service information.

- Boeing Alert Service Bulletin 777–53A0075, dated January 14, 2015, describes procedures for repetitive detailed and high frequency eddy current (HFEC) inspections for cracking of the outer flanges of the left and right side forward outer chords of the STA 2370 pivot bulkhead, repetitive post-repair inspections for certain airplanes, and related investigative and corrective actions.
- Boeing Service Bulletin 777–53–0076, dated January 14, 2015, describes procedures for a modification of the STA 2370 pivot bulkhead by replacing the left and right side forward outer chords and upper splice angles, and related investigative and corrective 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 these same type designs.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.'' Refer to this service information for details on the procedures and compliance times.

The phrase ''related investigative actions'' is used in this proposed AD. ''Related investigative actions'' are follow-on actions that (1) are related to the primary actions, and (2) further investigate the nature of any condition found. Related investigative actions in an AD could include, for example, inspections.

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Explanation of ''RC'' Steps in Service Information

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (ARC), to enhance the AD system. One enhancement was a new process for annotating which steps in the service information are required for compliance with an AD. Differentiating these steps from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The steps identified as RC (required for compliance) in any service information identified previously have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

For service information that contains steps that are labeled as Required for Compliance (RC), the following provisions apply: (1) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD, and an AMOC is required for any deviations to RC steps, including substeps and identified figures; and (2) steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

Differences Between This Proposed AD and the Service Information

The service bulletin 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 60 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
Inspections of left and right side pivot bulkhead forward chord.	Up to 15 work-hours × $85 per hour = $1,275 per inspection cycle.	$0	Up to $1,275 per inspection cycle.	Up to $76,500 per inspection cycle.
Post-Repair Inspections	Up to 11 work-hours × $85 per hour = $935 per inspection cycle.	0	Up to $935 per inspection cycle.	Up to $56,100 per inspection cycle.

We estimate the following costs to do any necessary repairs and modifications that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Small crack repair	Up to 45 work-hours × $85 per hour = $3,825 per side.	(1)	Up to $7,650.
Modification of the STA 2370 Pivot Bulkhead (forward outer chord replacement).	Up to 137 work-hours × $85 per hour = $11,645	$34,086	Up to $45,731.

[1] We have received no definitive data that would enable us to provide parts cost estimates for the on-condition repair specified in this proposed AD.

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–2015–1428; Directorate Identifier 2015–NM–026–AD.

(a) Comments Due Date

We must receive comments by July 30, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 777–200 and –300 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 777–53A0075, dated January 14, 2015.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of fatigue cracking of the forward outer chord of the station (STA) 2370 pivot bulkhead. We are issuing this AD to detect and correct fatigue cracking of the outer flanges of the left and right side forward outer chords of the STA 2370 pivot bulkhead, which could result in a severed forward outer chord and consequent loss of horizontal stabilizer control.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspections and Corrective Actions

At the times specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0075, dated January 14, 2015, except as provided in paragraph (j)(1) of this AD: Do a detailed inspection and high frequency eddy current (HFEC) inspections for cracking of the left and right side forward outer chords of the STA 2370 pivot bulkhead, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777–53A0075, dated January 14, 2015, except as provided in paragraph (j)(2) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspections thereafter at the applicable intervals specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0075, dated January 14, 2015, until the modification specified in paragraph (i) of this AD is done.

(h) Post-Repair Inspections

For airplanes on which a repair specified in Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 777–53A0075 has been done: At the times specified in table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0075, dated January 14, 2015, do a surface HFEC inspection, an open-hole HFEC inspection, and a detailed inspection for cracking of the left side and right side forward outer chords of the STA 2370 pivot bulkhead, and do all applicable related investigative and corrective actions, in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 777–53A0075, dated January 14, 2015, except as required by paragraph (j)(2) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspections thereafter at the applicable times specified in table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0075, dated January 14, 2015, until the modification specified in paragraph (i) of this AD is done.

(i) Terminating Action

Modifying the STA 2370 pivot bulkhead by replacing the left and right side forward outer chords and upper splice angles, and doing all applicable related investigative and corrective actions, terminates the repetitive inspections required by paragraphs (g) and (h) of this AD for the modified location only. The modification must be done in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777–53–0076, dated January 14, 2015, except as required by paragraph (j)(2) of this AD.

(j) Exceptions to Service Bulletin Specifications

(1) Where Boeing Alert Service Bulletin 777–53A0075, dated January 14, 2015, specifies a compliance time ''after the Original Issue date of this Service Bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Although Boeing Alert Service Bulletin 777–53A0075, dated January 14, 2015; and Boeing Service Bulletin 777–530076, dated January 14, 2015; specify to contact Boeing for appropriate action, and Boeing Alert Service Bulletin 777–53A0075, dated January 14, 2015, specifies that action as ''RC'' (Required for Compliance), this AD requires repair before further flight 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.

(4) Except as required by paragraph (j)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(4)(i) and (k)(4)(ii) apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(l) Related Information

(1) For more information about this AD, contact Narinder Luthra, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle 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 Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; phone: 206–544–5000, extension 1; fax: 206–766–5680; Internet *https://www.myboeingfleet.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 June 2, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14231 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1982; Directorate Identifier 2014–NM–108–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. 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 Fokker Services B.V. Model F.28 Mark 1000, 2000, 3000, and 4000 airplanes. This proposed AD was prompted by a design review, which revealed that no controlled bonding provisions are present on a number of critical locations outside the fuel tank. This proposed AD would require installing additional and improved fuel system bonding provisions, and revising the airplane maintenance or inspection program, as applicable, by incorporating fuel airworthiness limitation items and critical design configuration control limitations. We are proposing this AD to prevent an ignition source in the fuel tank vapor space, which could result in a fuel tank explosion and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by July 30, 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:* 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 Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com*; Internet *http://www.myfokkerfleet.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–2015–1982; 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 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: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; 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–2015–1982; Directorate Identifier 2014–NM–108–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

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0109, dated May 8, 2014 (referred to after this the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Fokker Services B.V. Model F.28 Mark 1000, 2000, 3000, and 4000 airplanes. The MCAI states:

> Prompted by an accident * * *, the Federal Aviation Administration (FAA) published Special Federal Aviation Regulation (SFAR) 88 [(66 FR 23086, May 7, 2001)], and the Joint Aviation Authorities (JAA) published Interim Policy INT/POL/25/12.
>
> The review conducted by Fokker Services on the Fokker F28 design, in response to these regulations, revealed that no controlled bonding provisions are present on a number of critical locations outside the fuel tank.
>
> This condition, if not corrected, could create an ignition source in the fuel tank vapour space, possibly resulting in a fuel tank explosions and consequent loss of the aeroplane.
>
> To address this potential unsafe condition, Fokker Services developed a set of fuel tank bonding modifications.
>
> For the reasons described above, this [EASA] AD requires the installation of additional and improved bonding provisions. These modifications do not require opening of the fuel tank access panels.
>
> More information on this subject can be found in Fokker Services All Operators Message AOF28.038#02.

Required actions include revising the airplane maintenance or inspection program, as applicable, by incorporating fuel airworthiness limitation items and critical design configuration control limitations. 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–2015–1982.

The FAA has examined the underlying safety issues involved in fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled ''Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements'' (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 (''SFAR 88,'' Amendment 21–78, and subsequent Amendments 21–82 and 21–83).

Among other actions, SFAR 88 (66 FR 23086, May 7, 2001) requires certain type design (*i.e.,* type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: Single failures, single failures in combination with a latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

The Joint Aviation Authorities (JAA) has issued a regulation that is similar to SFAR 88 (66 FR 23086, May 7, 2001). (The JAA is an associated body of the European Civil Aviation Conference (ECAC) representing the civil aviation regulatory authorities of a number of European States who have agreed to co-operate in developing and implementing common safety regulatory standards and procedures.) Under this regulation, the JAA stated that all members of the ECAC that hold type certificates for transport category airplanes are required to conduct a design review against explosion risks.

We have determined that the actions identified in this AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Related Service Information Under 1 CFR Part 51

Fokker Services B.V. has issued Fokker F28 Appendix SB SBF28–28–059/APP01, dated July 15, 2014, of Fokker F28 Proforma Service Bulletin SBF28–28–059, Revision 1, dated July 15, 2014. The service information describes procedures for the installation of additional bonding provisions outside the fuel tank. 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 these same type designs.

This AD requires revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections) and/or Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and/or CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (k) of this AD. The request should include a description of changes to the required

actions that will ensure the continued operational safety of the airplane.

Differences Between This Proposed AD and the MCAI or Service Information

Although EASA Airworthiness Directive 2014–0109, dated May 8, 2014, specifies both revising the maintenance program to include limitations, and doing certain repetitive actions (*e.g.,* inspections) and/or maintaining CDCCLs, this AD only requires the revision. Requiring a revision of the maintenance program, rather than requiring individual repetitive actions and/or maintaining CDCCLs, requires operators to record AD compliance only at the time the revision is made. Repetitive actions and/or maintaining CDCCLs specified in the airworthiness limitations must be complied with in accordance with 14 CFR 91.403(c).

Costs of Compliance

We estimate that this proposed AD affects 5 airplanes of U.S. registry.

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 $140 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $5,375, or $1,075 per product.

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):

Fokker Services B.V.: Docket No. FAA–2015–1982; Directorate Identifier 2014–NM–108–AD.

(a) Comments Due Date

We must receive comments by July 30, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F.28 Mark 1000, 2000, 3000, and 4000 airplanes, certificated in any category, all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by a design review, which revealed that no controlled bonding provisions are present on a number of critical locations outside the fuel tank. We are issuing this AD to prevent an ignition source in the fuel tank vapor space, which could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Installation of Bonding Provisions

Within 24 months after the effective date of this AD, install additional and improved fuel system bonding provisions, in accordance with the Accomplishment Instructions of Fokker F28 Appendix SB SBF28–28–059/APP01, dated July 15, 2014, of Fokker F28 Proforma Service Bulletin SBF28–28–059, Revision 1, dated July 15, 2014.

(h) Revision of Maintenance or Inspection Program

At the later of the times specified in paragraphs (h)(1) and (h)(2) of this AD: Revise the airplane maintenance or inspection program, as applicable, by incorporating the fuel airworthiness limitation items and critical design configuration control limitations (CDCCLs) specified in paragraph 1.L.(1)(b) of Fokker F28 Appendix SB SBF28–28–059/APP01, dated July 15, 2014, of Fokker F28 Proforma Service Bulletin SBF28–28–059, Revision 1, dated July 15, 2014.

(1) Before further flight, after accomplishing the installation required by paragraph (g) of this AD.

(2) Within 30 days after the effective date of this AD.

(i) No Alternative Actions, Intervals, and/or CDCCLs

After incorporating the revision required by paragraph (h) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used unless the actions, intervals, or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(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, 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: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; 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:* 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 European Aviation Safety Agency (EASA); or Fokker B.V. Service's EASA Design Organization Approval (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 2014–0109, dated May 8, 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–2015–1982.

(2) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* Internet http://www.myfokkerfleet.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 June 4, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14230 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0197; Airspace Docket No. 14–AGL–5]

Proposed Amendment of Class E Airspace; Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: This action withdraws the NPRM published in the **Federal Register** on May 6, 2014, proposing to amend Class E Airspace in the State of Michigan. The FAA has determined that withdrawal of the NPRM is warranted as additional analysis is needed.

DATES: The proposed rule published May 6, 2014 (79 FR 25756) is withdrawn as of June 15, 2015.

FOR FURTHER INFORMATION CONTACT: Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817–222–4075.

SUPPLEMENTARY INFORMATION: An NPRM was published in the **Federal Register** of May 6, 2014 (79 FR 25756) to amend Title 14 Code of Federal Regulations (14 CFR) part 71, by amending Class E Airspace extending upward from 1,200 feet above the surface in the State of Michigan, to enable Minneapolis ARTCC to have greater latitude to use radar vectors and/or altitude changes that would provide a more efficient use of airspace within the NAS. Additional analysis is needed; therefore the NPRM is being withdrawn.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

In consideration of the foregoing, the NPRM for FR Doc. FAA–2014–0197, Airspace Docket No. 14–AGL–5, as published in the **Federal Register** of May 6, 2014 (79 FR 25756) (FR Doc. 2014–10336), is hereby withdrawn.

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.

Issued in Fort Worth, TX, on May 26, 2015.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2015–14317 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0198; Airspace Docket No. 14–AGL–8]

Proposed Amendment of Class E Airspace; South Dakota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: This action withdraws the NPRM published in the **Federal Register** on May 6, 2014, proposing to amend Class E airspace in the State of South Dakota. The FAA has determined that withdrawal of the NPRM is warranted as additional analysis is needed.

DATES: The proposed rule published May 6, 2014 (79 FR 25755) is withdrawn as of June 15, 2015.

FOR FURTHER INFORMATION CONTACT: Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817–222–4075.

SUPPLEMENTARY INFORMATION: An NPRM was published in the **Federal Register** of May 6, 2014 (79 FR 25755) to amend Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class E Airspace extending upward from 1,200 feet above the surface in the State of South Dakota, to enable Minneapolis ARTCC to have greater latitude to use radar vectors and/or altitude changes that would provide a more efficient use of airspace within the NAS. Additional analysis is needed; therefore the NPRM is being withdrawn.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

In consideration of the foregoing, the NPRM for FR Doc. FAA–2014–0198, Airspace Docket No. 14–AGL–8, as published in the **Federal Register** of May 6, 2014 (79 FR 25755) (FR Doc. 2014–10335) is hereby withdrawn.

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.

Issued in Fort Worth, TX, on May 26, 2015.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2015–14303 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0199; Airspace Docket No. 14–AGL–9]

Proposed Amendment of Class E Airspace; North Dakota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: This action withdraws the NPRM published in the **Federal Register** on May 6, 2014 proposing to amend Class E airspace in the State of North Dakota. The FAA has determined that withdrawal of the NPRM is warranted as additional analysis is needed.

DATES: The proposed rule published May 6, 2014 (79 FR 25757) is withdrawn as of June 15, 2015.

FOR FURTHER INFORMATION CONTACT: Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Northwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817–222–4075.

SUPPLEMENTARY INFORMATION: An NPRM was published in the **Federal Register** of May 6, 2014 (79 FR 25757) to amend Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class E airspace extending upward from 1,200 feet above the surface in the State of North Dakota, to enable Minneapolis ARTCC to have greater latitude to use radar vectors and/or altitude changes that would provide a more efficient use of airspace within the NAS. Additional analysis is needed; therefore, the NPRM is being withdrawn.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

In consideration of the foregoing, the NPRM for FR Doc. FAA–2014–0199, Airspace Docket No. 14–AGL–9, as published in the **Federal Register** of May 6, 2014 (79 FR 25757) (FR Doc. 2014–10391), is hereby withdrawn.

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.

Issued in Fort Worth, TX, on May 26, 2015.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2015–14302 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 440

[Docket No. FAA–2014–1012; Notice No. 14–10]

RIN 2120–AK44

Reciprocal Waivers of Claims for Licensed or Permitted Launch and Reentry Activities; Reopening of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking; Reopening of comment period.

SUMMARY: This action reopens the comment period for the regulatory evaluation associated with the FAA's January 13, 2015 Notice of Proposed Rulemaking (NPRM), *Reciprocal Waivers of Claims for Licensed or Permitted Launch and Reentry Activities.* The FAA has discovered that this regulatory evaluation was not posted to the docket prior to the close of the NPRM's comment period. Therefore, the FAA is reopening the comment period to allow the public the opportunity to adequately analyze the full regulatory evaluation for the NPRM. The FAA will accept comment on the regulatory evaluation only, and not on the regulatory changes proposed in the NPRM.

DATES: The comment period for the NPRM published on January 13, 2015 (80 FR 1590), closed March 16, 2015, and is reopened until July 15, 2015.

ADDRESSES: You may send comments identified by docket number FAA–2014–1012 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Ralen Gao, ARM–209, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–3168; email *ralen.gao@faa.gov.*

SUPPLEMENTARY INFORMATION: See the ''Additional Information'' section for information on how to comment on this proposal and how the FAA will handle comments received. The ''Additional Information'' section also contains related information about the docket, privacy, the handling of proprietary or confidential business information. In addition, there is information on obtaining copies of related rulemaking documents.

Background

On January 13, 2015, the FAA issued Notice No. 14–10, entitled ''*Reciprocal Waivers of Claims for Licensed or Permitted Launch and Reentry Activities,''* 80 FR 1590. The FAA requested that comments on that proposal be received on or before March 16, 2015.

After the close of the comment period, the FAA discovered that the regulatory evaluation associated with the NPRM was not posted to the docket. Therefore, to ensure that the public has the opportunity to provide comments specifically on the regulatory evaluation posted in the docket (FAA–2014–1012), the FAA is re-opening the comment period for 30 days to allow for comments on the regulatory evaluation only. The FAA will not accept or address comments on the NPRM because the comment period for the NPRM closed on March 16, 2015.

Accordingly, the comment period for Notice No. 14–10 is reopened until July 15, 2015.

Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the regulatory evaluation, 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.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring

expense or delay. The agency may change this proposal in light of the comments it receives.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or
3. Accessing the Government Publishing Office's Web page at *http://www.gpo.gov/fdsys/.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC, on June 9, 2015.

Brenda D. Courtney,

Acting Director, Office of Rulemaking.

[FR Doc. 2015–14503 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–136018–13]

RIN 1545–BM20

Determination of Adjusted Applicable Federal Rates Under Section 1288 and the Adjusted Federal Long-Term Rate Under Section 382; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of a notice of public hearing on proposed rulemaking.

SUMMARY: This document cancels a public hearing on proposed regulations that provide the method to be used to adjust the applicable Federal rates (AFRs) under section 1288 of the Internal Revenue Code (adjusted AFRs) for tax-exempt obligations and the method to be used to determine the long-term tax-exempt and the adjusted Federal long-term rate under section 382.

DATES: The public hearing originally scheduled for June 24, 2015 at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Oluwafunmilayo Taylor of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration) at (202) 317–6901 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and a notice of public hearing that appeared in the **Federal Register** on Monday, March 2, 2015 (80 FR 11141) announced that a public hearing was scheduled for June 24, 2015, at 10 a.m. in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The subject of the public hearing is under sections 382, 483, 1273, and 1288 of the Internal Revenue Code.

The public comment period for these regulations expired on June 1, 2015. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of June 8, 2015, no one has requested to speak. Therefore, the public hearing scheduled for June 24, 2015 at 10 a.m. is cancelled.

Martin V. Franks,

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

[FR Doc. 2015–14623 Filed 6–12–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

[Docket No. USPC–2015–01]

Paroling, Recommitting, and Supervising Federal Prisoners: Prisoners Serving Sentences Under the United States and District of Columbia Codes

AGENCY: United States Parole Commission, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States Parole Commission proposes to revise its rules for determining whether a prisoner who was sentenced under the D.C. Code and committed their offense before March 3, 1985 is suitable for release on parole. For these cases, the Commission will apply the regulations of the former District of Columbia Board of Parole that were effective before March 1985. Prisoners who are serving D.C. Code sentences and who committed their offense before March 3, 1985 would be considered under the proposed regulation at their next regularly scheduled hearing or, if they have not yet received a parole hearing, at their initial parole hearing.

DATES: Submit comments on or before August 14, 2015.

ADDRESSES: Submit your comments, identified by docket identification number USPC–2015–01 by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
2. *Mail:* Office of the General Counsel, U.S. Parole Commission, attention: USPC Rules Group, 90 K Street NE., Washington, DC 20530.
3. *Fax:* (202) 357–1083.

FOR FURTHER INFORMATION CONTACT: Office of the General Counsel, U.S. Parole Commission, 90 K Street NE., Washington, DC 20530, telephone (202) 346–7030. Questions about this publication are welcome, but inquiries concerning individual cases cannot be answered over the telephone.

SUPPLEMENTARY INFORMATION: The U.S. Parole Commission is responsible for making parole release decisions for District of Columbia felony offenders who are eligible for parole. D.C. Code section 24–131(a). The Commission took over this responsibility on August 5, 1998 as a result of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. L. 105–33). The Commission immediately promulgated regulations to implement its new duties, including paroling policy guidelines at 28 CFR 2.80. 63 FR 39172–39183 (July 21, 1998). In promulgating the decision-making guidelines, the Commission used the basic approach and format of the 1987 guidelines of the District of Columbia Board of Parole, but made modifications to the Board's guidelines in an effort to incorporate factors that led to departures from the guidelines. 63 FR 39172–39174. In 2000, the Commission modified the guidelines for D.C. prisoners, creating suggested ranges of months to be served based on the pre- and post-incarceration factors evaluated under the guidelines, which in turn allowed the Commission to extend presumptive parole dates to prisoners

up to three years from the hearing date. 65 FR 45885–45903.

Also in 2000, the U.S. Supreme Court decided the case of *Garner* v. *Jones,* 529 U.S. 244 (2000), indicating that parole rules that allow for the use of discretionary judgment may still come within the proscription of the *Ex Post Facto* Clause of the Constitution. For over twenty years, federal appellate courts had rejected claims that the Commission's use of discretionary guidelines for parole release decisions violated the constitutional ban against ex post facto laws. As a result of the Supreme Court's decision in *Garner,* the U.S. Court of Appeals for the District of Columbia Circuit held that parole release guidelines may constitute laws that are covered by the *Ex Post Facto* Clause. *Fletcher* v. *District of Columbia,* 391 F.3d 250 (D.C. Cir. 2004) (*Fletcher II*). Following upon the *Fletcher II* decision and the decision in *Fletcher* v. *Reilly,* 433 F.3d 867 (D.C. Cir. 2006) (*Fletcher III*), the U.S. District Court for the District of Columbia (Huvelle, District Judge) held that the Parole Commission's application of its 2000 paroling guidelines for several D.C. Code prisoners violated the Ex Post Facto Clause. *Sellmon* v. *Reilly,* 551 F.Supp.2d 66 (D.D.C. 2008). Several other prisoner-plaintiffs were denied relief by the district court, which showed that not every D.C. prisoner must be reconsidered under the 1987 guidelines to avoid *ex post facto* problems. In response to this decision, the Commission promulgated a rule calling for application of the 1987 D.C. Board Guidelines to any offender who committed his crime between March 4, 1985 (the effective date of the ''1987 Guidelines''), and August 4, 1998 (the last day the D.C. Board exercised parole release authority) (''*Sellmon* Rule''). 74 FR 34688 (July 17, 2009) (interim rule, effective August 17, 2009) and 28 CFR 2.80(o) (November 13, 2009) (final rule).

Since the *Sellmon* decision, prisoner-plaintiffs who committed their offenses before March 1985 have sought to have the D.C. Courts make a similar decision with regard to the regulations that the former D.C. Board of Parole promulgated in 1972 and were in effect when they committed their offenses. Because of the broad discretion to grant parole which was vested in the D.C. Board of Parole under the 1972 regulations, federal courts have not found that Commission's use of its revised guidelines violates the *Ex Post Facto* Clause. However, the Parole Commission has decided to reconsider its use of the 2000 regulations in light of the progression of cases involving *ex post facto* claims and parole guidelines.

If a prisoner has been previously granted a presumptive parole date under the Commission's guidelines at § 2.80(b) through (m), the presumptive date will not be rescinded unless the Commission would rescind the date for one of the accepted bases for such action, *i.e.,* new criminal conduct, new institutional misconduct, or new adverse information.

Executive Order 13132

These proposed regulations 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. Under Executive Order 13132, these proposed rules do not have sufficient federalism implications requiring a Federalism Assessment.

Regulatory Flexibility Act

These proposed rules will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

Unfunded Mandates Reform Act of 1995

These proposed rules will not cause State, local, or tribal governments, or the private sector, to spend $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. No action under the Unfunded Mandates Reform Act of 1995 is necessary.

Small Business Regulatory Enforcement Fairness Act of 1996 (Subtitle E—Congressional Review Act)

These proposed rules are not ''major rules'' as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 Subtitle E—Congressional Review Act, now codified at 5 U.S.C. 804(2). The proposed rules 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 the ability of United States-based companies to compete with foreign-based companies. Moreover, these are rules of agency practice or procedure that do not substantially affect the rights or obligations of non-agency parties, and do not come within the meaning of the term ''rule'' as used in Section 804(3)(C), now codified at 5 U.S.C. 804(3)(C). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and Parole.

The Proposed Rules

Accordingly, the U.S. Parole Commission proposes to adopt the following amendment to 28 CFR part 2:

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

■ 1. The authority citation for 28 CFR part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

■ 2. Amend § 2.80 by revising paragraph (a)(5) to read as follows:

§ 2.80 Guidelines for D.C. Code offenders.

(a) * * *

(5) A prisoner who committed the offense of conviction before March 3, 1985 who is not incarcerated as a parole violator and has not been granted a parole effective date may receive a parole determination using the 1972 regulations of the former District of Columbia Board of Parole (9 DCMR 105.1):

(i) *Factors considered.* Among others, the Commission takes into account some of the following factors in making its determination as to parole:

(A) The offense, noting the nature of the violation, mitigating or aggravating circumstances and the activities and adjustment of the offender following arrest if on bond or in the community under any pre-sentence type arrangement.

(B) Prior history of criminality noting the nature and pattern of any prior offenses as they may relate to the current circumstances.

(C) Personal and social history of the offender, including such factors as his family situation, educational development, socialization, marital history, employment history, use of leisure time and prior military experience, if any.

(D) Physical and emotional health and/or problems which may have played a role in the individual's socialization process, and efforts made to overcome any such problems.

(E) Institutional experience, including information as to the offender's overall general adjustment, his ability to handle interpersonal relationships, his behavior responses, his planning for himself, setting meaningful goals in areas of academic schooling, vocational education or training, involvements in

self-improvement activity and therapy and his utilization of available resources to overcome recognized problems. Achievements in accomplishing goals and efforts put forth in any involvements in established programs to overcome problems are carefully evaluated.

(F) Community resources available to assist the offender with regard to his needs and problems, which will supplement treatment and training programs begun in the institution, and be available to assist the offender to further serve in his efforts to reintegrate himself back into the community and within his family unit as a productive useful individual.

(ii) If a prisoner has been previously granted a presumptive parole date under the Commission's guidelines at § 2.80(b) through (m), the presumptive date will not be rescinded unless the Commission would rescind the date for one of the accepted bases for such action, *i.e.,* new criminal conduct, new institutional misconduct, or new adverse information.

(iii) Prisoners who have previously been considered for parole under the 1987 guidelines of the former D.C. Board of Parole will continue to receive consideration under those guidelines.

Dated: June 3, 2015.

J. Patricia Wilson Smoot,

Acting Chairman, U.S. Parole Commission.

[FR Doc. 2015–13998 Filed 6–12–15; 8:45 am]

BILLING CODE 4410–31–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

30 CFR Part 250

[Docket ID: BSEE–2014–0002; 14XE1700DX EX1SF0000.DAQ000 EEEE50000]

RIN 1014–AA13

Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Update of Incorporated Cranes Standard

AGENCY: Bureau of Safety and Environmental Enforcement (BSEE), Interior.

ACTION: Proposed rule.

SUMMARY: BSEE proposes to incorporate by reference the Seventh Edition of the American Petroleum Institute (API) Specification 2C (Spec. 2C), ''Offshore Pedestal-mounted Cranes'' (2012), into its regulations. The Seventh Edition of API Spec. 2C revised many aspects of the standard for design and construction of cranes manufactured since the Seventh Edition took effect in October 2012. The intent of proposing to incorporate this revised standard into BSEE regulations is to improve the safety of cranes mounted on fixed platforms that are installed on the Outer Continental Shelf (OCS). This proposed rule would require that all cranes that lessees or operators mount on any fixed platforms after the effective date of the final rule comply with the Seventh Edition of API Spec. 2C.

DATES: Submit comments by July 15, 2015. BSEE may not fully consider comments received after this date.

ADDRESSES: You may submit comments on the proposed rulemaking by any of the following methods. Please use the Regulation Identifier Number (RIN) 1014–AA13 as an identifier in your comments. BSEE may post all submitted comments, in their entirety, at: *www.regulations.gov. See Public Participation and Availability of Comments.*

1. Federal eRulemaking Portal: *www.regulations.gov.* In the search box, enter ''BSEE–2014–0002,'' then click search. Follow the instructions to submit public comments and view supporting and related materials available for this rulemaking.

2. Mail or hand-carry comments to the Department of the Interior (DOI); Bureau of Safety and Environmental Enforcement; ATTN: Regulations and Standards Branch; 45600 Woodland Road, Mail Code VAE–ORP; Sterling, Virginia 20166. Please reference ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Update of Cranes Standard, 1014–AA13,'' in your comments and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Kelly Odom, BSEE, Regulations and Standards Branch, 703–787–1775, email address: *regs@bsee.gov.*

SUPPLEMENTARY INFORMATION:

Executive Summary

As required by law, BSEE regulates oil and gas exploration, development and production operations on the OCS. Among other purposes, BSEE's regulations seek to prevent injury, loss of life, as well as damage to property, natural resources, and the environment. BSEE incorporates by reference in its regulations many oil and gas industry standards in order to require compliance with those standards in offshore operations.

Currently, BSEE's regulations require that all cranes on any fixed platform that was installed on the OCS after March 17, 2003, as well as all cranes manufactured after March 17, 2003 and installed (*i.e.,* mounted) on any fixed platform (regardless of when the platform was installed on the OCS), meet the requirements of the Sixth Edition of API Specification 2C, ''Offshore Pedestal Mounted Cranes'' (2004). In 2012, API adopted the Seventh Edition of API Spec. 2C, which extended the standard to more types of cranes and made significant improvements to the standard for design, manufacture and testing of cranes in areas such as gross overload (*e.g.,* from supply boat entanglement), consideration of duty cycles (including intensity and frequency of crane use), structural design, and wire rope design.

BSEE has determined that incorporation of the Seventh Edition of API Spec. 2C would improve safety and help prevent injury as well as damage to property. Thus, BSEE proposes to amend its existing regulations by incorporating the Seventh Edition of API Spec. 2C and, thus, to require that any cranes that lessees or operators mount—after the effective date of the final rule—on any fixed platforms meet the requirements of that standard. BSEE also proposes to add a definition of ''Fixed Platform'' to the regulations, consistent with the Sixth and Seventh Editions of API Spec. 2C as well as with related API standards and BSEE regulations.

BSEE's Functions and Authority

BSEE promotes safety, protects the environment, and conserves offshore oil and gas resources through vigorous regulatory oversight and enforcement. BSEE derives its authority primarily from the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331–1356a. Congress enacted OCSLA in 1953, establishing Federal control over the OCS and authorizing the Secretary of the Interior (Secretary) to regulate oil and natural gas exploration, development, and production operations on the OCS. The Secretary has authorized BSEE to perform these functions (*see* 30 CFR 250.101).

To carry out its responsibilities, BSEE regulates exploration, development and production of oil and natural gas on the OCS to enhance safety and environmental protection in a way that reflects advancements in technology and new information. In addition to developing and implementing such regulatory requirements, BSEE collaborates with standards development organizations and the international community to develop and revise safety and environmental standards, which BSEE may incorporate into its regulatory program. BSEE also conducts onsite inspections to ensure

compliance with regulations, lease terms, and approved plans. Detailed information concerning BSEE's regulations and guidance for the offshore industry may be found on BSEE's Web site at: *www.bsee.gov/Regulations-and-Guidance/index.*

Public Participation and Availability of Comments

BSEE encourages you to participate in this proposed rulemaking by submitting written comments, as discussed in the **ADDRESSES** and **DATES** sections of this proposed rule. This proposed rule provides 30-days for public comment because the Seventh Edition of API Spec. 2C (which was extensively reviewed and discussed during the API standard-setting consensus process) has been in effect for well over two years; thus, the relevant industries are already familiar with both the Seventh Edition and the existing BSEE regulations incorporating the prior edition of that standard.

Before including your address, phone number, email address, or other personal identifying information in your comment on this proposed rule, however, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Procedures for Incorporation by Reference and Availability of Incorporated Documents for Public Viewing

BSEE frequently uses standards (*e.g.,* codes, specifications, recommended practices) developed through a consensus process, facilitated by standards development organizations and with input from the oil and gas industry, as a means of establishing requirements for activities on the OCS. BSEE may incorporate these standards into its regulations without republishing the standards in their entirety in the Code of Federal Regulations, a practice known as incorporation by reference. The legal effect of incorporation by reference is that the incorporated standards become regulatory requirements. This incorporated material, like any other properly issued regulation, has the force and effect of law, and BSEE holds operators, lessees and other regulated parties accountable for complying with the documents incorporated by reference in our regulations. We currently incorporate by reference over 100 consensus standards in BSEE's regulations governing offshore oil and gas operations (*see* 30 CFR 250.198).

Federal regulations at 1 CFR part 51 govern how BSEE and other Federal agencies incorporate various documents by reference. Agencies may only incorporate a document by reference by publishing the document title, edition, date, author, publisher, identification number, and other specified information in the **Federal Register**. The Director of the Federal Register must approve each publication incorporated by reference in a final rule. Incorporation by reference of a document or publication is limited to the specific edition approved by the Director of the Federal Register.

When a copyrighted industry standard is incorporated by reference into our regulations, BSEE is obligated to observe and protect that copyright. We provide members of the public with Web site addresses where these standards may be accessed for viewing—sometimes for free and sometimes for a fee. The decision to charge a fee is made by each standards development organization. API provides free online public access to at least 160 technical and other key industry standards. Those standards represent almost one-third of all API standards and include all that are safety-related or are incorporated into Federal regulations. These standards are available for review online, while hard copies and printable versions will continue to be available for purchase through API. To review such standards online, go to the API publications Web site at: *http://publications.api.org.* You must then log-in or create a new account, accept API's ''Terms and Conditions,'' click on the ''Browse Documents'' button, and then select the applicable category (*e.g.,* ''Exploration and Production'') for the standard(s) you wish to review.

For the convenience of the viewing public who may not wish to purchase or view the incorporated documents online, they may be inspected at BSEE's office at 45600 Woodland Road, Sterling, Virginia 20166 (phone: 703–787–1587).

Documents incorporated in the final rule will be made available to the public for viewing when requested. Additional information on where these documents can be inspected or purchased can be found at 30 CFR 250.198, *Documents incorporated by reference.*

Background Information for Proposed Incorporation by Reference of Seventh Edition of API Spec. 2C

As authorized by OCSLA, BSEE has promulgated regulations governing oil, gas and sulphur exploration, development, and production operations on the OCS (30 CFR part 250). On February 14, 2003, the Minerals Management Service (MMS), the predecessor to BSEE, incorporated the Fifth Edition of API Spec. 2C, ''Specification for Offshore Cranes'' (1995), into its regulations at §§ 250.108(c) and (d) and § 250.198(e), effective March 17, 2003 (68 FR 7421).[1] The purpose of that rule was to require lessees and operators to ensure the safe design, construction, and testing of all cranes mounted on any fixed platform that was installed on the OCS after the effective date of the final rule (March 17, 2003) and of all cranes manufactured after March 17, 2003, and subsequently mounted on any fixed platform (without regard to the platform's installation date on the OCS).

On March 15, 2007, the MMS incorporated the Sixth Edition of API Spec. 2C (adopted by API in 2004) into the regulations at §§ 250.108(c) and (d) and § 250.198(e) in place of the Fifth Edition (72 FR 12088).[2] Thus, the regulations currently require that operators and lessees ensure that all cranes mounted on any fixed platform that was installed on the OCS after March 2003, as well as all cranes manufactured after March 2003 and subsequently mounted on any fixed platform (regardless of when the platform was installed on the OCS), meet the requirements of the Sixth Edition of API Spec. 2C.

In March 2012, API approved the Seventh Edition of API Spec. 2C (effective in October 2012), reorganizing the standard and providing improved design and construction criteria for new pedestal-mounted cranes (*i.e.,* those manufactured after October 2012). The most significant technical and engineering issues addressed by API in the Seventh Edition of API Spec. 2C include:

—Gross overload of cranes and supply boat entanglement issues (*i.e.,* while the Sixth Edition did not require manufacturers to address gross overload conditions, the Seventh Edition requires that manufacturers use a failure mode assessment to address gross overload conditions, such as supply boat entanglement, and provide the failure mode results to crane purchasers);

[1] MMS proposed this regulation on July 19, 2001 (*see* 66 FR 37611).

[2] On April 28, 2010, MMS revised and reorganized § 250.198, and the provision incorporating API Spec. 2C, Sixth Edition, was moved to § 250.198(h)(69) (*see* 75 FR 22219).

—Consideration of duty cycles in service life design[3] (*e.g.,* while the Sixth Edition did not specifically address duty cycles in the design of cranes, the Seventh Edition expressly includes consideration of duty cycles, or the magnitude of loads and/or frequency of use, in the design life of machinery and wire rope components of cranes);
—Wire rope design factors (*e.g.,* while the Sixth Edition included a fixed factor for design of running rigging, the Seventh Edition includes specific reeving efficiency calculations in running rigging design); and
—Structural crane design factors for all types of offshore pedestal-mounted cranes (*e.g.,* while the Sixth Edition used a fixed minimum onboard dynamic coefficient, the Seventh Edition uses a more precise sliding minimum onboard dynamic coefficient based on each crane's safe working load).
—Dual braking systems (while the Sixth Edition required only parking brake systems for crane hoist systems, the Seventh Edition requires that cranes have both ''parking brake systems'' (*i.e.,* disk or mechanical brakes that act directly on the wire rope drum) and ''dynamic brake systems'' (*e.g.,* brakes that use control fluid from a drive motor) for hoisting operations (*i.e.,* raising or lowering loads)).
—Load moment indicator systems (*i.e.,* the Seventh Edition adds a new provision—for intermediate, drilling and construction duty cranes—requiring load moment indicator systems that sense load and lifting conditions when the crane is in use, compare those conditions to the crane's rated capacity, and alert the operator when the crane approaches an overload condition (*e.g.,* the overturning moment)).
—Personnel capacity and Safe Working Load (SWL) calculations (*i.e.,* the Seventh Edition provides more precise methods for calculating the SWL, and increases the capacity for safely hoisting personnel from 35 percent, under the Sixth Edition, to 50 percent of the SWL).

In addition, section 4 (''Documentation'') of the Seventh Edition of API Spec. 2C requires purchasers to supply certain information to manufacturers prior to purchasing a crane—and manufacturers to supply certain documentation to the purchaser—in order to ensure that cranes are designed and manufactured, in compliance with the Seventh Edition, to perform safely and properly under the conditions in which the cranes are expected to be used.

Discussion of Proposed Amendments

BSEE has reviewed the Seventh Edition of API Spec. 2C and determined that the revised edition should be incorporated into the regulations to ensure that lessees and operators are complying with the latest consensus industry practices and standards for cranes. If the Seventh Edition is incorporated into BSEE's regulations, it will require the use of up-to-date industry standard technology, processes, and design criteria to ensure that fixed platform operators mount cranes designed to operate safely in difficult offshore conditions. For example, the failure mode calculations and gross overload protection provisions in the Seventh Edition of API Spec. 2C would help reduce the potential risk of injury to personnel by, among other things:

—Addressing the possibility of supply boat entanglement;
—Improving crane operator safety in the event of an unbounded gross overload (*e.g.,* supply boat entanglement) without increasing the risk to other personnel from the crane dropping its load; and
—Using a higher factor of safety for the pedestal/slew bearing to ensure that the main crane structure and operator cabin remain attached to the platform during a catastrophic event.

Similarly, the Seventh Edition's provision for dual braking systems would improve hoisting efficiency and decrease stress on the crane motor and, thus, help prevent both unintended load drops and motor malfunctions. In addition, the Load Moment Indicator System provision would improve safety by alerting the operator (*e.g.,* with bells, warning lights, buzzers) when a crane is approaching a critical overload condition, giving the operator a better chance to prevent the crane from overturning or causing other safety problems. Likewise, the Seventh Edition's improved method for calculating a crane's SWL justifies increasing the personnel capacity to 50 percent of the SWL, which, in turn, should reduce both the number of hoists needed to safely move the same number of people (as compared to the Sixth Edition) and the cumulative risk inherent in multiple hoists.

Therefore, BSEE is proposing to amend §§ 250.108 and 250.198(h)(69) to incorporate, and to require that lessees and operators ensure compliance with, the Seventh Edition of API Spec. 2C for all cranes mounted after the effective date of the final rule on any fixed OCS platform without regard to when the platform was installed on the OCS.

Unlike the current regulations, compliance with the Seventh Edition of API Spec. 2C would not be tied to the date of manufacture of the crane or the date that the fixed platform was installed on the OCS. The original promulgation of § 250.108(c) and (d) in 2003 marked the first time that MMS required lessees and operators to ensure that the cranes on fixed platforms complied with the criteria of the version of API Spec. 2C then in effect (*i.e.,* the Fifth Edition). Accordingly, MMS initially made § 250.108(c) and (d) applicable only to cranes that were manufactured after the effective date of that final rule (March 17, 2003) and then mounted on any fixed platform (regardless of the platform's installation date), as well as to all cranes (regardless of their manufacture dates) mounted on any fixed platform that was installed on the OCS after March 17, 2003. Thus, lessees and operators could become familiar with, and plan for compliance with, the new regulatory requirement before mounting new cranes or installing new platforms.

In 2007, when MMS amended §§ 250.108(c) and (d) and 250.198 to require compliance with the Sixth Edition of API Spec. 2C in lieu of the Fifth Edition, MMS retained the original threshold applicability date (March 17, 2003) in § 250.108 for manufacture of cranes and for installation of platforms. There was no need at that time to change the threshold date because the criteria for design and manufacture of cranes in the Sixth Edition were very similar to those in the Fifth Edition, which had been in effect under § 250.108 since March 2003.

By contrast, the Seventh Edition of API Spec. 2C makes significant changes to the criteria in the Sixth Edition. These changes will result in improvements, as previously described, to safety and personnel protection on fixed platforms. Cranes that meet the specifications of the Sixth Edition may not necessarily meet all of the specifications of the Seventh Edition and would not necessarily achieve the same level of safety afforded by cranes that meet the specifications of the Seventh Edition.

In light of those changes, and the fact that the industry has been required to comply with prior editions of API Spec. 2C for over 10 years, the original March 2003 threshold applicability date is no

[3] Offshore cranes can experience significantly different intensity and frequency of use depending on many factors, including the location of the platform and the environmental conditions under which the cranes will be used.

longer necessary or appropriate. Thus, we propose that operators and lessees ensure that all cranes that they mount on any fixed OCS platforms after the effective date of the new final rule comply with the criteria in the Seventh Edition of API Spec. 2C, without regard to the fixed platforms' installation dates or the cranes' manufacture dates. Because crane manufacturers and offshore lessees and operators have been familiar with, and voluntarily using, the Seventh Edition of API Spec. 2C since October 2012, this proposed requirement should not require significant changes in lessees' and operators' ordinary business practices. Moreover, the proposed rule would effectively eliminate a potential anomaly in the existing rules that arguably could be read to imply that cranes manufactured before March 2003 may continue to be mounted on platforms that were installed on the OCS before March 2003 without complying with any version of API Spec. 2C.

We also propose, in accordance with § 250.108(c) and (d) of the current regulations, to allow lessees and operators to continue to use cranes that comply with the Sixth Edition of API Spec. 2C if they mount (or mounted) a crane on a fixed platform between March 17, 2003, and the effective date of the new final rule and:

—The fixed platform was installed on the OCS between March 17, 2003, and the effective date of the final regulation; or

—the crane was manufactured after March 17, 2003, and before the effective date of the final rule.

However, because the Seventh Edition of API Spec. 2C has been in voluntary use by the industry since October 2012, we propose to amend § 250.108 to give lessees and operators the option of ensuring that any cranes mounted after October 2012 and before the effective date of the new final rule comply with the Seventh Edition of API Spec. 2C in lieu of the Sixth Edition. Currently, § 250.198(c) allows a lessee or operator to comply with a later edition of any incorporated standard, provided that the lessee or operator shows that the later edition is at least as protective as the incorporated standard and obtains prior written approval from BSEE. The proposed amendment to allow compliance with either the Sixth or Seventh Edition for cranes mounted between October 2012 and the effective date of the new final rule would simply eliminate the need for such a showing and for prior BSEE approval.

Finally, we propose to add a new definition to § 250.105 for ''fixed platform,'' solely as used in § 250.108. The Sixth Edition of API Spec. 2C used and defined the term ''fixed platform'' in virtually the same way as that term is currently defined in API Recommended Practice 2D, ''Operation and Maintenance of Offshore Cranes'' (Sixth Edition, May 2007) (API RP 2D), which is incorporated by reference in § 250.108(a). However, the Seventh Edition of API Spec. 2C largely replaced the term ''fixed platform'' with the term ''bottom-supported structure,'' which is defined in a way very similar to the definition of ''fixed platform'' in the Sixth Edition of API Spec. 2C. In fact, the Seventh Edition of API Spec. 2C frequently uses the terms ''bottom-supported structure'' and ''fixed platform'' interchangeably.

To avoid confusion, however, we propose to add to § 250.105 a definition of ''fixed platform,'' as used in § 250.108, that is consistent with the definition of ''bottom-supported structure'' in the Seventh Edition of API Spec. 2C, as well as with the definition of ''fixed platform'' in API RP 2D. In addition, the proposed new definition would be compatible with the definition of ''fixed platform'' in API RP 2A–WSD, ''Recommended Practice for Planning, Designing, and Constructing Fixed Offshore Platforms—Working Stress Design'' (Twenty-first Edition, reaffirmed October 2010) and with the definition of OCS ''facility'' in 30 CFR 250.105.

Consistency With United States Coast Guard (USCG) Proposed Rule

On May 13, 2013, the USCG proposed to incorporate the Seventh Edition of API Spec. 2C into USCG regulations at 46 CFR parts 107 through 109 for cranes installed on mobile offshore drilling units (MODUs), offshore supply vessels (OSVs), and floating OCS facilities (*see* 78 FR 27913). Because this BSEE-proposed rule would apply only to cranes mounted on offshore fixed platforms—which, as defined in proposed § 250.105, do not include MODUs, OSVs, or floating OCS facilities—there is no duplication between the USCG proposal and this proposed rule. Similarly, the USCG-proposed rule would not duplicate or conflict with the current BSEE requirements at § 250.108 because the existing BSEE requirements apply only to fixed platforms. In any case, the USCG proposal is essentially consistent with our proposed rule in that USCG would require offshore cranes used for OCS activities, and mounted after the effective date of USCG's final rule, to comply with the Seventh Edition of API Spec. 2C.[4] In fact, USCG intends that its proposed rule align with BSEE's requirements for cranes used on offshore fixed platforms (*see* 78 FR 27914).[5]

The USCG proposal would also incorporate, and require compliance with, the Sixth Edition of API RP 2D for operation and maintenance of cranes on MODUs, OSVs, and floating OCS facilities in 46 CFR parts 107–109 (*see* 78 FR 27915). The existing BSEE regulations, at §§ 250.108(a) and 250.198(h)(48), already require that lessees and operators operate cranes on fixed platforms in accordance with the Sixth Edition of API RP 2D. We are aware, however, that API published a Seventh Edition of RP 2D in December 2014. We will evaluate that revised standard and consider whether it should be incorporated by reference in § 250.108(a) at a later date.

Request for Comments on Quality Control

In addition to proposing to require lessees and operators to ensure that the cranes on their fixed platforms comply with the Seventh Edition of API Spec. 2C, we are considering whether there are ways to verify that new cranes have been fabricated pursuant to that API standard. For example, we are considering whether lessees and operators should ensure that cranes mounted on their fixed platforms in the future are constructed and marked in accordance with a quality management system such as API Specification Q1, ''Specification for Quality Programs for the Petroleum, Petrochemical and Natural Gas Industry,'' Ninth Edition (2014) (API Spec. Q1). Accordingly, we request comments on whether API Spec. Q1, or any similar quality management systems (such as those found in the International Standards Organization 9000 collection of standards), could help to ensure the overall reliability and safety of cranes.

[4] The USCG also proposed to provide an option for compliance with ''other equivalent standard[s] identified by [the] Commandant'' in lieu of compliance with the Seventh Edition of API Spec. 2C (78 FR 27924). The existing BSEE regulations also provide a process for seeking BSEE's approval to use alternate procedures or equipment under appropriate conditions (*see* 30 CFR 250.141).

[5] Although the Seventh Edition of API Spec. 2C has no size limitations on its applicability to cranes, USCG proposes to apply that standard (as well as the Sixth Edition of API RP 2D) only to cranes with a lifting capacity of 10,000 pounds or more (*see* 78 FR 27915.) There is no such size threshold in BSEE's current regulations at 30 CFR 250.108, and we do not propose to create one. In fact, § 250.108 is intended to include smaller cranes used for material handling purposes on fixed platforms.

Procedural Matters

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 (E.O. 12866) provides that the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), will review all significant rules. BSEE has determined that this proposed rule is not a significant regulatory action as defined by section 3(f) of E.O. 12866 because:

—It is not expected to have an annual effect on the economy of $100 million or more;
—It would not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
—It would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
—It would not alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights or obligations of their recipients; and
—It does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

In particular, BSEE has determined that this proposed rule would not have a significant economic effect on the offshore oil and gas industry because BSEE includes existing industry standards in the baselines for economic analyses for regulations. OMB Circular A–4, which provides guidance to Federal agencies on the preparation of economic analyses under E.O. 12866, states that the economic baseline represents the agency's best assessment of what the world would be like absent the action. Thus, the baseline should include all practices that already exist, and that would continue to exist, even if the new regulations were never imposed.

Since consensus industry standards represent generally accepted industry practices and expectations for use in operations, and are developed and written by industry experts and approved by the industry itself, we understand and expect that industry follows such standards (or similar best practices) to ensure safety and reliability of operations. Therefore, BSEE includes relevant existing standards in the baseline when considering the potential economic impacts of its regulatory actions. Accordingly, because this proposed rule would simply incorporate the Seventh Edition of API Spec. 2C, which has been in effect since October 2012, BSEE has not prepared an economic analysis for, and OIRA has not reviewed, this proposed rule.

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

Regulatory Flexibility Act

BSEE certifies that this proposed rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The changes that would be incorporated by this proposed rule could affect lessees and operators of leases on the OCS who install new fixed platforms or new cranes on existing fixed platforms. This could include about 130 active companies. Offshore lessees and operators fall under the Small Business Administration's North American Industry Classification System (NAICS) codes 211111 (Crude Petroleum and Natural Gas Extraction) and 213111 (Drilling Oil and Gas Wells). For these NAICS code classifications, a small company is one with fewer than 500 employees. Based on these criteria, an estimated 90 (or 69 percent) of the active lessee/operator companies are considered small. Thus, this proposed rule would affect a substantial number of small entities. However, because the proposed rule simply incorporates an existing standard that has been adopted and followed by industry voluntarily since 2012, it would not impose significant new costs or burdens on the offshore oil and gas industry. Accordingly, the changes in the proposed rule would not have a significant economic effect on a substantial number of small entities, and BSEE is not required by the Regulatory Flexibility Act to prepare an initial regulatory flexibility analysis for this proposed rule.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the actions of BSEE, call 1–888–734–3247. You may comment to the Small Business Administration (SBA) without fear of retaliation. Allegations of discrimination/retaliation filed with the SBA will be investigated for appropriate action.

Small Business Regulatory Enforcement Fairness Act

This proposed rule is not a major rule under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*). This proposed rule would not:

—Have an annual effect on the economy of $100 million or more;
—Cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
—Have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act of 1995

This proposed rule would not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. This proposed rule would not have a significant or unique effect on State, local, or tribal governments or the private sector. Thus, a statement containing the information required by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501, *et seq.*) is not required.

Takings Implication Assessment (Executive Order 12630)

Under the criteria in Executive Order 12630, this proposed rule would not have significant takings implications. This proposed rule is not a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in Executive Order 13132, this proposed rule would not

have federalism implications. This proposed rule would not substantially and directly affect the relationship between the Federal and State governments. To the extent that State and local governments have a role in OCS activities, this proposed rule would not affect that role. Accordingly, a Federalism Assessment is not required.

Civil Justice Reform (Executive Order 12988)

This proposed rule complies with the requirements of Executive Order 12988 (E.O. 12988). Specifically, this rule:

—Would meet the criteria of section 3(a) of E.O. 12988 requiring that all proposed regulations be reviewed to eliminate drafting errors and ambiguity, be written to minimize litigation, and provide clear legal standards; and

—Would meet the criteria of section 3(b)(2) of E.O. 12988 requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (Executive Order 13175)

We have evaluated this proposed rule under the Department's tribal consultation policy and under the criteria in Executive Order 13175 and have determined that it would have no substantial effects on federally recognized Indian tribes and that consultation under the department's policy is not required.

Paperwork Reduction Act of 1995 (PRA)

BSEE has determined that this proposed regulation does not contain new information collection requirements pursuant to the PRA (44 U.S.C. 3501 *et seq.*). Thus, we will not submit an information collection request to OMB.

National Environmental Policy Act of 1969 (NEPA)

This proposed rule meets the criteria set forth in 516 Departmental Manual (DM) 15.4C(1) for a categorical exclusion because it involves modification of existing regulations, the impacts of which would be limited to administrative, economic, or technological effects with minimal environmental impacts.

We also analyzed this proposed rule to determine if it meets any of the extraordinary circumstances set forth in 43 CFR 46.215, that would require an environmental assessment or an environmental impact statement for actions otherwise eligible for a categorical exclusion. We concluded that this rule does not meet any of the criteria for extraordinary circumstances.

Data Quality Act

In developing this proposed rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554, App. C sec. 515, 114 Stat. 2763, 2763A–153–154).

Effects on the Nation's Energy Supply (Executive Order 13211)

This proposed rule would not be a significant energy action under Executive Order 13211 because:

—It is not a significant regulatory action under E.O. 12866;

—It is not likely to have a significant adverse effect on the supply, distribution or use of energy; and

—It has not been designated as a significant energy action by the Administrator of OIRA.

Thus, a Statement of Energy Effects is not required.

Clarity of This Regulation (Executive Orders 12866 and 12988)

We are required by Executive Orders 12866 and 12988, and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rulemaking we publish must:

—Be logically organized;

—Use the active voice to address readers directly;

—Use clear language rather than jargon;

—Be divided into short sections and sentences; and

—Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, and the sections where you feel lists or tables would be useful.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration.

Dated: June 7, 2015.

Janice M. Schneider,

Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to amend 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for part 250 continues to read as follows:

Authority: 30 U.S.C. 1751, 31 U.S.C. 9701, 43 U.S.C. 1334.

■ 2. Amend § 250.105 by adding, in alphabetical order, a definition of ''Fixed platform,'' to read as follows:

§ 250.105 Definitions.

* * * * *

Fixed platform, as used in 30 CFR 250.108, means a bottom-supported stationary structure extending above the ocean surface, without significant movement in response to waves or currents in normal operating conditions, and installed for the purpose of exploration, development, or production of oil, gas or sulphur on the OCS. Examples of a *fixed platform* include gravity-based or jacket-and-pile supported platforms, jackup rigs (once in position and bottom-supported), and submersible bottom-supported rigs.

* * * * *

■ 3. Amend § 250.108 as follows:

■ a. Revise paragraphs (c) and (d);

■ b. Redesignate paragraphs (e) and (f) as paragraphs (f) and (g), respectively; and

■ c. Add new paragraph (e).

The revisions and additions read as follows:

§ 250.108 What requirements must I follow for cranes and other material-handling equipment?

* * * * *

(c) If you installed a fixed platform after March 17, 2003, and before [EFFECTIVE DATE OF THE FINAL RULE]:

(1) All cranes mounted on the fixed platform on or after March 17, 2003, and before October 1, 2012, must meet the requirements of American Petroleum Institute Specification for Offshore Pedestal-mounted Cranes (API Spec. 2C), Sixth Edition (2004), as incorporated by reference in § 250.198(h)(69)(i); and

(2) All cranes mounted on the fixed platform on or after October 1, 2012, and before [EFFECTIVE DATE OF FINAL RULE], must meet either the

requirements of API Spec. 2C, Sixth Edition, or API Spec. 2C, Seventh Edition (2012), as incorporated by reference in § 250.198(h)(69)(ii).

(d) If you installed a fixed platform before March 17, 2003, and mounted a crane on the fixed platform before [EFFECTIVE DATE OF FINAL RULE], and

(1) The crane was manufactured after March 17, 2003, and before October 1, 2012, the crane must meet the requirements of API Spec. 2C, Sixth Edition;

(2) The crane was manufactured on or after October 1, 2012, the crane must meet either the requirements of API Spec. 2C, Sixth Edition, or API Spec. 2C, Seventh Edition.

(e) If you mount a crane on a fixed platform after [EFFECTIVE DATE OF FINAL RULE], the crane must meet the requirements of API Spec. 2C, Seventh Edition.

* * * * *

■ 4. Amend § 250.198 by revising paragraph (h)(69) to read as follows:

§ 250.198 Documents incorporated by reference.

* * * * *

(h) * * *

(69) API Spec. 2C, Specification for Offshore Pedestal-mounted Cranes:

(i) Sixth Edition, March 2004, Effective Date: September 2004, API Stock No. G02C06; incorporated by reference at § 250.108(c) and (d);

(ii) Seventh Edition, March 2012, Effective Date: October 2012, API Product No. G02C07; incorporated by reference at § 250.108(c), (d) and (e);

* * * * *

[FR Doc. 2015–14640 Filed 6–12–15; 8:45 am]

BILLING CODE 4310–VH–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 90, 95, and 96

[GN Docket No. 12–354; FCC 15–47]

Commission Seeks Comment on Shared Commercial Operations in the 3550–3700 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on three specific issues related to the establishment of a new Citizens Broadband Radio Service in the 3550–3700 MHz band (3.5 GHz Band). These issues are: Defining ''use'' of Priority Access License frequencies; implementing secondary markets in Priority Access Licenses; and optimizing protections for Fixed Satellite Services.

DATES: Submit comments on or before July 15, 2015 and reply comments on or before August 14, 2015.

ADDRESSES: You may submit comments, identified by GN Docket No. 12–354, by any of the following methods:

• *Federal Communications Commission's Web site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.

• *Mail:* All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

• *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Paul Powell, Attorney Advisor, Wireless Bureau—Mobility Division at (202) 418–1613 or *Paul.Powell@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Further Notice of Proposed Rulemaking in GN Docket No. 12–354, FCC 15–47, adopted on April 17, 2015 and released April 21, 2015. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov.* Alternative formats are available to persons with disabilities by sending an email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Comment Filing Instructions

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121, May 1, 1998.

• *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*

• *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

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

***Ex Parte* Rules**

This proceeding shall continue to be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. *See* 47 CFR 1.1200 *et seq.* Persons making *ex parte* presentations must file a copy of

any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). *See* 47 CFR 1.1206(b). In proceedings governed by Section 1.49(f), 47 CFR 1.49(f), or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

We note that our *ex parte* rules provide for a conditional exception for all *ex parte* presentations made by NTIA or Department of Defense representatives. *See* 47 CFR 1.1204. This *Second FNPRM* raises significant technical issues implicating federal and non-federal spectrum allocations and users. Staff from NTIA, DoD, and the FCC have engaged in technical discussions in the development of this *Second FNPRM,* and we anticipate these discussions will continue after this *Second FNPRM* is released. These discussions will benefit from an open exchange of information between agencies, and may involve sensitive information regarding the strategic federal use of the 3.5 GHz Band. Recognizing the value of federal agency collaboration on the technical issues raised in this *Second FNPRM,* NTIA's shared jurisdiction over the 3.5 GHz Band, the importance of protecting federal users in the 3.5 GHz Band from interference, and the goal of enabling spectrum sharing to help address the ongoing spectrum capacity crunch, we find that this exemption serves the public interest.

Initial Paperwork Reduction Act Analysis

This *Second FNPRM* contains proposed new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this FNPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, we seek specific comment on how we might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

Synopsis of the Second Further Public Notice of Proposed Rulemaking

I. Introduction

On April 21, 2015, the Federal Communications Commission released a *Report and Order* and Second Further Notice of Proposed Rulemaking (''*Report and Order*'' and ''*Second FNPRM*'') in this proceeding to establish a new Citizens Broadband Radio Service in the 3.5 GHz Band. While the *Report and Order* set forth a complete set of rules and policies related to the establishment of the Citizens Broadband Radio Service, we determined that a few focused issues remained that would benefit from further record development. We viewed these issues as opportunities to optimize the rules we had established. In the *Second FNPRM,* the Commission sought focused comment to the specific proposals and questions discussed below. In addition, we encouraged parties to converge on practical, multi-stakeholder solutions.

II. Background

In the *Report and Order,* the Commission adopted rules for commercial use of 150 megahertz in the 3550–3700 MHz band (3.5 GHz Band). The 3.5 GHz Band is currently used for Department of Defense Radar services and commercial fixed Satellite Service (FSS) earth stations (space-to-earth). The creation of a new Citizens Broadband Radio Service in this band will add much-needed capacity to meet the ever-increasing demands of wireless innovation. As such, it represents a major contribution toward the Commission's goal of making 500 megahertz newly available for broadband use and will help to unleash broadband opportunities for consumers throughout the country, particularly in areas with overburdened spectrum resources.

The *Report and Order* also adopts a new approach to spectrum management, which makes use of advances in computing technology to facilitate more intensive spectrum sharing: Between commercial and federal users and among multiple tiers of commercial users. This three-tiered sharing framework is enabled by a Spectrum Access System (SAS). The SAS incorporates a dynamic spectrum database and interference mitigation techniques to manage all three tiers of authorized users (Incumbent Access, Priority Access, and General Authorized Access (GAA)). The SAS thus serves as an advanced, highly automated frequency coordinator across the band—protecting higher tier users from those beneath and optimizing frequency use to allow maximum capacity and coexistence in the band.

Incumbent users represent the highest tier in the new 3.5 GHz framework and receive interference protection from Citizens Broadband Radio Service users. Protected incumbents include the federal operations described above, as well as FSS and, for a finite period, grandfathered terrestrial wireless operations in the 3650–3700 MHz portion of the band. The Citizens Broadband Radio Service itself consists of two tiers—Priority Access and GAA—both authorized in any given location and frequency by an SAS. As the name suggests, Priority Access operations receive protection from GAA operations. Priority Access Licenses (PALs), defined as an authorization to use a 10 megahertz channel in a single census tract for three years, will be assigned in up to 70 megahertz of the 3550–3650 MHz portion of the band. GAA will be allowed, by rule, throughout the 150 megahertz band. GAA users will receive no interference protection from other Citizens Broadband Radio Service users. In general, under this three-tiered licensing framework incumbent users will be able to operate on a fully protected basis, while the technical benefits of small cells are leveraged to facilitate innovative and efficient uses in the 3.5 GHz Band.

III. Discussion

A. Defining ''Use'' of PAL Frequencies

In the *Report and Order,* we determined that allowing opportunistic access to unused Priority Access channels would serve the public interest by maximizing the flexibility and utility of the 3.5 GHz Band for the widest range of potential users. Thus, when Priority Access rights have not been issued (*e.g.,* due to lack of demand) or the spectrum is not actually in use by a Priority Access licensee, the SAS will automatically make that spectrum available for GAA use on a local and granular basis. While there was substantial support in the record for an opportunistic use approach generally, we saw wide divergence in the record to-date regarding specific implementation of our ''use-it-or-share-it'' rule. We thus sought focused comment on specific options, rooted in the record, for defining ''use'' by Priority Access licensees.

Engineering Definition. Several commenters provided versions of an approach that would rely on an engineering definition of ''use,'' effectively leveraging the SAS to define a boundary that would forbid GAA access near Priority Access CBSDs. Google maintained that an SAS can enforce Priority Access user protection areas based on information such as the Priority Access device's location and technical characteristics. According to Google, the SAS can protect the Priority Access device from nearby GAA operations including the aggregate effect of multiple devices operating in the vicinity. Google, at various points in the record, suggests versions of this approach with differing levels of complexity, ranging from use of simple distance-based metrics to methods based on site-specific propagation modeling. Pierre de Vries offers another variation of this concept, based on ''interference limits policy,'' specifically the use of defined ''reception limits'' to specify GAA operation that does not degrade the performance of Priority Access systems.

According to Pierre de Vries, the Commission could specify the ''maximum allowed resulting signal strength at the protected receiver and let an SAS calculate the allowed GAA transmit power.'' AT&T suggests that 3GPP standards for TD–LTE channel occupancy could be used to determine channel usage. Federated Wireless proposes that GAA devices could provide the SAS with ''spectrum sensing data'' upon initial operation and at regular intervals as directed by the SAS. Federated Wireless recommends that an industry group be convened to develop the details of such a sensing framework, including the measurement procedure, reporting protocol, and occupancy and evacuation times. WISPA proposes that ''any CBSD that has not received 300 end-user packets within each five-minute interval would be deemed by the SAS to be not 'in use.' '' Other commenters, including Microsoft, PISC, and Shared Spectrum Company suggest that GAA use be permitted in PAL spectrum until a Priority Access licensee affirmatively requests access to its PAL from the SAS. InterDigital suggests that evacuation commands be signaled to GAA users via the SAS, which will allow for flexible channel evacuation times.

We seek comment on whether we should adopt an engineering definition of ''use.'' We ask proponents of this approach to develop, in detail, an engineering methodology along with technical criteria and metrics that could be readily implemented by multiple, coordinated SASs. We also ask proponents to address some specific concerns about the engineering approach.

First, we note Verizon's observation that there may be occasions when a vacant channel performs a productive use, for example by serving as a guard band. Is this claim valid given the technical rules we have adopted in the *Report and Order* (*e.g.,* for Category A and Category B CBSDs)? In cases where a vacant channel is serving as a guard band for high or full power use, could it be usable for localized communications at lower powers (*e.g.,* a few milliwatts) or indoor operations?

Second, we speculate that it might be possible for Priority Access licensees to deploy low-cost CBSDs whose main purpose is to trigger SAS protections. We further observe that policing ''license savers'' has historically been a very challenging and administratively costly endeavor for the Commission. How could we prevent such gaming of the use-or-share rules, while maintaining our goals of technological flexibility, administrative simplicity, and light-touch regulation?

Third, the prospect of basing determinations of ''use'' on aggregate interference metrics raises equitable and coordination challenges with respect to the GAA tier. As discussed above, reliance on aggregate interference begs the question of which GAA user will be denied access when the aggregate threshold is exceeded. Therefore, we are not comfortable delegating this decision to third parties absent the adoption of an equitable and non-discriminatory methodology. We seek comment on whether and how aggregate metrics could be used to facilitate coordination among multiple SASs? Would the use of aggregate metrics introduce complexities that would outweigh the potential benefits of using such metrics? If we were to utilize an approach based on aggregate interference, how could we overcome these significant concerns? Alternatively, are there simpler, non-aggregate engineering metrics available that sidestep our concerns, perhaps with slightly less optimal spectrum utilization?

Economic Definition. An alternative approach presented in the record is to define ''use'' from an economic perspective for the purposes of determining GAA access to PAL spectrum. William Lehr, an economist at the Massachusetts Institute of Technology, proposes that we ''view the PAL as an option to exclude GAA usage. PAL licensees would acquire the right to exclude GAA access.'' Under this approach, actual operation as a PAL licensee would not be a trigger for excluding GAA use. A PAL licensee would have the right, but not the obligation, to exercise its option and thus exclude GAA access from the PAL. The amount ultimately paid by the licensee would depend on whether the option is exercised and GAA access is correspondingly restricted. Lehr elaborates that in a simple implementation, ''A winning bidder (with a bid of P for a PAL) would expect to owe ½ P when the license is awarded and ½ P when the licensee elects to exercise the option to exclude. The opportunity to delay payment would provide winning bidders with an economic incentive to avoid excluding GAA users unless the benefits of such exclusion outweigh the costs of exercising.'' Lehr argues that the options approach offers multiple benefits, including: More efficient spectrum usage and expanded access for commercial users; increased participation of PAL and GAA commercial users by enabling better matching of PAL costs with network investment requirements and by expanding access for GAA; simple and low-cost implementation; reduced potential risk of PAL spectrum hoarding by PAL; and, flexibility and consistency with future dynamic shared spectrum policy. He also addresses some potential concerns, including: Enforceability; auction revenue impact; foreclosure of GAA use; and mispricing of options payments. Lehr concludes by addressing some additional implementation details such as the ''reversibility'' of license

payments and the possibility of trading option rights on a secondary market.

We seek comment on whether Lehr's economic construction of ''use'' would be appropriate for determining GAA admission to PAL frequencies as the concept may provide a potential way to avoid some of the concerns raised above with respect to an engineering approach. At the same time, the proposal raises other issues, some of which, as noted above, Lehr discusses in his comments. We seek comment on these concerns.

First, we seek comment on hoarding. Would the option framework encourage or discourage hoarding of PAL spectrum? How does the risk of hoarding using options compare against the risk of hoarding through deployment of low-cost CBSDs (discussed above) in an engineering-based approach?

Second, how should we think about the payments and pricing of PALs? In the FNPRM, the Commission sought comment on employing its existing rules to address upfront, down and final payments by winning bidders, applications for licenses by winning bidders, as well as the processing of such applications and default by and disqualification of winning bidders. The Commission sought comment on whether its existing rules required any revisions in connection with the conduct of an auction of PALs. We did not receive a sufficient record to determine what payment, application, and default rule revisions are necessary in adopting a less traditional approach to licensing the PAL spectrum. For instance, if we adopt the economic definition of ''use'' proposed above, would a 50/50 split between initial payments and an option ''strike'' price provide appropriate incentives for PAL use (or non-use)? We also seek renewed comment on the other payment, application and default questions raised in the FNPRM in the event that we adopt one of the proposals discussed above.

Third, how would the options approach fit not only with our auctions authority under 47 U.S.C. 309(j) but also decades of experience in holding auctions? Would an option scheme, such as that proposed here, be sufficiently distinguishable from the Commission's prior use of installment payments since under this proposal the full rights in the license would presumably not be perfected until the time of a second payment? Would the use of a two-payment option, in practice, lead to complications similar to those experienced in the past with installment payments? Is the Commission's existing legal authority sufficient to permit it to adopt auction and payment rules to implement this option? We note that our auction authority is limited to the award of an initial ''license'' (or permit), and that the Act defines a license not as the right to exclude others but rather as an ''instrument of authorization . . . for the use or operation of apparatus for transmission . . .'' In the case of the options approach, could economic performance serve as a legally viable substitute for traditional build out or service-based performance requirements? Are there any statutory or other legal considerations that the Commission should consider in revising its existing payment, application and default rules to accommodate these proposals?

Hybrid Definition. We also seek comment on any hybrid proposals that combine aspects of the engineering and economic approaches. For example, Federated Wireless suggests that Priority Access licensees, in the context of their proposed sensing framework, should pay a ''nominal usage fee for those periods that the spectrum [is] actively needed.'' Federated maintains that such a usage fee would incentivize Priority Access licensees to only reserve spectrum that they intend to use. Could we think of such a usage fee as a form of ''option'' superimposed on an engineering definition of ''use''? Do we have authority to impose such a fee and, if so, how would we set the price? How would we define the unit volume (*i.e.,* quantity) of ''use'' to which a price could be applied? Could such a framework make use of an auction, with price set through competitive bidding, rather than a fee? Could the auction payment be pro-rated across sub-divisions of the license area (*e.g.,* Census Block Groups) to account for use in only a portion of the geography? What would be the simplest and most practical approach to implementing a hybrid scheme?

B. Implementing Secondary Markets in Priority Access Licenses

In the *Further Notice of Proposed Rulemaking (79 FR 31247, June 2, 2014)* in this proceeding, we sought comment on the extent to which our existing secondary market rules (both for license transfers and for leases) might be appropriately modified with respect to the secondary market for PALs in the 3.5 GHz Band. We emphasized that auctions would be our initial assignment methodology, but that the secondary market could provide a viable means of matching supply and demand in units more granular than our proposed PAL structure. We noted that the development of one or more spectrum exchanges, operating pursuant to our secondary market rules, could facilitate a vibrant and deep market for PAL rights.

Relatively few commenters addressed the significant issues associated with the potential application of our secondary market rules to the transfer of PALs. Commenters who did address the issue were generally supportive of a framework in which PALs can been traded in the secondary market. These commenters note that the development of a robust secondary market in the 3.5 GHz Band would be beneficial for potential Priority Access Licensees. AT&T, for example, believes that flexibility in the deployment of PALs will be important to both commercial operators and other Priority Access Licensees as PAL use may be short term, *e.g.,* coverage for a large event, or longer term, *e.g.,* backhaul or access applications. AT&T maintains that partitioning and a secondary market mechanism will enable Priority Access licensees to gain access to additional spectrum as future needs arise. Qualcomm and WISPA support affording PAL licensees the flexibility to disaggregate or partition their licenses. In addition, WISPA and Spectrum Bridge argue that prior Commission approval of secondary market transactions should not be required given the absence of build-out rules for the band and a streamlined auction process, among other reasons. Instead, WISPA argues that written notification to the Commission and SAS would be sufficient to ensure that appropriate contact information is available in the event of harmful interference. TIA also supports application of the Commission's secondary market rules and emphasizes the need for secondary leasing arrangements, which will ''allow providers to adjust to changing market circumstances in order to enhance their service quality.'' Federated Wireless, on the other hand, opposes application of the secondary market rules noting that ''[t]he development of secondary markets to manage geographical subsets of PALs takes the control of spectrum management and enforcement out of the hands of the SAS and the FCC.''

Some commenters support the development of one or more spectrum exchanges, operating pursuant to our secondary market rules, which could facilitate a vibrant and deep market for PAL rights. Such an exchange could improve the ability of individual licensees to obtain micro-targeted (in geography, time, and bandwidth) access to priority spectrum rights narrowly tailored to their needs on a highly

customizable, fluid basis. Cantor proposes a spectrum exchange managed by an independent third party and modeled on platforms which exist for the trading of other U.S. Government securities. Cantor envisions that such a spectrum exchange would integrate the SAS functions in order to provide market participants with use right information and to resolve any interference issues that might arise. In addition, Cantor explains that a spectrum exchange should include: ''(1) Universal access to information; (2) dynamic transactional access by and among authorized market participants; (3) real-time reporting of 3.5 GHz spectrum resource use right utilization; and (4) market maintenance.'' InterDigital suggests that the SAS could act as a spectrum exchange to manage secondary market transactions. We note that any spectrum exchange would be subject to the requirements of Section 310(d) of the Communications Act and other relevant statutory provisions.

We believe that it is in the public interest to develop a fuller record on the implications of applying our secondary market rules to the 3.5 GHz Band ecosystem. While we agree with commenters on the record thus far that application of our secondary market rules will increase liquidity of the spectrum as well as reduce costs and increase flexibility of use, we seek additional information on how we should implement the rules with respect to the 3.5 GHz Band. To the extent that commenters agree with this concept, we request specific and focused comment on any necessary changes to our Part 1 rules to facilitate the secondary market for PALs in the 3.5 GHz Band. For example, regarding partitioning and disaggregation, our initial view is to prohibit such further segmentation of PALs given their relatively small size (census tracts) and limited duration (three years) as well as the availability of significant GAA spectrum in all license areas. Some commenters, however, urge the Commission to allow partitioning and disaggregation of PALs. We seek comment on this proposal. Would partitioning and disaggregation of PALs benefit the Citizens Broadband Radio Service or would such flexibility prove administratively burdensome and unnecessary given the size and duration of these licenses? We also seek comment on the potential use of spectrum exchanges to facilitate the transfer of PALs in the secondary market. Would such exchanges be mandatory or could the existing Part 1 rules, in combination with the SAS framework adopted in the *Report and Order,* above, be sufficient to allow voluntary development of exchanges to trade PALs? We are particularly interested in modifications to our rules that could reduce transaction costs and allow increased automation of transfer and lease applications. What legal, technical, or logistical issues should we consider?

For secondary markets purposes, we also seek comment on the application of our spectrum aggregation limits for PAL licensees. Should we use the attribution standard applied in our existing rules to transactions involving mobile wireless licenses for commercial use? We also seek comment on how this standard can reflect the need for a streamlined process, potentially through a database administrator, for transactions involving PALs. In addition, we seek comment on the application of our spectrum aggregation limit in the context of the initial licensing of PALs, including how any unique characteristics of PAL auctions, such as the need for streamlined processing, should be taken into account in resolving this issue.

C. Optimizing Protections for FSS

1. In-Band Protection of FSS in the 3650–3700 MHz Band

We raise five topics for consideration in the *Second FNPRM* with respect to the methodology and parameters for protecting in-band FSS earth stations, in addition to the adoption of Section 96.17 as described in section III(G)(2) of the *Report and Order.*

Calculation Methodology. As noted in the *Report and Order,* we agree with Google that the Commission's example methodology in the 3650–3700 MHz proceeding is a useful starting point for coexistence analysis. We seek comment on the use of this methodology by the SAS to calculate exclusion distances for CBSDs with respect to individual FSS earth stations in the 3650–3700 MHz band. Is the methodology accurate? Does it require further specification?

Propagation Modeling. While we recognize the challenge of effective propagation modeling for band sharing, we believe that research in propagation path loss models in recent years has advanced considerably and offers an increasing array of practical and realistic tools and methods for predicting path loss and determining practical bounds on prediction errors. However, despite these advances, there are many different propagation models, with little integration of these models across diverse environments. Many existing models have been tailored for specific and diversely different environments. A research article by Phillips, Sicker, and Grunwald illustrates the scope of the challenge as well as the significant benefit of improved statistical analysis of path loss prediction. They described and implemented ''30 propagation models of varying popularity that have been proposed over the last 70 years'' and found ''. . . the landscape of path loss models is precarious . . . we recommend the use of a few well-accepted and well-performing standard models in scenarios where *a priori* predictions are needed and argue for the use of well-validated, measurement-driven methods whenever possible.'' We agree with this finding and believe that improved statistical analysis of propagation path loss can lead to significant improvements in shared spectrum utilization and interference prediction and mitigation. We propose that all SAS Administrators use an agreed upon set of propagation modeling methods, using models that can be tuned with measurements. We seek comment on what propagation model(s) are best suited for SAS-based protections of FSS. We solicit measurement results that validate model parameters for combined short range and long range propagation scenarios, involving indoor and outdoor propagation channels. What model(s) are the most accurate in accounting for urban clutter and other environmental factors such as rain attenuation, ducting, etc., and most suitable for modeling statistical variations to support analysis—including possible Monte-Carlo analysis—of many potential interfering sources? In order to generate the same exclusion distances between CBSDs and any individual FSS earth stations in 3650–3700 MHz, we expect each SAS to enforce the same minimum separation distance and we tentatively conclude that each SAS must use the same propagation model. We seek comment and objective analysis from anyone who believes otherwise.

Interference Protection Criteria. We agree with commenters that, in principle, an Equivalent Power Flux Density (EPFD) of aggregate interference power at the FSS earth station receiver could be an appropriate interference protection criterion (IPC) for establishing interference limits of FSS earth stations. However, our equitable and competitive concerns about using aggregate limits is noted above and discussed further below. Were we to adopt an aggregate level, we believe it should be based not only on the theoretical thermal noise floor (I/N), but should also account for the measurement of receiver performance degradation when presented with both

interfering signals and wanted desired signals (C/(I+N)). We seek comment on the appropriate FSS earth station interference protection criteria, the appropriate probability of such threshold not being exceeded, and supporting field measurements to validate such proposals. Commenters should assume the use of appropriate, commercially available earth station receiver input filtering to limit the receiver bandwidth to the authorized spectrum.

We propose that co-channel Citizens Broadband Radio Service Device (CBSD) and End User Device signal levels up to this threshold be permissible, at the antenna output after FSS earth station antenna gain and discrimination per section 25.209(a)(3) of our rules. We propose that the SAS will calculate the distance, bearing, and elevation differences between registered FSS earth stations and each CBSD that requests activation. The SAS will then authorize CBSD activation if it is at or beyond the permissible distance, and deny CBSD activation if is less than the permissible distance from the earth station. How should existing link budget margins be treated in establishing value(s) for interference protection criteria, where such margins are built in to FSS earth station link budgets to account for rain attenuation, and other impairments? What is the statistical and temporal correlation of environmental effects that may not be independent nor occur simultaneously (*e.g.,* stable atmosphere anomalous ducting, occurring naturally at different times than convective atmospheric heavy rain)? We also invite comment as to whether we can establish a default earth station protection area based on an assumed minimum earth station receiving system gain-to-temperature ratio (G/T) and minimum antenna elevation angle, and what the assumed values of the G/T and elevation angle should be. CBSD operation outside of such a default protection area would be assumed not to cause interference to earth stations receiving in the 3700–4200 MHz band. Such a default protection area would be adjusted by the SAS to accommodate the actual operating characteristics of earth stations that are registered in order to achieve additional protection.

Avoiding Policy Concerns Related to Aggregate Interference Protection Criteria (IPC). We seek comment on fair and non-discriminatory methods of adjudicating demands for increased spectrum use at a location that would result in the IPC for an FSS earth station receiver being exceeded. SIA has argued that protection zones may be insufficient if densely deployed CBSD and End User Devices outside of these areas cause aggregate interference thresholds to be exceeded. They argue that unless the Commission is prepared to periodically revisit and enlarge protection zones to address such events, it will need to either set deployment density constraints or build in a significant margin in calculating protection zones to account for aggregate interference. We seek comment on solutions that avoid discriminatory caps on CBSD service deployment, while protecting FSS earth stations from harmful interference. For example, are there probabilistic ''bilateral'' approximations (between an individual CBSD and an earth station) of an aggregate metric that address our concerns about the use of aggregate interference protections while also avoiding worst-case assumptions about interference from unlikely or infeasible quantities of nearby CBSDs? To the extent that commenters do support an aggregated EPFD limit, we encourage solutions to avoid a ''land rush'' when balancing service demands that exceed interference limits, if they occur. How could such IPC criteria be implemented by CBSDs and the SAS?

End User Devices. Recognizing that CBSDs have geo-location requirements and End User Devices do not, the location of End User Devices and the propagation channel between such devices and FSS earth stations to be protected are indeterminate. We expect CBSDs to be deployed such that terrain, buildings, and other forms of clutter can be accounted for and will provide a certain amount of propagation loss between the CBSD and a nearby FSS earth station to ensure incumbent service protection. However, End User Devices served by such CBSDs may be portable or mobile and be situated within line-of-sight or near-line-of-sight propagation, with much less propagation loss between the End User Device and FSS earth station than the propagation channel from the CBSD to FSS earth station. The indeterminate location of the End User Devices and the uncertain propagation channel between them and FSS earth stations make it challenging to ensure protection of nearby FSS earth stations. Moreover, assuming worst case line-of-sight propagation from End User Devices in determining allowable locations for CBSDs can lead to unnecessarily large protection distances. We seek comment on reasonable methods for ensuring that the mobility, location, and orientation of End User Devices are managed effectively to avoid excessive interference to in-band FSS earth stations, while avoiding a mandate for geo-location requirements on End User Devices.

2. Out-of-Band Protection of C-Band FSS Earth Stations

As discussed above, we recognize that our stringent out-of-band emissions limit of 70 + 10 Log (P), *i.e.,* −40 dBm/MHz, for CBSDs leaves potential room for more optimization. On the one hand, additional protection may benefit C-Band earth stations when CBSDs or End User Devices are located nearby. On the other, −40 dBm/MHz may prove overly stringent in situations where Citizens Broadband Radio Service operations are distant from FSS earth stations, resulting in reduced usability of frequencies near the 3700 MHz band edge. We believe the registration and protection mechanisms of the SAS, in place of an across-the-board out-of-band limit, could provide a great deal more flexibility and protection to benefit FSS operators and Citizens Broadband Radio Service users alike. Therefore, we seek further comment on whether and how the same IPC used to ensure protection from co-channel emitters could also be used with respect to out-of-band interference from Citizens Broadband Radio Service to C-Band FSS earth stations. To the extent that many different stakeholders may find such an approach appealing, we encourage industry discussions that could lead to a consensus recommendation.

We seek comment on whether the received power interference protection criteria for out-of-band FSS earth stations should be the same or different from co-channel protections. Can a default protection area be defined based on these criteria and specific assumptions about FSS earth station receiving system G/T and minimum antenna elevation angle? For example, a C-Band licensee with an earth station having a low elevation angle above heavily populated areas may desire protection beyond that afforded with the required out-of-band emission limit. The licensee may register the earth station, including the antenna gain pattern. This information could be used by an SAS to calculate the requisite protection distance near the main beam to enable closer CBSD operation in the back of the earth station where there is higher antenna discrimination and ensure that the IPC is not exceeded.

Moreover, we agree with Google that market incentives may be feasible to encourage industry to deploy radios with improved (lower) adjacent emissions and thereby have greater access to spectrum. However, we do not see how this can be accomplished

within the current regime of equipment authorization subject to the Commission's Part 2 requirements. We seek comment on how this can practically be achieved without burdensome changes to equipment authorization requirements that do not currently require precise emission measurements below the regulatory thresholds (*i.e.,* the noise floor of measurement equipment configurations often mask the emission performance of a device below the pass/fail regulatory limit). One possibility would be to define a small number of classes of devices, that are distinguished by increasingly stringent OOBE limits (*e.g.,* Class X complies with −40 dBm/MHz, Class Y with −45 or −50 dBm/MHz, Class Z with −60 dBm/MHz, etc.). The device class would be tied to the device's FCC ID, and this information communicated to the SAS, which could provide protection commensurate with the class of the device. We seek comment on whether such a scenario would work, and if so, what levels of OOBE limits should be specified and how would those correspond to protection distance. At what point would lower OOBE limits cease to offer additional benefit, due to other effects such as FCC earth station receiver blocking? We also seek comment on whether we would need to make changes in our equipment authorization procedures and changes to adopted SAS rules.

IV. Procedural Matters

A. Ex Parte Rules

This proceeding shall continue to be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by section 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

We note that our *ex parte* rules provide for a conditional exception for all *ex parte* presentations made by NTIA or Department of Defense representatives. This *Second FNPRM* raises significant technical issues implicating federal and non-federal spectrum allocations and users. Staff from NTIA, DoD, and the FCC have engaged in technical discussions in the development of this *Second FNPRM,* and we anticipate these discussions will continue after this *Second FNPRM* is released. These discussions will benefit from an open exchange of information between agencies, and may involve sensitive information regarding the strategic federal use of the 3.5 GHz Band. Recognizing the value of federal agency collaboration on the technical issues raised in this *Second FNPRM,* NTIA's shared jurisdiction over the 3.5 GHz Band, the importance of protecting federal users in the 3.5 GHz Band from interference, and the goal of enabling spectrum sharing to help address the ongoing spectrum capacity crunch, we find that this exemption serves the public interest.

B. Filing Requirements

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.

☐ *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://www.fcc.gov/cgb/ecfs/* or the Federal eRulemaking Portal: *http://www.regulations.gov.*

☐ *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

○ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building. The filing hours are 8:00 a.m. to 7:00 p.m.

○ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

○ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., CY–A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

To request information in accessible formats (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). This document can also be downloaded in Word and Portable Document Format (PDF) at: *http://www.fcc.gov.*

C. Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules adopted and proposed in this document, respectively. The IRFA is set forth in

Appendix C of the *Report and Order.* Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments filed in response to the *Report and Order and Second Further Notice of Proposed Rulemaking* as set forth above, and have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this *Report and Order and Second Further Notice of Proposed Rulemaking,* including the FRFA and IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

D. Initial Paperwork Reduction Act Analysis

This *Second FNPRM* contains proposed new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collection requirements contained in this document, as required by PRA. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, we seek specific comment on how we might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer.

[FR Doc. 2015–14495 Filed 6–12–15; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 517 and 552

[GSAR Case 2007–G500; Docket 2008–0007; Sequence 3]

RIN 3090–AI51

General Services Administration Acquisition Regulation (GSAR); Rewrite of GSAR Part 517, Special Contracting Methods

AGENCY: Office of Acquisition Policy, Office of Government-Wide Policy, General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to revise requirements for special contracting methods and updates eliminating out of date references and reorganizes the text to align with the Federal Acquisition Regulation (FAR). This second proposed rule incorporates many of the changes of the proposed rule and makes additional modifications to the text.

DATES: Interested parties should submit written comments to the Regulatory Secretariat on or before August 14, 2015 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by GSAR case 2007–G500 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''GSAR Case 2007–G500''. Select the link ''Comment Now'' that corresponds with ''GSAR Case 2007–G500.'' Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''GSAR Case 2007–G500'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Ms. Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite GSAR Case 2007–G500, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: For clarification about content, contact Ms. Janet Fry at 703–605–3167 or *janet.fry@gsa.gov.* For information pertaining to the status or publication schedules, contact the Regulatory Secretariat (MVCB), 1800 F Street NW., Washington, DC 20405, 202–501–4755. Please cite GSAR Case 2007–G500.

SUPPLEMENTARY INFORMATION:

I. Background

The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to revise sections of GSAR part 517 that provide requirements for special contracting methods.

GSA published a proposed rule in the **Federal Register** at 73 FR 32274 on June 6, 2008 *http://www.gpo.gov/fdsys/pkg/FR-2008-06-06/pdf/E8-12613.pdf* as part of the General Services Administration Acquisition Manual (GSAM) Rewrite initiative undertaken by GSA to update the GSAM to maintain consistency with the Federal Acquisition Regulation (FAR). The GSAM incorporates the GSAR as well as internal agency acquisition policy. No comments were received in response to the **Federal Register** Notice for the proposed rule.

The case is being issued as a second proposed rule due to the additional edits made to GSAR part 517 and the length of time since the proposed rule was published in 2008.

II. Discussion and Analysis

A. Summary of Significant Changes

The second proposed rule:

- Updates the statutes cited in GSAR 517.109.
- Deletes GSAR 517.200(b), GSAR 517.202(iv), GSAR 517.202(v), and GSAR 517.207(a) and makes conforming changes.
- Replaces the content of GSAR 517.203 with new text, cross referencing the requirements in FAR 22.407 when using option provisions that extend the term of a construction contract.
- Adds a new paragraph at GSAR 517.207(b) that reminds contracting officers to seek new wage determinations when exercising options that extend the term of the contract.
- Addresses other administrative and typographical updates.

Note: The following proposed changes were not retained in the second proposed rule:

- 517.202(c) was not retained as FAR 7.105 already requires contracting officers to address options in acquisition plans.
- 517.203(c) was not retained as availability of funds is part of the FAR 17.207 determination.

B. Analysis of Public Comments

No comments on the proposed rule were received from the public by the August 5, 2008 closing date.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

The General Services Administration does not expect this proposed rule to

have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the revisions are administrative in nature. The changes merely update and reorganize existing GSAR coverage. Therefore, the agency did not perform an Initial Regulatory Flexibility Analysis (IRFA).

GSA will also consider comments from small entities concerning the subparts affected by the rule consistent with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, GSAR case 2007–G500, in correspondence.

V. Paperwork Reduction Act

The Paperwork Reduction Act does not apply as the rule does not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. chapter 35.

List of Subjects in 48 CFR Parts 517 and 552

Government procurement.

Dated: June 5, 2015.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, General Services Administration.

Therefore, GSA proposes to amend 48 CFR parts 517 and 552 as set forth below:

■ 1. The authority citation for 48 CFR part 517 is revised to read as follows:

Authority: 40 U.S.C. 121(c).

PART 517—SPECIAL CONTRACTING METHODS

517.109 [Amended]

■ 2. Amend section 517.109 by removing from the introductory text ''40 U.S.C. 490(a)(14)'' and ''40 U.S.C. 481(a)(3)'' and adding ''40 U.S.C. 581(c)(6)'' and ''40 U.S.C. 501(b)(1)(B)'' in their places, respectively.

■ 3. Revise section 517.200 to read as follows:

517.200 Scope of subpart.

This subpart applies to all GSA contracts for supplies and services, including:

(a) Services involving construction, alteration, or repair (including dredging, excavating, and painting) of buildings, bridges, roads, or other kinds of real property.

(b) Architect-engineer services.

■ 4. Amend section 517.202 by—

■ a. Removing from the introductory paragraph of (a)(1) ''You should use options'' and adding ''Options should be used'' in its place;

■ b. Removing from paragraph (a)(2)(i) ''You anticipate a'' and adding ''There is an anticipated'' in its place;

■ c. Revising paragraph (a)(2)(ii);

■ d. Removing paragraphs (a)(2)(iv) and (a)(2)(v); and

■ e. Removing from paragraph (a)(3) ''Do not use an option'' and adding ''An option may not be used'' in its place.

The revision reads as follows:

517.202 Use of options.

(a) * * *

(2) * * *

(ii) The use of multiyear contracting authority is inappropriate and the contracting officer anticipates a need for additional supplies or services beyond the basic contract term.

* * * * *

■ 5. Revise section 517.203 to read as follows:

517.203 Solicitations.

Construction solicitations and contracts which contain options that extend the term of the contract must include one of the three clauses described at FAR 22.407(e), (f) or (g).

■ 6. Revise section 517.207 to read as follows:

517.207 Exercise of options.

In addition to the requirements of FAR 17.207, the contracting officer must also:

(a) Determine that the contractor's performance under the contract met or exceeded the Government's expectation for quality performance, unless another circumstance justifies an extended contractual relationship; and

(b) Obtain a new wage determination if the Service Contract Act (FAR 22.1007) or the Davis-Bacon Act (FAR 22.404–12) applies.

(c) Determine that the option price is fair and reasonable.

517.208 [Amended]

■ 7. Amend section 517.208 by removing from the introductory paragraph (a) ''FSS's'' and adding ''FAS''' in its place.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. The authority citation for 48 CFR parts 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

■ 9. Amend section 552.217–70 by revising the date of the provision; and removing from paragraph (a), in the second sentence ''standard);'' and adding ''standard),'' in its place.

The revision reads as follows:

552.217–70 Evaluation of options.

* * * * *

Evaluation of Options (Date)

* * * * *

[FR Doc. 2015–14198 Filed 6–12–15; 8:45 am]

BILLING CODE 6820–61–P

Notices

Federal Register

Vol. 80, No. 114

Monday, June 15, 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

Submission for OMB Review; Comment Request

June 9, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by July 15, 2015 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Importation of Peppers from the Republic of Korea.

OMB Control Number: 0579–0282.

Summary of Collection: Under the Plant Protection Act (PPA) (7 U.S.C. 7701—*et seq.),* the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States. Regulations authorized by the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world are contained in ''Subpart Fruits and Vegetables'' (7 CFR 319.56 through 319.56–72). The Animal and Plant Health Inspection Service (APHIS) fruits and vegetables regulations allow the importation of peppers from the Republic of Korea under certain conditions into the continental United States. As a condition of entry, the peppers must be grown in approved insect-proof, pest-free greenhouses and packed in pest-exclusionary packinghouses.

Need and Use of the Information: Each consignment of pepper from the Republic of Korea must be accompanied by a phytosanitary certificate of inspection with a declaration issued by the National Plant Quarantine Service of Korea officials stating the peppers were grown in greenhouses in accordance with the regulations in 7 CFR 319–56–42 and were inspected and found free of certain plant pests. Failing to collect this information would cripple APHIS' ability to ensure that peppers from Korea are not carrying plant pests and would cause millions of dollars in damage to U.S. agriculture.

Description of Respondents: Federal Government (Foreign); Business or other for-profit.

Number of Respondents: 2.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 4.

Animal and Plant Health Inspection Service.

Title: Nomination Request Form; Animal Disease Training.

OMB Control Number: 0579–0353.

Summary of Collection: The Animal Health Protection Act of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, eradicate pests or diseases of livestock or poultry. The Animal and Plant Health Inspection Service (APHIS) is responsible for administering regulations intended to prevent the introduction of animal diseases into the United States. The Professional Development Staff (PDS) of Veterinary Services within APHIS provides vital training to private veterinarians and State, Tribal, Industry, and university personnel which prepare them for animal disease response. To determine the need and demand for such courses, PDS must collect information from individuals who wish to attend training events facilitated by PDS.

Need and Use of the Information: Information will be collected from private veterinarians, State, Tribal, industry, and university personnel who desire to attend a PDS-sponsored training event. Prior to every PDS-facilitated event, respondents will submit a completed Nomination/Registration Request Form (VS Form 1–5) to the Regional Training Coordinators. Names, work addresses, work phone numbers, work email addresses, agency/organization affiliation, and job title as well as supervisor and region approval is needed to produce participant rosters once course selections are made.

Without the collection of this information, PDS cannot conduct training events to educate Federal, State and private veterinarians on eradication of diseases and sample collection.

Description of Respondents: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 350.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 116.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–14457 Filed 6–12–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Determination of Total Amounts of Fiscal Year 2016 WTO Tariff-Rate Quotas for Raw Cane Sugar and Certain Sugars, Syrups and Molasses

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: The Office of the Secretary of the Department of Agriculture (the Secretary) announces the establishment of the Fiscal Year (FY) 2016 (October 1, 2015–September 30, 2016) in-quota aggregate quantity of raw cane sugar at 1,117,195 metric tons raw value (MTRV). The Secretary also announces the establishment of the FY 2016 in-quota aggregate quantity of certain sugars, syrups, and molasses (also referred to as refined sugar) at 132,000 MTRV.

DATES: *Effective Date:* June 15, 2015.

FOR FURTHER INFORMATION CONTACT: Souleymane Diaby, Import Policies and Export Reporting Division, Foreign Agricultural Service, Department of Agriculture, 1400 Independence Avenue SW., AgStop 1021, Washington, DC 20250–1021; by telephone (202) 720–2916; by fax (202) 720–0876; or by email *souleymane.diaby@fas.usda.gov.*

SUPPLEMENTARY INFORMATION: The provisions of paragraph (a)(i) of the Additional U.S. Note 5, Chapter 17 in the U.S. Harmonized Tariff Schedule (HTS) authorize the Secretary to establish the in-quota tariff-rate quota (TRQ) amounts (expressed in terms of raw value) for imports of raw cane sugar and certain sugars, syrups, and molasses that may be entered under the subheadings of the HTS subject to the lower tier of duties during each fiscal year. The Office of the U.S. Trade Representative (USTR) is responsible for the allocation of these quantities among supplying countries and areas.

Section 359(k) of the Agricultural Adjustment Act of 1938, as amended, requires that at the beginning of the quota year the Secretary of Agriculture establish the TRQs for raw cane sugar and refined sugars at the minimum levels necessary to comply with obligations under international trade agreements, with the exception of specialty sugar.

Notice is hereby given that I have determined, in accordance with paragraph (a)(i) of the Additional U.S. Note 5, Chapter 17 in the HTS and section 359(k) of the 1938 Act, that an aggregate quantity of up to 1,117,195 MTRV of raw cane sugar may be entered or withdrawn from warehouse for consumption during FY 2016. This is the minimum amount to which the United States is committed under the WTO Uruguay Round Agreements. I have further determined that an aggregate quantity of 132,000 MTRV of sugars, syrups, and molasses may be entered or withdrawn from warehouse for consumption during FY 2016. This quantity includes the minimum amount to which the United States is committed under the WTO Uruguay Round Agreements, 22,000 MTRV, of which 20,344 MTRV is established for any sugars, syrups and molasses, and 1,656 MTRV is reserved for specialty sugar. An additional amount of 110,000 MTRV is added to the specialty sugar TRQ for a total of 111,656 MTRV.

Because the specialty sugar TRQ is first-come, first-served, tranches are needed to allow for orderly marketing throughout the year. The FY 2016 specialty sugar TRQ will be opened in five tranches. The first tranche, totaling 1,656 MTRV, will open October 9, 2015. All specialty sugars are eligible for entry under this tranche. The second tranche will open on October 23, 2015, and be equal to 27,500 MTRV. The remaining tranches will each be equal to 27,500 MTRV, with the third opening on January 8, 2016; the fourth, on April 8, 2016; and the fifth, on July 8, 2016. The second, third, fourth, and fifth tranches will be reserved for organic sugar and other specialty sugars not currently produced commercially in the United States or reasonably available from domestic sources.

* Conversion factor: 1 metric ton = 1.10231125 short tons.

Dated: June 11, 2015.

Michael T. Scuse,

Under Secretary, Farm and Foreign Agricultural Services.

[FR Doc. 2015–14544 Filed 6–12–15; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Increase in Fiscal Year 2015 Refined Sugar Tariff-Rate Quota

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: The Office of the Secretary of the Department of Agriculture is providing notice of an increase in the fiscal year (FY) 2015 refined sugar tariff-rate quota (TRQ) of 20,000 metric tons raw value (MTRV), all of which will be reserved for specialty sugars.

DATES: *Effective:* June 15, 2015.

FOR FURTHER INFORMATION CONTACT: Souleymane Diaby, Import Policies and Export Reporting Division, Foreign Agricultural Service, Department of Agriculture, 1400 Independence Avenue SW., AgStop 1021, Washington, DC 20250–1021; by telephone (202) 720–2916; by fax (202) 720–0876.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of the Department of Agriculture is providing notice of an increase in the FY 2015 (October 1, 2014–September 30, 2015) refined sugar TRQ with all 20,000 MTRV reserved for specialty sugar. Imports of all specialty sugar will be administered on a first-come, first-served basis. This additional tranche is reserved for organic sugar and other specialty sugars not currently produced commercially in the United States or reasonably available from domestic sources. The sucrose content, by weight in the dry state, of such sugar must have a polarimeter reading of 99.5 degrees or more. Entries of specialty sugar under this additional tranche will be permitted beginning July 10, 2015. The previously announced tranche of 22,050 MTRV opening on July 10, 2015, will remain unchanged.

On September 4, 2014, the Office of the Secretary announced the establishment of the in-quota quantity of the FY 2015 refined sugar TRQ at 127,000 MTRV. (79 FR 52625) This amount included the minimum level to which the United States is committed under the WTO Uruguay Round Agreements (22,000 MTRV of which 1,656 MTRV is reserved for specialty sugars) and an additional 105,000 MTRV for specialty sugars. Pursuant to Additional U.S. Note 5 to Chapter 17 of the U.S. Harmonized Tariff Schedule (HTS) and Section 359k of the Agricultural Adjustment Act of 1938, as amended, I hereby give notice of an increase in the refined sugar TRQ of 20,000 MTRV. With this increase, the overall FY 2015 refined sugar TRQ will be 147,000 MTRV, of which 126,656 MTRV is reserved for specialty sugars.

Dated: May 29, 2015.

Alexis M. Taylor,

Acting Under Secretary, Farm and Foreign Agricultural Services.

[FR Doc. 2015–14543 Filed 6–12–15; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for Rural Cooperative Development Grants

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces that the Rural Business-Cooperative Service (Agency) is accepting fiscal year (FY) 2015 applications for the Rural Cooperative Development Grant (RCDG) program as authorized by the Consolidated and Further Continuing Appropriations Act of 2015 (Pub. L. 113–235). Approximately $5.8 million is available to be competitively awarded. The purpose of this program is to provide financial assistance to improve the economic condition of rural areas through cooperative development. Eligible applicants include a non-profit corporation or an institution of higher education. The Agency is encouraging applications that direct grants to projects based in or serving census tracts with poverty rates greater than or equal to 20 percent. This emphasis will support Rural Development's (RD) mission of improving the quality of life for Rural Americans and its commitment to directing resources to those who most need them.

DATES: Completed applications must be submitted on paper or electronically according to the following deadlines:

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than July 30, 2015. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Late applications are not eligible for funding under this Notice and will not be evaluated.

Electronic applications must be received by July 27, 2015 to be eligible for grant funding. Please review the Grants.gov Web site at *http://grants.gov/applicants/organization_registration.jsp*. For instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline. Late applications are not eligible for funding under this Notice and will not be evaluated.

ADDRESSES: You should contact a USDA Rural Development State Office (State Office) if you have questions. You are encouraged to contact your State Office well in advance of the application deadline to discuss your project and ask any questions about the application process. Contact information for State Offices can be found at *http://www.rurdev.usda.gov/StateOfficeAddresses.html.*

Program guidance as well as application and matching funds templates may be obtained at *http://www.rurdev.usda.gov/bcp_rcdg.html.* If you want to submit an electronic application, follow the instructions for the RCDG funding announcement located at *http://www.grants.gov.* If you want to submit a paper application, send it to the State Office located in the State where you are headquartered. If you are headquartered in Washington, DC please contact the Grants Division, Cooperative Programs, Rural Business-Cooperative Service, at (202) 690–1376 for guidance on where to submit your application.

FOR FURTHER INFORMATION CONTACT: Grants Division, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW., Mail Stop Mail Stop-3253, Room 4208—South, Washington, DC 20250–3253, (202) 690–1374.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Business-Cooperative Service.

Funding Opportunity Title: Rural Cooperative Development Grants.

Announcement Type: Initial funding request.

Catalog of Federal Domestic Assistance Number: 10.771.

Date: Application Deadline.

Paper applications must be postmarked, mailed, shipped, or sent overnight no later than July 30, 2015, or it will not be considered for funding. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Electronic applications must be received by *http://www.grants.gov* no later than midnight eastern time July 27, 2015, or it will not be considered for funding.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, the paperwork burden associated with this Notice has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0006.

A. Program Description

The RCDG program is authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1932(e)) as amended by the Agricultural Act of 2014 (Pub. L. 113–79). You should become familiar with the regulations for this program published at 7 CFR part 4284, subparts A and F, which are incorporated by reference in this Notice. The primary objective of the RCDG program is to improve the economic condition of rural areas through cooperative development. Grants are awarded on a competitive basis. The maximum award amount per grant is $200,000. Grants are available for non-profit corporations or higher education institutions only. Grant funds may be used to pay for up to 75 percent of the cost of establishing and operating centers for rural cooperative development. Grant funds may be used to pay for 95 percent of the cost of establishing and operating centers for rural cooperative development, when the applicant is a 1994 Institution as defined by 7 U.S.C. 301. The 1994 Institutions are commonly known as Tribal Land Grant Institutions. Centers may have the expertise on staff or they can contract out for the expertise, to assist individuals or entities in the startup, expansion or operational improvement of rural businesses, especially cooperative or mutually-owned businesses.

Definitions

The terms you need to understand are defined and published at 7 CFR 4284.3 and 7 CFR 4284.504. In addition, the terms ''rural'' and ''rural area,'' defined at section 343(a)(13) of the CONACT (7 U.S.C. 1991(a)), are incorporated by reference, and will be used for this program instead of those terms currently published at 7 CFR 4284.3. The term ''you'' referenced throughout this Notice should be understood to mean ''you'' the applicant. Finally, there has been some confusion on the Agency's meaning of the terms ''conflict of interest'' and ''mutually-owned business,'' because they are not defined in the CONACT or in the regulations used for the program. Therefore, the terms are clarified and should be understood as follows.

Conflict of interest—A situation in which a person or entity has competing personal, professional, or financial interests that make it difficult for the person or business to act impartially. Regarding use of both grant and matching funds, Federal procurement standards prohibit transactions that involve a real or apparent conflict of interest for owners, employees, officers, agents, or their immediate family members having a financial or other interest in the outcome of the project; or that restrict open and free competition for unrestrained trade. Specifically, project funds may not be used for services or goods going to, or coming from, a person or entity with a real or apparent conflict of interest, including, but not limited to, owner(s) and their immediate family members. An example of conflict of interest occurs when the grantee's employees, board of directors, or the immediate family of either, have

the appearance of a professional or personal financial interest in the recipients receiving the benefits or services of the grant.

Mutually-owned business—An organization owned and governed by members who either are its consumers, producers, employees, or suppliers.

B. Federal Award Information

Type of Award: Competitive Grant.

Fiscal Year Funds: FY 2015.

Total Funding: Approximately $5.8 million.

Maximum Award: $200,000.

Anticipated Award Date: September 30, 2015.

C. Eligibility Information

Applicants must meet all of the following eligibility requirements. Applications which fail to meet any of these requirements by the application deadline will be deemed ineligible and will not be evaluated further.

1. Eligible Applicants

You must be a nonprofit corporation or an institution of higher education to apply for this program. Public bodies and individuals cannot apply for this program. See 7 CFR 4284.507. You must also meet the following requirements:

a. An applicant is ineligible if they have been debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, ''Debarment and Suspension.'' The Agency will check the System for Award Management (SAM) to determine if the applicant has been debarred or suspended. In addition, an applicant will be considered ineligible for a grant due to an outstanding judgment obtained by the U.S. in a Federal Court (other than U.S. Tax Court), is delinquent on the payment of Federal income taxes, or is delinquent on Federal debt. See 7 CFR 4284.6. The applicant must certify as part of the application that they do not have an outstanding judgement against them. The Agency will check the Credit Alert Interactive Voice Response System (CAIVRS) to verify this.

b. Any corporation that has been convicted of a felony criminal violation under any Federal law within the past 24 months or that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance provided with funds appropriated by the Consolidated and Further Continuing Appropriations Act, 2015, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government. Applicants will be required to complete Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation.

c. Applications will be deemed ineligible if the application includes any funding restrictions identified under Section D.6. a and b. Inclusion of funding restrictions outlined in Section D.6. a. and b. precludes the agency from making a federal award.

d. Applications will be deemed ineligible if the application is not complete in accordance with the requirements stated in Section C.3.e., and will not be reviewed.

2. Cost Sharing or Matching

Your matching funds requirement is 25 percent of the total project cost (5 percent for 1994 Institutions). See 7 CFR 4284.508. When you calculate your matching funds requirement, please round up or down to whole dollars as appropriate. An example of how to calculate your matching funds is as follows:

a. Take the amount of grant funds you are requesting and divide it by .75. This will give you your total project cost.

Example: $200,000 (grant amount)/.75 (percentage for use of grant funds) = $266,667 (total project cost)

b. Subtract the amount of grant funds you are requesting from your total project cost. This will give you your matching funds requirement.

Example: $266,667 (total project cost) − $200,000 (grant amount) = $66,667 (matching funds requirement)

c. A quick way to double check that you have the correct amount of matching funds is to take your total project cost and multiply it by .25.

Example: $266,667 (total project cost) × .25 (maximum percentage of matching funds requirement) = $66,667 (matching funds requirement)

You must verify that all matching funds are available during the grant period and provide this documentation with your application in accordance with requirements identified in Section D.2.e.8. If you are awarded a grant, additional verification documentation may be required to confirm the availability of matching funds.

Other rules for matching funds that you must follow are listed below.

- They must be spent on eligible expenses during the grant period.
- They must be from eligible sources.
- They must be spent in advance or as a pro-rata portion of grant funds being spent.
- They must be provided by either the applicant or a third party in the form of cash or an in-kind contribution.
- They cannot include board/advisory council members' time.
- They cannot include other Federal grants unless provided by authorizing legislation.
- They cannot include cash or in-kind contributions donated outside the grant period.
- They cannot include over-valued, in-kind contributions.
- They cannot include any project costs that are ineligible under the RCDG program.
- They cannot include any project costs that are unallowable under the applicable grant ''Cost Principles,'' including 2 CFR part 200, subpart E, and the Federal Acquisition Regulation (for-profits) or successor regulation.
- They can include loan funds from a Federal source.
- They can include travel and incidentals for board/advisory council members if you have established written policies explaining how these costs are normally reimbursed, including rates. You must include an explanation of this policy in your application or the contributions will not be considered as eligible matching funds.
- You must be able to document and verify the number of hours worked and the value associated with any in-kind contribution being used to meet a matching funds requirement.
- In-kind contributions provided by individuals, businesses, or cooperatives which are being assisted by you cannot be provided for the direct benefit of their own projects as USDA Rural Development considers this to be a conflict of interest or the appearance of a conflict of interest.

3. Other Eligibility Requirements

a. Purpose Eligibility

Your application must propose the establishment or continuation of a cooperative development center concept. You must use project funds, including grant and matching funds for eligible purposes only (see 7 CFR 4284.508). In addition, project funds may be used for programs providing for the coordination of services and sharing of information among the centers (see 7 U.S.C. 1932(e)(4)(C) (vi)).

b. Project Eligibility

All project activities must be for the benefit of a rural area.

c. Multiple Application Eligibility

Only one application can be submitted per applicant. If two applications are submitted (regardless of the applicant name) that include the same Executive Director and/or advisory boards or committees of an existing center, both applications will be determined not eligible for funding.

d. Grant Period

Your application must include a one-year grant period or it will not be considered for funding. The grant period should begin no earlier than October 1, 2015, and no later than January 1, 2016. Prior approval is needed from the Agency if you are awarded a grant and desire the grant period to begin earlier or later than previously discussed. Projects must be completed within a one-year timeframe. The Agency may approve requests to extend the grant period for up to an additional 12 months at its discretion. Further guidance on grant period extensions will be provided in the award document.

e. Completeness

Your application will not be considered for funding if it fails to meet an eligibility criterion by time of application deadline and does not provide sufficient information to determine eligibility and scoring. In particular, you must include all of the forms and proposal elements as discussed in the regulation and as clarified further in this Notice. Incomplete applications will not be reviewed by the Agency. For more information on what is required for an application, see 7 CFR 4284.510.

f. Satisfactory Performance

If you have an existing RCDG award, you must discuss the status of your existing RCDG award at application time under the Eligibility Discussion. You must be performing satisfactorily to be considered eligible for a new award. Satisfactory performance includes being up-to-date on all financial and performance reports and being current on all tasks as approved in the work plan. The Agency will use its discretion to make this determination. In addition, if you have an existing award from the Socially-Disadvantaged Groups Grant (SDGG) program, formerly known as the Small Socially-Disadvantaged Producer Grants (SSDPG) program, you must discuss the status of your existing SSDPG award at application time under Eligibility Discussion and be performing satisfactorily to be considered for a new RCDG award.

g. Indirect Costs

Your negotiated indirect cost rate approval does not need to be included in your application, but you will be required to provide it if a grant is awarded. Approval for indirect costs that are requested in an application without an approved indirect cost rate agreement is at the discretion of the Agency.

D. Application and Submission Information

1. Address To Request Application Package

For further information, you should contact your State Office at *http://www.rurdev.usda.gov/StateOfficeAddresses.html*. Program materials may also be obtained at *http://www.rurdev.usda.gov/bcp_rcdg.html*. You may also obtain a copy by calling 202–690–1374.

2. Content and Form of Application Submission

You may submit your application in paper form or electronically through Grants.gov. If you submit in paper form, any forms requiring signatures must include an original signature.

a. Electronic Submission

To submit an application electronically, you must use the Grants.gov Web site at *http://www.Grants.gov*. You may not submit an application electronically in any way other than through Grants.gov.

You can locate the Grants.gov downloadable application package for this program by using a keyword, the program name, or the Catalog of Federal Domestic Assistance Number for this program.

When you enter the Grants.gov Web site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

To use Grants.gov, you must already have a DUNS number and you must also be registered and maintain registration in SAM. We strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.

You must submit all of your application documents electronically through Grants.gov. Applications must include electronic signatures. Original signatures may be required if funds are awarded.

After electronically submitting an application through Grants.gov, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number.

b. Paper Submission

If you want to submit a paper application, send it to the State Office located in the State where your project will primarily take place. You can find State Office Contact information at: *http://www.rurdev.usda.gov/StateOfficeAddresses.html*. An optional-use Agency application template is available online at *http://www.rurdev.usda.gov/BCP_RCDG.html*.

c. Supplemental Information

Your application must contain all of the required forms and proposal elements described in 7 CFR 4284.510 and as otherwise clarified in this Notice. Specifically, your application must include: (1) The required forms as described in 7 CFR 4284.510(b) and (2) the required proposal elements as described in 7 CFR 4284.510(c). If your application is incomplete, it is ineligible to compete for funds. Applications lacking sufficient information to determine eligibility and scoring will be considered ineligible. Information submitted after the application deadline will not be accepted. You are encouraged, but not required to utilize the application template found at *http://www.rurdev.usda.gov/BCP_RCDG.html.*

d. Clarifications on Forms

- Standard Form (SF) 424—Your DUNS number should be identified in the ''Organizational DUNS'' field on SF 424, ''Application for Federal Assistance.'' Since there are no specific fields for a Commercial and Government Entity (CAGE) code and expiration date, you may identify them anywhere you want to on Form SF 424. In addition, you should provide the DUNS number and the CAGE code and expiration date under the applicant eligibility discussion in your proposal narrative. If you do not include the CAGE code and expiration date and the DUNS number in your application, it will not be considered for funding.
- Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation. A corporation is any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands, or the various territories of the United States including American Samoa, Guam, Midway Islands, the Commonwealth of the

Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities.

• You can voluntarily fill out and submit the ''Survey on Ensuring Equal Opportunity for Applicants,'' as part of your application if you are a nonprofit organization.

e. Clarifications on Proposal Elements

1. You must include the title of the project as well as any other relevant identifying information on the Title Page.

2. You must include a Table of Contents with page numbers for each component of the application to facilitate review.

3. Your Executive Summary must include the items in 7 CFR 4284.510(c)(3), and also discuss the percentage of work that will be performed among organizational staff, consultants, or other contractors. It should not exceed two pages.

4. Your Eligibility Discussion must not exceed two pages and cover how you meet the eligibility requirements for applicant, matching funds, other eligibility requirements and grant period. If you have an existing RCDG or the Socially-Disadvantaged Groups Grant (SDGG) program, formerly known as the Small Socially-Disadvantaged Producer Grants (SSDPG) program award or both, you must discuss the current status of those award(s) under grant period eligibility.

5. Your Proposal Narrative must not exceed 40 pages and should describe the essential aspects of the project.

i. You are only required to have one title page for the proposal.

ii. If you list the evaluation criteria on the Table of Contents and specifically and individually address each criterion in narrative form, then it is not necessary for you to include an Information Sheet. Otherwise, the Information Sheet is required under 7 CFR 4284.510(c)(ii).

iii. You should include the following under Goals of the Project:

A. A statement that substantiates that the Center will effectively serve rural areas in the United States;

B. A statement that the primary objective of the Center will be to improve the economic condition of rural areas through cooperative development;

C. A description of the contributions that the proposed activities are likely to make to the improvement of the economic conditions of the rural areas for which the Center will provide services. Expected economic impacts should be tied to tasks included in the work plan and budget; and

D. A statement that the Center, in carrying out its activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal government, and State and local governments.

iv. The Agency has established annual performance evaluation measures to evaluate the RCDG program. You must provide estimates on the following performance evaluation measures.

• Number of groups who are not legal entities assisted.

• Number of businesses that are not cooperatives assisted.

• Number of cooperatives assisted.

• Number of businesses incorporated that are not cooperatives.

• Number of cooperatives incorporated.

• Total number of jobs created as a result of assistance.

• Total number of jobs saved as a result of assistance.

• Number of jobs created for the Center as a result of RCDG funding.

• Number of jobs saved for the Center as a result of RCDG funding.

It is permissible to have a zero in a performance element. When you calculate jobs created, estimates should be based upon actual jobs to be created by your organization as a result of the RCDG funding or actual jobs to be created by cooperative businesses or other businesses as a result of assistance from your organization. When you calculate jobs saved, estimates should be based only on actual jobs that have been lost if your organization did not receive RCDG funding or actual jobs that would have been lost without assistance from your organization.

v. You can also suggest additional performance elements for example where job creation or jobs saved may not be a relevant indicator (*e.g.* housing). These additional criteria should be specific, measurable performance elements that could be included in an award document.

vi. You must describe in the application how you will undertake to do each of the following. We would prefer if you described these undertakings within proposal evaluation criteria to reduce duplication in your application. The specific proposal evaluation criterion where you should address each undertaking is noted below.

A. Take all practicable steps to develop continuing sources of financial support for the Center, particularly from sources in the private sector (should be presented under proposal evaluation criterion j., utilizing the specific requirements of Section E.1.j.);

B. Make arrangements for the Center's activities to be monitored and evaluated (should be addressed under proposal evaluation criterion number h. utilizing the specific requirements of Section E.1.h.); and

C. Provide an accounting for the money received by the grantee in accordance with 7 CFR part 4284, subpart F. This should be addressed under proposal evaluation criterion number a., utilizing the specific requirements of Section E.1.a.

vii. You should present the Work Plan and Budget proposal element under proposal evaluation criterion number h., utilizing the specific requirements of Section E.1.h. of this Notice to reduce duplication in your application.

viii. You should present the Delivery of Cooperative development assistance proposal element under proposal evaluation criterion number b., utilizing the specific requirements of Section E.1.b. of this Notice.

ix. You should present the Qualifications of Personnel proposal element under proposal evaluation criterion number i., utilizing the specific requirements of Section E.1.i. of this Notice.

x. You should present the Local Support and Future Support proposal elements under proposal evaluation criterion number j., utilizing the requirements of Section E.1.j. of this Notice.

xi. Your application will not be considered for funding if you do not address all of the proposal evaluation criteria. See Section E.1. of this Notice for a description of the proposal evaluation criteria.

xii. Only appendices A–C will be considered when evaluating your application. You must not include resumes of staff or consultants in the application.

6. You must certify that there are no current outstanding Federal judgments against your property and that you will not use grant funds to pay for any judgment obtained by the United States. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that the United States has not obtained an unsatisfied judgment against its property and will not use grant funds to pay any judgments obtained by the United States.'' A separate signature is not required.

7. You must certify that matching funds will be available at the same time grant funds are anticipated to be spent and that expenditures of matching funds

are pro-rated or spent in advance of grant funding, such that for every dollar of the total project cost, not less than the required amount of matching funds will be expended. Please note that this Certification is a separate requirement from the Verification of Matching Funds requirement. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that matching funds will be available at the same time grant funds are anticipated to be spent and that expenditures of matching funds shall be pro-rated or spent in advance of grant funding, such that for every dollar of the total project cost, at least 25 cents (5 cents for 1994 Institutions) of matching funds will be expended.'' A separate signature is not required.

8. You must provide documentation in your application to verify all of your proposed matching funds. The documentation must be included in Appendix A of your application and will not count towards the 40-page limitation. Template letters are available for each type of matching funds contribution at *http://www.rurdev.usda.gov/bcp_rcdg.html*.

a. If matching funds are to be provided in cash, you must meet the following requirements.

- You: The application must include a statement verifying (1) the amount of the cash and (2) the source of the cash. You may also provide a bank statement dated 30 days or less from the application deadline date to verify your cash match.
- Third-party: The application must include a signed letter from the third party verifying (1) how much cash will be donated and (2) that it will be available corresponding to the proposed grant period or donated on a specific date within the grant period.

b. If matching funds are to be provided by an in-kind donation, you must meet the following requirements.

- You: The application must include a signed letter from you or your authorized representative verifying (1) the nature of the goods and/or services to be donated and how they will be used, (2) when the goods and/or services will be donated (*i.e.,* corresponding to the proposed grant period or to specific dates within the grant period), and (3) the value of the goods and/or services. Please note that most applicant contributions for the RCDG program are considered applicant cash match in accordance with this Notice. If you are unsure, please contact your State Office because identifying your matching funds improperly can affect your scoring.
- Third-Party: The application must include a signed letter from the third party verifying (1) the nature of the goods and/or services to be donated and how they will be used, (2) when the goods and/or services will be donated (*i.e.,* corresponding to the proposed grant period or to specific dates within the grant period), and (3) the value of the goods and/or services.

To ensure that you are identifying and verifying your matching funds appropriately, please note the following:

- If you are paying for goods and/or services as part of the matching funds requirement, the expenditure is considered a cash match, and you must verify it as such. Universities must verify the goods and services they are providing to the project as a cash match and the verification must be approved by the appropriate approval official (*i.e.,* sponsored programs office or equivalent).
- If you have already received cash from a third-party (*i.e.,* Foundation) before the start of your proposed grant period, you must verify this as your own cash match and not as a third-party cash match. If you are receiving cash from a third-party during the grant period, then you must be verifying the cash as a third-party cash match.
- Board resolutions for a cash match must be approved at the time of application.
- You can only consider goods or services for which no expenditure is made as an in-kind contribution.
- If a non-profit or another organization contributes the services of affiliated volunteers, they must follow the third-party, in-kind donation verification requirement for each individual volunteer.
- Expected program income may not be used to fulfill your matching funds requirement at the time you submit your application. However, if you have a contract to provide services in place at the time you submit your application, you can verify the amount of the contract as a cash match.
- The valuation process you use for in-kind contributions does not need to be included in your application, but you must be able to demonstrate how the valuation was derived if you are awarded a grant. The grant award may be withdrawn or the amount of the grant reduced if you cannot demonstrate how the valuation was derived.

Successful applicants must comply with requirements identified in Section F, Federal Award Administration.

3. Dun and Bradstreet Data Universal Numbering System (DUNS) and System for Awards Management (SAM)

In order to be eligible (unless you are excepted under 2 CFR 25.110(b), (c) or (d), you are required to:

(a) Provide a valid DUNS number in your application, which can be obtained at no cost via a toll-free request line at (866) 705–5711;

(b) Register in SAM before submitting your application. You may register in SAM at no cost at *https://www.sam.gov/portal/public/SAM/;* and

(c) Continue to maintain an active SAM registration with current information at all times during which you have an active Federal award or an application or plan under consideration by a Federal awarding agency.

The Agency may not make a Federal award to you until you have complied with all applicable DUNS and SAM requirements. If you have not fully complied with requirements, the Agency may determine that the applicant is not qualified to receive a Federal award and the Agency may use this determination as a basis for making an award to another applicant.

4. Submission Dates and Times

Application Deadline Date: July 30, 2015.

Explanation of Deadlines: Complete applications must be submitted on paper or electronically according to the following deadlines:

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than July 30, 2015, to be eligible for grant funding. The Agency will determine whether your application is late based on the date shown on the postmark or shipping invoice. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. If the due date falls on a Saturday, Sunday, or Federal holiday, the reporting package is due the next business day. Late applications will automatically be deemed ineligible.

Electronic applications must be received by *http://www.grants.gov* no later than midnight eastern time July 27, 2015, to be eligible for grant funding. Please review the Grants.gov Web site at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline. Grants.gov will not accept applications submitted after the deadline.

5. Intergovernmental Review of Applications

Executive Order (E.O.) 12372, ''Intergovernmental Review of Federal Programs,'' applies to this program. This E.O. requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many States have established a Single Point of Contact (SPOC) to facilitate this consultation. For a list of States that maintain a SPOC, please see the White House Web site: *http://www.whitehouse.gov/omb/grants_spoc.* If your State has a SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to your State Office for consideration as part of your application. If your State has not established a SPOC, or if you do not want to submit a copy of the application, our State Offices will submit your application to the SPOC or other appropriate agency or agencies.

6. Funding Restrictions

a. Project funds, including grant and matching funds, cannot be used for ineligible grant purposes (see 7 CFR 4284.10). Also, you shall not use project funds for the following:

- To purchase, rent, or install laboratory equipment or processing machinery;
- To pay for the operating costs of any entity receiving assistance from the Center;
- To pay costs of the project where a conflict of interest exists;
- To fund any activities prohibited by 2 CFR part 200; or
- To fund any activities considered unallowable by 2 CFR part 200, subpart E, ''Cost Principles,'' and the Federal Acquisition Regulation (for-profits) or successor regulations.

b. In addition, your application will not be considered for funding if it does any of the following:

- Focuses assistance on only one cooperative or mutually-owned business;
- Requests more than the maximum grant amount; or
- Proposes ineligible costs that equal more than 10 percent of total project costs. The ineligible costs will NOT be removed at this stage to proceed with application processing. For purposes of this determination, the grant amount requested plus the matching funds amount constitutes the total project costs.

We will consider your application for funding if it includes ineligible costs of 10 percent or less of total project costs, as long as the remaining costs are determined eligible otherwise. However, if your application is successful, those ineligible costs must be removed and replaced with eligible costs before the Agency will make the grant award, or the amount of the grant award will be reduced accordingly. If we cannot determine the percentage of ineligible costs, your application will not be considered for funding.

7. Other Submission Requirements

a. You should not submit your application in more than one format. You must choose whether to submit your application in hard copy or electronically. Applications submitted in hard copy should be mailed or hand-delivered to the State Office located in the State where you are headquartered. You can find State Office contact information at: *http://www.rd.usda.gov/contact-us/state-offices.your* State Office. To submit an application electronically, you must follow the instruction for this funding announcement at *http://www.grants.gov.* A password is not required to access the Web site.

b. National Environmental Policy Act

All recipients under this Notice are subject to the requirements of 7 CFR part 1940, subpart G and any successor regulations. However, technical assistance awards under this Notice are classified as a Categorical Exclusion according to 7 CFR 1940.310(e), and do not require any additional documentation.

c. Civil Rights Compliance Requirements

All grants made under this Notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973.

E. Application Review Information

The State Offices will review applications to determine if they are eligible for assistance based on requirements in 7 CFR part 4284, subparts A and F, this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. A recommendation will be submitted to the Administrator to fund applications in highest ranking order. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion.

1. Scoring Criteria

Scoring criteria will follow criteria published at 7 CFR 4284.513 as supplemented below including any amendments made by the Section 6013 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–234), which is incorporated by reference in this Notice. The regulatory and statutory criteria are clarified and supplemented below. You should also include information as described in Section D.2.e.5.vi. if you choose to address these items under the scoring criteria. Evaluators will base scores only on the information provided or cross-referenced by page number in each individual evaluation criterion. The maximum amount of points available is 100. Newly established or proposed Centers that do not yet have a track record on which to evaluate the following criteria should refer to the expertise and track records of staff or consultants expected to perform tasks related to the respective criteria. Proposed or newly established Centers must be organized well-enough at time of application to address its capabilities for meeting these criteria.

a. Administrative capabilities (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated track record in carrying out activities in support of development assistance to cooperatively and mutually owned businesses. At a minimum, you must discuss the following administrative capabilities:

1. Financial systems and audit controls;
2. Personnel and program administration performance measures;
3. Clear written rules of governance; and
4. Experience administering Federal grant funding no later than the last 5 years, including but not limited to past RCDGs. Please list the name of the Federal grant program(s) and the amount(s) of funding received.

You will score higher on this criterion if you can demonstrate that the Center has independent governance. For applicants that are universities or parent organizations, you should demonstrate that there is a separate board of directors for the Center.

b. Technical assistance and other services (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated expertise no later than the last 5 years in providing technical assistance and accomplishing effective outcomes in rural areas to promote and assist the development of cooperatively and mutually owned businesses. You must discuss at least:

1. Your potential for delivering effective technical assistance;
2. The types of assistance provided;
3. The expected effects of that assistance;

4. The sustainability of organizations receiving the assistance; and

5. The transferability of your cooperative development strategies and focus to other areas of the U.S.

A chart or table showing the outcomes of your demonstrated expertise based upon the performance elements listed in Section D.5.iv. or as identified in your award document on previous RCDG awards. At a minimum, please provide information for FY 2011–FY 2013 awards. We prefer that you provide one chart or table separating out award years. The intention here is for you to provide actual performance numbers based upon award years even though your grant period for the award was for the next calendar or fiscal year. Please provide a narrative explanation if you have not received a RCDG award.

You will score higher on this criterion if you provide more than 3 years of outcomes and can demonstrate that the organizations you assisted within the last 5 years are sustainable. Additional outcome information should be provided on RCDG grants awarded before FY 2011. Please describe specific project(s) when addressing a–e of this paragraph.

c. Economic development (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated ability to facilitate:

1. Establishment of cooperatives or mutually owned businesses;

2. New cooperative approaches (*i.e.,* organizing cooperatives among underserved individuals or communities; an innovative market approach; a type of cooperative currently not in your service area; a new cooperative structure; novel ways to raise member equity or community capitalization; conversion of an existing business to cooperative ownership); and

3. Retention of businesses, generation of employment opportunities or other factors, as applicable, that will otherwise improve the economic conditions of rural areas.

You will score higher on this criterion if you provide economic statistics showing the impacts of your past development projects no later than 5 years old and identify your role in the economic development outcomes.

d. Past performance in establishing legal business entities (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated past performance in establishing legal cooperative business entities and other legal business entities during FY 2012–FY 2014. Provide the name of the organization(s) established, the date of formation and your role in assisting with the incorporation(s) under this criterion. In addition, documentation verifying the establishment of legal business entities must be included in Appendix C of your application and will not count against the 40-page limit for the narrative. The documentation must include proof that organizational documents were filed with the Secretary of State's Office (*i.e.* Certificate of Incorporation or information from the State's official Web site naming the entity established and the date of establishment); or if the business entity is not required to register with the Secretary of State, a certification from the business entity that a legal business entity has been established and when. Please note that you are not required to submit articles of incorporation to receive points under this criterion. You will score higher on this criterion if you have established legal cooperative businesses.

e. Networking and regional focus (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated commitment to:

1. Networking with other cooperative development centers, and other organizations involved in rural economic development efforts, and

2. Developing multi-organization and multi-state approaches to addressing the economic development and cooperative needs of rural areas.

You will score higher on this criterion if you can demonstrate the outcomes of your multi-organizational and multi-state approaches. Please describe the project(s), partners and the outcome(s) that resulted from the approach.

f. Commitment (maximum score of 10 points). A panel of USDA employees will evaluate your commitment to providing technical assistance and other services to under-served and economically distressed areas in rural areas of the United States. You will score higher on this criterion if you define and describe the underserved and economically distressed areas within your service area, provide statistics, and identify projects within or affecting these areas, as appropriate.

g. Matching Funds (maximum score of 10 points). A panel of USDA employees will evaluate your commitment for the 25 percent (5 percent for 1994 Institutions) matching funds requirement. A chart or table should be provided to describe all matching funds being committed to the project. However, formal documentation to verify all of the matching funds must be included in Appendix A of your application. You will be scored on how you identify your matching funds.

1. If you met the 25 percent (5 percent for 1994 Institutions) matching requirement, points will be assigned as follows:

- In-kind only—1 point,
- Mix of in-kind and cash—3–4 points (maximum points will be awarded if the ratio of cash to in-kind is 30 percent and above of matching funds), or
- Cash only—5 points.

2. If you exceeded the 25 percent (5 percent for 1994 Institutions) matching requirement, points will be assigned as follows:

- In-kind only—2 points,
- Mix of in-kind and cash—6–7 points (maximum points will be awarded if the ratio of cash to in-kind is 30 percent and above of matching funds), or
- Cash only—10 points.

h. Work Plan/Budget (maximum score of 10 points). A panel of USDA employees will evaluate your work plan for detailed actions and an accompanying timetable for implementing the proposal. The budget must present a breakdown of the estimated costs associated with cooperative and business development activities as well as the operation of the Center and allocate these costs to each of the tasks to be undertaken. Matching funds as well as grant funds must be accounted for in the budget.

You must discuss at a minimum:

1. Specific tasks (whether it be by type of service or specific project) to be completed using grant and matching funds;

2. How customers will be identified;

3. Key personnel; and

4. The evaluation methods to be used to determine the success of specific tasks and overall objectives of Center operations. Please provide qualitative methods of evaluation. For example, evaluation methods should go beyond quantitative measurements of completing surveys or number of evaluations.

You will score higher on this criterion if you present a clear, logical, realistic, and efficient work plan and budget.

i. Qualifications of those Performing the Tasks (maximum score of 10 points). A panel of USDA employees will evaluate your application to determine if the personnel expected to perform key tasks have a track record of:

1. Positive solutions for complex cooperative development and/or marketing problems; or

2. A successful record of conducting accurate feasibility studies, business plans, marketing analysis, or other activities relevant to your success as determined by the tasks identified in the your work plan; and

3. Whether the personnel expected to perform the tasks are full/part-time

employees of your organization or are contract personnel.

You will score higher on this criterion if you demonstrate commitment and availability of qualified personnel expected to perform the tasks.

j. Local and Future Support (maximum score of 10 points). A panel of USDA employees will evaluate your application for local and future support. Support should be discussed directly within the response to this criterion.

1. Discussion on local support should include previous and/or expected local support and plans for coordinating with other developmental organizations in the proposed service area or with state and local government institutions. You will score higher if you demonstrate strong support from potential beneficiaries and formal evidence of intent to coordinate with other developmental organizations. You may also submit a maximum of 10 letters of support or intent to coordinate with the application to verify your discussion. These letters should be included in Appendix B of your application and will not count against the 40-page limit for the narrative.

2. Discussion on future support will include your vision for funding operations in future years. You should document:

(i) New and existing funding sources that support your goals;

(ii) Alternative funding sources that reduce reliance on Federal, State, and local grants; and

(iii) The use of in-house personnel for providing services versus contracting out for that expertise. Please discuss your strategy for building in-house technical assistance capacity.

You will score higher if you can demonstrate that your future support will result in long-term sustainability of the Center.

2. Review and Selection Process

The State Offices will review applications to determine if they are eligible for assistance based on requirements in 7 CFR part 4284, subparts A and F, this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. A recommendation will be submitted to the Administrator to fund applications in highest ranking order. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion. If your application is evaluated, but not funded, it will not be carried forward into the next competition.

F. Federal Award Administration Information

1. Federal Award Notices

If you are selected for funding, you will receive a signed notice of Federal award by postal mail from the State Office where your application was submitted, containing instructions on requirements necessary to proceed with execution and performance of the award.

If you are not selected for funding, you will be notified in writing via postal mail and informed of any review and appeal rights. You must comply with all applicable statutes, regulations, and notice requirements before the grant award will be approved. There will be no available funds for successful appellants once all FY 15 funds are awarded and obligated. See 7 CFR part 11 for USDA National Appeals Division procedures.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4284, subpart F; the Grants and Agreements regulations of the Department of Agriculture codified in 2 CFR parts 180, 400, 415, 417, 418, 421; 2 CFR parts 25 and 170; and 48 CFR 31.2, and successor regulations to these parts.

In addition, all recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)).

The following additional requirements apply to grantees selected for this program:

- Agency-approved Grant Agreement.
- Letter of Conditions.
- Form RD 1940–1, ''Request for Obligation of Funds.''
- Form RD 1942–46, ''Letter of Intent to Meet Conditions.''
- Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''
- Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.''
- Form AD–1049, ''Certification Regarding Drug-Free Workplace Requirements (Grants).''
- Form RD 400–4, ''Assurance Agreement.''
- SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.
- Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.'' Must be signed by corporate applicants who receive an award under this Notice.

3. Reporting

After grant approval and through grant completion, you will be required to provide the following:

a. A SF–425, ''Federal Financial Report,'' and a project performance report will be required on a semiannual basis (due 30 working days after end of the semiannual period). The project performance reports shall include the following: A comparison of actual accomplishments to the objectives established for that period;

b. Reasons why established objectives were not met, if applicable;

c. Reasons for any problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

d. Objectives and timetable established for the next reporting period.

e. Provide a final project and financial status report within 90 days after the expiration or termination of the grant.

f. Provide outcome project performance reports and final deliverables.

G. Agency Contacts

If you have questions about this Notice, please contact the appropriate State Office at *http://www.rurdev.usda.gov/StateOfficeAddresses.html.* Program guidance as well as application and matching funds templates may be obtained at *http://www.rurdev.usda.gov/bcp_rcdg.html.* If you want to submit an electronic application, follow the instructions for the RCDG funding announcement located at *http://www.grants.gov.* You may also contact National Office staff: Susan Horst, RCDG Program Lead, *susan.horst@wdc.usda.gov,* or call the main line at 202–690–1374.

H. Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases

of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file an employment complaint, you must contact your agency's EEO Counselor within 45 days of the date of the alleged discriminatory act, event, or in the case of a personnel action. Additional information can be found online at *http://www.ascr.usda.gov/complaint_filing_file.html.*

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at *http://www.ascr.usda.gov/complaint_filing_cust.html,* or at any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov.*

Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Dated: June 9, 2015.

Chad Parker,

Acting Administrator, Rural Business Cooperative Service.

[FR Doc. 2015–14676 Filed 6–12–15; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on the following information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by August 14, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Avenue SW., STOP 1522, Room 5164, South Building, Washington, DC 20250–1522. Telephone: (202) 690–4492. Fax: (202) 720–8435 or email *Thomas.Dickson@wdc.usda.gov*.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for revision.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology. Comments may be sent to: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, 1400 Independence Ave. SW., Washington, DC 20250–1522. Telephone: (202) 690–4492, Fax: (202) 720–8435 or email: *Thomas.Dickson@wdc.usda.gov*.

Title: Advance of Loan Funds and Budgetary Control and Other Related Burdens.

OMB Control Number: 0572–0015.

Type of Request: Revision of a currently approved collection.

Abstract: The Rural Utilities Service administers the electric loan and loan guarantee program authorized under the Rural Electrification Act of 1936 (7 U.S.C. 901 *et seq.*) In order to protect and ensure the Government's security interest in loans, and in exercise of due diligence, electric borrowers furnish information to RUS regarding the condition, financial or otherwise, related to expenditure of loan funds. This Information Collection is necessary to comply with applicable provisions of the RUS loan contract. RUS Borrowers submit requisitions to RUS for funds for project costs incurred. Insured loan funds will be advanced only for projects which are included in the RUS approved borrowers workplan or approved amendment and in an approved loan, as amended. The process of loan advances establishes the beginning of the audit trail of the use of loan funds which is required to subsequent RUS compliance audits.

The RUS Form 595 is used as a requisition for advances of funds. The form helps to assure that loan funds are advanced only for the budget purposes and amount approved by RUS. According to the applicable provisions of the RUS loan contract, borrowers must certify with each request for funds to be approved for advance, which such funds are for projects previously approved.

When a prospective borrower requests and is granted a RUS loan, a loan contract is established between the Federal government, acting through the RUS Administrator, and the borrower. At the time this contract is entered into, the borrower must provide RUS with a list of projects for which loan funds will be spent, along with an itemized list of the estimated costs of these projects. Thus, the borrower receives a loan based upon estimated cost figures.

RUS Form 219, Inventory of Work Orders, is one of the documents the borrower submits to RUS to support actual expenditures and an advance of loan funds. The form also serves as a connecting link and provides an audit trail that originates with the advance of funds and terminates with evidence supporting the propriety of expenditures for construction or retirement projects.

Estimate of Burden: The Public reporting burden for this collection of

information is estimated to average 1.57 hours per response.

Respondents: Not-for-profit institutions; Business or other for profit.

Estimated Number of Respondents: 600.

Estimated Number of Responses per Respondent: 15.42.

Estimated Total Annual Burden on Respondents: 14,526 hours.

Copies of this information collection can be obtained from Rebecca Hunt, Program Development and Regulatory Analysis, at (202) 205–3660, Fax: (202) 720–8435 or email: *Rebecca.hunt@wdc.usda.gov.* All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 3, 2015.

Brandon McBride,

Administrator, Rural Utilities Service.

[FR Doc. 2015–14461 Filed 6–12–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended), the United States Department of Agriculture (USDA) Rural Utilities Service (RUS) invites comments on this information collection for which the RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by August 14, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA Rural Development, 1400 Independence Avenue SW., STOP 1522, Room 5164 South Building, Washington, DC 20250–1522. Telephone: (202) 690–4492. Fax: (202) 720–8435 or email *mailto:Thomas.Dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB as extension to an existing collection with Agency adjustment.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, Room 5164, 1400 Independence Ave. SW., Washington, DC 20250–1522. Telephone: (202) 690–4492; Fax: (202) 720–8435.

Title: 7 CFR 1773, Policy on Audits of RUS Borrowers.

OMB Control Number: 0572–0095.

Type of Request: Extension of a currently approved collection.

Abstract: The Rural Utilities Service relies on the information provided by the borrowers in their financial statements to make lending decisions as to borrowers' credit worthiness and to assure that loan funds are approved, advanced and disbursed for proper RE Act purposes. These financial statements are audited by a certified public accountant to provide independent assurance that the data being reported are properly measured and fairly presented.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 7.58 hours per response.

Respondents: Business or other for-profit, Not-for-profit institutions.

Estimated Number of Respondents and Recordkeepers: 1,340.

Estimated Number of Responses per Respondent: 1.47.

Estimated Total Annual Burden on Respondents: 14,914 hours.

Copies of this information collection can be obtained from Rebecca Hunt, Program Development and Regulatory Analysis, Telephone: (202) 205–3660, Fax: (202) 720–8435.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 3, 2015.

Brandon McBride,

Administrator, Rural Utilities Service.

[FR Doc. 2015–14458 Filed 6–12–15; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Idaho Advisory Committee for the Purpose of Discussing the Committee's Project on Equity in School Expenditures and Receive Information From Invited Panelists and the Public on the Rights of Persons With Disabilities

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Idaho Advisory Committee (Committee) to the Commission will be held on Thursday, June 25, 2015, for the purpose of discussing the Committee's project on equity in school expenditures and holding a public meeting on the rights of persons with disabilities. The meeting will be held at the Boise Main Library, 715 S. Capitol Boulevard, Marion Bingham Room, Boise, ID 83702. The session to discuss the Committee's project on equity in school expenditures is scheduled to begin at 1:00 p.m. The session to receive information from invited panelists and the public on the rights of persons with disabilities is scheduled to begin at 2:00 p.m. and adjourn at approximately 5:00 p.m.

Members of the public are entitled to make comments in the open period at the end of the meeting. Members of the public may also submit written comments. The comments must be received in the Western Regional Office of the Commission by July 24, 2015. The address is Western Regional Office, U.S. Commission on Civil Rights, 300 N. Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Persons wishing to email their comments may do so by sending them to Angelica Trevino, Civil Rights Analyst, Western Regional Office, at *atrevino@usccr.gov.* Persons who desire additional information should contact the Western Regional Office, at (213) 894–3437, (or for hearing impaired TDD 913–551–1414), or by email to *atrevino@*

usccr.gov. Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=264* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Western Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Western Regional Office at the above email or street address.

Agenda:

1:00 p.m.—Committee discussion of equity in school expenditures
2:00 p.m.—Meeting to receive information on the rights of persons with disabilities
Panel 1—2:00 p.m.
Panel 2—3:00 p.m.
Public comment—4:00 p.m.
Adjournment—5:00 p.m.

DATES: Thursday, June 25, 2015, from 1 p.m. to 5:00 p.m. MST.

ADDRESSES: Boise Main Library, 715 S. Capitol Blvd., Boise, ID 83702.

FOR FURTHER INFORMATION CONTACT: Peter Minarik, DFO, at (213) 894–3437 or *pminarik@usccr.gov.*

Dated June 10, 2015.

David Mussatt,

Chief, Regional Programs Coordination Unit.

[FR Doc. 2015–14496 Filed 6–12–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–085–2015]

Foreign-Trade Zone 191—Palmdale, California, Application for Subzone, Michaels Stores Procurement Company, Inc., Lancaster, California

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Palmdale, California, grantee of FTZ 191, requesting subzone status for the facility of Michaels Stores Procurement Company, Inc. (Michaels), located in Lancaster, California. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on June 9, 2015.

The proposed subzone (47 acres) is located at 3501 W. Avenue H, Lancaster, California. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 191.

In accordance with the Board's regulations, Christopher Kemp of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 27, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 10, 2015.

A copy of the application 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 Board's Web site, which is accessible via *www.trade.gov/ftz.*

FOR FURTHER INFORMATION CONTACT: Christopher Kemp at *christopher.kemp@trade.gov* or (202) 482–0862.

Dated: June 9, 2015.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2015–14646 Filed 6–12–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–88–2015]

Foreign-Trade Zone 22—Chicago, Illinois; Expansion of Subzone 22N; Michelin North America, Inc.; Wilmington, Illinois

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Illinois International Port District, grantee of FTZ 22, requesting an expansion of Subzone 22N on behalf of Michelin North America, Inc. (MNA). The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on June 9, 2015.

Subzone 22N was approved on April 5, 2006 (Board Order 1440, 71 FR 19692, 4–17–2006), and manufacturing was authorized within the subzone on February 28, 2007 (Board Order 1503, 72 FR 10642, 3–9–2007). The subzone currently consists of the following site: Site 1 (34.9 acres)—25850 S. Ridgeland Avenue, Monee, Will County.

This request would add a site (69.7 acres) located at 29900 South Graaskamp Boulevard in Wilmington, Will County, to the subzone. The applicant is also requesting that Site 1 be removed from the subzone following a transition period to allow merchandise to be transferred to the new site. No additional authorization for production activity has been requested at this time. With this request, Subzone 22N would be subject to the existing activation limit of FTZ 22.

In accordance with the Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 27, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 10, 2015.

A copy of the application 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 Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: June 9, 2015.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2015–14644 Filed 6–12–15; 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: Final Results and Partial Rescission of the 19th Antidumping Duty Administrative Review; 2012–2013

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

SUMMARY: On December 8, 2014, the Department of Commerce (the Department) published its preliminary results of the 2012–2013 administrative review of the antidumping duty order on fresh garlic from the People's Republic of China (PRC).[1] The period of review is November 1, 2012, through October 31, 2013. The mandatory respondents in this review are: Hebei Golden Bird Trading Co., Ltd. (Golden Bird) and Jinxiang Hejia Co., Ltd. (Hejia). Following the *Preliminary Results,* we invited interested parties to comment. We have made no changes for these final results of the antidumping duty administrative review.

As discussed below, the Department is relying on total adverse facts available with respect to the PRC-wide entity, which includes Golden Bird and Hejia, because both failed to cooperate to the best of their ability in this administrative review. The Department is also finding 16 companies had no shipments during the period of review. These determinations and the final dumping margins are discussed below in the ''Final Results'' section of this notice.

DATES: *Effective Date:* June 15, 2015.

FOR FURTHER INFORMATION CONTACT: Nicholas Czajkowski, 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) 482–1395.

Background

Since the Department published the preliminary results of this administrative review,[2] Golden Bird and Shenzhen Xinboda Industrial Co. Ltd. (Xinboda) submitted case briefs on January 19 and 20, 2015, respectively. On January 29, 2015, Petitioners [3] submitted a rebuttal brief.

Scope of the Order

The products subject to this antidumping duty order are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, provisionally preserved, or packed in water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. Fresh garlic that are subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) 0703.20.0010, 0703.200020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, and 2005.90.9700. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive. A full description of the scope of the order is contained in the Issues and Decision memorandum dated concurrently with and hereby adopted by this notice.[4]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum, which is dated concurrently and is hereby adopted by this notice. A list of the issues that are raised in the briefs and addressed in the Issues and Decision Memorandum is in Appendix III of this notice. The Issues and Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and is available to all parties in the Department's Central Records Unit, located in Room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

For the final results, based on analysis of the comments received and our review of the record, the Department has made no changes to the *Preliminary Results.* Detailed discussions of the issues raised by parties can be found in the Decision Memorandum.

Final Determination of No Shipments

As discussed in the *Preliminary Results,* 16 companies timely certified that they had no shipments during the period of review. After reviewing these certifications with U.S. Customs and Border Protection (CBP) and examining CBP shipment data, the Department preliminary found that these companies did not have reviewable transactions during the POR.[5] Since the *Preliminary Results,* the Department has not received comments or information that would warrant a review of this preliminary finding. As such, for these final results, the Department finds that the 16 companies listed in Appendix I had no shipments during the POR.

PRC-Wide Entity

As discussed in the *Preliminary Results,* the Department preliminarily determined that 124 companies are part of the PRC-wide entity.[6] In addition to the two mandatory respondents who failed to cooperate to the best of their ability to comply with requested information, the Department also found that 92 of the companies whose review requests were withdrawn had not been assigned a separate rate from a prior segment of the proceeding, and thus were considered part of the PRC-wide entity. Further, an additional 30 companies, for which a review was requested, and not withdrawn, did not file a separate rate application or certification, nor did they file a no shipments certification. Accordingly, the Department preliminarily determined these companies to be part of the PRC-wide entity. As discussed in detail in the Decision Memorandum, the Department continues to find Golden Bird to be part of the PRC-wide entity. Other than from Golden Bird, the Department has not received comments or information that would warrant a review of the preliminary decision to consider these companies part of the PRC-wide entity. Thus, for these final results, the Department continues to find all 124 companies to be part of the PRC-wide entity. A full list of

[1] *See Fresh Garlic From the People's Republic of China: Preliminary Results of the Nineteenth Antidumping Duty Administrative Review; 2012–2013,* 79 FR 72625 (December 8, 2014) (*Preliminary Results*).

[2] *Id.*

[3] Petitioners consist of the following companies: The Fresh Garlic Producers Association and its individual members: Christopher Ranch L.L.C., The Garlic Company, Valley Garlic, and Vessey and Company, Inc.

[4] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, regarding ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review: Fresh Garlic from the People's Republic of China; 2012–2013 Administrative Review,'' issued concurrently with this notice (Decision Memorandum).

[5] *See Preliminary Results* at 72627.

[6] *Id.* at 72626.

companies determined to be part of the PRC-wide entity can be found in Appendix II.

Separate Rates

In the *Preliminary Results,* the Department found that non-selected companies Chengwu County Yuanxiang Industry & Commerce Co, Ltd.; Jinxiang Richfar Fruits and Vegetables Co., Ltd.; Qingdao Lianghe International Trade Co., Ltd.; Shandong Chenhe International Trading Co., Ltd.; Xinboda; Weifang Hongqiao International Logistics Co., Ltd. and XuZhou Simple Garlic Industry Co., Ltd. demonstrated their eligibility for separate rates.[7] Since the *Preliminary Results,* the Department has not received any comments that would warrant a review of these preliminary findings. Therefore, we continue to find that these companies are eligible for separate rates.

Neither the Tariff Act of 1930, as amended (the Act), nor the Department's regulations address the establishment of the rate applied to individual companies not selected for examination where the Department limited its examination in an administrative review pursuant to section 777A(c)(2) of the Act. The Department's practice in cases involving limited selection based on exporters accounting for the largest volumes of exports has been to look to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in an investigation. Section 735(c)(5)(A) of the Act instructs the Department to avoid calculating an all-others rate using any rates that are zero, *de minimis,* or based entirely on facts available. Section 735(c)(5)(B) of the Act provides that, where all rates are zero, *de minimis,* or based entirely on facts available, the Department may use ''any reasonable method'' for assigning an all-others rate.

We determine that, consistent with our *Preliminary Results,* the rate for non-selected companies eligible for separate rates should be based on the rate used for non-selected separate rate companies in the most recently completed administrative review under this order. This is consistent with precedent and is a reasonable method to determine this rate in the instant review. Pursuant to this method, we are assigning the rate of $1.82 per kilogram to non-selected companies eligible for separate rates, which is from the most recently completed administrative review under this order.[8]

Final Results of Review

The Department determines that the following dumping margins exist for the period November 1, 2012, through October 31, 2013.

Exporter	Weighted-average margin (dollars per kilogram)
Chengwu County Yuanxiang Industry & Commerce Co., Ltd	1.82
Jinxiang Richfar Fruits & Vegetables Co., Ltd	1.82
Qingdao Lianghe International Trade Co., Ltd	1.82
Shandong Chenhe International Trading Co., Ltd	1.82
Shenzhen Xinboda Industrial Co., Ltd	1.82
Weifang Hongqiao International Logistics Co., Ltd	1.82
XuZhou Simple Garlic Industry Co., Ltd	1.82
PRC-Wide Rate[9]	4.71

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise, where applicable, in accordance with the final results of this review. The Department intends to issue appropriate assessment instructions for such producers/exporters directly to CBP 15 days after the date of publication of this notice in the **Federal Register**.

The Department will direct CBP to assess importer-specific assessment rates based on the resulting per-unit (*i.e.,* per kilogram) amount on each entry of the subject merchandise during the POR. For entries that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, 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 the exporter's rate) will be liquidated at the PRC-wide rate.[10]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this 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 companies listed above, the cash deposit rate will be the weighted-average dumping margins indicated above (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of $4.71 per kilogram; 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 requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final 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 the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This notice also serves as a reminder to parties subject to an 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(a)(3), which continues to govern business proprietary information in this segment of proceeding. Timely written notification of the return/destruction of

[7] *Id.* at 72626, 72627.

[8] *See Fresh Garlic From the People's Republic of China: Final Results and Partial Rescission of the 18th Antidumping Duty Administrative Review; 2011–2012,* 79 FR 36721 (June 30, 2014).

[9] Includes Golden Bird and Hejia.

[10] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

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.

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: June 5, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

Appendix I

Companies That Have Certified No Shipments

1. Cangshan Qingshui Vegetable Foods Co., Ltd.
2. Chengwu County Yuanxiang Industry & Commerce Co., Ltd.
3. Jinan Farmlady Trading Co., Ltd.
4. Jining Yifa Garlic Produce Co., Ltd.
5. Jining Yongjia Trade Co., Ltd.
6. Jinxiang Chengda Import & Export Co., Ltd.
7. Jinxiang Merry Vegetable Co., Ltd.
8. Jinxiang Yuanxin Import & Export Co., Ltd.
9. Shenzhen Bainong Co., Ltd.
10. Shijiazhuang Goodman Trading Co., Ltd.
11. Qingdao Maycarrier Import & Export Co., Ltd.
12. Qingdao Sea-line International Trading Co.
13. Qingdao Tiantaixing Foods Co., Ltd.
14. Qingdao Xiantianfeng Foods Co., Ltd. or Xi Tian Feng
15. Xuzhou Simple Garlic Industry Co., Ltd.
16. Yantai Jinyan Trading Inc.

Appendix II

List of Companies Subject to the PRC-Wide Rate

1. American Pioneer Shipping
2. Anhui Dongqian Foods Ltd.
3. Anqiu Friend Food Co., Ltd.
4. Anqiu Haoshun Trade Co., Ltd.
5. APM Global Logistics (Shanghai) Co., Ltd.
6. APS Qingdao
7. Chiping Shengkang Foodstuff Co., Ltd.
8. CMEC Engineering Machinery Import & Export Co., Ltd.
9. Dalian New Century Food Co., Ltd.
10. Dongying Shunyifa Chemical Co., Ltd.
11. Dynalink Systems Logistics (Qingdao) Inc.
12. Eimskip Logistics Inc.
13. Feicheng Acid Chemicals Co., Ltd.
14. Foshan Fuyi Food Co, Ltd.
15. Frog World Co., Ltd.
16. Golden Bridge International, Inc.
17. Goodwave Technology Development Ltd.
18. Guangxi Lin Si Fu Bang Trade Co., Ltd
19. Hangzhou Guanyu Foods Co., Ltd.
20. Hebei Golden Bird Trading Co., Ltd.
21. Hejiahuan (Zhongshan) Electrical AP
22. Henan Weite Industrial Co., Ltd.
23. Heze Ever-Best International Trade Co., Ltd. (f/k/a Shandong Heze International Trade and Developing Company)
24. Hongkong Golden Eagle Group Ltd.
25. Hongqiao International Logistics Co.
26. Intecs Logistics Service Co., Ltd.
27. IT Logistics Qingdao Branch
28. Jinan Solar Summit International Co., Ltd.
29. Jinan Yipin Corporation Ltd.
30. Jining De-Rain Trading Co., Ltd.
31. Jining Highton Trading Co., Ltd.
32. Jining Jiulong International Trading Co., Ltd.
33. Jining Tiankuang Trade Co., Ltd.
34. Jining Trans-High Trading Co., Ltd.
35. Jinxiang County Huaguang Food Import & Export Co., Ltd.
36. Jinxiang Dacheng Food Co., Ltd.
37. Jinxiang Dongyun Freezing Storage Co., Ltd. (a/k/a Jinxiang Eastward Shipping Import and Export Limited Company)
38. Jinxiang Dongyun Import & Export Co., Ltd.
39. Jinxiang Fengsheng Import & Export Co., Ltd.
40. Jinxiang Grand Agricultural Co., Ltd.
41. Jinxiang Hejia Co., Ltd.
42. Jinxiang Infarm Fruits & Vegetables Co., Ltd.
43. Jinxiang Meihua Garlic Produce Co., Ltd.
44. Jinxiang Shanyang Freezing Storage Co., Ltd.
45. Jinxiang Shenglong Trade Co., Ltd.
46. Jinxiang Tianheng Trade Co., Ltd.
47. Jinxiang Tianma Freezing Storage Co., Ltd.
48. Jinxiang Xian Baishite Trade Co., Ltd. (a/k/a Jinxiang Best Trade Co., Ltd.)
49. Juye Homestead Fruits and Vegetables Co., Ltd.
50. Kingwin Industrial Co., Ltd.
51. Laiwu Fukai Foodstuff Co., Ltd.
52. Laiwu Jiahe Fruit and Vegatable Co., Ltd.
53. Laizhou Xubin Fruits and Vegetables
54. Linshu Dading Private Agricultural Products Co., Ltd.
55. Linyi City Hedong District Jiuli Foodstuff Co.
56. Linyi City Kangfa Foodstuff Drinkable Co., Ltd.
57. Linyi Katayama Foodstuffs Co., Ltd.
58. Linyi Tianqin Foodstuff Co., Ltd.
59. Ningjin Ruifeng Foodstuff Co., Ltd.
60. Qingdao Apex Shipping Co., Ltd.
61. Qingdao BNP Co., Ltd.
62. Qingdao Cherry Leather Garment Co., Ltd.
63. Qingdao Chongzhi International Transportation Co., Ltd.
64. Qingdao Everfresh Trading Co., Ltd.
65. Qingdao Liang He International Trade Co., Ltd.
66. Qingdao Lianghe International Trade Co., Ltd.
67. Qingdao Saturn International Trade Co., Ltd.
68. Qingdao Sino-World International Trading Co., Ltd.
69. Qingdao Winner Foods Co., Ltd.
70. Qingdao XinTian Feng Food Co., Ltd.
71. Qingdao Yuankang International
72. Qufu Dongbao Import & Export Trade Co., Ltd.
73. Rizhao Huasai Foodstuff Co., Ltd.
74. Samyoung America (Shanghai) Inc.
75. Shandong Chengshun Farm Produce Trading Co., Ltd.
76. Shandong Chenhe Intl Trading Co., Ltd.
77. Shandong China Bridge Imports
78. Shandong Dongsheng Eastsun Foods Co., Ltd.
79. Shandong Garlic Company
80. Shandong Longtai Fruits and Vegetables Co., Ltd.
81. Shandong Sanxing Food Co., Ltd.
82. Shandong Wonderland Organic Food Co., Ltd.
83. Shandong Xingda Foodstuffs Group Co., Ltd.
84. Shandong Yipin Agro (Group) Co., Ltd.
85. Shanghai Ever Rich Trade Company
86. Shanghai Goldenbridge International Co., Ltd.
87. Shanghai Great Harvest International Co., Ltd.
88. Shanghai LJ International Trading Co., Ltd.
89. Shanghai Medicines & Health Products Import/Export Co., Ltd.
90. Shanghai Yijia International Transportation Co., Ltd.
91. Shenzhen Fanhui Import & Export Co., Ltd.
92. Shenzhen Greening Trading Co., Ltd.
93. Shenzhen Xunong Trade Co., Ltd.
94. Sunny Import & Export Limited
95. Tangerine International Trading Co.
96. T&S International, LLC.
97. Taian Eastsun Foods Co., Ltd.
98. Taian Fook Huat Tong Kee Pte. Ltd.
99. Taian Solar Summit Food Co., Ltd.
100. Taiyan Ziyang Food Co., Ltd.
101. Tianjin Spiceshi Co., Ltd.
102. U.S. United Logistics (Ningbo) Inc.
103. V.T. Impex (Shandong) Limited
104. Weifang Chenglong Import & Export Co., Ltd.
105. Weifang He Lu Food Import & Export Co., Ltd.
106. Weifang Hong Qiao International Logistics Co., Ltd.
107. Weifang Jinbao Agricultural Equipment Co., Ltd.
108. Weifang Naike Foodstuffs Co., Ltd.
109. Weifang Shennong Foodstuff Co., Ltd.
110. Weihai Textile Group Import & Export Co., Ltd.
111. WSSF Corporation (Weifang)
112. Xiamen Huamin Import Export Company
113. Xiamen Keep Top Imp. and Exp. Co., Ltd.
114. Xinjiang Top Agricultural Products Co., Ltd.
115. XuZhou Heiners Agricultural Co., Ltd.
116. Yishui Hengshun Food Co., Ltd.
117. You Shi Li International Trading Co., Ltd.
118. Zhangzhou Xiangcheng Rainbow Greenland Food Co., Ltd.
119. Zhengzhou Dadi Garlic Industry Co., Ltd.
120. Zhengzhou Huachao Industrial Co., Ltd.
121. Zhengzhou Xiwannian Food Co., Ltd.
122. Zhengzhou Xuri Import & Export Co., Ltd.
123. Zhengzhou Yuanli Trading Co., Ltd.
124. Zhong Lian Farming Product (Qingdao) Co., Ltd.

Appendix III

List of Topics Discussed in the Issues and Decision Memorandum

Summary
Background
Scope of the Order
Discussion of the Issues

- Comment 1: Whether Golden Bird Cooperated to the Best of its Ability in this Review
- Comment 2: Whether Golden Bird Should Be Part of the PRC-Wide Entity
- Comment 3: Assigned Separate Rate
- Comment 4: Whether Xinboda Should Have Been Individually Reviewed
- Comment 5: PRC-Wide Rate Challenge
- Comment 6: 15-Day Liquidation Instruction Policy Challenge

Recommendation

[FR Doc. 2015–14656 Filed 6–12–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD930

Determination of Overfishing or an Overfished Condition

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

ACTION: Notice.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has found that the following stocks are subject to overfishing or are in an overfished condition: Gulf of Maine/Northern Georges Bank red hake, which is managed by the New England Fishery Management Council, is now subject to overfishing, but is not overfished; and Southeast Florida hogfish, which is jointly managed by the Gulf of Mexico and South Atlantic Fishery Management Councils, is now subject to overfishing and is in an overfished condition. NMFS, on behalf of the Secretary, notifies the appropriate fishery management council (Council) whenever it determines that overfishing is occurring, a stock is in an overfished condition, a stock is approaching an overfished condition, or when a rebuilding plan has not resulted in adequate progress toward ending overfishing and rebuilding affected fish stocks.

FOR FURTHER INFORMATION CONTACT: Regina Spallone, (301) 427–8568.

SUPPLEMENTARY INFORMATION: Pursuant to sections 304(e)(2) and (e)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2) and (e)(7), and implementing regulations at 50 CFR 600.310(e)(2), NMFS, on behalf of the Secretary, must notify Councils whenever it determines that a stock or stock complex is overfished or approaching an overfished condition; or if an existing rebuilding plan has not ended overfishing or resulted in adequate rebuilding progress. NMFS also notifies Councils when it determines a stock or stock complex is subject to overfishing. Section 304(e)(2) further requires NMFS to publish these notices in the **Federal Register**.

NMFS has determined that the Gulf of Maine/Northern Georges Bank stock of red hake is now subject to overfishing. The New England Fishery Management Council has been informed that they must end overfishing on this stock.

NMFS has determined that the Southeast Florida stock of hogfish is now subject to overfishing and in an overfished condition. The Southeast Florida stock of hogfish was recently identified as a separate stock among a total of three hogfish stocks. The Gulf of Mexico Fishery Management Council and the South Atlantic Fishery Management Council have been informed that they must end overfishing and rebuild the Southeast Florida stock of hogfish.

Dated: June 9, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–14625 Filed 6–12–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD934

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 41 pre Data Workshop II webinar.

SUMMARY: The SEDAR 41 assessments of the South Atlantic stocks of red snapper and gray triggerfish will consist of a series of workshops and webinars: Data Workshops; an Assessment Process; and a Review Workshop. This notice is for a webinar associated with the Data portion of the SEDAR process. See **SUPPLEMENTARY INFORMATION**.

DATES: A SEDAR 41 pre Data Workshop II webinar will be held on Wednesday, July 1, 2015, from 9 a.m. until 12 p.m. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from, or completed prior to the time established by this notice.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd at SEDAR (see **FOR FURTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator; phone: (843) 571–4366; email: *julia.byrd@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop(s); (2) Assessment Process; and (3) Review Workshop. The product of the Data Workshop(s) is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of

Councils, Commissions, and state and federal agencies.

The items of discussion in the pre Data Workshop webinar are as follows:

1. Progress update from SEDAR 41 working groups.

2. Participants will present summary data and discuss data needs and treatments as necessary to prepare for the SEDAR 41 Data Workshop II.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SEDAR office (see **ADDRESSES**) at least 10 business days prior to the meeting.

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

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

Dated: June 10, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–14627 Filed 6–12–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Joint Observer and Herring Committees to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, July 1, 2015 at 9:30 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Four Points by Sheraton (formerly Sheraton Colonial), 1 Audubon Road, Wakefield, MA 01880; telephone: (781) 245–9300; fax: (781) 245–0842.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The committees plan to review and discuss updated information and analyses for the draft Environmental Assessment (EA) for NMFS-led omnibus amendment to establish provisions for industry-funded monitoring (IFM) across all Council-managed fisheries. They will also review and discuss the elements of options for industry-funded monitoring in the Atlantic herring fishery, including at-sea monitoring, portside sampling, and electronic monitoring (EM); develop recommendations regarding the specific combinations of measures (''packages'') to be analyzed in the Draft EA. Additionally, they will review updated information related to herring/mackerel economic analysis in omnibus IFM amendment. The committees will also discuss other elements of IFM amendment and develop related recommendations, as appropriate. Other business will be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: June 10, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–14628 Filed 6–12–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No.: PTO–P–2015–0030]

Expedited Patent Appeal Pilot

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) has a procedure under which an application will be advanced out of turn (accorded special status) for examination if the applicant files a petition to make special with the appropriate showing. The USPTO is providing a temporary basis (the Expedited Patent Appeal Pilot) under which an appellant may have an *ex parte* appeal to the Patent Trial and Appeal Board (Board) accorded special status if the appellant withdraws the appeal in another application in which an *ex parte* appeal is also pending before the Board. The Expedited Patent Appeal Pilot will allow appellants having multiple *ex parte* appeals currently pending before the Board to have greater control over the priority with which their appeals are decided and reduce the backlog of appeals pending before the Board.

DATES:

Effective Date: June 19, 2015.

Duration: The Expedited Patent Appeal Pilot is being adopted on a temporary basis and will run until two thousand (2,000) appeals have been accorded special status under the Expedited Patent Appeal Pilot, or until June 20, 2016, whichever occurs earlier. The USPTO may extend the Expedited Patent Appeal Pilot (with or without modification) on either a temporary or permanent basis, or may discontinue the Expedited Patent Appeal Pilot after June 20, 2016, depending upon the results of the Expedited Patent Appeal Pilot.

FOR FURTHER INFORMATION CONTACT: Steven Bartlett, Patent Trial and Appeal Board, by telephone at 571–272–9797, or by electronic mail message at *expeditedpatentappealspilot@uspto.gov*.

SUPPLEMENTARY INFORMATION: Appeals to the Board are normally taken up for decision by the Board in the order in which they are docketed. The USPTO

has a preexisting procedure under which an application will be advanced out of turn (accorded special status) if the applicant files a petition to make special with the appropriate showing. *See* 37 CFR 1.102 and MPEP § 708.02. The USPTO is adopting, on a temporary basis, the Expedited Patent Appeal Pilot, under which an appellant may have an *ex parte* appeal to the Board in an application accorded special status if the appellant withdraws the appeal in another application or *ex parte* reexamination with an *ex parte* appeal also pending before the Board. The Expedited Patent Appeal Pilot will permit an appellant having multiple appeals pending before the Board to accelerate the Board decision on an appeal involving an invention of greater importance to the appellant, possibly hastening the pace at which the invention is patented and products or services embodying the patent are brought to the marketplace, and thus spurring follow-on innovation, economic growth, and job creation, by foregoing another pending appeal in which the underlying invention is no longer a business pursuit or priority to the appellant.

The USPTO will accord special status to an appeal pending before the Board under the following conditions:

(1) A certification and petition under 37 CFR 41.3 must be filed by the USPTO's electronic filing system (EFS-Web) in the application involved in the *ex parte* appeal for which special status is sought (''appeal to be made special''), identifying that application and appeal by application and appeal number, respectively. In addition, the appeal to be made special must be an appeal for which a docketing notice was mailed no later than June 19, 2015. Moreover, there must be no request for an oral hearing, or any request for an oral hearing must be withdrawn, for the appeal to be made special, and the appellant must agree not to request a refund of any oral hearing fees paid with respect to the appeal to be made special.

(2) The petition under 37 CFR 41.3 must include a request to withdraw the appeal in another application or *ex parte* reexamination for which a docketing notice was mailed no later than June 19, 2015 (''appeal to be withdrawn''), identifying that application or *ex parte* reexamination and appeal by application or reexamination control number and appeal number, respectively. The petition under 37 CFR 41.3 must be filed before the appeal to be withdrawn has been taken up for decision. The appellant also must agree not to request a refund of any appeal fees, including oral hearing fees, paid with respect to the appeal to be withdrawn.

(3) The application involved in the appeal to be made special and the application or patent under reexamination involved in the appeal to be withdrawn must be either owned by the same party as of June 19, 2015, or name at least one inventor in common.

(4) The petition under 37 CFR 41.3 must be signed by a registered practitioner who has a power of attorney under 37 CFR 1.32, or has authority to act under 37 CFR 1.34, for the application involved in the appeal to be made special and for the application or patent under reexamination involved in the appeal to be withdrawn.

The USPTO has created a form-fillable Portable Document Format (PDF) ''Petition to Make Special—Expedited Patent Appeal Pilot'' (Form PTO/SB/438) for use in filing a certification and petition under 37 CFR 41.3 under the Expedited Patent Appeal Pilot. Form PTO/SB/438 is available on the USPTO's Internet Web site on the micro site for USPTO patent-related forms (*http://www.uspto.gov/patent/patents-forms*). Form PTO/SB/438 does not collect ''information'' within the meaning of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). *See* 5 CFR 1320.3(h). Therefore, this notice does not involve information collection requirements which are subject to review by OMB.

No petition fee is required. The $400.00 fee for a petition under 37 CFR 41.3 is hereby *sua sponte* waived for any petition to make an appeal special under the Expedited Patent Appeal Pilot.

The withdrawal of an appeal in an application or *ex parte* reexamination may not form the basis for more than one petition to make special under the Expedited Patent Appeal Pilot, including a petition to make special for a subsequent appeal in the application for which a petition to make an appeal special was granted, or any continuing application of the application for which a petition to make an appeal special was granted.

MPEP § 1203 provides that an application made special and advanced out of turn for examination will continue to be special throughout its entire course of prosecution in the Office, including appeal, if any, to the Board. An appeal that is accorded special status for decision on an appeal to the Board under the Expedited Patent Appeal Pilot will be advanced similarly out of turn for a decision on the appeal by the Board. The difference between the Expedited Patent Appeal Pilot and an application made special under 37 CFR 1.102 and MPEP § 708.02 is that an application in which an appeal is accorded special status for decision on an appeal to the Board under the Expedited Patent Appeal Pilot will not have a special status under CFR 1.102 and MPEP § 708.02 after the decision on the appeal.

The goal for handling an application in which a petition to make an appeal special under the Expedited Patent Appeal Pilot is filed is as follows: (1) Rendering a decision on the petition to make the appeal special no later than two (2) months from the filing date of the petition; and (2) rendering a decision on the appeal no later than four (4) months from the date a petition to make an appeal special under the Expedited Patent Appeal Pilot is granted. The current pendency of decided appeals in applications, for those appeals decided this fiscal year, ranges between an average of 24.7 months for appeals from applications assigned to Technology Center 1700 and an average of 32.5 months for appeals from applications assigned to Technology Center 1600, and is shown for each Technology Center in the following table:

Technology Center	Average months from docketing notice to board decision
1600	32.5
1700	24.7
2100	32.0
2400	32.0
2600	31.7
2800	26.9
2900	26.1
3600	31.7
3700	29.9

Ex parte reexamination proceedings, including any appeal to the Board, are conducted with special dispatch within the USPTO. *See* 35 U.S.C. 305. The current average pendency of appeals in *ex parte* reexaminations, for those appeals decided this fiscal year, is 5.7 months. The USPTO is not making the Expedited Patent Appeal Pilot applicable to appeals in *ex parte* reexaminations as these appeals already are handled with special dispatch, and the petition evaluation process would only delay the Board decision in an appeal in an *ex parte* reexamination.

The process for handling an application in which an appeal is withdrawn is set forth in MPEP § 1215. Appellants should specifically note that an application having no allowed claims becomes abandoned upon withdrawal of an appeal, and that claims indicated as

allowable but for their dependency from rejected claims are not considered allowed claims but are treated as rejected claims. *See* MPEP § 1215.01.

The filing of a request for continued examination under 37 CFR 1.114 in an application on appeal to the Board is treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner. *See* 37 CFR 1.114(d). A request for continued examination may be filed with a petition under 37 CFR 41.3, and the withdrawal of an appeal in that application resulting from the filing of such a request for continued examination may form the basis for a petition to make special based upon the Expedited Patent Appeal Pilot. The withdrawal of an appeal resulting from the filing of a request for continued examination prior to the filing of a petition under 37 CFR 41.3, however, may not form the basis for a petition to make special based upon the Expedited Patent Appeal Pilot.

As discussed previously, an application having no allowed claims becomes abandoned upon withdrawal of an appeal. Any request for continued examination, however, must be filed prior to the abandonment of the application. *See* 37 CFR 1.114(a)(2). Thus, an appellant wishing to file a request for continued examination in an application in which there is an appeal to be withdrawn under the Expedited Patent Appeal Pilot must, if there are no allowed claims, file the request for continued examination with the petition under 37 CFR 41.3 to ensure that the request for continued examination is filed prior to the abandonment of the application that will result from the dismissal of the appeal.

A request for continued examination must include a submission. *See* 37 CFR 1.114(a) and (c). An appeal brief, or a reply brief, or related papers, are not considered a submission under 37 CFR 1.114. *See* 37 CFR 1.114(c). The submission, however, may consist of the arguments in a previously filed appeal brief or reply brief, or may simply consist of a statement that incorporates by reference the arguments in a previously filed appeal brief or reply brief. *See* MPEP § 706.07(h).

The Expedited Patent Appeal Pilot is being adopted on a temporary basis until two thousand (2,000) appeals have been accorded special status under the Expedited Patent Appeal Pilot, or until June 20, 2016, whichever occurs earlier. The USPTO may extend the Expedited Patent Appeal Pilot (with or without modification) on either a temporary or permanent basis, or may discontinue the Expedited Patent Appeal Pilot after June 20, 2016, depending upon the results of the Expedited Patent Appeal Pilot. Additional information concerning the Expedited Patent Appeal Pilot, including statistical information concerning the Expedited Patent Appeal Pilot and pendency of appeals before the Board, can found on the USPTO Internet Web site at: *https://www-cms.uspto.gov/patents-application-process/patent-trial-and-appeal-board/expedited-patent-appeal-pilot.*

Dated: June 10, 2015.

Michelle K. Lee,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2015–14754 Filed 6–12–15; 8:45 am]

BILLING CODE 3510–16–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2015–0023]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is requesting new OMB control number information for a collection of information, titled, ''Regulation F: Fair Debt Collection Practices Act.''

DATES: Written comments are encouraged and must be received on or before August 14, 2015 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1275 First Street NE., Washington, DC 20002.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov*. Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *PRA@cfpb.gov. Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Regulation F: Fair Debt Collection Practices Act.

OMB Control Number: 3170–XXXX.

Type of Review: Request for a new OMB Control Number.

Affected Public: State Governments.

Estimated Number of Respondents: 1.

Estimated Total Annual Burden Hours: 2.

Abstract: Regulation F (12 CFR part 1006) establishes procedures and criteria whereby states may apply to the Bureau for an exemption of a class of debt collection practices within the applying state from the provisions of the Fair Debt Collection Practices Act as provided in section 817 of the Act, 15 U.S.C. 1692. The information collection request will seek OMB approval for the state application contained in 12 CFR 1006.2.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Dated: June 10, 2015.

Ashwin Vasan,

Chief Information Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2015–14635 Filed 6–12–15; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2015–0022]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is requesting to renew the approval for an existing information collection titled, ''Generic Information Collection Plan for the Collection of Qualitative Feedback on Bureau Service Delivery.''

DATES: Written comments are encouraged and must be received on or before August 14, 2015 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1275 First Street NE., Washington, DC 20002.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *PRA@cfpb.gov. Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Generic Information Collection Plan for the Collection of Qualitative Feedback on Bureau Service Delivery.

OMB Control Number: 3170–0024.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Individual or Households; State, Local, or Tribal Governments; and Private Sector.

Estimated Number of Respondents: 32,000.

Estimated Total Annual Burden Hours: 32,000.

Abstract: This generic information collection plan provides for the collection of qualitative feedback from consumers, financial institutions, and stakeholders on a wide range of services the Bureau provides in an efficient, timely manner, in accordance with the Bureau's commitment to improving service delivery. By qualitative feedback, the Bureau means information that provides useful insights on, for example, comprehension, usability, perceptions, and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. The Bureau expects this feedback to include insights into consumer, financial institution, or stakeholder perceptions, experiences, and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the Bureau and consumers, financial institutions, and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

This submission is requesting OMB to renewal for additional three (3) years its approval of this generic information collection plan.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Dated: June 2, 2015.

Ashwin Vasan,

Chief Information Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2015–14634 Filed 6–12–15; 8:45 am]

BILLING CODE 4810–AM–P

CONSUMER PRODUCT SAFETY COMMISSION

Public Availability of Consumer Product Safety Commission FY 2014 Service Contract Inventory

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Consumer Product Safety Commission (''CPSC'' or ''we''), in accordance with section 743(c) of Division C of the Consolidated Appropriations Act, 2010 (Pub. L. 111–117, 123 Stat. 3034, 3216), is announcing the availability of CPSC's service contract inventory for fiscal year (FY) 2014. This inventory provides information on service contract actions that exceeded $25,000 that CPSC made in FY 2014.

FOR FURTHER INFORMATION CONTACT: Eddie Ahmad, Procurement Analyst, Division of Procurement Services, Division of Procurement Services, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814. Telephone: 301–504–7884; email: *aahmad@cpsc.gov.*

SUPPLEMENTARY INFORMATION: On December 16, 2009, the Consolidated Appropriations Act, 2010 (Consolidated Appropriations Act), Public Law 111–117, became law. Section 743(a) of the Consolidated Appropriations Act, titled, ''Service Contract Inventory Requirement,'' requires agencies to submit to the Office of Management and Budget (''OMB''), an annual inventory of service contracts awarded or extended through the exercise of an option on or after April 1, 2010, and describes the contents of the inventory. The contents of the inventory must include:

(A) A description of the services purchased by the executive agency and the role the services played in achieving agency objectives, regardless of whether such a purchase was made through a contract or task order;

(B) The organizational component of the executive agency administering the contract, and the organizational component of the agency whose requirements are being met through contractor performance of the service;

(C) The total dollar amount obligated for services under the contract and the funding source for the contract;

(D) The total dollar amount invoiced for services under the contract;

(E) The contract type and date of award;

(F) The name of the contractor and place of performance;

(G) The number and work location of contractor and subcontractor employees, expressed as full-time equivalents for direct labor, compensated under the contract;

(H) Whether the contract is a personal services contract; and

(I) Whether the contract was awarded on a noncompetitive basis, regardless of date of award.

Section 743(a)(3)(A) through (I) of the Consolidated Appropriations Act. Section 743(c) of the Consolidated Appropriations Act requires agencies to ''publish in the **Federal Register** a notice that the inventory is available to the public.''

Consequently, through this notice, we are announcing that the CPSC's service contract inventory for FY 2014 is available to the public. The inventory provides information on service contract actions of more than $25,000 that CPSC made in FY 2014. The information is organized by function to show how contracted resources are distributed throughout the CPSC. We developed the inventory in accordance with guidance issued on December 19, 2011, by the OMB. (The OMB guidance is available at: *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf.*) The CPSC's Division of Procurement Services has posted its inventory, and a summary of the inventory can be found at our homepage at the following link: *http://www.cpsc.gov/About-CPSC/Agency-Reports/Service-Contract-Inventory/.*

Dated: June 10, 2015.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2015–14629 Filed 6–12–15; 8:45 am]

BILLING CODE 6355–01–P

COUNCIL ON ENVIRONMENTAL QUALITY

Implementing Instructions for Planning for Federal Sustainability in the Next Decade Executive Order (E.O.) 13693

AGENCY: Council on Environmental Quality.

ACTION: Notice of Availability of Implementing Instructions for Planning for Federal Sustainability in the Next Decade.

SUMMARY: The Managing Director of the Council on Environmental Quality (CEQ) has issued instructions to Federal agencies for incorporating sustainability practices into agency policies and practices, as required under Executive Order 13693 (''E.O. 13693''), ''Planning for Federal Sustainability in the Next Decade,'' signed by President Obama on March 19, 2015, 80 FR 15871, March 25, 2015. The purpose of the Executive Order is to build a clean energy economy that will sustain our prosperity and the health of our people through Federal leadership in energy, water, fleet, buildings, and acquisition management to reduce greenhouse gas emissions by at least 40 percent over the next decade. Section 1 of E.O. 13693 directs agencies to ''increase efficiency and improve their environmental performance . . . [to] help us protect our planet for future generations and save taxpayer dollars through avoided energy costs and increased efficiency, while also making federal facilities more resilient.'' Section 4 of E.O. 13693 directs the Chair of CEQ to issue implementing instructions. The *Instructions for Implementing Planning for Federal Sustainability in the Next Decade* are now available at: *https://www.whitehouse.gov/sites/default/files/docs/eo_13693_implementing_instructions_june_10_2015.pdf.*

DATES: The Instructions for Implementing Planning for Federal Sustainability in the Next Decade were issued on June 10, 2015.

ADDRESSES: The Instructions for Implementing Planning for Federal Sustainability in the Next Decade are available at: *https://www.whitehouse.gov/sites/default/files/docs/eo_13693_implementing_instructions_june_10_2015.pdf.*

FOR FURTHER INFORMATION CONTACT: Amy Porter, Office of Federal Sustainability, at *aporter@ceq.eop.gov* or 202–456–5225.

SUPPLEMENTARY INFORMATION: The Instructions apply only to Federal agencies, operations, and programs. Agencies are expected to implement the Instructions as part of their compliance with E.O. 13693.

(Authority: E.O. 13693, 80 FR 15871)

Dated: June 10, 2015.

Christina Goldfuss,

Managing Director, Council on Environmental Quality.

[FR Doc. 2015–14501 Filed 6–12–15; 8:45 am]

BILLING CODE 3225–F5–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2013–0043]

Proposed Collection; Comment Request

AGENCY: U.S. Army Public Health Command, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* U.S. Army Public Health Command announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 14, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the U.S. Army Public Health Command (USAPHC), 5158 Blackhawk Road, ATTN: Joyce Woods, (MCHB–CS–CP), Aberdeen Proving Ground, MD 21010–5403, or call the Department of the Army Reports Clearance Officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for Temporary Food Establishment, DD Form 2970; OMB Control Number: 0702–XXXX.

Needs and Uses: The information collection requirement is necessary for the installation of Preventive Medicine Activity to evaluate a food vendor's ability to prepare and dispense safe food on the installation. The form, submitted one time by a food vendor requesting to operate a food establishment on a military installation, characterizes the types of foods, daily volume of food, supporting food equipment, and sanitary controls. Approval to operate the food establishment is determined by the installation's medical authority; the Preventive Medicine Activity conducts an operational assessment based on the food safety criteria prescribed in the Tri-Service Food Code (TB MED 530/NAVMED P–5010–1/AFMAN 48–147_IP). Food vendors who are deemed inadequately prepared to provide safe food service are disapproved for operating on the installation.

Affected Public: Business or other for profit; Not-for-profit institutions.

Annual Burden Hours: 23.

Number of Respondents: 91.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: On Occasion.

Respondents are food vendors requesting to operate a business on a military installation or solicited by an installation command or military unit through the Army and Air Force Exchange Service (AAFES), Navy Exchange (NEX), Marine Corps Exchange (MCX), Family Morale, Welfare and Recreation (FMWR), or other sponsoring entity to operate a food establishment on the military installation or Department of Defense site. If the form is not completed during the application process, the Preventive Medicine assessment can only be conducted once the operation is set up on the installation. A pre-operational inspection is conducted before the facility is authorized to initiate service to the installation. Critical food safety violation found during the pre-operational inspection results in disapproval for the facility to operate. All critical violations must be corrected in order to gain operational approval; the installation command incurs the risk of a foodborne illness outbreak if a non-compliant food establishment is authorized to operate. The vendor's application to operate is retained on file with Preventive Medicine and does not need to be resubmitted by vendors whose services are intermittent throughout the year unless the scope of the operation has changed.

Dated: June 10, 2015.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2015–14499 Filed 6–12–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant an Exclusive License for a U.S. Government-Owned Invention

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 35 U.S.C. 209(e), and 37 CFR 404.7(a)(1)(i), announcement is made of the intent to grant an exclusive, revocable license, to U.S. Provisional Patent No. 62/086,355, filed December 2, 2014, entitled, ''Novel Regimens of Tafenoquine For Prevention of Malaria in Malaria-Naïve Subjects,'' U.S. Patent No. 6,479,660, issued November 12, 2002, entitled, ''Process for the Preparation of Anti-Malarial Drugs,'' and U.S. Patent No. 7,145,014, issued December 5, 2006, entitled ''Process for the Preparation of Quinoline Derivatives.'' The intended licensee is 60° Pharmaceuticals, LLC, with its principal place of business at 1025 Connecticut Ave. NW., Suite 1000, Washington, DC 20036.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For licensing issues, Barry M. Datlof, Office of Research and Technology Applications (ORTA), (301) 619–0033. For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: Anyone wishing to object to the grant of this license can file written objections along with supporting evidence, if any, within 15 days from the date of this publication. Written objections are to be filed with the Command Judge Advocate (see **ADDRESSES**).

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–14574 Filed 6–12–15; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0076]

Agency Information Collection Activities; Comment Request; Impact Evaluation of Data-Driven Instruction Professional Development for Teachers

AGENCY: Institute of Education Sciences/National Center for Education Statistics (IES), 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 August 14, 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–0076 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Erica Johnson, 202–219–1373.

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: Impact Evaluation of Data-Driven Instruction Professional Development for Teachers.

OMB Control Number: 1850—NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households, State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 343.

Total Estimated Number of Annual Burden Hours: 260.

Abstract: This OMB package requests clearance for data collection activities for a rigorous evaluation of data-driven instruction (DDI) in 104 schools from 12 school districts. Data-driven instruction involves the use of student assessment data to help teachers adapt their instruction and, ultimately, improve student achievement. The study's intervention plan will build school capacity for DDI by: (1) Helping schools set up structures and processes that enable teachers and other school staff to efficiently carry out data-driven instruction, and (2) training and coaching teachers in the skills needed to understand student data and implement improved instructional strategies to address student needs. We plan to collect student records and teacher-assignment data from participating districts and schools, and conduct a teacher survey, teacher logs, and a principal survey. The evaluation's main objectives are to understand how DDI is implemented and to rigorously estimate the impact of a comprehensive DDI program on student achievement and teacher and principal practices.

Dated: June 10, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–14620 Filed 6–12–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity (NACIQI)

AGENCY: National Advisory Committee on Institutional Quality and Integrity (NACIQI), Office of Postsecondary Education, U.S. Department of Education.

ACTION: Announcement of revisions to the agenda for the June 25–26, 2015 meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI).

SUMMARY: This meeting notice is an update to the notice (59 FR 16369) published on March 27, 2015. This notice sets forth revisions to the agenda, specifically, the removal of the petition for approval of a State Agency for Vocational Education based on compliance report submitted by Puerto Rico State Agency for the Approval of Public Postsecondary Vocational, Technical Institutions and Programs (PRHRDC). This notice is required under Section 10(a)(2) of the Federal Advisory Committee Act (FACA) and Section 114(d)(1)(B) of the Higher Education Act (HEA) of 1965, as amended.

DATES: The NACIQI meeting will be held on June 25–26, 2015, from 8:00 a.m. to 5:30 p.m., at the Sheraton Pentagon City, 900 S. Orme Street, Arlington, VA 22204.

ADDRESSES: U.S. Department of Education, Office of Postsecondary Education, 1990 K Street NW., Room 8072, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Jennifer Hong, Executive Director, NACIQI, U.S. Department of Education, 1990 K Street NW., Room 8073, Washington, DC 20006–8129, telephone: (202) 502–7696, fax: (202) 502–7874, or email *Jennifer.Hong@ed.gov*.

SUPPLEMENTARY INFORMATION:

NACIQI's Statutory Authority and Function: The NACIQI is established under Section 114 of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1011c. The NACIQI advises the Secretary of Education about:

- The establishment and enforcement of the criteria for recognition of accrediting agencies or associations under Subpart 2, Part H, Title IV, of the HEA, as amended.
- The recognition of specific accrediting agencies or associations or a specific State public postsecondary vocational education or nurse education approval agency.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV, of the HEA, together with recommendations for improvement in such process.
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory function relating to accreditation and institutional eligibility that the Secretary may prescribe.

Access to Records of the Meeting: The Department will post the official report of the meeting on the NACIQI Web site 90 days after the meeting. Pursuant to the FACA, the public may also inspect the materials at 1990 K Street NW., Washington, DC, by emailing *aslrecordsmanager@ed.gov* or by calling (202) 219–7067 to schedule an appointment.

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.

Delegation of Authority: The Secretary of Education has delegated authority to Jamienne S. Studley, Deputy Under Secretary, to perform the functions and

duties of the Assistant Secretary for Postsecondary Education.

Authority: 20 U.S.C. 1011c.

Jamienne S. Studley,

Deputy Under Secretary.

[FR Doc. 2015–14511 Filed 6–12–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15–1048–000.
Applicants: Bluewater Gas Storage, LLC.
Description: § 4(d) rate filing per 154.204: Bluewater Gas Storage, LLC Modifications to Tariff Creditworthiness Provisions to be effective 7/10/2015.
Filed Date: 6/4/15.
Accession Number: 20150604–5133.
Comments Due: 5 p.m. ET 6/16/15.

Docket Numbers: RP15–1049–000.
Applicants: Enable Mississippi River Transmission, L.
Description: § 4(d) rate filing per 154.204: Negotiated Rate Filing to Amend LER 5680's Attachment A_6–4–15 to be effective 6/4/2015.
Filed Date: 6/4/15.
Accession Number: 20150604–5156.
Comments Due: 5 p.m. ET 6/16/15.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP15–954–001.
Applicants: Tuscarora Gas Transmission Company.
Description: Compliance filing per 154.203: Compliance to RP15–954–000 to be effective 6/1/2015.
Filed Date: 6/5/15.
Accession Number: 20150605–5113.
Comments Due: 5 p.m. ET 6/17/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 8, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–14488 Filed 6–12–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9929–10–OA]

Notification of a Closed Meeting and Public Meeting of the Science Advisory Board's 2015 Scientific and Technological Achievement Awards Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency's (EPA), Science Advisory Board (SAB) Staff Office is announcing a meeting of the SAB's 2015 Scientific and Technological Achievement Awards (STAA) Committee to discuss draft recommendations for the chartered SAB regarding the Agency's 2015 STAA recipients. A portion of the 2015 STAA Committee meeting will be closed to the public.

DATES: The 2015 STAA Committee meeting dates are Thursday, July 9, 2015, from 8 a.m. to 6 p.m. (Eastern Time), and Friday, July 10, 2015, from 8 a.m. to 3 p.m. (Eastern Time). The public portion of the 2015 SAB STAA Committee meeting will be held on Friday, July 10, 2015, from 10 a.m. to 12 p.m. (Eastern Time). The remainder of the 2015 SAB STAA Committee meeting will be closed to the public.

ADDRESSES: The 2015 SAB STAA Committee meeting will be held at the George Washington University, Milken Institute School of Public Health, 950 New Hampshire Ave. NW., 1st Floor, Washington, DC 20052.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain further information regarding this announcement or the 2015 SAB STAA Committee meeting 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 concerning the SAB meeting announced in this notice may be found on the SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and section (c)(6) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6), the EPA has determined that a portion of the 2015 STAA Committee meeting will be closed to the public. The purpose of the closed portion of the 2015 STAA Committee meeting is for the 2015 SAB STAA Committee to discuss draft recommendations regarding recipients of the Agency's 2015 Scientific and Technological Achievement Awards. The purpose of the open portion of the 2015 STAA Committee meeting which will occur on Friday, July 10, 2015, from 10 a.m. to 12 p.m. (Eastern Time) is to discuss administrative changes to the STAA nomination form and procedures, and the criteria for deciding which STAA nominations merit award.

The STAA awards are established to honor and recognize EPA employees who have made outstanding contributions in the advancement of science and technology through their research and development activities, as exhibited in publication of their results in peer reviewed journals. I have determined that a portion of the 2015 STAA Committee meeting will be closed to the public because it is concerned with recommending employees deserving of awards. In making these draft recommendations, the SAB requires full and frank advice from the 2015 STAA Committee. This advice will involve professional judgments on the relative merits of various employees and their respective work. Such personnel matters involve the discussion of information that is of a personal nature and the disclosure of which would be a clearly unwarranted invasion of personal privacy and, therefore, are protected from disclosure by section (c)(6) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6). Minutes of the 2015 STAA Committee meeting will be kept and certified by the chair.

Availability of Meeting Materials

Prior to the public portion of the meeting, the agenda and other materials will be accessible through the calendar link on the blue navigation bar at *http://www.epa.gov/sab/*. Materials may also be accessed at the URL provided above.

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 the EPA. Interested members of the public may submit relevant information on the topic of the public portion 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. Members of the public wishing to provide comment should contact the DFO directly. *Oral Statements:* In general, individuals or groups requesting an oral presentation at an SAB public meeting will be limited to five minutes. Interested parties wishing to provide comments at the July 10, 2015 STAA Committee public meeting should contact Mr. Hanlon, DFO, in writing (preferably via email) at the contact information noted above by July 2, 2015, to be placed on the list of public speakers for the public portion of the meeting.

Written Statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by Committee members, statements should be supplied to Mr. Hanlon, DFO (preferably via email) at the contact information noted above by July 2, 2015. It is the SAB Staff Office general policy to post written comments on the Web page for advisory meetings. 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 Mr. Hanlon at the contact information provided above. To request accommodation of a disability, please contact Mr. Hanlon preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Dated: June 4, 2015.

Gina McCarthy,

Administrator.

[FR Doc. 2015–14653 Filed 6–12–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0332; FRL–9928–19]

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB). The ICR, entitled: Application for New and Amended Pesticide Registration and identified by EPA ICR No. 0277.17 and OMB Control No. 2070–0060, represents the renewal of an existing ICR that is scheduled to expire on February 29, 2016. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before August 14, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2015–0332, by one of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: Lily G. Negash, Field & External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–8515; email address: *negash.lily@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.
2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Application for New and Amended Pesticide Registration.

ICR number: EPA ICR No. 0277.17.

OMB control number: OMB Control No. 2070–0060.

ICR status: This ICR is currently scheduled to expire on February 29,

2016. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR renewal will allow EPA to collect necessary data to evaluate an application of a pesticide product as required under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of August 3, 1996. Under FIFRA, EPA must evaluate pesticides thoroughly before they can be marketed and used in the United States, to ensure that they will not pose unreasonable adverse effects to human health and the environment. Pesticides that meet this test are granted a license or ''registration'' which permits their distribution, sale and use according to requirements set by EPA to protect human health and the environment.

The producer of the pesticide must provide data from tests done according to EPA guidelines or other test methods that provide acceptable data. These tests must determine whether a pesticide has the potential to cause adverse effects on humans, wildlife, fish and plants, including endangered species and non-target organisms, as well as possible contamination of surface water or groundwater from leaching, runoff and spray drift. EPA also must approve the language that appears on each pesticide label. A pesticide product can only be used according to the directions on the labeling accompanying it at the time of sale, through its use and disposal. Responses to the collection of information are mandatory (see 40 CFR 152).

Respondents may claim all or part of a notice as CBI. EPA will disclose information that is covered by a CBI claim only to the extent permitted by, and in accordance with, the procedures in 40 CFR part 2.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to range from 14 hours to 646 hours per response for registration application activities, and from 520 hours to 45,000 hours per response for activities associated with data generation. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/Affected Entities: Entities potentially affected by this ICR are individuals or entities engaged in activities related to the registration of pesticide products.

Estimated total number of potential respondents: 1,751.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 1,524,893 hours.

Estimated total annual costs: $108,720,767. This includes an estimated burden cost of $12,471,401 for the pesticide application process, $96,249,367 for data generation, and no cost for capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

Overall, there is a difference of 1,356,689 hours in the total estimated respondent burden compared with that identified in the current ICR approved by OMB. This change reflects EPA's updating of the methodology used to estimate the paperwork burden, and including a previously unaccounted for burden for study data generation. However, there is a decrease of approximately 23,000 hours in the total estimated respondent burden for the registration application process compared with that identified in the ICR currently approved by OMB. This decrease reflects EPA's receipt of fewer number of applications. This change is an adjustment.

IV. What is the next step in the process for this ICR?

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 pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: June 9, 2015.

James Jones,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2015–14661 Filed 6–12–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–RCRA–2015–0278, FRL–9929–09–OSWER]

Agency Information Collection Activities; Proposed Collection; Comment Request; Criteria for Classification of Solid Waste Disposal Facilities and Practices, Recordkeeping and Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Criteria for Classification of Solid Waste Disposal Facilities and Practices, Recordkeeping and Reporting Requirements—40 CFR part 257, subpart B (EPA ICR No. 1745.08, OMB Control No. 2050–0154) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through September 30, 2015. 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 14, 2015.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–RCRA–2015–0278, online using *http://www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential

Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Craig Dufficy, Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery, mailcode 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703–308–9037; fax number: 703–308–8686; email address: *Dufficy.craig@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Pursuant to section 3506(c)(2)(A) of the PRA, the 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. The 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, the 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.

Abstract: In order to effectively implement and enforce final changes to 40 CFR part 257—Subpart B on a State level, owners/operators of construction and demolition waste landfills that receive CESQG hazardous wastes will have to comply with the final reporting and recordkeeping requirements. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. This continuing ICR documents the recordkeeping and reporting burdens associated with the location and ground-water monitoring provisions contained in 40 CFR part 257—Subpart B.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are States.

Respondent's obligation to respond: Mandatory under Section 4010(c) and 3001(d)(4) of the Resource Conservation and Recovery Act (RCRA) of 1976.

Estimated number of respondents: 152 (total).

Frequency of response: On occasion.

Total estimated burden: 11,215 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost (in thousands of dollars): $1,577,659 which includes $936,491 annualized capital or O&M costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: June 1, 2015.

Barnes Johnson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2015–14658 Filed 6–12–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0677; FRL–9928–62]

Receipt of Test Data Under the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing its receipt of test data submitted pursuant to a test rule issued by EPA under the Toxic Substances Control Act (TSCA). As required by TSCA, this document identifies each chemical substance and/or mixture for which test data have been received; the uses or intended uses of such chemical substance and/or mixture; and describes the nature of the test data received. Each chemical substance and/or mixture related to this announcement is identified in Unit I. under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Kathy Calvo, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8089; email address: *calvo.kathy@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. Chemical Substances and/or Mixtures

Information about the following chemical substances and/or mixtures is provided in Unit IV.:

Benzene, 1-chloro-4-(trifluoromethyl)- (*CAS RN 98–56–6*).

II. Federal Register Publication Requirement

Section 4(d) of TSCA (15 U.S.C. 2603(d)) requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under TSCA section 4 (15 U.S.C. 2603).

III. Docket Information

A docket, identified by the docket identification (ID) number EPA–HQ–OPPT–2013–0677, has been established for this **Federal Register** document that announces the receipt of data. Upon EPA's completion of its quality assurance review, the test data received will be added to the docket for the TSCA section 4 test rule that required the test data. Use the docket ID number provided in Unit IV. to access the test data in the docket for the related TSCA section 4 test rule.

The docket for this **Federal Register** document and the docket for each related TSCA section 4 test rule is available electronically at *http://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

IV. Test Data Received

This unit contains the information required by TSCA section 4(d) for the test data received by EPA.

Benzene, 1-chloro-4-(trifluoromethyl)- (*CAS RN 98–56–6*).

1. *Chemical Uses:* Solvent for industrial cleaning, aerosols, adhesives, coatings, inks, and electronic applications; 1,1, 1-trichloroethane alternative; dye intermediate; dielectric fluid; dinitroaniline herbicide intermediate; ingredient in home maintenance products.

2. *Applicable Test Rule:* Chemical testing requirements for third group of high production volume chemicals (HPV3), 40 CFR 799.5089.

3. *Test Data Received:* The following listing describes the nature of the test data received. The test data will be added to the docket for the applicable TSCA section 4 test rule and can be found by referencing the docket ID number provided. EPA reviews of test data will be added to the same docket upon completion.

Aquatic Toxicity (Algal) (C6). The docket ID number assigned to this data is EPA–HQ–OPPT–2009–0112.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: June 8, 2015.

Maria J. Doa,

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

[FR Doc. 2015–14677 Filed 6–12–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–RCRA–2015–0343, FRL–9929–00–OSWER]

Agency Information Collection Activities; Proposed Collection; Comment Request; Hazardous Remediation Waste Management Requirements (HWIR Contaminated Media)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Hazardous Remediation Waste Management Requirements (HWIR Contaminated Media) (EPA ICR No. 1775.07, OMB Control No. 2050–161) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through September 30, 2015. 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 14, 2015.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–RCRA–2015–0343, online using *http://www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

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: Peggy Vyas, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703–308–5477; fax number: 703–308–8433; email address: *vyas.peggy@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Pursuant to section 3506(c)(2)(A) of the PRA, the 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. The 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, the 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.

Abstract: The Resource Conservation and Recovery Act (RCRA) requires EPA to establish a national regulatory program to ensure that hazardous wastes are managed in a manner protective of human health and the environment. Under this program, EPA regulates newly generated hazardous wastes, as well as hazardous remediation wastes (*i.e.,* hazardous wastes managed during cleanup). Hazardous remediation waste management sites must comply with all parts of 40 *CFR* part 264 except subparts B, C, and D. In place of these requirements, they need to comply with performance standards based on the general requirement goals in these sections, which are codified at 40 *CFR* 264.1(j).

Under § 264.1(j), owners/operators of remediation waste management sites must develop and maintain procedures to prevent accidents. These procedures must address proper design, construction, maintenance, and operation of hazardous remediation waste management units at the site. In addition, owners/operators must develop and maintain a contingency and emergency plan to control accidents that occur. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment. In addition, the Remedial Action Plan streamlines the permitting process for remediation waste management sites to allow cleanups to take place more quickly.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are business or other for-profit.

Respondent's obligation to respond: Mandatory (RCRA § 3004(u)).

Estimated number of respondents: 215.

Frequency of response: One-time.

Total estimated burden: 6,953. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $397,460, which includes $371,542 in annualized labor costs and $25,918 in annualized capital or O&M costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: June 4, 2015.

Barnes Johnson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2015–14657 Filed 6–12–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0182]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before August 14, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0182.

Title: Section 73.1620, Program Tests.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit, Not-for-profit institutions.

Number of Respondents and Responses: 1,470 respondents; 1,470 responses.

Estimated Time per Response: 1–5 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 1,521 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection.

Needs and Uses: 47 CFR 73.1620(a)(1) requires permittees of a nondirectional AM or FM station, or a nondirectional or directional TV station to notify the FCC upon beginning of program tests. An application for license must be filed within 10 days of this notification. 47 CFR 73.1620(a)(2) requires a permittee of an AM or FM station with a directional antenna to file a request for program test authority 10 days prior to date on which it desires to begin program tests. This is filed in conjunction with an application for license. 47 CFR 73.1620(a)(3) requires a licensee of an FM station replacing a directional antenna without changes to file a modification of the license application within 10 days after commencing operations with the replacement antenna. 47 CFR 73.1620(a)(4) requires a permittee of an AM station with a directional antenna to file a request for program test authority 10 days prior to the date on which it desires to begin program test. 47 CFR 73.1620(a)(5) requires that, except for permits subject to successive license terms, a permittee of an LPFM station may begin program tests upon notification to the FCC in Washington, DC provided that within 10 days thereafter an application for license is filed. Program tests may be conducted by a licensee subject to mandatory license terms only during the term specified on such license authorization. 47 CFR 73.1620(b) allows the FCC to right to revoke, suspend, or modify program tests by any station without right of hearing for failure to comply adequately with all terms of the construction permit or the provision of 47 CFR 73.1690(c) for a modification of license application, or in order to resolve instances of interference. The FCC may also require the filing of a construction permit application to bring the station into compliance with the Commission's rules and policies. 47 CFR 73.1620(f) requires licensees of UHF TV stations, assigned to the same allocated channel which a 1000 watt UHF translator station is authorized to use, to notify the licensee of the translator station at least 10 days prior to commencing or resuming operation and certify to the FCC that such advance notice has been given. 47 CFR 73.1620(g) requires permittees to report any deviations from their promises, if any, in their application for license to cover their construction permit (FCC Form 302) and on the first anniversary of their commencement of program tests.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary. Office of the Secretary.

[FR Doc. 2015–14493 Filed 6–12–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

TIME AND DATE: Thursday, June 18, 2015 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Correction and Approval of Minutes for May 21, 2015

Draft Advisory Opinion 2015–01: Green-Rainbow Party

Rulemaking Petition REG 2015–02: Independent Spending by Corporations, Labor Organizations, Foreign Nationals, and Certain Political Committees (Citizens United)

Proposed Directive 74 on the Timely Resolution of Enforcement Matters
Notice to Respondents of Information Sharing by the Commission
Proposed Statement of Policy Regarding the Public Disclosure of Closed Enforcement Files
Audit Division Recommendation Memorandum on Gary Johnson 2012, Inc.
Proposed Final Audit Report on the Oakland County Democratic Party (A12–02)
Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2015–14770 Filed 6–11–15; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the notices must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 30, 2015.

A. Federal Reserve Bank of Boston Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204:

1. *Androscoggin Bancorp, MHC and Androscoggin Bancorp, Inc.,* both in Lewiston, Maine; to establish Portland Trust Company, LLC, Portland, Maine, and transfer the existing trust business from Androscoggin Bancorp, MHC's subsidiary bank, Androscoggin Savings Bank, Lewiston, Maine to Portland Trust Company, LLC, and thereby engage in trust company functions or activities, pursuant to section 225.28(b)(5).

Board of Governors of the Federal Reserve System, June 10, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–14624 Filed 6–12–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 10, 2015.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Choice Financial Holdings, Inc.,* Fargo, North Dakota; to acquire 100 percent of the voting shares of Northland Financial, Steele, North Dakota.

Board of Governors of the Federal Reserve System, June 10, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–14618 Filed 6–12–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0190; Docket No. 2015–0055; Sequence 14]

Federal Acquisition Regulation; Submission for OMB Review; Prohibition on Contracting With Inverted Domestic Corporations—Representation and Notification

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding a new OMB information clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning the Prohibition on Contracting with Inverted Domestic Corporations—Representation and Notification. A notice was published in the **Federal Register** at 79 FR 74558, on December 15, 2014. No comments were received.

DATES: Submit comments on or before July 15, 2015.

ADDRESSES: Submit comments identified by Information Collection 9000–0190 Prohibition on Contracting with Inverted Domestic Corporations—Representation and Notification, by any of the following methods:

• *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for OMB control number

9000–0190, Prohibition on Contracting with Inverted Domestic Corporations—Representation and Notification. Select the link ''Submit a Comment'' that corresponds with ''9000–0190; Prohibition on Contracting with Inverted Domestic Corporations—Representation and Notification.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''9000–0190; Prohibition on Contracting with Inverted Domestic Corporations—Representation and Notification'' on your attached document.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0190.

Instructions: Please submit comments only and cite IC 9000–0190 in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, Federal Acquisition Policy Division, at 202–208–4949 or email *michaelo.jackson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to require additional actions by contractors to assist contracting officers in ensuring compliance with the Governmentwide statutory prohibition on the use of appropriated (or otherwise made available) funds for contracts with any foreign incorporated entity that is an inverted domestic corporation or to any subsidiary of such entity.

B. Discussion and Analysis

DoD, GSA, and NASA published a proposed rule at 79 FR 74558 on December 15, 2014, to revise the provisions of the FAR that address the continuing Governmentwide statutory prohibition (in effect since fiscal year 2008) on the use of appropriated (or otherwise made available) funds for contracts with any foreign incorporated entity that is an inverted domestic corporation (under section 835 of the Homeland Security Act of 2002, codified at 6 U.S.C. 395) or any subsidiary of such entity. The rule modifies the existing representation and adds a requirement to notify the contracting officer if the contractor becomes an inverted domestic corporation, or a subsidiary of an inverted domestic corporation, during performance of the contract.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

C. Annual Reporting Burden

The public reporting burden for this collection of information is estimated to average .2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden estimated as follows:

Respondents: 352,000.

Responses per Respondent: 1.

Total Annual Responses: 352,000.

Hours per Response: .2.

Total Burden Hours: 70,400.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control Number 9000–0190, Prohibition on Contracting with Inverted Domestic Corporations—Representation and Notification, in all correspondence.

Dated: June 8, 2015.

Edward Loeb,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–14464 Filed 6–12–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0061; Docket 2015–0076; Sequence 9]

Information Collection; Transportation Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Transportation Requirements.

DATES: Submit comments on or before August 14, 2015.

ADDRESSES: Submit comments identified by Information Collection 9000–0061, Transportation Requirements, by any of the following methods:

• Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by inputting the OMB Control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 9000–0061, Transportation Requirements''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0061, Transportation Requirements'' on your attached document.

• Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0061, Transportation Requirements.

Instructions: Please submit comments only and cite Information Collection 9000–0061, Transportation Requirements, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement

Analyst, Office of Governmentwide Acquisition Policy, GSA 202–501–1448 or via email at *curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

FAR Part 47 contains policies and procedures for applying transportation and traffic management considerations in the acquisition of supplies. The FAR part also contains policies and procedures when acquiring transportation or transportation-related services. Generally, contracts involving transportation require information regarding the nature of the supplies, method of shipment, place and time of shipment, applicable charges, marking of shipments, shipping documents and other related items. Contractors are required to provide the information in accordance with the following FAR Part 47 clauses: 52.247–29 through 52.247–44, 52.247–48, 52.247–52, and 52.247–64. The information is used to ensure that: (1) Acquisitions are made on the basis most advantageous to the Government and; (2) supplies arrive in good order and condition, and on time at the required place.

B. Annual Reporting Burden

Respondents: 65,000.
Responses per Respondent: 22.
Annual Responses: 1,430,000.
Hours per Response: .05.
Total Burden Hours: 71,500.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0061, Transportation Requirements, in all correspondence.

Dated: June 8, 2015.

Edward Loeb,

Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2015–14462 Filed 6–12–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Child Care Development Fund (CCDF)—Reporting Improper Payments—Instructions for States.

OMB No.: 0970–0323.

Description: Section 2 of the Improper Payments Act of 2002 provides for estimates and reports of improper payments by Federal agencies. Subpart K of 45 CFR, part 98 will require States to prepare and submit a report of errors occurring in the administration of CCDF grant funds once every three years.

The Office of Child Care (OCC) is completing the third 3-year cycle of case record reviews to meet the requirements for reporting under IPIA. The current forms and instructions expire September 30, 2015. OCC is submitting the information collection for renewal clearance with minor changes. Responders will now have additional guidance and clarification in the instructions and errors have been corrected. New language incorporates requirements from the 2014 Child Care and Development Fund Block Grant Act passed in November 2014.

Respondents: State grantees, the District of Columbia, and Puerto Rico.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Sampling Decisions and Fieldwork Preparation Plan	17	1	106	1,802
Record Review Worksheet	17	276	6.33	29,700.36
State Improper Authorizations for Payment Report	17	1	639	10,863
Corrective Action Plan	8	1	156	1,248

Estimated Total Annual Burden Hours: 43,613.36.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–14621 Filed 6–12–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Head Start Collaboration Office Annual Report.

OMB No.: New.

Description: The Office of Head Start within the Administration for Children and Families, United States Department of Health and Human Services, is proposing to collect information on the goals, work completed, and

accomplishments of the Head Start Collaboration Offices (HSCOs). HSCOs facilitate partnerships between Head Start agencies and other state entities that provide services to benefit low income children and their families. HSCOs are awarded funds under Section 642B of the 2007 Head Start Act. The HSCO Annual Report is to be reported annually by all HSCO to ascertain progress and measurable results for the previous year. The results will also be used to populate the Collaboration Office profile Web pages on Early Childhood Learning & Knowledge Center (ECLKC) to promote the accomplishments of HSCO.

Respondents: Head Start State and National Collaboration Offices.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
HSCO Annual Report	54	1	4	216

Estimated Total Annual Burden Hours: 216.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–14626 Filed 6–12–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: U.S. Repatriation Program Forms.

OMB No.: 0970—NEW (two of the forms have prior OMB No: [SSA–3955 & SSA–2061]).

Description: The United States (U.S.) Repatriation Program was established by Title XI, Section 1113 of the Social Security Act (Assistance for U.S. Citizens Returned from Foreign Countries) to provide temporary assistance to U.S. citizens and their dependents who have been identified by the Department of State (DOS) as having returned, or been brought from a foreign country to the U.S. because of destitution, illness, war, threat of war, or a similar crisis, and are without available resources immediately accessible to meet their needs. The Secretary of the Department of Health and Human Services (HHS) was provided with the authority to administer this Program. On or about 1994, this authority was delegated by the HHS Secretary to the Administration for Children and Families (ACF) and later re-delegated by ACF to the Office of Refugee Resettlement. The Repatriation Program works with States, Federal agencies, and non-governmental organizations to provide eligible individuals with temporary assistance for up to 90-days. This assistance is in the form of a loan and must be repaid to the Federal Government.

The Program was later expanded in response to legislation enacted by Congress to address the particular needs of persons with mental illness (24 U.S.C. Sections 321 through 329). Further refinements occurred in response to Executive Order (E.O.) 11490 (as amended) where HHS was given the responsibility to ''develop plans and procedures for assistance at ports of entry to U.S. personnel evacuated from overseas areas, their onward movement to final destination, and follow-up assistance after arrival at final destination.'' In addition, under E.O. 12656 (53 CFR 47491), ''Assignment of emergency preparedness responsibilities,'' HHS was given the lead responsibility to develop plans and procedures in order to provide assistance to U.S. citizens and others evacuated from overseas areas.

In order to effectively and efficiently manage these legislative authorities, the Program has been divided into two major activities, Emergencies and Non-Emergencies Repatriation Activities. Operationally, these two Program activities involve different kinds of preparation, resources, and implementation. However, the core Program statute, regulations, policies and administrative procedures for these two Programs are essentially the same. The ongoing routine arrivals of individual repatriates and the repatriation of individuals with mental illness constitute the Program Non-emergency activities. Emergency Activities are characterized by contingency events such as civil unrest, war, threat of war or similar crisis, among other incidents. Depending on the type of event, number of evacuees and resources available, ACF will provide assistance utilizing two scalable mechanisms, emergency repatriations or group repatriations. Emergency repatriations assume the evacuation of 500 or more individuals, while group repatriations assume the evacuation of 50–500 individuals.

The Program provides services through agreements with the States, U.S. Territories, Federal agencies, and Non-governmental agencies. The list of Repatriation Form is as follows:

1. *The HHS Repatriation Program: Emergency and Group Processing Form:* Under 45 CFR 211 and 212, HHS is to make findings setting forth the pertinent facts and conclusions according to established standards to determine whether an individual is an eligible person. This form allows authorized staff to gather necessary information to determine eligibility and needed services. This form is to be utilized during emergency repatriation activities. Individuals interested in receiving Repatriation assistance will complete appropriate portions of this form. State personnel assisting with initial intake activities will use this form as a guide to perform a preliminary eligibility assessment. An authorized federal staff from the ACF will make final eligibility determinations.

2. *The HHS Repatriation Program: Privacy and Repayment Agreement Form:* Under 45 CFR 211 and 212, individuals who receive Program assistance are required to repay the federal government for the cost associated to the services received. This form authorizes HHS to release personal identifiable information to partners for the purpose of providing services to eligible repatriates. In addition, through this form, eligible repatriates agree to accept services under the terms and conditions of the Program. Specifically, eligible repatriates commit to repay the federal government for all temporary services received through the Program. This form is to be completed by eligible repatriates or authorized legal custodians. Exception applies to unaccompanied minors and individuals eligible under 45 CFR 211, if no legal custodian is identified.

3. *The HHS Repatriation Program: Refusal of Temporary Assistance Form:* For individuals who are eligible to receive repatriation assistance but opt to relinquish services, this form is utilized to confirm and record repatriate's decision to refuse receiving Program assistance. This form is to be completed by eligible repatriates or authorized legal custodian. Exception applies to unaccompanied minors and individuals eligible under 45 CFR 211, if no legal custodian is identified.

4. *The HHS Repatriation Program: Emergency Repatriation Financial Form:* Under Section 1113 of the Social Security Act, HHS is authorized to provide temporary assistance directly or through utilization of the services and facilities of appropriate public or private agencies and organizations, in accordance with agreements providing for payment, as may be determined by HHS. This form is to be utilized and completed by agencies that have entered into an agreement with ACF/ORR to request reimbursement of reasonable and allowable costs, both administrative and actual temporary services, associated to the support provided during emergency activities.

5. *The HHS Repatriation Program: Non-emergency Monthly Financial Statement Form:* Under Section 1113 of the Social Security Act, HHS is authorized to provide temporary assistance directly or through arrangements, in accordance with agreements providing for payment, as may be determined by HHS. This form is to be utilized and completed by the States and other authorized ACF/ORR agencies to request reimbursement of reasonable and allowable costs, both administrative and actual temporary services, associated to the direct provision of temporary assistance to eligible repatriates.

6. *The HHS Repatriation Program: Repatriation Loan Waiver and Feferral Request Form:* In accordance with 45 CFR 211 & 212 individuals who have received Repatriation assistance may be eligible to receive a waiver or deferral of their repatriation loan. This form is to be completed by eligible repatriates, authorized legal custodian, or authorized agency/individual. Exception applies to unaccompanied minors and individuals eligible under 45 CFR 211, if no legal custodian is identified.

7. *The HHS Repatriation Program: Temporary Assistance Extension Request Form:* Under 45 CFR 211 & 212 temporary assistance may be furnished beyond the 90 days eligibility period if the repatriate meets the qualifications established under Program regulations. This form is to be completed by the eligible repatriate, authorized legal custodian, or the authorized agency/individual. This form should be submitted to ORR or its designated grantee generally 14-day prior to the expiration of the 90 days eligibility period.

8. *The HHS Repatriation Program: State Request for Federal Support Form:* During emergency repatriation activities, States activated by ORR are to use this form to request support and/or assistance from HHS, including but not limited to required pre-approval of expenditures, augmentation of State personnel, funding, reimbursement, among other things.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
The HHS Repatriation Program: Emergency and Group Processing Form.	500 or more	1	0.30	150 or more.
The HHS Repatriation Program: Privacy and Repayment Agreement Form.	1,000 or more	1	0.05	50 or more.
The HHS Repatriation Program: Refusal of Temporary Assistance Form.	20 or more	1	0.05	1 or more.
The HHS Repatriation Program: Emergency Repatriation Financial Form.	15 or more	1	0.30	4.5 or more.
The HHS Repatriation Program: Non-emergency Monthly Financial Statement Form.	52 or more	1	0.30	15.6 or more.
The HHS Repatriation Program: Repatriation Loan Waiver and Feferral Request Form.	100 or more	1	1	100 or more.
The HHS Repatriation Program: State Request for Federal Support	20 or more	1	0.20	4 or more.
The HHS Repatriation Program: Temporary Assistance Extension Request Form.	50 or more	1 or more	0.20	10 or more.

Estimated Total Annual Burden Hours: 335.1.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and

Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–14465 Filed 6–12–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Community-Based Family Resource and Support Grants.

OMB No.: 0970–0155.

Description: The Program Instruction, prepared in response to the enactment of the Community-Based Grants for the Prevention of Child Abuse and Neglect (administratively known as the Community Based Child Abuse Prevention Program, (CBCAP), as set forth in Title II of Public Law 111–320, Child Abuse Prevention and Treatment Act Amendments of 2010, provides direction to the States and Territories to accomplish the purposes of (1) to support community-based efforts to develop, operate, expand, enhance, and coordinate initiatives, programs, and activities to prevent child abuse and neglect and to support the coordination of resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and (2) to foster understanding, appreciation and knowledge of diverse populations in order to effectively prevent and treat child abuse and neglect. This Program Instruction contains information collection requirements that are found in (Pub. L. 111–320) at sections 201; 202; 203; 205; 206; and pursuant to receiving a grant award. The information submitted will be used by the agency to ensure compliance with the statute, complete the calculation of the grant award entitlement, and provide training and technical assistance to the grantee.

Respondents: State Governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application	52	1	40	2,080
Annual Report	52	1	24	1,248

Estimated Total Annual Burden Hours: 3,328.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–14662 Filed 6–12–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Office of Refugee Resettlement Cash and Medical Assistance Program Quarterly Report on Expenditures and Obligations.

OMB No.: 0970–0407.

Description: The Office of Refugee Resettlement (ORR) reimburses, to the extent of available appropriations, certain non-federal costs for the provision of cash and medical assistance to refugees and other eligible persons, along with allowable expenses for the administration of the refugee resettlement program at the State level. States, Wilson/Fish projects (alternative projects for the administration of the refugee resettlement program), and State Replacement Designees currently submit the ORR–2 Financial Status Report in accordance with 45 CFR part 92 and 45 CFR part 74. This proposed data collection would collect financial status data (*i.e.,* amounts of expenditures and obligations) broken down by the four program components: Refugee cash assistance, refugee medical assistance, health screening, and services for unaccompanied refugee minors as well as by program administration. This breakdown of financial status data on expenditures and obligations allows ORR to track program expenditures in greater detail to anticipate any funding issues and to meet the requirements of ORR regulations at 45 CFR 400.211 to collect these data for use in estimating annual costs of the refugee resettlement program. ORR must implement the methodology at 45 CFR 400.211 each

year after receipt of its annual appropriation to ensure that the appropriated funds will be adequate for assistance to entering refugees. The estimating methodology prescribed in the ORR regulations requires the use of actual past costs by program component. In the event that the methodology indicates that appropriated funds are inadequate, ORR must take steps to reduce federal expenses, such as by limiting the number of months of eligibility for Refugee Cash Assistance and Refugee Medical Assistance. This proposed single-page report on expenditures and obligations will allow ORR to collect the necessary data to ensure that funds are adequate for the projected need and thereby meet the requirements of both the Refugee Act and ORR regulations.

Respondents: State Governments, Wilson/Fish Alternative Projects, State Replacement Designees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Office of Refugee Resettlement Cash and Medical Assistance Program Quarterly Report on Expenditures and Obligations	58	4	1.50	348

Estimated Total Annual Burden Hours: 348.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov*.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–14468 Filed 6–12–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–0990–XXXX–30D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Assistant Secretary for Health, Office of Adolescent Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a new Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before July 15, 2015.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–0990–XXXX–30D for reference.

Information Collection Request Title: Office of Adolescent Health Teen Pregnancy Prevention, FY 2015–2020 Performance Measure Collection

Abstract: The Office of Adolescent Health (OAH), U.S. Department of Health and Human Services (HHS) is requesting approval by OMB on a new collection. In FY2015, OAH expects to award a second 5-year cohort of TPP grants. Performance Measure data collection is a requirement of all TPP grant awards and is included in the funding announcements. The measures include dissemination, partners, training, health-care linkages, sustainability, reach, dosage, fidelity, quality, and cost, reported separately by grantee/sub grantee and program model.

Need and Proposed Use of the Information: The data collection will provide OAH with the data needed to comply with accountability and federal performance requirements for the 1993 Government Performance and Results Act (Pub. L. 103–62); it will inform stakeholders of progress in meeting the goals of the program and of sustainability efforts; and it will provide OAH with metrics for monitoring TPP grantees and will facilitate grantees' continuous quality improvement in program implementation.

Likely Respondents: 137 TPP grantees and sub-grantees.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Forms	Type of respondent	Estimated number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Grantee-Level Measures: Dissemination, Number of Partners, Number of Facilitators Trained Health-Care Linkages, Sustainability.	Grantee program staff	137	2	1.25	342.5

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS—Continued

Forms	Type of respondent	Estimated number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Program-Level Measures: Participant Reach, Dosage, Fidelity, Cost.	Grantee/Sub-awardee program staff	137	2	6.45	1,767.3
Total					2,109.8

Terry S. Clark,

Asst Information Collection Clearance Officer.

[FR Doc. 2015–14498 Filed 6–12–15; 8:45 am]

BILLING CODE 4168–11–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5835–N–08]

60-Day Notice of Proposed Information Collection: Manufactured Home Construction and Safety Standards Act Reporting Requirements

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) to revise the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 14, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Pamela Beck Danner, Administrator, Office of Manufactured Housing Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone 202–708–6423. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Danner.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Manufactured Home Construction and Safety Standards Act Reporting.

OMB Approval Number: 2502–0253.

Type of Request: Revision.

Form Number: None.

Description of the need for the information and proposed use: The Federal Standards and Procedural Regulations require manufactured home producers to place labels and notices in and on manufactured homes and mandate State and Private agencies participating in the Federal program to issue reports. Under revisions to the current reporting requirements and Regulations, a streamlined procedure is being added that will allow manufacturers, under certain circumstances, to complete construction of their homes on-site rather than in the factory without first having to obtain advance approval from HUD. In addition, some information collected assists both HUD and State Agency's in locating manufactured homes with defects, which then would create the need for notification and/or correction by the manufacturer.

Respondents: (*i.e.* affected public) Business or other for-profit.

Estimated Number of Respondents: 181.

Estimated Number of Responses: 86,354.

Frequency of Response: Monthly.

Average Hours per Response: 4.

Total Estimated Burdens: 120,618.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: June 8, 2015.

Genger Charles,

Acting General Deputy Assistant Secretary for Housing.

[FR Doc. 2015–14512 Filed 6–12–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5880–N–01]

Notice of Extension of Time for Completion of Manufacturer Notification and Correction Plan

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of extension of time.

SUMMARY: This notice advises the public that HUD received a request from Clayton Homes, Inc. (Clayton) for an extension of time to fully implement its plan to notify purchasers and correct certain manufactured homes that were installed with TruVent plastic range hood exhaust ducts, an item that Clayton agreed to recall after a HUD audit questioned whether the duct

complied with HUD's Manufactured Home Construction and Safety Standards. The recall includes homes built by the following Clayton manufacturing subsidiaries: CMH Manufacturing, Inc.; CMH Manufacturing West, Inc.; Southern Energy Homes, Inc.; Giles Industries, Inc.; and Cavalier Homes, Inc. Clayton initiated the recall on April 6, 2015, and requested additional time to continue to complete repairs on affected homes on May 30, 2015. After reviewing Clayton's request, HUD determined that Clayton has shown good cause and granted its request for an extension. The requested extension is granted until August 3, 2015.

DATES: *Effective Date:* June 4, 2015.

FOR FURTHER INFORMATION CONTACT: Pamela Beck Danner, Administrator and Designated Federal Official (DFO), Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 Seventh Street SW., Room 9166, Washington, DC 20410, telephone 202–708–6423 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401–5426) (the Act) authorizes HUD to establish the Federal Manufactured Home Construction and Safety Standards (Construction and Safety Standards), codified in 24 CFR part 3280. Section 615 of the Act (42 U.S.C. 5414) requires that manufacturers of manufactured homes notify purchasers if the manufacturer determines, in good faith, that a defect exists or is likely to exist in more than one home manufactured by the manufacturer and the defect relates to the Construction and Safety Standards or constitutes an imminent safety hazard to the purchaser of the manufactured home. The notification shall also inform purchasers whether the defect is one that the manufacturer will have corrected at no cost or is one that must be corrected at the expense of the purchaser/owner. The manufacturer is responsible to notify purchasers of the defect within a reasonable time after discovering the defect.

HUD's procedural and enforcement provisions at 24 CFR part 3282, subpart I (Subpart I), implement these notification and correction requirements. If a manufacturer determines that it is responsible for providing notification under § 3282.405 and correction under § 3282.406, the manufacturer must prepare a plan for notifying purchasers of the homes containing the defect pursuant to §§ 3282.408 and 3282.409. Notification of purchasers must be accomplished by certified mail or other more expeditious means that provides a receipt. Notification must be provided to each retailer or distributor to whom any manufactured home in the class of homes containing the defect was delivered, to the first purchaser of each manufactured home in the class of manufactured homes containing the defect, and to other persons who are registered owners of a manufactured home in the class of homes containing the defect. The manufacturer must complete the implementation of the plan for notification and correction on or before the deadline approved by the State Administrative Agency or the Department. Under § 3282.410(c), the manufacturer may request an extension of the deadline if it shows good cause for the extension and the Secretary decides that the extension is justified and not contrary to the public interest. If the request for extension is approved, § 3282.410(c) requires that the Department publish notice of the extension in the **Federal Register**.

During a HUD audit of the CMH Manufacturing Savannah, TN facility, the use of TruVent plastic expanding vent pipes for the range hood exhaust was questioned as not being in compliance with § 3280.710(e) of HUD's Construction and Safety Standards. On April 6, 2015, after reviewing the matter, Clayton agreed to begin a recall of homes sold with the plastic expanding vent pipes and repair the homes by installing new metal ducts. On May 30, 2015, Clayton requested an extension of time to complete the correction process. In its request, Clayton stated of the 745 homes affected by the recall, it had completed repairs on 428 homes. Clayton also stated that four of the sixteen facilities affected by the recall have completed their repairs and that the others are very close to completing their repairs as well. With its request, Clayton submitted an update on the implementation on its plan of notification and correction.

This notice advises the public that the Department finds that Clayton has shown good cause and that the extension is justified and not contrary to the public interest and, therefore, has granted the requested extension until August 3, 2015, to permit Clayton to continue its good faith efforts to continue repairs on the remaining 317 homes affected by this recall.

Dated: June 9, 2015.

Pamela Beck Danner,

Administrator, Office of Manufactured Housing Programs.

[FR Doc. 2015–14510 Filed 6–12–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–R–2015–N025]; [FXRS12610800000–156–FF08R00000]

Butte Sink, Willow Creek-Lurline, and North Central Valley Wildlife Management Areas, Tehama, Butte, Glenn, Colusa, Yuba, Sacramento, Sutter, Placer, Yolo, Solano, Contra Costa, and San Joaquin Counties, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments: draft comprehensive conservation plan/environmental assessment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a Draft Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for the Butte Sink, Willow Creek-Lurline, and North Central Valley Wildlife Management Areas (WMAs) for public review and comment. The CCP/EA, prepared under the National Wildlife Refuge System Improvement Act of 1997, and in accordance with the National Environmental Policy Act of 1969, describes how the Service proposes to manage the three WMAs for the next 15 years. Draft compatibility determinations for several existing and proposed public uses are also available for review and public comment with the Draft CCP/EA.

DATES: To ensure consideration, we must receive your written comments by September 9, 2015.

ADDRESSES: Send your comments, requests for more information, or requests to be added to the mailing list by any of the following methods.

Email: fw8plancomments@fws.gov. Include ''WMAs CCP'' in the subject line of the message.

Fax: Attn: WMAs CCP, (916) 414–6497.

U.S. Mail: Pacific Southwest Region, Natural Resources-Planning, U.S. Fish and Wildlife Service, 2800 Cottage Way, Sacramento, CA 95825–1846.

In-Person Drop-off: You may drop off comments during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Sandy Osborn, Planning Team Leader,

by email at *fw8plancomments@fws.gov*, or Dan Frisk, Sacramento National Wildlife Refuge Complex Project Leader, by phone at (530) 934–2801. Further information may also be found at *http://www.fws.gov/refuge/Sacramento/*.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee), which amended the National Wildlife Refuge System Administration Act of 1966, requires the Service to develop a CCP for each national wildlife refuge. The purpose in developing a CCP is to provide managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

Background

We initiated the CCP/EA for the Butte Sink, Willow Creek-Lurline, and North Central Valley WMAs, in Tehama, Butte, Glenn, Colusa, Yuba, Sutter, Placer, Yolo, Solano, Contra Costa, and San Joaquin Counties in 2009. At that time and throughout the process, we requested, considered, and incorporated public scoping comments in numerous ways. Our public outreach included a **Federal Register** notice of intent published on November 30, 2009 (74 FR 62584), two planning updates, a CCP Web page (*http://www.fws.gov/refuge/Sacramento/*), and three public scoping meetings. The scoping comment period ended on January 15, 2010. Verbal comments were recorded at the public meetings, and written comments were submitted via letters and emails.

Butte Sink, Willow Creek-Lurline, and North Central Valley Wildlife Management Areas

This CCP includes the Butte Sink, Willow Creek-Lurline, and North Central Valley WMAs. The WMAs are part of the Sacramento National Wildlife Refuge Complex. The Butte Sink WMA was established in 1979 and currently consists of 733 acres of fee title lands and 34 conservation easements on approximately 10,236 acres of private wetlands. The acquisition objective for the Butte Sink WMA has been met. The Willow Creek-Lurline WMA was established in 1985 and currently consists of 85 conservation easements on approximately 5,859 acres of private wetlands; with an approved easement acquisition objective of 8,000 acres within Glenn and Colusa Counties. The North Central Valley WMA was established in 1991 and currently consists of approximately 2,929 acres of Service-owned lands and 28 conservation easements on approximately 14,740 acres of private wetlands, with an approved acquisition objective of 48,750 easement acres and 6,250 Service-owned acres within 11 counties.

The vast majority of wetlands in the Central Valley have been converted to agricultural, industrial, and urban development. The WMAs consist of intensively managed wetlands, and associated uplands and riparian habitats that support large concentrations of migratory birds and many other wetland-dependent species. Collectively, these lands play a significant role in supporting approximately 40 percent of Pacific Flyway wintering waterfowl populations.

Alternatives

The Draft CCP/EA identifies and evaluates three alternatives for managing Butte Sink, Willow Creek-Lurline, and North Central Valley WMAs for the next 15 years. The alternative that appears to best meet the WMAs' purposes is identified as the preferred alternative. The preferred alternative is identified based on the analysis presented in the Draft CCP/EA, which may be modified following the completion of the public comment period based on comments received from other agencies, Tribal governments, nongovernmental organizations, or individuals.

Alternative A

Under Alternative A (no action alternative), the Service would continue to manage the WMAs as we have in the recent past. Conservation easements would be used as a voluntary, cost-effective tool to protect habitat while maintaining private ownership and management. No additional acquisition would take place in the Butte Sink WMA. Up to 2,141 acres of wetland easements could be acquired from willing landowners to protect wetlands in the Willow Creek-Lurline WMA. Up to 34,043 acres of wetland easements could be acquired from willing landowners in North Central Valley WMA, excluding Sacramento County. Under Alternative A, there would be no agricultural easements in the WMAs. The Service could acquire up to 3,321 additional acres of Service-owned lands from willing landowners in the North Central Valley WMA. When appropriate, the Service would consult with affected counties prior to acquiring lands in fee-title (Service-owned lands).

Under all alternatives, on Llano Seco Unit and other appropriate Service-owned lands, we would provide visitors of all ages and abilities with quality wildlife-dependent recreation, and volunteer opportunities to enhance public appreciation, understanding, and enjoyment of fish, wildlife, habitats, and cultural resources.

Alternative B

Under Alternative B, wetland easement acquisition goals would remain the same as Alternative A. The only proposed change in wetland easement acquisition would take place in the North Central Valley WMA, where objectives would be modified to include Sacramento County. Under Alternative B, a voluntary agricultural easement program would also be added to the North Central Valley WMA to protect farmland that provides important migratory bird habitat and/or open space buffers to existing protected wetlands. Up to 30,700 acres of agricultural easements could be acquired from willing landowners in Butte, Colusa, Glenn, Sacramento, Sutter, and Yolo Counties. As with Alternative A, the Service could acquire up to 3,321 additional acres of Service-owned lands from willing landowners in the North Central Valley WMA.

Alternative C

Under Alternative C (preferred alternative), the wetland easement acquisition goals for the Butte Sink WMA and the Willow Creek-Lurline WMA would remain the same as Alternatives A and B. In Alternative C, the Service is proposing to reduce its existing North Central Valley WMA wetland easement acquisition objective from 34,043 acres to 15,000 acres. The Service is also proposing to limit wetland easement acquisition to Butte, Colusa, Glenn, Placer, Sutter, Yolo and Yuba Counties. In addition, the Service proposes to add an agricultural easement program to the North Central Valley WMA. Under this scenario, up to 19,043 acres (the difference between the existing North Central Valley WMA wetland easement acreage objective and the Alternative C North Central Valley WMA wetland easement acreage objective) of agricultural easements could be acquired from willing landowners to protect farmland in

Butte, Colusa, Glenn, Sacramento, Sutter, and Yolo Counties. As with Alternatives A and B, the Service could acquire up to 3,321 additional acres of Service-owned lands from willing landowners in the North Central Valley WMA.

Public Meetings

The locations, dates, and times of public meetings will be listed in a planning update distributed to the project mailing list and posted on the refuge planning Web site at *http://www.fws.gov/refuge/Sacramento/.* For deadlines and instructions on requesting reasonable accommodations at the public meetings, please send your request to the email address or fax number in the **ADDRESSES** section.

Review and Comment

Copies of the Draft CCP/EA may be obtained by contacting to Sandy Osborn (see **ADDRESSES**). Copies of the Draft CCP/EA may be viewed at the same address and local libraries. The Draft CCP/EA will also be available for viewing and downloading online at *http://www.fws.gov/refuge/Sacramento/.*

Comments on the Draft CCP/EA should be addressed to Sandy Osborn (see **ADDRESSES**).

At the end of the review and comment period for this Draft CCP/EA, comments will be analyzed by the Service and addressed in the Final CCP/EA. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Alexandra Pitts,

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2015–14655 Filed 6–12–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2015–N109; FXES11130400000EA–123–FF04EF1000]

Endangered and Threatened Wildlife and Plants; Availability of Proposed Low-Effect Habitat Conservation Plans, Lake, Brevard, and Volusia County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment/information.

SUMMARY: We, the Fish and Wildlife Service (Service), have received three applications for incidental take permits (ITPs) under the Endangered Species Act of 1973, as amended (Act). DCS Capital Investments I, LLC requests a 15-year ITP; Preferred Materials, Inc., doing business as Conrad Yelvington Distributers, requests a 3-year ITP; and Wickham Summerbrook, LLC requests a 5-year ITP. We request public comment on the permit applications and accompanying proposed habitat conservation plans (HCPs), as well as on our preliminary determination that the plans qualify as low-effect under the National Environmental Policy Act (NEPA). To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

DATES: To ensure consideration, please send your written comments by July 15, 2015.

ADDRESSES: If you wish to review the applications and HCPs, you may request documents by email, U.S. mail, or phone (see below). These documents are also available for public inspection by appointment during normal business hours at the office below. Send your comments or requests by any one of the following methods.

Email: northflorida@fws.gov. Use ''Attn: Permit number TE52650B–0'' as your message subject line for DCS Capital Investments I, LLC; ''Attn: Permit number TE66050B–0'' for Preferred Materials, Inc.; and ''Attn: Permit number TE66047B–0'' for Wickham Summerbrook, LLC.

Fax: Field Supervisor, (904) 731–3191, Attn: Permit number [Insert permit number].

U.S. mail: Field Supervisor, Jacksonville Ecological Services Field Office, Attn: Permit number [Insert permit number], U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

In-person drop-off: You may drop off information during regular business hours at the above office address.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, telephone: (904) 731–3121; email: *erin_gawera@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and our implementing Federal regulations in the Code of Federal Regulations (CFR) at 50 CFR 17 prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532). However, under limited circumstances, we issue permits to authorize incidental take—*i.e.,* take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Regulations governing incidental take permits for threatened and endangered species are at 50 CFR 17.32 and 17.22, respectively. The Act's take prohibitions do not apply to federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, an incidental take permit's proposed actions must not jeopardize the existence of federally listed fish, wildlife, or plants.

Applicants' Proposals

DCS Capital Investments I, LLC

DCS Capital Investments I, LLC is requesting take of approximately .99 ac of occupied sand skink foraging and sheltering habitat incidental to construction of residential developments, and they seek a 15-year permit. The 86.99-ac project is located on parcel #s 05–22–26–000300000600 and 05–22–26–000400001300 within Section 5, Township 22 South and Range 26 East, Lake County, Florida. The project includes construction of a residential development and the associated infrastructure, and landscaping. The applicant proposes to mitigate for the take of the sand skink by the purchase of 2.0 mitigation credits within the Hatchineha Conservation Bank.

Preferred Materials, Inc. (Conrad Yelvington Distributers)

Preferred Materials, Inc. (Conrad Yelvington Distributers) is requesting take of approximately .68 ac of occupied Florida scrub-jay foraging and sheltering habitat incidental to construction of an industrial park, and they seek a 3-year permit. The 15-ac project is located on parcel #04–19–30–16–00–000I within Section 4, Township 19 South and Range 30 East, Volusia County, Florida. The project includes construction of an industrial park and the associated infrastructure, and landscaping. The applicant proposes to mitigate for the take of the Florida scrub-jay through the deposit of funds in the amount of $20,844.72 to the Nature Conservancy's Conservation Fund, for the management and conservation of the Florida scrub-jay based on Service Mitigation Guidelines.

Wickham Summerbrook, LLC

Wickham Summerbrook, LLC is requesting take of approximately 4.64 ac of occupied Florida scrub-jay foraging and sheltering habitat incidental to construction of a commercial development, and they seek a 5-year permit. The 8.98-ac project is located on parcel #26–37–31–00–00262.0–0000.00 within Section 31, Township 26 South and Range 37 East, Brevard County, Florida. The project includes construction of a commercial development and the associated infrastructure, and landscaping. The applicant proposes to mitigate for the take of the Florida scrub-jay through the preservation of approximately 9.5 acres of high-quality Florida scrub-jay habitat within the Valkaria Site of the Brevard Coastal Scrub Ecosystem. The Applicant will preserve and donate six currently unencumbered parcels (Brevard County tax account numbers 2955405, 2955273, 2955322, 2955313, 2955314, and 2954810) to the Brevard County Environmentally Endangered Lands (EEL) Program so that these parcels can be managed and maintained as suitable Florida scrub-jay habitat in perpetuity. The Applicant will also provide the EEL Program with a $1,200.00/acre (totaling $11,400.00) management endowment to ensure the continued success of monitoring and maintaining these lands as suitable Florida scrub-jay habitat.

Our Preliminary Determination

We have determined that the applicants' proposals, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in their HCPs. Therefore, we determined that the ITPs for each of the applicants are ''low-effect'' projects and qualify for categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). A low-effect HCP is one involving (1) Minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

Next Steps

We will evaluate the HCPs and comments we receive to determine whether the ITP applications meet the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If we determine that the applications meet these requirements, we will issue ITP #s TE52650B–0, TE66050B–0, and TE66047B–0. We will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITPs. If the requirements are met, we will issue the permits to the applicants.

Public Comments

If you wish to comment on the permit applications, HCPs, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under Section 10 of the Act and NEPA regulations (40 CFR 1506.6).

Dated: June 5, 2015.

Jay B. Herrington,

Field Supervisor, Jacksonville Field Office, Southeast Region.

[FR Doc. 2015–14650 Filed 6–12–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18434; PPWOCRADN0–PCU00RP15.R50000]

Native American Graves Protection and Repatriation Review Committee: Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act, (5 U.S.C. Appendix 1–16), of two meetings of the Native American Graves Protection and Repatriation Review Committee (Review Committee). The Review Committee will meet on November 18–19, 2015, in Norman, OK, and if necessary, via teleconference, on December 14, 2015. All meetings will be open to the public.

DATES: The Review Committee will meet November 18–19, 2015, 8:30 a.m. until 5:00 p.m. (Central), and if necessary, on December 14, 2015, from 2:00 p.m. until approximately 4:00 p.m. (Eastern). For the November meeting, presentation requests and accompanying materials must be received by October 14, 2015; requests for culturally unidentifiable (CUI) disposition must be received by September 9, 2015; requests for findings of fact must be received by August 26, 2015; and requests to convene parties and facilitate the resolution of a dispute must be received by July 22, 2015.

ADDRESSES: The Review Committee will meet on November 18–19, 2015, at the Riverwind Hotel and Casino, 1544 State Highway 9, Norman, OK 73072. Electronic submissions of materials or requests are to be sent to *nagpra_dfo@nps.gov.*

SUPPLEMENTARY INFORMATION: The Review Committee was established in Section 8 of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), 25 U.S.C. 3006.

November 18–19, 2015

The Review Committee will meet on November 18–19, 2015, at the Riverwind Hotel and Casino, Norman, OK, from 8:30 a.m. to 5:00 p.m. (Central). This meeting will be open to the public. The agenda for this meeting will include a report from the National NAGPRA Program; the discussion and possible finalization of the Review Committee Report to Congress for 2015; subcommittee reports and discussion; and other topics related to the Review Committee's responsibilities under Section 8 of NAGPRA. In addition, the agenda may include requests to the Review Committee for a recommendation to the Secretary of the Interior that an agreed-upon disposition of Native American human remains determined to be culturally unidentifiable proceed; presentations by Indian tribes, Native Hawaiian organizations, museums, Federal agencies, associations, and individuals; public comment; requests to the Review Committee, pursuant to 25 U.S.C. 3006(c)(3), for review and findings of fact related to the identity or cultural affiliation of human remains or other cultural items, or the return of such items; and facilitation of the resolution of disputes among parties convened by the Review Committee pursuant to 25 U.S.C. 3006(c)(4). Presentation to the Review Committee by telephone may be requested but is not guaranteed. The agenda and materials for this meeting will be posted on or before October 28, 2015, at *http://www.nps.gov/nagpra.*

The Review Committee is soliciting presentations from Indian tribes, Native Hawaiian organizations, museums, and Federal agencies on the following two topics: (1) The progress made, and any barriers encountered, in implementing NAGPRA and (2) the outcomes of disputes reviewed by the Review Committee pursuant to 25 U.S.C. 3006(c)(4). The Review Committee also will consider other presentations from Indian tribes, Native Hawaiian organizations, museums, Federal agencies, associations, and individuals. A presentation request must, at minimum, include an abstract of the presentation and contact information for the presenter(s). Presentation requests and materials must be received by October 14, 2015. Written comments will be accepted from any party and provided to the Review Committee. Written comments received by October 29, 2015, will be provided to the Review Committee before the meeting. Written comments received later than October 29, 2015, will be provided to the Review Committee at the meeting.

The Review Committee will consider requests for a recommendation to the Secretary of the Interior that an agreed-upon disposition of Native American human remains determined to be CUI proceed. A CUI disposition request must include the appropriate, completed form posted on the National NAGPRA Program Web site and, as applicable, the ancillary materials noted on the form. To access and download the appropriate form—either the form for CUI with a ''tribal land'' or ''aboriginal land'' provenience or the form for CUI without a ''tribal land'' or ''aboriginal land'' provenience—go to *http://www.nps.gov/nagpra,* and then click on ''Request for CUI Disposition Forms.'' CUI disposition requests must be received by September 9, 2015.

The Review Committee will consider requests, pursuant to 25 U.S.C. 3006(c)(3), for review and findings of fact related to the identity or cultural affiliation of human remains or other cultural items, or the return of such items, where consensus among affected parties is unclear or uncertain. A request for findings of fact must be accompanied by a statement of the fact(s) at issue and supporting materials, including those exchanged by the parties to consultation concerning the Native American human remains and/or other cultural items. To access procedures for presenting findings of fact, go to *http://www.nps.gov/nagpra/REVIEW/Procedures.htm.* Requests for findings of fact must be received by August 26, 2015.

The Review Committee will consider requests, pursuant to 25 U.S.C. 3006(c)(4), to convene parties and facilitate the resolution of a dispute, where consensus clearly has not been reached among affected parties regarding the identity or cultural affiliation of human remains or other cultural items, or the return of such items. A request to convene parties and facilitate the resolution of a dispute must be accompanied by a statement of the decision of the museum or Federal agency subject to the dispute resolution request, a statement of the issue, and the materials exchanged by the parties concerning the Native American human remains and/or other cultural items. To access procedures for presenting disputes, go to *http://www.nps.gov/nagpra/REVIEW/Procedures.htm.* Requests to convene parties and facilitate resolution of a dispute must be received by July 22, 2015.

Submissions and requests should be sent to *nagpra_dfo@nps.gov.* Such items are subject to posting on the National NAGPRA Program Web site prior to the meeting.

December 14, 2015

The Review Committee will meet via teleconference on December 14, 2015, from 2:00 p.m. until approximately 4:00 p.m. (Eastern), for the sole purpose of finalizing the Review Committee Report to Congress, should the report not be finalized by November 19. This meeting will be open to the public. Those who desire to attend the meeting should register at *http://www.nps.gov/nagpra* to be provided the telephone access number for the meeting. A transcript and minutes of the meeting will also appear on the Web site.

General Information

Information about NAGPRA, the Review Committee, and Review Committee meetings is available on the National NAGPRA Program Web site at *http://www.nps.gov/nagpra.* For the Review Committee's meeting procedures, click on ''Review Committee,'' then click on ''Procedures.'' Meeting minutes may be accessed by going to the Web site, then clicking on ''Review Committee,'' and then clicking on ''Meeting Minutes.'' Approximately fourteen weeks after each Review Committee meeting, the meeting transcript is posted on the National NAGPRA Program Web site.

Review Committee members are appointed by the Secretary of the Interior. The Review Committee is responsible for monitoring the NAGPRA inventory and identification process; reviewing and making findings related to the identity or cultural affiliation of cultural items, or the return of such items; facilitating the resolution of disputes; compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum, and recommending specific actions for developing a process for disposition of such human remains; consulting with Indian tribes and Native Hawaiian organizations and museums on matters affecting such tribes or organizations lying within the scope of work of the Review Committee; consulting with the Secretary of the Interior on the development of regulations to carry out NAGPRA; and making recommendations regarding future care of repatriated cultural items. The Review Committee's work is carried out during the course of meetings that are open to the public.

Before including your address, telephone number, email address, or other personal identifying information in your submission, you should be aware that your entire submission—including your personal identifying information—may be made publicly available at any time. While you may ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 9, 2015.

Shirley Sears,

Acting Chief, Office of Policy.

[FR Doc. 2015–14551 Filed 6–12–15; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR02800000, RX.18527914.2050100, 15XR0687ND]

Notice of Intent To Prepare a Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement to the Draft Environmental Impact Statement on the Bay Delta Habitat Conservation Plan and Natural Community Conservation Plan for the Sacramento-San Joaquin Delta, California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation and the California Department of Water Resources intend to prepare a partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) on the Draft Bay Delta

Conservation Plan and Natural Community Conservation Plan (BDCP, or the Plan). The RDEIR/SDEIS will describe and analyze refinement of the resource area analyses, alternatives, and actions, including additional alternatives that describe conveyance alternatives that do not contain all the elements of a Habitat Conservation Plan/Natural Communities Conservation Plan that are described in the previously circulated Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

FOR FURTHER INFORMATION CONTACT: Ms. Michelle Banonis, Bureau of Reclamation, (916) 930–5676.

SUPPLEMENTARY INFORMATION:

Background

On January 24, 2008, the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) issued a Notice of Intent (NOI) to prepare an EIS on the BDCP (73 FR 4178). The NOI was re-issued on April 15, 2008, to include the Bureau of Reclamation (Reclamation) as a co-lead Federal agency, update the status of the planning process, and provide updated information related to scoping meetings (73 FR 20326). The April 15, 2008, NOI identified scoping meeting locations and stated that written comments would be accepted until May 30, 2008. Additional information was later developed to describe the proposed BDCP, and subsequent scoping activities were initiated on February 13, 2009, with the publication of a revised NOI (74 FR 7257). The NOI identified scoping meeting locations and stated that written comments would be accepted until May 14, 2009.

In 2008, ten public scoping meetings were held throughout California. In spring 2009, a summary update was produced and distributed about the development of the Plan to interested members of the public, including details of individual elements of the plan (referred to in the Plan as ''conservation measures'') that were being considered as part of the conservation strategy. Ten additional public scoping meetings were then held throughout California, seeking input about the scope of covered activities and potential alternatives to the proposed action.

In December 2010, the California Natural Resources Agency disseminated to the public a summary of the BDCP, its status, and a list of outstanding issues. In 2011 and 2012, public meetings continued in Sacramento, California, to update stakeholders and the public on elements of the draft BDCP and EIR/EIS that were being developed.

On December 13, 2013, the Draft BDCP and associated Draft EIR/EIS were released to the public and a 120-day public comment period was opened through notification in the **Federal Register** (78 FR 75939). That notice described the proposed action and a reasonable range of alternatives. In response to requests from the public, the comment period was extended for an additional 60 days and closed on June 13, 2014 (79 FR 17135; March 27, 2014). A Draft Implementing Agreement was also made available to the public on May 30, 2014, for a 60-day review and comment period, which closed on July 29, 2014. The comment period of the Draft EIR/EIS was also extended to the later date. All draft documents are available at *www.baydeltaconservationplan.com*.

As a result of considering comments on the Draft BDCP, Draft EIR/EIS, and Draft Implementing Agreement, Reclamation and the California Department of Water Resources have proposed three additional conveyance alternatives for analysis in the RDEIR/SDEIR. Each of these alternatives contains fewer Conservation Measures than the conveyance alternatives circulated in the Draft EIS/EIR. Specifically, the new alternatives no longer contain the following Conservation Measures: CM–2 Yolo Bypass Fisheries Enhancement; CM–5 Seasonally Inundated Floodplain Restoration; CM–8 Grassland Natural Community Restoration; CM–13 Invasive Aquatic Vegetation Control; CM–14 Stockton Deep Water Ship Channel Dissolved Oxygen Levels; CM–17 Illegal Harvest Reduction; CM–18 Conservation Hatcheries; CM–19 Urban Stormwater Treatment; CM–20 Recreational Users Invasive Species Program; and CM–21 Non-project Diversions. The new alternatives contain modified versions of the following Conservation Measures: CM–3 Natural Communities Protection and Restoration; CM–4 Tidal Natural Communities Restoration; CM–6 Channel Margin Enhancement; CM–7 Riparian Natural Community Restoration; CM–9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration; CM–10 Nontidal Marsh Restoration; CM–11 Natural Communities Enhancement and Management; CM–12 Methylmercury Management; CM–15 Localized Reduction of Predatory Fishes; and CM–16 Non-Physical Fish Barriers. The new alternatives are not structured as a Habitat Conservation Plan/Natural Communities Conservation Plan but are structured to achieve compliance with the Federal Endangered Species Act through consultation under Section 7 and the California Endangered Species Act through the incidental take permit process under Section 2081(b) of the California Fish & Game Code.

DWR has identified one of the new alternatives, Alternative 4A, as their proposed project. Alternative 4A will consist of a water conveyance facility with three intakes, habitat restoration measures necessary to minimize or avoid project effects, and the previously described Conservation Measures. Alternative 4A is proposed by DWR to make physical and operational improvements to the State Water Project system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and Central Valley Project south-of-Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations.

The RDEIR/SDEIS will also analyze the impacts for two additional alternatives: Alternative 2D, which will consist of a water conveyance facility with five intakes, and Alternative 5A, which will consist of a water conveyance facility with one intake. Both of these alternatives will contain the habitat restoration measures necessary to minimize or avoid project effects, and the previously described Conservation Measures listed above. In addition, the RDEIR/SDEIR will describe and analyze project modifications and refinement of the resource area analyses, alternatives, and actions. Reclamation will be the Federal lead agency and NMFS, USFWS, and the U.S. Army Corps of Engineers, by virtue of their regulatory review requirements, will be cooperating agencies for the RDEIR/SDEIR. All other entities identified as Cooperating Agencies through prior agreements will retain their status for the RDEIR/SDEIR.

If one of these additional alternatives is selected as the preferred alternative, it would be analyzed through the interagency consultation process under Section 7 of the Federal Endangered Species Act and the California Endangered Species Act through Section 2081(b) of the California Fish & Game Code. Further, the RDEIR/SDEIS will evaluate alternatives to support a determination of the Least Environmentally Damaging Practicable Alternative by the U.S. Army Corps of Engineers. The RDEIR/SDEIS is being prepared under the National Environmental Policy Act (NEPA) and California Environmental Quality Act. Based on project revisions and in consideration of comments received on

the Draft BDCP, Draft EIR/EIS, and Draft Implementing Agreement, the State and Federal lead agencies recognize that additional information is appropriate to address comments and to enhance the environmental analysis. Council on Environmental Quality regulations for implementing NEPA (40 CFR 1502.9(c)) do not require any additional scoping for a supplement to a Draft EIS, and the lead agencies are not proposing any scoping process for this RDEIR/SDEIS in addition to the scoping that has already been done for the draft EIR/EIS as described above.

For further background information, see the December 13, 2013 **Federal Register** notice (78 FR 75939).

Dated: May 22, 2015.

Pablo R. Arroyave,

Deputy Regional Director, Mid-Pacific Region.

[FR Doc. 2015–14649 Filed 6–12–15; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–897]

Certain Optical Disc Drives, Components Thereof, and Products Containing the Same; Notice of Commission Determination To Review in Part an Initial Determination Terminating the Investigation in Its Entirety Based on Complainant's Lack of Standing and on Review To Affirm With Modified Reasoning; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 135) terminating the above-captioned investigation based on complainant's lack of standing with respect to the remaining asserted patents. On review, the Commission affirms with modified reasoning and terminates the investigation in its entirety.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 25, 2013, based on a Complaint filed by Optical Devices, LLC of Peterborough, New Hampshire (''Optical Devices''), as supplemented. 78 FR 64009 (Oct. 25, 2013). The Complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of U.S. Patent Nos. 6,904,007; 7,196,979; 8,416,651 (collectively, ''the Kadlec Patents''); RE40,927; RE42,913; and RE43,681 (collectively ''the Wild Patents''). The Complaint further alleges the existence of a domestic industry. The Commission's Notice of Investigation named numerous respondents including Lenovo Group Ltd. of Quarry Bay, Hong Kong and Lenovo (United States) Inc., of Morrisville, North Carolina; LG Electronics, Inc. of Seoul, Republic of Korea and LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey; Toshiba Corporation of Tokyo, Japan and Toshiba America Information Systems, Inc. of Irvine, California; and MediaTek, Inc. of Hsinchu City, Taiwan and MediaTek USA Inc. of San Jose, California. The Office of Unfair Import Investigations was not named as a party to the investigation.

The Commission later terminated the investigation as to the application of numerous claims of the asserted patents to various named respondents. *See* Notice of Commission Determination Not to Review an Initial Determination Granting Complainant's Motions to Partially Terminate the Investigation as to Certain Patents (Aug. 8, 2014). The Commission also later terminated the investigation with respect to Nintendo Co., Ltd. of Kyoto, Japan and Nintendo of America, Inc. of Redmond, Washington; Panasonic Corp. of Osaka, Japan and Panasonic Corporation of North America of Secaucus, New Jersey; Samsung Electronics Co., Ltd. of Seoul, Republic of Korea and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey, based on settlement agreements. *See* Notice of Commission Determination to Grant a Joint Motion to Terminate the Investigation as to Respondents Samsung Electronics Co., Ltd. Samsung Electronics America, Inc. on the Basis of a Settlement Agreement (Sept. 2, 2014); Notice of Commission Determination Not to Review an Initial Determination Terminating the Investigation In Part as to Respondents Panasonic and Nintendo (Mar. 30, 2015).

On December 4, 2014, the Commission affirmed, with modified reasoning, the ALJ's determination to terminate the investigation with respect to the Wild Patents based on Optical Devices' lack of standing to assert the Wild Patents. On the same day, the Commission vacated the ALJ's finding that Optical Devices lacked standing with respect to the Kadlec Patents, and remanded the investigation to the ALJ for further proceedings.

After re-opening discovery and receiving additional briefing from the parties, the ALJ issued the subject ID on April 27, 2015, finding that Optical Devices does not have standing to assert the Kadlec Patents in this investigation.

On May 7, 2015, Optical Devices filed a petition for review of the subject ID, and Respondents filed a contingent petition for review of the subject ID. On May 14, 2015, the parties filed their respective responses to the petitions.

Having reviewed the parties' submissions and the record evidence, the Commission has determined to review the subject ID in part. Specifically, the Commission has determined to review a finding related to an agreement discussed on pages 22–25 of the ID. On review, the Commission affirms the ID's finding with modified reasoning. The Commission has also determined to correct certain statements made in the subject ID. A Commission opinion will be issued shortly. The investigation is terminated in its entirety.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 9, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–14492 Filed 6–12–15; 8:45 am]

BILLING CODE 7020–02–P

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

The United States Institute for Environmental Conflict Resolution; Agency Information Collection Activities: Proposed Collection; Comment Request: See List of ICRs Planned for Submission to OMB in Section A

AGENCY: Morris K. Udall and Stewart L. Udall Foundation, U.S. Institute for Environmental Conflict Resolution.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the U.S. Institute for Environmental Conflict Resolution (the U.S. Institute), a program of the Udall Foundation, is planning to submit the following requests to the Office of Management and Budget (OMB):

Information Collection: U.S. Institute Services

1. Request to renew with no changes two (2) currently approved information collections due to expire 8/31/2015 (OMB Control Numbers 3320–0005 and 3320–0006).

2. Request to establish one new information collection under a new OMB Control Number using seven (7) questions relating to environmental collaboration and conflict resolution (ECCR) services drawn from five (5) currently approved information collections due to expire on 6/30/2015 (OMB Control Numbers 3320–0004 and 3320–0010) and 8/31/2015 (OMB Control Numbers 3320–0003, 3320–0007, and 3320–0009). If the new collection request is approved, the five existing information collections will be discontinued together with any question not brought into the new information collection. The intent of this request is to reduce the burden and economic impact on respondents. The new information collection is proposed to a common form (see the ''Supplementary Information'' section).

Information Collection: Application for Membership in the Roster of Environmental Conflict Resolution Professionals (Roster)

1. Request to renew with minor, non-substantive changes to the format, one currently approved information collection due to expire 9/15/15 (OMB Control Number 3320–0008).

These requests are consolidated under one announcement to provide a more coherent picture of the U.S. Institute's information collection activities. The proposed collections are necessary to measure, improve, and report on U.S. Institute performance and delivery of its services. The collections are not expected to have a significant economic impact on respondents or to affect a substantial number of small entities.

Before submitting the ICRs to OMB for review and approval, the U.S. Institute requests comments on specific aspects of the proposed information collection as described at the beginning of the section labeled **SUPPLEMENTARY INFORMATION**.

The information collections can be downloaded from the Institute's Web site [*http://www.udall.gov/News/NewsAndEvents.aspx*].

Paper copies can be obtained from Stephanie Zimmt-Mack, General Counsel, The Morris K. Udall & Stewart L. Udall Foundation, 130 South Scott Avenue, Tucson, Arizona 85701, Fax: 520–901–8577 (confidential direct line), Phone: 520–901–8576, Email: *zimmt-mack@udall.gov.*

DATES: Comments must be submitted on or before August 14, 2015.

ADDRESSES: Submit your comments, referencing this **Federal Register** Notice by email to *zimmt-mack@udall.gov,* or by fax to 520–901–8577, or by mail to the attention of Stephanie Zimmt-Mack, General Counsel, The Morris K. Udall & Stewart L. Udall Foundation, 130 South Scott Avenue, Tucson, Arizona 85701.

SUPPLEMENTARY INFORMATION:

Overview

To comply with the Government Performance and Results Act (GPRA) (Pub. L. 103–62), the Udall Foundation produces an Annual Performance Report, linked directly to the goals and objectives outlined in its five-year Strategic Plan (*http://udall.gov/documents/aboutus/UdallFoundationStrategicPlan.pdf*). The U.S. Institute, as a program of the Udall Foundation, contributes performance data to the Udall Foundation's Annual Performance Report. The U.S. Institute's evaluation system is key to evaluating progress towards its performance goals. The U.S. Institute is committed to evaluating all of its projects, programs and services to measure and report on performance and also to use this information to learn from and improve its services. As part of the program evaluation system, the U.S. Institute collects specific information from participants in its programs and users of its services.

Specifically, this Federal Notice covers: (1) Evaluation of roster search services, training services and environmental collaboration and conflict resolution (ECCR) services, and application to the Roster of ECR Professionals. After delivery of services, such as a training, a roster search or utilization of U.S. Institute ECCR services, participants are asked to complete questionnaires evaluating the usefulness and effectiveness of those services. Responses are voluntary.

The U.S. Institute accomplishes much of its work by contracting with experienced environmental conflict resolution (ECR) professionals. In support of this work, and in support of its statutory mission to further the use of environmental conflict resolution, the U.S. Institute maintains the National Roster of Environmental Conflict Resolution Professionals (Roster). The Roster is publicly available and searchable for any party in need of environmental conflict resolution services. Submission of an application for membership in the Roster is entirely voluntary. Applicants provide qualifications and experience through an on-line application and the Institute determines eligibility for listing in the Roster against a published set of criteria. If approved for membership, the ECR professional completes a searchable Roster profile. This notice covers the collection of information through the application for membership in the Roster.

As previously stated, the U.S. Institute desires to make its proposed new ECCR Services information collection a common form. A ''common form'' is an information collection that can be used by two or more agencies, or government-wide, for the same purposes. The Office of Management and Budget (OMB) Common Forms Module allows a ''host'' agency to obtain OMB approval of an information collection for use by one or more ''using'' agencies. After OMB grants approval, any prospective using agency that seeks to collect identical information for the same purpose can obtain approval to use the ''common form'' by providing its agency-specific information to OMB (*e.g.,* burden estimates and number of respondents).

Key Issues

The U.S. Institute invites comments that can be used to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the U.S. Institute, including whether the information will have practical utility;

2. Enhance the quality, utility, and clarity of the information to be collected;

3. Minimize the burden of the information collection on respondents,

including suggestions concerning use of automated collection techniques or other forms of information technology.

Section A. Information on Individual ICRs:

1. Roster Search Services:

Type of Information Collection: Renewal of a currently approved collection.

Title of Information Collection: Evaluation of Roster Program—Roster Services Searcher Questionnaire.

OMB Number: 3320–0005.

Affected Public: Business or other for-profit, not-for-profit, federal and state, local or tribal government.

Frequency: One time.

Annual Number of Respondents: 550.

Total Annual Responses: 550.

Average Burden per Response: 4 minutes.

Total Annual Hours: 37.

Total Burden Cost: $1,865.

2. Training Services:

Type of Information Collection: Renewal of a currently approved collection.

Title of Information Collection: Evaluation of Training Services—Training Services Participant Questionnaire.

OMB Number: 3320–0006.

Affected Public: Individuals or households, business or other for-profit, not-for-profit, federal and state, local or tribal government.

Frequency: One time.

Annual Number of Respondents: 288.

Total Annual Responses: 288.

Average Burden per Response: 5.5 minutes.

Total Annual Hours: 26.

Total Burden Cost: $1,310.

3. Environmental Collaboration and Conflict Resolution Services (new information collection):

Type of Information Collection: Consolidation into one collection of seven (7) currently approved collection questions from five (5) currently approved information collections, after which the use of those five information collections will be discontinued.

Title of Information Collection: Evaluation of Environmental Collaboration and Conflict Resolution Services—ECCR Services Participant Questionnaire.

OMB Number: New OMB control number.

Affected Public: Individuals or households, business or other for-profit, not-for-profit, federal and state, local or tribal government.

Frequency: One time.

Annual Number of Respondents: depending on service type—Assessment services: 24; all other services: 460.

Total Annual Responses: 484.

Average Burden per Response: 5 minutes.

Total Annual Hours: 41.

Total Burden Cost: $2,067.

4. Roster of ECR Professionals Membership application:

Type of Information Collection: Renewal with minor non-substantive changes in formatting of a currently approved collection.

Title of Information Collection: Application for National Roster of Environmental Dispute Resolution and Consensus Building Professionals.

OMB Number: 3320–0008.

Affected Public: Individuals or households, business or other for-profit, not-for-profit, federal and state, local or tribal government.

Frequency: One time.

Annual Number of Respondents: 25.

Total Annual Responses: 25.

Average Burden per Response: 2.5 hours.

Total Annual Hours: 62.5.

Total Burden Cost: $3,150.

Authority: 20 U.S.C. 5601–5609.

Dated: June 9, 2015.

Philip Lemanski,

Executive Director, Morris K. Udall & Stewart L. Udall Foundation.

[FR Doc. 2015–14659 Filed 6–12–15; 8:45 am]

BILLING CODE 6820–FN–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE:

10 a.m., Thursday, June 18, 2015—Open

11:30 a.m., Thursday, June 18, 2015—Closed

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: The 10 a.m. meeting will be open, and the 11:30 a.m. meeting will be closed.

MATTERS TO BE CONSIDERED:

10 a.m. (Open):

1. NCUA's Rules and Regulations, Loans in Areas Having Special Flood Hazards.
2. Board Briefing, Interagency Policy Statement Establishing Joint Diversity Assessment Standards.
3. Interpretive Rule and Policy Statement, Minority Depository Institution Preservation Program.
4. Notice and Request for Comment, Regulatory Review in Accordance with the Economic Growth and Regulatory Paperwork Reduction Act.
5. Federal Credit Union Loan Interest Rate Ceiling.
6. NCUA's Rules and Regulations, Member Business Lending.

Recess: 11:15 a.m.

11:30 (Closed):

1. Appeal under Section 701.14 of NCUA's Rules and Regulations. Closed pursuant to Exemptions (6) and (8).

CONTACT PERSON FOR MORE INFORMATION: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2015–14726 Filed 6–11–15; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board's Committee on Strategy and Budget (CSB), 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 CANCELLATION of a teleconference for the transaction of National Science Board business. The original notification appeared in the **Federal Register** on Monday, June 8, 2015 (80 FR 32412).

CANCELLED DATE AND TIME: Thursday, June 11, 2015 at 5:00–6:00 p.m. EDT.

This meeting will be rescheduled. Please refer to the National Science Board Web site *www.nsf.gov/nsb/notices* for additional information and a schedule update.

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2015–14752 Filed 6–11–15; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–9075–MLA; ASLBP No. 10–898–02–MLA–BD01]

Powertech USA, Inc. (Dewey-Burdock In Situ Uranium Recovery Facility); Notice of Atomic Safety and Licensing Board Reconstitution

Pursuant to 10 CFR 2.313(c) and 2.321(b), the Atomic Safety and Licensing Board in the above-captioned Dewey-Burdock In Situ Uranium Recovery Facility license amendment proceeding is hereby reconstituted by

appointing Administrative Judge G. Paul Bollwerk, III, to serve as a Licensing Board member.[1]

All correspondence, documents, and other materials shall continue to be filed in accordance with the NRC E-filing rule. *See* 10 CFR 2.302 *et seq.*

Rockville, Maryland.

Dated: June 9, 2015.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 2015–14643 Filed 6–12–15; 8:45 am]

BILLING CODE 7590–01–P

[1] Judge Bollwerk's appointment in this proceeding is necessitated by the death of Dr. Richard F. Cole, who was a member of this Licensing Board until his passing in December 2014. Dr. Cole served with distinction on the Atomic Safety and Licensing Board Panel for over four decades, having been appointed as a full-time Administrative Judge in 1973. *See Powertech USA, Inc.* (Dewey-Burdock In Situ Uranium Recovery Facility), LBP–15–16, __NRC __, __n.590 (slip op. at 115 n.590) (Apr. 30, 2015).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75132; File No. SR–BOX–2015–21]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend BOX Rule 5020

June 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 1, 2015, BOX Options Exchange LLC (''Exchange'' or ''BOX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend BOX Rule 5020 (Criteria for Underlying Securities) to permit the listing of options overlying ETFs that are listed pursuant to generic listing standards on equities exchanges for series of portfolio depositary receipts and index fund shares based on international or global indexes under which a comprehensive surveillance sharing agreement is not required. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend BOX Rule 5020 (Criteria for Underlying Securities) to permit the listing of options overlying ETFs that are listed pursuant to generic listing standards on equities exchanges for series of portfolio depositary receipts and index fund shares based on international or global indexes under which a comprehensive surveillance sharing agreement (''comprehensive surveillance agreement'' or ''CSSA'') is not required.[3] This proposal will enable the Exchange to list and trade options on ETFs without a CSSA provided that the ETF is listed on an equities exchange pursuant to the generic listings standards that do not require a CSSA pursuant to Rule 19b–4(e)[4] of the Exchange Act. Rule 19b–4(e) provides that the listing and trading of a new derivative securities product by a self-regulatory organization (''SRO'') shall not be deemed a proposed rule change, pursuant to paragraph (c)(1) of Rule 19b–4, if the Commission has approved, pursuant to Section 19(b) of the Exchange Act, the SRO's trading rules, procedures and listing standards for the product class that would include the new derivatives securities product, and the SRO has a surveillance program for the product class.[5] In other words, the proposal will amend the listing standards to allow the Exchange to list and trade options on ETFs based on international or global indexes to a similar degree that they are allowed to be listed on several equities exchanges.[6]

Exchange-Traded Funds

The Exchange allows for the listing and trading of options on ETFs. Rule 5020(h)(2)(A)–(C) provide the listings standards for options on ETFs with non-U.S. component securities, such as ETFs based on international or global indexes. Rule 5020(h)(2)(A) requires that any non-U.S. component securities of an index or portfolio of securities on which the Exchange-Traded Fund Shares are based that are not subject to comprehensive surveillance agreements do not in the aggregate represent more than 50% of the weight of the index or portfolio.[7] Rule 5020(h)(2)(B) requires that component securities of an index or portfolio of securities on which the Exchange-Traded Fund Shares are based for which the primary market is in any one country that is not subject to a comprehensive surveillance agreement do not represent 20% or more of the weight of the index.[8] Rule 5020(h)(2)(C) requires that component securities of an index or portfolio of securities on which the Exchange-Traded Fund Shares are based for which the primary market is in any two countries that are not subject to comprehensive surveillance agreements do not represent 33% or more of the weight of the index.[9]

Generic Listing Standards for Exchange-Traded Funds

The Exchange notes that the Commission has previously approved generic listing standards pursuant to Rule 19b–4(e)[10] of the Exchange Act for ETFs based on indexes that consist of stocks listed on U.S. exchanges.[11] In

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See e.g.,* NYSE MKT Rule 1000 Commentary .03(a)(B); NYSE Arca Equities Rule 5.2(j)(3) Commentary .01(a)(B); NASDAQ Rule 5705(a)(3)(A)(ii); and BATS Rule 14.11(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(e).

[5] When relying on Rule 19b–4(e), the SRO must submit Form 19b–4(e) to the Commission within five business days after the SRO begins trading the new derivative securities products. *See* Securities Exchange Act Release No. 40761 (December 8, 1998), 63 FR 70952 (December 22, 1998).

[6] *See* NYSE MKT Rule 1000 Commentary .03(a)(B); NYSE Arca Equities Rule 5.2(j)(3) Commentary .01(a)(B); NASDAQ Rule 5705(a)(3)(A)(ii); and BATS Rule 14.11(b)(3)(A)(ii). *See also* Securities Exchange Act Release Nos. 54739 (November 9, 2006), 71 FR 66993 (SR–Amex–2006–78); 55269 (February 9, 2007), 72 FR 7490 (February 15, 2007) (SR–NASDAQ–2006–050); 55621 (April 12, 2007), 72 FR 19571 (April 18, 2007) (SR–NYSEArca–2006–86).

[7] *See* Rule 5020(h)(2)(A).

[8] *See* Rule 5020(h)(2)(B).

[9] *See* Rule 5020(h)(2)(C).

[10] 17 CFR 240.19b–4(e).

[11] *See* Commentary .03 to Amex Rule 1000 and Commentary .02 to Amex Rule 1000A. *See also*

Continued

general, the criteria for the underlying component securities in the international and global indexes are similar to those for the domestic indexes, but with modifications as appropriate for the issues and risks associated with non-U.S. securities.

In addition, the Commission has previously approved the listing and trading of ETFs based on international indexes—those based on non-U.S. component stocks—as well as global indexes—those based on non-U.S. and U.S. component stocks.[12]

In approving ETFs for equities exchange trading, the Commission thoroughly considered the structure of the ETFs, their usefulness to investors and to the markets, and SRO rules that govern their trading. The Exchange believes that allowing the listing of options overlying ETFs that are listed pursuant to the generic listing standards on equities exchanges for ETFs based on international and global indexes and applying Rule 19b–4(e)[13] should fulfill the intended objective of that Rule by allowing options on those ETFs that have satisfied the generic listing standards to commence trading, without the need for the public comment period and Commission approval. The proposed rule has the potential to reduce the time frame for bringing options on ETFs to market, thereby reducing the burdens on issuers and other market participants. The failure of a particular ETF to comply with the generic listing standards under Rule 19b–4(e)[14] would not, however, preclude the Exchange from submitting a separate filing pursuant to Section 19(b)(2),[15] requesting Commission approval to list and trade options on a particular ETF.

Requirements for Listing and Trading Options Overlying ETFs Based on International and Global Indexes

Options on ETFs listed pursuant to these generic standards for international and global indexes would be traded, in all other respects, under the Exchange's existing trading rules and procedures that apply to options on ETFs and would be covered under the Exchange's surveillance program for options on ETFs.

Pursuant to the proposed rule, the Exchange may list and trade options on an ETF without a CSSA provided that the ETF is listed pursuant to generic listing standards for series of portfolio depositary receipts and index fund shares based on international or global indexes under which a comprehensive surveillance agreement is not required. The Exchange believes that these generic listing standards are intended to ensure that stocks with substantial market capitalization and trading volume account for a substantial portion of the weight of an index or portfolio.

The Exchange believes that this proposed listing standard for options on ETFs is reasonable for international and global indexes, and, when applied in conjunction with the other listing requirements,[16] will result in options overlying ETFs that are sufficiently broad-based in scope and not readily susceptible to manipulation. The Exchange also believes that allowing the Exchange to list options overlying ETFs that are listed on equities exchanges pursuant to generic standards for series of portfolio depositary receipts and index fund shares based on international or global indexes under which a CSSA is not required, will result in options overlying ETFs that are adequately diversified in weighting for any single security or small group of securities to significantly reduce concerns that trading in options overlying ETFs based on international or global indexes could become a surrogate for trading in unregistered securities.

The Exchange believes that ETFs based on international and global indexes that have been listed pursuant to the generic standards are sufficiently broad-based enough as to make options overlying such ETFs not susceptible instruments for manipulation. The Exchange believes that the threat of manipulation is sufficiently mitigated for underlying ETFs that have been listed on equities exchanges pursuant to generic listing standards for series of portfolio depositary receipts and index fund shares based on international or global indexes under which a comprehensive surveillance agreement is not required and for the overlying options, that the Exchange does not see the need for CSSA to be in place before listing and trading options on such ETFs. The Exchange notes that its proposal does not replace the need for a CSSA as provided in the current rule. The provisions of the current rule, including the need for a CSSA, remain materially unchanged in the proposed rule and will continue to apply to options on ETFs that are not listed on an equities exchange pursuant to generic listing standards for series of portfolio depositary receipts and index fund shares based on international or global indexes under which a comprehensive surveillance agreement is not required. Instead, the proposed rule adds an additional listing mechanism for certain qualifying options on ETFs to be listed on the Exchange.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[17] in general, and Section 6(b)(5) of the Act,[18] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In particular, the proposed rules have the potential to reduce the time frame for bringing options on ETFs to market, thereby reducing the burdens on issuers and other market participants. The Exchange also believes enabling the listing and trading of options on ETFs pursuant to this new listing standard will benefit investors by providing them with valuable risk management tools. The Exchange notes that its proposal does not replace the need for a CSSA as provided in the current rule. The provisions of the current rule, including the need for a comprehensive surveillance sharing agreement, remain materially unchanged in the proposed rule and will continue to apply to options on ETFs that are not listed on an equities exchange pursuant to generic listing standards for series of portfolio depositary receipts and index fund shares based on international or global indexes under which a comprehensive surveillance agreement is not required. Instead, the proposed rule adds an additional listing mechanism for certain qualifying options on ETFs to be listed on the Exchange in a manner that is designed to prevent fraudulent and manipulative acts and practices, to promote just and

Securities Exchange Act Release No. 42787 (May 15, 2000), 65 FR 33598 (May 24, 2000).

[12] *See, e.g.,* Securities Exchange Act Release Nos. 50189 (August 12, 2004), 69 FR 51723 (August 20, 2004) (approving the listing and trading of certain Vanguard International Equity Index Funds); 44700 (August 14, 2001), 66 FR 43927 (August 21, 2001) (approving the listing and trading of series of the iShares Trust based on certain S&P global indexes).

[13] 17 CFR 240.19b–4(e).

[14] *Id.*

[15] 15 U.S.C. 78s(b)(2).

[16] All of the other listing criteria under the Exchange's rules will continue to apply to any options listed pursuant to the proposed rule change.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that the rule change is being proposed as a competitive response to recent rule changes filed by the MIAX Options Exchange (''MIAX''), NASDAQ OMX PHLX, LLC (''Phlx'') and International Securities Exchange, LLC (''ISE'').[19] Furthermore, the Exchange believes this proposed rule change will benefit investors by providing additional methods to trade options on ETFs, and by providing them with valuable risk management tools. Specifically, the Exchange believes that market participants on the Exchange would benefit from the introduction and availability of options on ETFs in a manner that is similar to equities exchanges and will provide investors with a venue on which to trade options on these products. For all the reasons stated above, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, and believes the proposed change will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[20] and Rule 19b–4(f)(6) thereunder.[21]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[22] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[23] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of the operative delay will permit the Exchange to list and trade certain ETF options on the same basis as other options markets.[24] The Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BOX–2015–21 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2015–21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2015–21, and should be submitted on or before July 6, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14481 Filed 6–12–15; 8:45 am]

BILLING CODE 8011–01–P

[19] *See* Securities Exchange Act Release Nos. 74509 (March 13, 2015), 80 FR 14425 (March 19, 2015) (SR–MIAX–2015–04); 74553 (March 20, 2015), 80 FR 16072 (March 26, 2015) (SR–Phlx–2015–27); 74832 (April 29, 2015), 80 FR 25738 (May 5, 2015) (SR–ISE–2015–16).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 240.19b–4(f)(6)(iii).

[24] *See supra* note 19.

[25] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31665; File No. 812–14272]

Ares Dynamic Credit Allocation Fund, Inc., Ares Multi-Strategy Credit Fund, Inc., and Ares Capital Management II LLC; Notice of Application

June 9, 2015.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 19(b) of the Act and rule 19b–1 under the Act.

APPLICANTS: Ares Dynamic Credit Allocation Fund, Inc. (''ARDC''), Ares Multi-Strategy Credit Fund, Inc. (''ARMF''), and Ares Capital Management II LLC (''ACM'') (together, the ''Applicants'').

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common stock as frequently as twelve times in any one taxable year, and as frequently as distributions are specified by or in accordance with the terms of any outstanding preferred stock that such investment companies may issue.

DATES: *Filing Dates:* The application was filed on January 31, 2014 and amended on September 16, 2014 and January 13, 2015.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 6, 2015 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Robert W. Errett, Deputy Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, Daniel J. Hall, Esq., Ares Dynamic Credit Allocation Fund, Inc., Ares Capital Management II LLC, 2000 Avenue of the Stars, 12th Floor, Los Angeles, CA 90067.

FOR FURTHER INFORMATION CONTACT: Stephan N. Packs, Senior Counsel, at (202) 551–6853, or James M. Curtis, Branch Chief, at (202) 551–6712 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. ARDC and ARMF each is registered as a non-diversified, closed-end management investment company organized as a Maryland corporation.[1] The investment objective of each of ARDC and ARMF is to provide total return, primarily through current income and, secondarily, through capital appreciation. ARDC and ARMF each intends to pursue this objective by investing primarily in a broad portfolio of (i) secured loans made primarily to companies whose debt is rated below investment grade; (ii) corporate bonds that are expected to be primarily high yield issues rated below investment grade; and (iii) other fixed-income instruments of a similar nature that may be represented by derivatives; and (iv) securities issued by collateralized loan obligations. Shares of the common stock of each of ARDC and ARMF are listed and traded on the New York Stock Exchange. Each of ARDC and ARMF currently has no outstanding preferred stock and does not intend to issue any, but may do so in the future. Applicants believe that investors in closed-end funds may prefer an investment vehicle that provides regular current income through fixed distribution policies that would be available through a Distribution Policy (as defined below).

2. ACM, a Delaware limited liability company, is registered under the Investment Advisers Act of 1940 (the ''Advisers Act'') as an investment adviser. ACM is the investment adviser to the Funds. Any sub-adviser to a Fund will be registered as an investment adviser under the Advisers Act or not subject to registration.

3. Applicants state that prior to a Fund's implementing a distribution policy (''Distribution Policy'') in reliance on the order, the board of directors (the ''Board'') of each Fund, including a majority of the directors who are not ''interested persons'' of the Fund, as defined in section 2(a)(19) of the Act (the ''Independent Directors''), will request, and the Adviser will provide, such information as is reasonably necessary to make an informed determination of whether the Board should adopt a proposed Distribution Policy. In particular, the Board and the Independent Directors will review information regarding: (i) The purpose and terms of the Distribution Policy; (ii) the likely effects of the policy on the Fund's long-term total return (in relation to market price and its net asset value per share of common stock (''NAV'')); (iii) the expected relationship between the Fund's distribution rate on its common stock under the policy and the Fund's total return (in relation to NAV); (iv) whether the rate of distribution would exceed such Fund's expected total return in relation to its NAV; and (v) any foreseeable material effects of the policy on the Fund's long-term total return (in relation to market price and NAV). The Independent Directors also will consider what conflicts of interest the Adviser and the affiliated persons of the Adviser and the Fund might have with respect to the adoption or implementation of the Distribution Policy. Applicants state that, only after considering such information will the Board, including the Independent Directors, of each Fund approve a Distribution Policy and in connection with such approval will determine that the Distribution Policy is consistent with a Fund's investment objectives and in the best interests of the holders of the Fund's common stock.

4. Applicants state that the purpose of a Distribution Policy, generally, would be to permit a Fund to distribute over the course of each year, through periodic distributions in relatively equal amounts (plus any required special distributions) an amount closely approximating the total taxable income of the Fund during the year and, if

[1] All existing registered closed-end investment companies that currently intend to rely on the order have been named as applicants. Applicants request that the order also apply to each other registered closed-end investment company advised or to be advised in the future by ACM or by an entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with ACM (including any successor in interest) (each such entity, including ACM, the ''Adviser'') that in the future seeks to rely on the order (such investment companies, together with ARDC and ARMF, are collectively, the ''Funds'' and individually, a ''Fund''). Any Fund that may rely on the order in the future will comply with the terms and conditions of the application. A successor in interest is limited to entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

determined by the Board, all or a portion of returns of capital paid by portfolio companies to such Fund during the year. Under the Distribution Policy of a Fund, such Fund would distribute to its respective common stockholders a fixed percentage of the market price of such Fund's common stock at a particular point in time or a fixed percentage of NAV at a particular time or a fixed amount per share of common stock, any of which may be adjusted from time to time. It is anticipated that under a Distribution Policy, the minimum annual distribution rate with respect to such Fund's common stock would be independent of the Fund's performance during any particular period but would be expected to correlate with the Fund's performance over time. Except for extraordinary distributions and potential increases or decreases in the final dividend period in light of a Fund's performance for the entire calendar year and to enable the Fund to comply with the distribution requirements of Subchapter M of the Internal Revenue Code (''Code'') for the calendar year, each distribution on the Fund's common stock would be at the stated rate then in effect.

5. Applicants state that prior to the implementation of a Distribution Policy for any Fund in reliance on the order, the Board of such Fund will have adopted policies and procedures under rule 38a–1 under the Act that: (i) Are reasonably designed to ensure that all notices required to be sent to the Fund's stockholders pursuant to section 19(a) of the Act, rule 19a–1 thereunder and condition 4 below (each a ''19(a) Notice'') include the disclosure required by rule 19a–1 under the Act and by condition 2(a) below, and that all other written communications by the Fund or its agents regarding distributions under the Distribution Policy include the disclosure required by condition 3(a) below; and (ii) require the Fund to keep records that demonstrate its compliance with all of the conditions of the order and that are necessary for such Fund to form the basis for, or demonstrate the calculation of, the amounts disclosed in its 19(a) Notices.

Applicants' Legal Analysis

1. Section 19(b) of the Act generally makes it unlawful for any registered investment company to make long-term capital gains distributions more than once every twelve months. Rule 19b–1 limits the number of capital gains dividends, as defined in section 852(b)(3)(C) of the Code (''distributions''), that a fund may make with respect to any one taxable year to one, plus a supplemental distribution made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year, plus one additional capital gain dividend made in whole or in part to avoid the excise tax under section 4982 of the Code.

2. Section 6(c) of the Act provides, in relevant part, that the Commission may exempt any person or transaction from any provision of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicants state that one of the concerns leading to the enactment of section 19(b) and adoption of rule 19b–1 was that stockholders might be unable to distinguish between frequent distributions of capital gains and dividends from investment income. Applicants state, however, that rule 19a–1 effectively addresses this concern by requiring that distributions (or the confirmation of the reinvestment thereof) estimated to be sourced in part from capital gains or capital be accompanied by a separate statement showing the sources of the distribution (*e.g.,* estimated net income, net short-term capital gains, net long-term capital gains and/or return of capital). Applicants state that the same information will be included in the Funds' annual reports to stockholders and on the Internal Revenue Service Form 1099 DIV, which will be sent to each common and preferred stockholder who received distributions during a particular year.

4. Applicants further state that each Fund will make the additional disclosures required by the conditions set forth below, and each Fund will adopt compliance policies and procedures in accordance with rule 38a–1 under the Act to ensure that all required 19(a) Notices and disclosures are sent to stockholders. Applicants state that the information required by section 19(a), rule 19a–1, the Distribution Policy, the policies and procedures under rule 38a–1 noted above, and the conditions listed below will help ensure that each Fund's stockholders are provided sufficient information to understand that their periodic distributions are not tied to a Fund's net investment income (which for this purpose is the Fund's taxable income other than from capital gains) and realized capital gains to date, and may not represent yield or investment return. Accordingly, applicants assert that continuing to subject the Funds to section 19(b) and rule 19b–1 would afford stockholders no extra protection.

5. Applicants note that section 19(b) and rule 19b–1 also were intended to prevent certain improper sales practices, including, in particular, the practice of urging an investor to purchase shares of a fund on the basis of an upcoming capital gains dividend (''selling the dividend''), where the dividend would result in an immediate corresponding reduction in NAV and would be in effect a taxable return of the investor's capital. Applicants submit that the ''selling the dividend'' concern should not apply to a closed-end investment company, such as each Fund, which do not continuously distribute shares. According to applicants, if the underlying concern extends to secondary market purchases of shares of closed-end funds that are subject to a large upcoming capital gains dividend, adoption of a periodic distribution plan actually helps minimize the concern by avoiding, through periodic distributions, any buildup of large end-of-the-year distributions.

6. Applicants also note that the common stock of a closed-end fund often trades in the marketplace at a discount to its NAV. Applicants believe that this discount may be reduced if a Fund is permitted to pay relatively frequent dividends on its common stock at a consistent rate, whether or not those dividends contain an element of long-term capital gains.

7. Applicants assert that the application of rule 19b–1 to a Distribution Policy actually could have an inappropriate influence on portfolio management decisions. Applicants state that, in the absence of an exemption from rule 19b–1, the adoption of a periodic distribution plan imposes pressure on management (i) not to realize any net long-term capital gains until the point in the year that the fund can pay all of its remaining distributions in accordance with rule 19b–1, and (ii) not to realize any long-term capital gains during any particular year in excess of the amount of the aggregate pay-out for the year (since as a practical matter excess gains must be distributed and accordingly would not be available to satisfy pay-out requirements in following years), notwithstanding that purely investment considerations might favor realization of long-term gains at different times or in different amounts. Applicants assert that by limiting the number of long-term capital gain dividends that a Fund may make with respect to any one year, rule 19b–1 may prevent the normal and efficient operation of a periodic distribution plan whenever that Fund's realized net long-

term capital gains in any year exceed the total of the periodic distributions that may include such capital gains under the rule.

8. Applicants also assert that rule 19b–1 may force fixed regular periodic distributions under a periodic distribution plan to be funded with returns of capital [2] (to the extent net investment income and realized short-term capital gains are insufficient to fund the distribution), even though realized net long-term capital gains otherwise would be available. To distribute all of a Fund's long-term capital gains within the limits in rule 19b–1, a Fund may be required to make total distributions in excess of the annual amount called for by its periodic distribution plan, or to retain and pay taxes on the excess amount. Applicants assert that the requested order would minimize these anomalous effects of rule 19b–1 by enabling the Funds to realize long-term capital gains as often as investment considerations dictate without fear of violating rule 19b–1.

9. Applicants state that Revenue Ruling 89–81 under the Code requires that a fund that seeks to qualify as a regulated investment company under the Code and that has both common stock and preferred stock outstanding designate the types of income, *e.g.,* investment income and capital gains, in the same proportion as the total distributions distributed to each class for the tax year. To satisfy the proportionate designation requirements of Revenue Ruling 89–81, whenever a fund has realized a long-term capital gain with respect to a given tax year, the fund must designate the required proportionate share of such capital gain to be included in common and preferred stock dividends. Applicants state that although rule 19b–1 allows a fund some flexibility with respect to the frequency of capital gains distributions, a fund might use all of the exceptions available under the rule for a tax year and still need to distribute additional capital gains allocated to the preferred stock to comply with Revenue Ruling 89–81.

10. Applicants assert that the potential abuses addressed by section 19(b) and rule 19b–1 do not arise with respect to preferred stock issued by a closed-end fund. Applicants assert that such distributions are either fixed or determined in periodic auctions by reference to short-term interest rates rather than by reference to performance of the issuer, and Revenue Ruling 89–81 determines the proportion of such distributions that are comprised of long-term capital gains.

11. Applicants also submit that the ''selling the dividend'' concern is not applicable to preferred stock, which entitles a holder to no more than a specified periodic dividend at a fixed rate or the rate determined by the market, and, like a debt security, is priced based upon its liquidation preference, dividend rate, credit quality, and frequency of payment. Applicants state that investors buy preferred stock for the purpose of receiving payments at the frequency bargained for, and any application of rule 19b–1 to preferred stock would be contrary to the expectation of investors.

12. Applicants request an order under section 6(c) of the Act granting an exemption from the provisions of section 19(b) of the Act and rule 19b–1 thereunder to permit each Fund to distribute periodic capital gain dividends (as defined in section 852(b)(3)(C) of the Code) as frequently as twelve times in any one taxable year in respect of its common stock and as often as specified by, or determined in accordance with the terms of, any preferred stock issued by the Fund.

Applicants' Conditions

Applicants agree that, with respect to each Fund seeking to rely on the order, the order will be subject to the following conditions:

1. Compliance Review and Reporting

The Fund's chief compliance officer will: (a) Report to the Fund's Board, no less frequently than once every three months or at the next regularly scheduled quarterly Board meeting, whether (i) the Fund and its Adviser have complied with the conditions of the order, and (ii) a material compliance matter (as defined in rule 38a–1(e)(2) under the Act) has occurred with respect to such conditions; and (b) review the adequacy of the policies and procedures adopted by the Board no less frequently than annually.

2. Disclosures to Fund Stockholders

(a) Each 19(a) Notice disseminated to the holders of the Fund's common stock, in addition to the information required by section19(a) and rule 19a–1:

(i) Will provide, in a tabular or graphical format:

(1) the amount of the distribution, on a per share of common stock basis, together with the amounts of such distribution amount, on a per share of common stock basis and as a percentage of such distribution amount, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

(2) the fiscal year-to-date cumulative amount of distributions, on a per share of common stock basis, together with the amounts of such cumulative amount, on a per share of common stock basis and as a percentage of such cumulative amount of distributions, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

(3) the average annual total return in relation to the change in NAV for the 5-year period (or, if the Fund's history of operations is less than five years, the time period commencing immediately following the Fund's first public offering) ending on the last day of the month ended immediately prior to the most recent distribution record date compared to the current fiscal period's annualized distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date; and

(4) the cumulative total return in relation to the change in NAV from the last completed fiscal year to the last day of the month prior to the most recent distribution record date compared to the fiscal year-to-date cumulative distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date. Such disclosure shall be made in a type size at least as large and as prominent as the estimate of the sources of the current distribution; and

(ii) Will include the following disclosure:

(1) ''You should not draw any conclusions about the Fund's investment performance from the amount of this distribution or from the terms of the Fund's Distribution Policy'';

(2) The Fund estimates that it has distributed more than its income and net realized capital gains; therefore, a portion of your distribution may be a return of capital. A return of capital may occur, for example, when some or all of the money that you invested in the Fund is paid back to you. A return of capital distribution does not necessarily reflect the Fund's investment performance and should not be confused with 'yield' or 'income' [3] ''; and

[2] Returns of capital as used in the application means return of capital for financial accounting purposes and not for tax accounting purposes.

[3] The disclosure in condition 2(a)(ii)(2) will be included only if the current distribution or the fiscal year-to-date cumulative distributions are estimated to include a return of capital.

(3) ''The amounts and sources of distributions reported in this 19(a) Notice are only estimates and are not being provided for tax reporting purposes. The actual amounts and sources of the amounts for tax reporting purposes will depend upon the Fund's investment experience during the remainder of its fiscal year and may be subject to changes based on tax regulations. The Fund will send you a Form 1099–DIV for the calendar year that will tell you how to report these distributions for federal income tax purposes.''

Such disclosure shall be made in a type size at least as large as and as prominent as any other information in the 19(a) Notice and placed on the same page in close proximity to the amount and the sources of the distribution.

(b) On the inside front cover of each report to stockholders under rule 30e-1 under the Act, the Fund will:

(i) describe the terms of the Distribution Policy (including the fixed amount or fixed percentage of the distributions and the frequency of the distributions);

(ii) include the disclosure required by condition 2(a)(ii)(1) above;

(iii) state, if applicable, that the Distribution Policy provides that the Board may amend or terminate the Distribution Policy at any time without prior notice to Fund stockholders; and

(iv) describe any reasonably foreseeable circumstances that might cause the Fund to terminate the Distribution Policy and any reasonably foreseeable consequences of such termination.

(c) Each report provided to stockholders under rule 30e–1 under the Act and each prospectus filed with the Commission on Form N–2 under the Act, will provide the Fund's total return in relation to changes in NAV in the financial highlights table and in any discussion about the Fund's total return.

3. Disclosure to Stockholders, Prospective Stockholders and Third Parties

(a) The Fund will include the information contained in the relevant 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, in any written communication (other than a communication on Form 1099) about the Distribution Policy or distributions under the Distribution Policy by the Fund, or agents that the Fund has authorized to make such communication on the Fund's behalf, to any Fund stockholder, prospective stockholder or third-party information provider;

(b) The Fund will issue, contemporaneously with the issuance of any 19(a) Notice, a press release containing the information in the 19(a) Notice and will file with the Commission the information contained in such 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, as an exhibit to its next filed Form N–CSR; and

(c) The Fund will post prominently a statement on its (or the Adviser's) Web site containing the information in each 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, and will maintain such information on such Web site for at least 24 months.

4. Delivery of 19(a) Notices to Beneficial Owners

If a broker, dealer, bank or other person (''financial intermediary'') holds common stock issued by the Fund in nominee name, or otherwise, on behalf of a beneficial owner, the Fund: (a) Will request that the financial intermediary, or its agent, forward the 19(a) Notice to all beneficial owners of the Fund's stock held through such financial intermediary; (b) will provide, in a timely manner, to the financial intermediary, or its agent, enough copies of the 19(a) Notice assembled in the form and at the place that the financial intermediary, or its agent, reasonably requests to facilitate the financial intermediary's sending of the 19(a) Notice to each beneficial owner of the Fund's stock; and (c) upon the request of any financial intermediary, or its agent, that receives copies of the 19(a) Notice, will pay the financial intermediary, or its agent, the reasonable expenses of sending the 19(a) Notice to such beneficial owners.

5. Additional Board Determinations for Funds Whose Common Stock Trades at a Premium

If:

(a) The Fund's common stock has traded on the stock exchange that they primarily trade on at the time in question at an average premium to NAV equal to or greater than 10%, as determined on the basis of the average of the discount or premium to NAV of the Fund's shares of common stock as of the close of each trading day over a 12-week rolling period (each such 12-week rolling period ending on the last trading day of each week); and

(b) The Fund's annualized distribution rate for such 12-week rolling period, expressed as a percentage of NAV as of the ending date of such 12-week rolling period, is greater than the Fund's average annual total return in relation to the change in NAV over the 2-year period ending on the last day of such 12-week rolling period; then:

(i) At the earlier of the next regularly scheduled meeting or within four months of the last day of such 12-week rolling period, the Board, including a majority of the Independent Directors:

(1) Will request and evaluate, and the Fund's Adviser will furnish, such information as may be reasonably necessary to make an informed determination of whether the Distribution Policy should be continued or continued after amendment;

(2) will determine whether continuation, or continuation after amendment, of the Distribution Policy is consistent with the Fund's investment objective(s) and policies and is in the best interests of the Fund and its stockholders, after considering the information in condition 5(b)(i)(1) above; including, without limitation:

(A) Whether the Distribution Policy is accomplishing its purpose(s);

(B) the reasonably foreseeable material effects of the Distribution Policy on the Fund's long-term total return in relation to the market price and NAV of the Fund's common stock; and

(C) the Fund's current distribution rate, as described in condition 5(b) above, compared with the Fund's average annual taxable income or total return over the 2-year period, as described in condition 5(b), or such longer period as the Board deems appropriate; and

(3) based upon that determination, will approve or disapprove the continuation, or continuation after amendment, of the Distribution Policy; and

(ii) The Board will record the information considered by it, including its consideration of the factors listed in condition 5(b)(i)(2) above, and the basis for its approval or disapproval of the continuation, or continuation after amendment, of the Distribution Policy in its meeting minutes, which must be made and preserved for a period of not less than six years from the date of such meeting, the first two years in an easily accessible place.

6. Public Offerings

The Fund will not make a public offering of the Fund's common stock other than:

(a) A rights offering below NAV to holders of the Fund's common stock;

(b) an offering in connection with a dividend reinvestment plan, merger, consolidation, acquisition, spin-off or reorganization of the Fund; or

(c) an offering other than an offering described in conditions 6(a) and 6(b)

above, provided that, with respect to such other offering:

(i) The Fund's annualized distribution rate for the six months ending on the last day of the month ended immediately prior to the most recent distribution record date,[4] expressed as a percentage of NAV as of such date, is no more than 1 percentage point greater than the Fund's average annual total return for the 5-year period ending on such date; [5] and

(ii) the transmittal letter accompanying any registration statement filed with the Commission in connection with such offering discloses that the Fund has received an order under section 19(b) to permit it to make periodic distributions of long-term capital gains with respect to its shares of common stock as frequently as twelve times each year, and as frequently as distributions are specified by or determined in accordance with the terms of any outstanding shares of preferred stock as such Fund may issue.

7. Amendments to Rule 19b–1

The requested order will expire on the effective date of any amendment to rule 19b–1 that provides relief permitting certain closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common stock as frequently as twelve times each year.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

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BILLING CODE 8011–01–P

[4] If the Fund has been in operation fewer than six months, the measured period will begin immediately following the Fund's first public offering.

[5] If the Fund has been in operation fewer than five years, the measured period will begin immediately following the Fund's first public offering.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75123; File No. SR–NYSEArca–2015–49]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services To Modify the Credits for Mid-Point Passive Liquidity Orders

June 9, 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 29, 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, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services (the ''Fee Schedule'') to modify the credits for Mid-Point Passive Liquidity (''MPL'') Orders. The Exchange proposes to implement the fee changes on June 1, 2015. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to modify the credits applicable to MPL Orders.[4] The Exchange proposes to implement the fee changes on June 1, 2015.

Currently, MPL Orders that provide liquidity on the Exchange receive a credit of $0.0015 per share for Tape A, Tape B and Tape C Securities under Tier 1, Tier 2 and Basic Rates in the Fee Schedule.[5]

The Exchange proposes to modify the credits under Tier 1, Tier 2 and Basic Rates for MPL Orders that provide liquidity and establish different credits based on the Average Daily Volume (''ADV'') of provided liquidity in MPL Orders for Tape A, Tape B and Tape C Securities combined (''MPL Adding ADV''). The proposed changes would apply to ETP Holders and Market Makers that are eligible for Tier 1 or Tier 2 fees and credits, and to the Basic Rates. The proposed changes would apply to securities with a per share price of $1.00 or above.

For ETP Holders and Market Makers that have MPL Adding ADV during the billing month of at least 3 million shares, the credit per share would be $0.0015 for Tape A Securities, $0.0020 for Tape B Securities and $0.0025 for Tape C Securities (''MPL Adding ADV Category 1'').

For ETP Holders and Market Makers with MPL Adding ADV during the

[4] An MPL Order is a Passive Liquidity Order executable only at the midpoint of the Protected Best Bid and Offer. *See* Rule 7.31(h)(5) [sic]. A Passive Liquidity Order is an order to buy or sell a stated amount of a security at a specified, undisplayed price. *See* Rule 7.31(h)(4) [sic].

[5] Tier 1 applies to ETP Holders and Market Makers (1) that provide liquidity an average daily share volume per month of 0.70% or more of the US CADV or (2) that (a) provide liquidity an average daily share volume per month of 0.15% or more of the US CADV and (b) are affiliated with an OTP Holder or OTP Firm that provides an ADV of electronic posted executions (including all account types) in Penny Pilot issues on NYSE Arca Options (excluding mini options) of at least 100,000 contracts, of which at least 25,000 contracts must be for the account of a market maker. Tier 2 applies to ETP Holders and Market Makers that provide liquidity an average daily share volume per month of 0.30% or more, but less than 0.70% of the US CADV. Basic Rates apply when tier rates do not apply. US CADV means United States Consolidated Average Daily Volume for transactions reported to the Consolidated Tape, excluding odd lots through January 31, 2014 (except for purposes of Lead Market Maker pricing), and excludes volume on days when the market closes early and on the date of the annual reconstitution of the Russell Investments Indexes. Transactions that are not reported to the Consolidated Tape are not included in US CADV.

billing month of at least 1.5 million shares but less than 3 million shares, the credit per share would be $0.0015 for Tape A, Tape B and Tape C Securities (''MPL Adding ADV Category 2'').

For ETP Holders and Market Makers with MPL Adding ADV during the billing month of less than 1.5 million shares, the credit per share would be $0.0010 for Tape A, Tape B and Tape C Securities (''MPL Adding ADV Category 3'').

The current $0.0030 fee for MPL Orders in Tape A, B and C securities that remove liquidity from the Exchange would not change as a result of this proposal. In addition, MPL Orders removing liquidity from the Exchange that are designated as Retail Orders are not currently subject to a fee, which the Exchange is not proposing to change.

The Exchange also proposes to add the defined term, ''MPL'' in place of Mid-Point Passive Liquidity'' throughout the Fee Schedule.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[7] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed change to the credits for MPL Orders is reasonable because it would align the level of the credits to the level of volume provided.

The Exchange believes that the higher credits in MPL Adding ADV Category 1 for Tape B and Tape C securities, of $0.0020 and $0.0025, respectively, is reasonable because the higher credits would incentivize ETP Holders to submit the additional liquidity required for MPL Adding ADV Category 1 through MPL Orders in Tape B and Tape C Securities. The Exchange believes that for MPL Adding ADV Category 1, the credit for Tape A securities of $0.0015 is reasonable because it is unchanged from the current credit.

Similarly, the credit of $0.0015 in MPL Adding ADV Category 2, which is the same as the current per share credit for MPL Orders, is reasonable because it would apply to ETP Holders and Market Makers that provide a lower MPL Adding ADV, of more than 1.5 million shares but less than 3 million shares, than MPL Adding ADV Category 1, but higher [sic] than the MPL Adding ADV required for the higher credits in MPL Adding ADV Category 1 [sic] for Tape B and Tape C Securities. The lowest credit, of $0.0010 per share, in MPL Adding ADV Category 3, is reasonable because it would apply equally to the ETP Holders and Market Makers that provide the lowest MPL Adding ADV of less than 1.5 million shares.

MPL Orders allow for additional opportunities for passive interaction with trading interest on the Exchange and are designed to offer potential price improvement to incoming marketable orders submitted to the Exchange.[8] The Exchange believes that by correlating the level of the credit to the level of MPL Adding Volume, this proposed fee structure would incentivize ETP Holders to submit more liquidity providing MPL Orders to the Exchange, thereby increasing the potential price improvement to incoming marketable orders submitted to the Exchange.

The Exchange believes that the proposed change is also equitable and not unfairly discriminatory because the proposed credits would be available to all ETP Holders and Market Makers to qualify for and would apply equally to MPL Orders from all ETP Holders and Market Makers.

Finally, the Exchange notes that certain other exchanges also structure pricing based on midpoint pricing, including with respect to applicable volume thresholds that must be satisfied in order to qualify for such pricing, and that the pricing levels proposed by the Exchange are competitive with those exchanges.[9]

The Exchange believes that the changes to replace the term, ''Mid-Point Passive Liquidity'' with the defined term, ''MPL'' throughout the fee schedule is reasonable because it will make the Fee Schedule clearer and easier to understand.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed change reflects this competitive environment. For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[10] the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed change will encourage competition, including by attracting additional liquidity to the Exchange, which will make the Exchange a more competitive venue for, among other things, order execution and price discovery. In general, ETP Holders impacted by the proposed change may readily adjust their trading behavior to maintain or increase their credits in a favorable manner, and will therefore not be disadvantaged in their ability to compete. Specifically, all ETP Holders have the ability to submit MPL Orders and ETP Holders could readily choose to submit additional MPL Orders on the Exchange in order to qualify for the proposed credits for MPL Orders.

Also, the Exchange does not believe that the proposed change will impair the ability of ETP Holders or competing order execution venues to maintain their competitive standing in the financial markets. In this regard, the Exchange notes that certain aspects of the proposed change are similar to, and competitive with, pricing structures and applicable fees and credits applicable on another exchange.[11]

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee or credit levels at a particular venue to be unattractive. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. The credits proposed herein are based on objective standards that are applicable to all ETP Holders and reflect the need for the Exchange to offer significant financial incentives to attract order flow. For these reasons, the Exchange believes that the proposed rule change reflects this competitive environment and is therefore consistent with the Act.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) and (5).

[8] *See, e.g.,* Securities Exchange Act Release No. 54511 (September 26, 2006), 71 FR 58460, 58461 (October 3, 2006) (SR–PCX–2005–53).

[9] For example, the Nasdaq Stock Market LLC (''NASDAQ'') provides a non-tier credit for midpoint liquidity of $0.0014 for Tape A and B securities and $0.0010 per share for Tape C securities. *See* NASDAQ Rule 7018.

[10] 15 U.S.C. 78f(b)(8).

[11] *See supra* note 9.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [12] of the Act and subparagraph (f)(2) of Rule 19b–4 [13] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [14] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2015–49 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–2015–49. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2015–49, and should be submitted on or before July 6, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14478 Filed 6–12–15; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(2).

[14] 15 U.S.C. 78s(b)(2)(B).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75121; File No. SR–NASDAQ–2015–036]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change, as Modified by Amendments Nos. 1 and 2 Thereto, Relating to the Listing and Trading of the Shares of 18 Eaton Vance NextShares ETMFs of Either the Eaton Vance ETMF Trust or the Eaton Vance ETMF Trust II

June 8, 2015.

I. Introduction

On April 10, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade the shares (''Shares'') of the following 18 exchange-traded managed funds: Eaton Vance Balanced NextShares™; Eaton Vance Global Dividend Income NextShares™; Eaton Vance Growth NextShares™; Eaton Vance Large-Cap Value NextShares™; Eaton Vance Richard Bernstein All Asset Strategy NextShares™; Eaton Vance Richard Bernstein Equity Strategy NextShares™; Eaton Vance Small-Cap NextShares™; Eaton Vance Stock NextShares™; Parametric Emerging Markets NextShares™; Parametric International Equity NextShares™; Eaton Vance Bond NextShares™; Eaton Vance TABS 5-to-15 Year Laddered Municipal Bond NextShares™; Eaton Vance Floating-Rate & High Income NextShares™; Eaton Vance Global Macro Absolute Return NextShares™; Eaton Vance Government Obligations NextShares™; Eaton Vance High Income Opportunities NextShares™; Eaton Vance High Yield Municipal Income NextShares™; and Eaton Vance National Municipal Income NextShares™ (collectively, ''Funds''). On April 21, 2015, the Exchange filed Amendments Nos. 1 and 2 to the proposal.[3] The proposed rule change, as modified by Amendments Nos. 1 and 2 thereto, was published for comment in the **Federal Register** on April 29, 2015.[4] The Commission received no comments on the proposed rule change.

Section 19(b)(2) of the Act [5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is June 13, 2015. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change, which seeks to list and trade Shares of the Funds pursuant to Nasdaq Rule 5745 governing the listing

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 amended and replaced the proposed rule change in its entirety. Amendment No. 2 subsequently amended the proposal to include a new footnote to reflect a Web site reference.

[4] *See* Securities Exchange Act Release No. 74797 (Apr. 23, 2015), 80 FR 23831 (''Notice'').

[5] 15 U.S.C. 78s(b)(2).

and trading of Exchange-Traded Managed Fund Shares, so that it has sufficient time to consider this proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates July 28, 2015, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2015–036).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14477 Filed 6–12–15; 8:45 am]

BILLING CODE 8011–01–P

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75130; File No. SR–ISE–2015–19]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

June 9, 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 June 1, 2015, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE proposes to amend the Schedule of Fees to increase certain complex order fees in Select Symbols, and to introduce tiered fees for certain Market Maker complex orders based on affiliated Priority Customer complex order volume. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to increase certain complex order fees in Select Symbols,[3] and to introduce tiered fees for certain Market Maker[4] complex orders based on affiliated Priority Customer[5] complex order volume. Currently, the Exchange charges complex order taker fees in Select Symbols that are $0.43 per contract for Market Maker orders,[6] and $0.44 per contract for Non-ISE Market Maker,[7] Firm Proprietary[8]/Broker-Dealer,[9] and Professional Customer[10] orders.[11] The Exchange also charges an equivalent maker fee in Select Symbols that applies specifically when trading against Priority Customer orders. The Exchange now proposes to increase the above fees for Non-ISE Market Maker, Firm Proprietary/Broker-Dealer, and Professional Customer orders to $0.47 per contract. For Market Maker orders, the Exchange proposes to charge a tiered fee based on total affiliated Priority Customer complex order average daily volume (''ADV'').[12] As proposed, Market Makers with a total affiliated Priority Customer ADV of up to 149,999 contracts will pay a fee of $0.46 per contract, while Market Makers with a total affiliated Priority Customer Complex ADV of 150,000 or more contracts will pay fees at the current rate of $0.43 per contract.[13]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[14] in general, and Section 6(b)(4) of the Act,[15] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

The Exchange believes that the proposed fee increase is reasonable and equitable as the proposed fees are set at levels that the Exchange believes will continue to be attractive to market participants that trade on ISE, and offset rebates provided to Priority Customer complex orders, which were recently

[3] ''Select Symbols'' are options overlying all symbols listed on the ISE that are in the Penny Pilot Program.

[4] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. See Rule 100(a)(25).

[5] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in ISE Rule 100(a)(37A).

[6] ISE Market Makers making or taking liquidity receive a discount of $0.02 when trading against Priority Customer orders preferenced to them in the Complex Order Book in equity options that are able to be listed and traded on more than one options exchange. This discount does not apply to FX Options Symbols or to option classes designated by the Exchange to receive a guaranteed allocation pursuant to ISE Rule 722(b)(3)(i)(B).

[7] A ''Non-ISE Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange.

[8] A ''Firm Proprietary'' order is an order submitted by a member for its own proprietary account.

[9] A ''Broker-Dealer'' order is an order submitted by a member for a broker-dealer account that is not its own proprietary account.

[10] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer.

[11] Priority Customer Complex Orders are not charged maker/taker fees and are instead provided a volume based rebate that ranges from $0.30 per contract to $0.46 per contract in Select Symbols.

[12] As is the case for other fees based on affiliated member volume, the Exchange will continue to aggregate eligible volume from affiliated members in determining total affiliated Priority Customer Complex ADV, provided there is at least 75% common ownership between the Members as reflected on each Member's Form BD, Schedule A.

For purposes of determining Priority Customer Complex ADV, any day that the complex order book is not open for the entire trading day may be excluded from such calculation; provided that the Exchange will only remove the day for members that would have a lower ADV with the day included.

[13] The fee for the highest volume tier achieved will be applied retroactively to all eligible volume once the threshold has been reached.

Preferenced Market Makers will continue to be eligible for a $0.02 per contract discount as described in footnote 6 above.

[14] 15 U.S.C. 78f.

[15] 15 U.S.C. 78f(b)(4).

increased.[16] Moreover, the proposed fees are competitive with fees charged by other options exchanges and remain attractive to members for this reason. The Exchange notes that Priority Customer orders will continue to receive complex order rebates, while other market participants will continue to pay a fee. The Exchange does not believe that this is unfairly discriminatory as a Priority Customer is by definition not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). This limitation does not apply to participants whose behavior is substantially similar to that of market professionals, including Professional Customers, who will generally submit a higher number of orders (many of which do not result in executions) than Priority Customers. With respect to Market Maker orders, the Exchange believes that it is reasonable and equitable to charge lower fees to Market Makers with significant affiliated Priority Customer complex order volume, as this will incentivize members to bring additional order flow to ISE, creating additional liquidity to the benefit of all members that trade complex orders on the Exchange. The Exchange notes that the proposed tiered structure will allow Market Makers to continue to pay the same fees that they pay today by executing, through their affiliates, sufficient Priority Customer complex order volume to qualify for the lower fee. The Exchange does not believe that it is unfairly discriminatory only to provide these lower fees to Market Maker orders as Market Makers are subject to additional requirements and obligations (such as quoting requirements) that other market participants are not.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[17] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed complex order fees remain competitive with fees charged by other options exchanges. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[18] and subparagraph (f)(2) of Rule 19b–4 thereunder,[19] because it establishes a due, fee, or other charge imposed by ISE.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2015–19 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–ISE–2015–19. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2015–19 and should be submitted on or before July 6, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14479 Filed 6–12–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75131; File No. SR–ISE–2015–20]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

June 9, 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 June 1,

[16] *See* Securities Exchange Act Release No. 74525 (March 18, 2015), 80 FR 15646 (March 24, 2015) (SR–ISE–2015–09).

[17] 15 U.S.C. 78f(b)(8).

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 17 CFR 240.19b–4(f)(2).

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

2015, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE proposes to amend the Schedule of Fees to increase the maker fee charged to Market Maker and Non-ISE Market Maker orders in Select Symbols when trading against Priority Customer complex orders that leg in from the complex order book. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to increase the maker fee charged to Market Maker [3] and Non-ISE Market Maker [4] orders in Select Symbols [5] when trading against Priority Customer [6] complex orders that leg in from the complex order book. Market Maker orders (other than Market Maker Plus orders) [7] and Non-ISE Market Maker orders currently pay a maker fee of $0.10 per contract for regular orders in Select Symbols. This $0.10 per contract fee similarly applies to all Market Maker orders (including Market Maker Plus orders) and Non-ISE Market Maker orders when trading against Priority Customer complex orders that leg in from the complex order book pursuant to Rule 715(k). At the same time, the Exchange charges a taker fee to Priority Customer orders entered in the regular order book but provides a rebate to Priority Customer orders entered in the complex order book. The complex order rebates paid to Priority Customer orders, which apply regardless of whether those orders are executed on the complex order book or leg in to the regular order book, range from $0.30 per contract for the lowest tier to $0.46 per contract for the highest. To better align the fees charged for executing trades with the rebates paid out by ISE, the Exchange proposes to increase the maker fee for Market Maker (including Market Maker Plus) and Non-ISE Market Maker orders to $0.30 per contract when trading against Priority Customer orders that leg in from the complex order book.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[8] in general, and Section 6(b)(4) of the Act,[9] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

The Exchange believes that the proposed fee change is reasonable and equitable as it aligns the fees associated with trading against legged-in Priority Customer orders with the rebates paid out by ISE. As explained above, the Exchange offers significant rebates to Priority Customer complex orders. This, combined with the low maker fees charged to regular orders, results a negative rate per contract when Priority Customer complex orders leg in to the regular order book. To reduce these negative economics, the Exchange believes that it is appropriate to increase the fees charged to Market Maker and Non-ISE Market Maker orders that trade against Priority Customer complex orders that leg in from the complex order book. In this regard, the Exchange notes that the proposed maker fees are equivalent to the rebate provided to Priority Customer complex orders that qualify for the lowest tier of rebate, and will therefore help offset those rebates. The proposed fees are also within the range of fees charged by other options exchanges, including, for example, BOX Options Exchange LLC (''BOX''), which charges a fee of $0.51 per contract for Market Maker orders in penny pilot classes when trading against a Public Customer. The Exchange notes that it is only proposing to increase the applicable maker fees for Market Maker and Non-ISE Market Maker orders, and not for Firm Proprietary [10]/Broker-Dealer [11] or Professional Customer [12] orders. The Exchange believes that this is not unfairly discriminatory as Market Makers and Non-ISE Market Makers are responsible for the majority of trading volume that executes against Priority Customer orders that leg in from the complex order book and are sophisticated enough to account for the higher fees that would be charged when trading against such orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[13] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fees are designed to reduce the negative economics associated with orders that leg in from the complex order book, and are not intended to have any competitive impact. While the

[3] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. See Rule 100(a)(25).

[4] A ''Non-ISE Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange.

[5] ''Select Symbols'' are options overlying all symbols listed on the ISE that are in the Penny Pilot Program.

[6] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in ISE Rule 100(a)(37A).

[7] A Market Maker Plus is a Market Maker who is on the National Best Bid or National Best Offer a specified percentage of the time for series trading between $0.03 and $3.00 (for options whose underlying stock's previous trading day's last sale price was less than or equal to $100) and between $0.10 and $3.00 (for options whose underlying stock's previous trading day's last sale price was greater than $100) in premium in each of the front two expiration months. The specified percentage is at least 80% but lower than 85% of the time for Tier 1, at least 85% but lower than 95% of the time for Tier 2, and at least 95% of the time for Tier 3. A Market Maker's single best and single worst quoting days each month based on the front two expiration months, on a per symbol basis, will be excluded in calculating whether a Market Maker qualifies for this rebate, if doing so will qualify a Market Maker for the rebate.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

[10] A ''Firm Proprietary'' order is an order submitted by a member for its own proprietary account.

[11] A ''Broker-Dealer'' order is an order submitted by a member for a broker-dealer account that is not its own proprietary account.

[12] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer.

[13] 15 U.S.C. 78f(b)(8).

proposed fee increase only applies to Market Maker and Non-ISE Market Maker orders, the Exchange does not believe that this will have any significant competitive impact as the proposed fees remain modest and are well within the range of fees charged by other options exchanges. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [14] and subparagraph (f)(2) of Rule 19b–4 thereunder,[15] because it establishes a due, fee, or other charge imposed by ISE.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2015–20 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–ISE–2015–20. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2015–20 and should be submitted on or before July 6, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14480 Filed 6–12–15; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A)(ii).

[15] 17 CFR 240.19b–4(f)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31664; 812–14428]

Nuveen Fund Advisors, LLC, et al.; Notice of Application

June 8, 2015.

AGENCY: Securities and Exchange Commission (the ''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and (B) of the Act.

APPLICANTS: Nuveen ETF Trust (the ''Trust''), Nuveen Fund Advisors, LLC (''Nuveen''), and Nuveen Securities, LLC (''Nuveen Securities'').

SUMMARY OF APPLICATION: Applicants request an order that permits: (a) Actively-managed series of the Trust to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Creation Units for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

DATES: *Filing Dates:* The application was filed on February 27, 2015 and amended on June 3, 2015.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 2, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the

matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549. Applicants: 333 West Wacker Drive, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, at (202) 551–6817 or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust will be registered as an open-end management investment company under the Act and is organized as a Massachusetts business trust. The Trust will offer Funds (as defined below), each of which will have distinct investment strategies and will attempt to achieve its investment objective by utilizing an active management strategy.

2. Nuveen, a Delaware limited liability company, is, and any other Adviser will be, registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''). An Adviser will be investment adviser to each Fund and may enter into subadvisory agreements with one or more affiliated or unaffiliated investment sub-advisers to a Fund (each, a ''Sub-Adviser''). Any Sub-Adviser will be registered or not subject to registration under the Advisers Act. Nuveen Securities, a Delaware limited liability company, is, and any other Distributor will be, registered as a broker-dealer (''Broker'') under the Securities Exchange Act of 1934 (the ''Exchange Act'').[1] A Distributor will serve as the principal underwriter and distributor for each of the Funds.

3. Applicants request that the order apply to future series of the Trust, including the Initial Fund, or of any other open-end investment company that may be created in the future that, in each case, (a) is an actively managed exchange-traded fund (''ETF''), (b) is advised by Nuveen or an entity controlling, controlled by, or under common control with Nuveen (each such entity or any successor entity thereto, an ''Adviser'')[2] and (c) complies with the terms and conditions of the application (individually a ''Fund,'' and collectively, the ''Funds'').[3]

4. The Funds may invest in equity securities or fixed income securities traded in the U.S. or non-U.S. markets. Funds that invest in equity securities or fixed income securities traded in the U.S. or non-U.S. markets are ''Global Funds.'' Funds that invest solely in foreign equity securities or foreign fixed income securities are ''Foreign Funds.'' The Funds may also invest in ''Depositary Receipts''[4] and may engage in TBA Transactions (defined below). Applicants further state that, in order to implement each Fund's investment strategy, the Adviser and/or Sub-Advisers of a Fund may review and change the securities, or instruments, or other assets or positions held by the Fund (''Portfolio Positions'') daily.[5]

5. Applicants also request that any exemption under section 12(d)(1)(J) of the Act from sections 12(d)(1)(A) and (B) apply to: (i) Any Fund; (ii) any Acquiring Fund (as defined below); and (iii) any Brokers selling Shares of a Fund to an Acquiring Fund or any principal underwriter of a Fund. A management investment company or unit investment trust registered under the Act that is not part of the same ''group of investment companies'' as the Fund within the meaning of section 12(d)(1)(G)(ii) of the Act and that acquires Shares of a Fund in excess of the limits of Section 12(d)(1)(A) of the Act is referred to as an ''Acquiring Management Company'' or an ''Acquiring Trust,'' respectively, and the Acquiring Management Companies and Acquiring Trusts are referred to collectively as ''Acquiring Funds.''[6]

6. A Creation Unit will consist of at least 25,000 Shares and applicants expect that the trading price of a Share will range from $20 to $100. All orders to purchase Creation Units must be placed with the Distributor by or through an ''Authorized Participant,'' which is either (a) a Broker or other participant in the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC'', and such process the ''NSCC Process''), or (b) a participant in the Depository Trust Company (''DTC,'' such participant ''DTC Participant'' and such process the ''DTC Process''), which, in either case, has executed an agreement with the Distributor with respect to the purchase and redemption of Creation Units.

7. In order to keep costs low and permit each Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[7] On any given Business Day[8] the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or a redemption, as the ''Creation Basket.'' In addition, the

[1] For purposes of the requested order, the term ''Distributor'' shall include any other entity that acts as the distributor and principal underwriter of the Creation Units of Shares of the Funds in the future and complies with the terms and conditions of the application.

[2] For the purposes of the requested order, ''successor'' is limited to an entity that would result from a reorganization into another jurisdiction or a change in the type of business organization.

[3] All entities that currently intend to rely on the order are named as applicants. Any entity that relies on the order in the future will comply with the terms and conditions of the application.

[4] Depositary Receipts are typically issued by a financial institution (a ''Depositary'') and evidence ownership in a security or pool of securities that have been deposited with the Depositary. A Fund will not invest in any Depositary Receipts that the Adviser or any Sub-Adviser deems to be illiquid or for which pricing information is not readily available. No affiliated persons of applicants or any Sub-Adviser will serve as the Depositary for any Depositary Receipts held by a Fund.

[5] If a Fund invests in derivatives, then (a) the Fund's board of trustees or directors (for any entity, the ''Board'') will periodically review and approve the Fund's use of derivatives and how the Fund's investment adviser assesses and manages risk with respect to the Fund's use of derivatives and (b) the Fund's disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

[6] An Acquiring Fund may rely on the order only to invest in a Fund and not in any other registered investment company.

[7] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act''). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to Rule 144A under the Securities Act, the Funds will comply with the conditions of Rule 144A.

[8] Each Fund will sell and redeem Creation Units on any day that the Trust is open, including as required by section 22(e) of the Act (each, a ''Business Day'').

Creation Basket will correspond pro rata to the positions in a Fund's portfolio (including cash positions),[9] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots;[10] or (c) TBA Transactions,[11] short positions and other positions that cannot be transferred in kind[12] will be excluded from the Creation Basket.[13] If there is a difference between the NAV attributable to a Creation Unit and the aggregate market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Balancing Amount'').

8. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Balancing Amount, as described above; (b) if, on a given Business Day, a Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, a Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash; (d) if, on a given Business Day, a Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC Process or DTC Process; or (ii) in the case of Global Funds and Foreign Funds, such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if a Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Global Fund or Foreign Fund would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[14]

9. Each Business Day, before the open of trading on a national securities exchange, as defined in section 2(a)(26) of the Act (a ''Listing Market''), on which Shares are listed and traded, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Balancing Amount (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following Business Day, and there will be no intra-day changes to the Creation Basket except to correct errors in the published Creation Basket. The Listing Market will disseminate, every 15 seconds throughout the regular trading hours, through the facilities of the Consolidated Tape Associate, an estimated NAV, which is an amount per Share representing the current value of the Portfolio Positions that were publicly disclosed prior to the commencement of trading in Shares on the Listing Market.

10. Each Fund will recoup the settlement costs charged by NSCC and DTC by imposing a fee (the ''Transaction Fee'') on investors purchasing or redeeming Creation Units. Where a Fund permits an in-kind purchaser or redeemer to deposit or receive cash in lieu of one or more Deposit or Redemption Instruments, the purchaser or redeemer may be assessed a higher Transaction Fee to offset the cost of buying or selling those particular Deposit or Redemption Instruments. In all cases, such Transaction Fees will be limited in accordance with requirements of the Commission applicable to management investment companies offering redeemable securities. All orders to purchase Creation Units must be placed with the Distributor by or through an Authorized Participant and the Distributor will transmit such orders to the Funds. The Distributor will be responsible for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it.

11. Purchasers of Shares in Creation Units may hold such Shares or may sell such Shares into the secondary market. Shares will be listed and traded at negotiated prices on a Listing Market and it is expected that the relevant Listing Market will designate one or more member firms to maintain a market for the Shares.[15] The price of Shares trading on a Listing Market will be based on a current bid-offer in the secondary market. Purchases and sales of Shares in the secondary market will not involve a Fund and will be subject to customary brokerage commissions and charges.

12. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[16] Applicants believe that the structure and operation of the Funds will be designed to enable efficient arbitrage and, thereby, minimize the probability that Shares will trade at a material premium or discount to a Fund's NAV.

13. Shares will not be individually redeemable and owners of Shares may acquire those Shares from a Fund, or tender such shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption requests must be placed by or through an Authorized Participant. As discussed above, redemptions of Creation Units will

[9] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's net asset value (''NAV'') for that Business Day.

[10] A tradable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[11] A TBA Transaction is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree on general trade parameters such as agency, settlement date, par amount and price.

[12] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[13] Because these instruments will be excluded from the Creation Basket, their value will be reflected in the determination of the Balancing Amount (defined below).

[14] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[15] If Shares are listed on The NASDAQ Stock Market LLC (''Nasdaq'') or a similar electronic Listing Market (including NYSE Arca, Inc.), one or more member firms of that Listing Market will act as market maker (a ''Market Maker'') and maintain a market for Shares trading on that Listing Market. On Nasdaq, no particular Market Maker would be contractually obligated to make a market in Shares. However, the listing requirements on Nasdaq stipulate that at least two Market Makers must be registered in Shares to maintain a listing. Registered Market Makers are required to make a continuous two-sided market or subject themselves to regulatory sanctions. No Market Maker will be an affiliated person, or an affiliated person of an affiliated person, of the Funds, except within the meaning of section 2(a)(3)(A) or (C) of the Act due solely to ownership of Shares.

[16] Shares will be registered in book-entry form only. DTC or its nominee will be the registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or DTC Participants.

generally be made on an in-kind basis, subject to certain specified exceptions under which redemptions may be made in whole or in part on a cash basis, and will be subject to a Transaction Fee.

14. Neither a Trust nor any Fund will be advertised or marketed or otherwise held out as a traditional open-end investment company or mutual fund. Instead, each Fund will be marketed as an ''actively-managed exchange-traded fund.'' All marketing materials that describe the features or method of obtaining, buying, or selling Creation Units, or Shares traded on a Listing Market, or refer to redeemability, will prominently disclose that Shares are not individually redeemable and that the owners of Shares may acquire those Shares from a Fund or tender those Shares for redemption to the Fund in Creation Units only.

15. Each Fund's Web site (''Web site''), which will be publicly available prior to the offering of Shares, will include the Fund's prospectus (''Prospectus''), statement of additional information (''SAI''), and summary prospectus, if used. The Web site will contain, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or mid-point of the bid/ask spread at the time of calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or the Bid/Ask Price against such NAV. On each Business Day, prior to the commencement of trading in Shares on a Listing Market, each Fund shall post on the Web site the identities and quantities of the Portfolio Positions held by the Fund that will form the basis for the calculation of the NAV at the end of that Business Day.[17]

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act granting an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act; and under sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1) and (2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and (B) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Trust to register as an open-end management investment company and issue Shares that are redeemable in Creation Units only. Applicants state that investors may purchase Shares in Creation Units from each Fund and that Creation Units will always be redeemable in accordance with the provisions of the Act. Applicants further state that because the market price of Shares will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary materially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in the Prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants state that, while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) to prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) to prevent unjust discrimination or preferential treatment among buyers and (c) to ensure an orderly distribution system of shares by contract dealers by eliminating price competition from non-contract dealers who could offer investors shares at less than the published sales price and who could pay investors a little more than the published redemption price.

6. Applicants assert that the protections intended to be afforded by Section 22(d) and rule 22c–1 are adequately addressed by the proposed methods for creating, redeeming and pricing Creation Units and pricing and trading Shares. Applicants state that (a) secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces but do not occur as a result of unjust or discriminatory manipulation. Finally, applicants assert that competitive forces in the marketplace should ensure that the margin between NAV and the price for the Shares in the secondary market remains narrow.

Section 22(e) of the Act

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants observe that the settlement of redemptions of Creation Units of the Foreign and Global Funds is contingent not only on the settlement cycle of the U.S. securities markets but also on the delivery cycles present in foreign

[17] Under accounting procedures followed by the Fund, trades made on the prior Business Day (''T'') will be booked and reflected in NAV on the current Business Day (T+1). Accordingly, the Funds will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for the NAV calculation at the end of the Business Day.

markets for underlying foreign Portfolio Positions in which those Funds invest. Applicants have been advised that, under certain circumstances, the delivery cycles for transferring Portfolio Positions to redeeming investors, coupled with local market holiday schedules, will require a delivery process of up to fifteen (15) calendar days. Applicants therefore request relief from section 22(e) in order to provide payment or satisfaction of redemptions within a longer number of calendar days as required for such payment or satisfaction in the principal local markets where transactions in the Portfolio Positions of each Foreign and Global Fund customarily clear and settle, but in all cases no later than fifteen (15) days following the tender of a Creation Unit.[18]

8. Applicants state that section 22(e) was designed to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds. Applicants assert that the protections intended to be afforded by Section 22(e) are adequately addressed by the proposed method and securities delivery cycles for redeeming Creation Units. Applicants state that allowing redemption payments for Creation Units of a Fund to be made within a maximum of fifteen (15) calendar days[19] would not be inconsistent with the spirit and intent of section 22(e). Applicants represent that each Fund's Prospectus and/or SAI will identify those instances in a given year where, due to local holidays, more than seven calendar days, up to a maximum of fifteen (15) calendar days, will be needed to deliver redemption proceeds and will list such holidays. Applicants are not seeking relief from section 22(e) with respect to Foreign and Global Funds that do not effect redemptions in-kind.

Section 12(d)(1) of the Act

9. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, or any other broker or dealer from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

10. Applicants request relief to permit Acquiring Funds to acquire Shares in excess of the limits in section 12(d)(1)(A) of the Act and to permit the Funds, their principal underwriters and any Broker to sell Shares to Acquiring Funds in excess of the limits in section 12(d)(l)(B) of the Act. Applicants submit that the proposed conditions to the requested relief address the concerns underlying the limits in section 12(d)(1), which include concerns about undue influence, excessive layering of fees and overly complex structures.

11. Applicants submit that their proposed conditions address concerns regarding the potential for undue influence. To limit the control that an Acquiring Fund may have over a Fund, applicants propose a condition prohibiting the adviser of an Acquiring Management Company (''Acquiring Fund Advisor''), sponsor of an Acquiring Trust (''Sponsor''), any person controlling, controlled by, or under common control with the Acquiring Fund Advisor or Sponsor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Acquiring Fund Advisor, the Sponsor, or any person controlling, controlled by, or under common control with the Acquiring Fund Advisor or Sponsor (''Acquiring Fund's Advisory Group'') from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any sub-adviser to an Acquiring Fund (''Acquiring Fund Sub-Advisor''), any person controlling, controlled by or under common control with the Acquiring Fund Sub-Advisor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Acquiring Fund Sub-Advisor or any person controlling, controlled by or under common control with the Acquiring Fund Sub-Advisor (''Acquiring Fund's Sub-Advisory Group'').

12. Applicants propose a condition to ensure that no Acquiring Fund or Acquiring Fund Affiliate[20] (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Acquiring Fund Advisor, Acquiring Fund Sub-Advisor, employee or Sponsor of the Acquiring Fund, or a person of which any such officer, director, member of an advisory board, Acquiring Fund Advisor, Acquiring Fund Sub-Advisor, employee or Sponsor is an affiliated person (except any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

13. Applicants propose several conditions to address the potential for layering of fees. Applicants note that the Board of any Acquiring Management Company, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (for any Board, the ''Independent Trustees''), will be required to find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Acquiring Management Company may invest. Applicants also state that any sales charges and/or service fees charged with respect to shares of an Acquiring Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.[21]

14. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that a Fund will be prohibited from acquiring securities of

[18] Applicants acknowledge that no relief obtained from the requirements of Section 22(e) of the Act will affect any obligations that it may otherwise have under Rule 15c6–1 under the Exchange Act. Rule 15c6–1 requires that most securities transactions be settled within three business days of the trade date.

[19] Certain countries in which a Fund may invest have historically had settlement periods of up to 15 calendar days.

[20] An ''Acquiring Fund Affiliate'' is any Acquiring Fund Advisor, Acquiring Fund Sub-Advisor, Sponsor, promoter and principal underwriter of an Acquiring Fund, and any person controlling, controlled by or under common control with any of these entities. ''Fund Affiliate'' is an investment adviser, promoter, or principal underwriter of a Fund or any person controlling, controlled by or under common control with any of these entities.

[21] Any reference to NASD Conduct Rule 2830 includes any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority.

any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

15. To ensure that an Acquiring Fund is aware of the terms and conditions of the requested order, the Acquiring Funds must enter into an agreement with the respective Funds (''Acquiring Fund Agreement''). The Acquiring Fund Agreement will include an acknowledgement from the Acquiring Fund that it may rely on the order only to invest in a Fund and not in any other investment company.

Section 17(a) of the Act

16. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such person (''Second Tier Affiliates''), from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act defines ''control'' as ''the power to exercise a controlling influence over the management or policies'' of the fund and provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. The Funds may be deemed to be controlled by the Adviser or an entity controlling, controlled by or under common control with the Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by the Adviser or an entity controlling, controlled by or under common control with the Adviser (an ''Affiliated Fund'').

17. Applicants request an exemption under sections 6(c) and 17(b) of the Act from sections 17(a)(1) and 17(a)(2) of the Act to permit in-kind purchases and redemptions of Creation Units from the Funds by persons that are affiliated persons or Second Tier Affiliates of the Funds solely by virtue of one or more of the following: (a) Holding 5% or more, or more than 25%, of the Shares of a Trust of one or more Funds; (b) having an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25%, of the shares of one or more Affiliated Funds. Applicants also request an exemption in order to permit each Fund to sell Shares to and redeem Shares from, and engage in the in-kind transactions that would accompany such sales and redemptions with, any Acquiring Fund of which the Fund is an affiliated person or Second-Tier Affiliate.[22]

18. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons or Second Tier Affiliates from making in-kind purchases or in-kind redemptions of Shares of a Fund in Creation Units. Both the deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions will be the same for all purchases and redemptions. Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Positions currently held by the relevant Funds and the valuation of the Deposit Instruments and Redemption Instruments will be made in an identical manner regardless of the identity of the purchaser or redeemer. Applicants do not believe that in-kind purchases and redemptions will result in abusive self-dealing or overreaching of the Fund.

19. Applicants also submit that the sale of Shares to and redemption of Shares from an Acquiring Fund satisfies the standards for relief under sections 17(b) and 6(c) of the Act. Applicants note that any consideration paid for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund.[23] The Acquiring Fund Agreement will require any Acquiring Fund that purchases Creation Units directly from a Fund to represent that the purchase will be in compliance with its investment restrictions and consistent with the investment policies set forth in its registration statement.

20. Applicants believe that: (a) With respect to the relief requested pursuant to section 17(b), the proposed transactions are fair and reasonable, and do not involve overreaching on the part of any person concerned, the proposed transactions are consistent with the policy of each Fund and, where applicable, Acquiring Fund, and the proposed transactions are consistent with the general purposes of the Act; and (b) with respect to the relief requested pursuant to section 6(c), the requested exemption for the proposed transactions is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

A. Actively-Managed Exchange-Traded Fund Relief

1. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only.

2. The Web site, which is and will be publicly accessible at no charge, will contain, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or the Bid/Ask Price, and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

3. As long as a Fund operates in reliance on the requested order, its Shares will be listed on a Listing Market.

4. On each Business Day, before commencement of trading in Shares on a Fund's Listing Market, the Fund will disclose on the Web site the identities and quantities of the Portfolio Positions held by the Fund that will form the

[22] Applicants anticipate that most Acquiring Funds will purchase Shares in the secondary market and will not purchase or redeem Creation Units directly from a Fund. To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between an Acquiring Fund and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to an Acquiring Fund and redemptions of those Shares in Creation Units. The requested relief is intended to cover transactions that would accompany such sales and redemptions. Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person of an Acquiring Fund because an investment adviser to the Funds is also an investment adviser to that Acquiring Fund.

[23] Applicants acknowledge that the receipt of compensation by (a) an affiliated person of an Acquiring Fund, or an affiliated person of such person, for the purchase by the Acquiring Fund of Shares of a Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to an Acquiring Fund, may be prohibited by section 17(e)(1) of the Act. The Acquiring Fund Agreement also will include this acknowledgment.

basis for the Fund's calculation of NAV at the end of the Business Day.

5. The Adviser or any Sub-Advisers, directly or indirectly, will not cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Fund) to acquire any Deposit Instrument for a Fund through a transaction in which the Fund could not engage directly.

6. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of actively-managed exchange-traded funds.

B. Section 12(d)(1) Relief

7. The members of an Acquiring Fund's Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of an Acquiring Fund's Sub-Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Acquiring Fund's Advisory Group or the Acquiring Fund's Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of that Fund's Shares. This condition does not apply to the Acquiring Fund's Sub-Advisory Group with respect to a Fund for which the Acquiring Fund Sub-Advisor or a person controlling, controlled by, or under common control with the Acquiring Fund Sub-Advisor acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

8. No Acquiring Fund or Acquiring Fund Affiliate will cause any existing or potential investment by the Acquiring Fund in a Fund to influence the terms of any services or transactions between the Acquiring Fund or an Acquiring Fund Affiliate and the Fund or a Fund Affiliate.

9. The Board of an Acquiring Management Company, including a majority of the Independent Trustees, will adopt procedures reasonably designed to ensure that the Acquiring Fund Advisor and any Acquiring Fund Sub-Advisor are conducting the investment program of the Acquiring Management Company without taking into account any consideration received by the Acquiring Management Company or an Acquiring Fund Affiliate from a Fund or a Fund Affiliate in connection with any services or transactions.

10. Once an investment by an Acquiring Fund in the Shares of a Fund exceeds the limits in section l2(d)(1)(A)(i) of the Act, the Board of the Fund, including a majority of the Independent Trustees, will determine that any consideration paid by the Fund to an Acquiring Fund or an Acquiring Fund Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

11. No Acquiring Fund or Acquiring Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause the Fund to purchase a security in any Affiliated Underwriting.

12. The Board of a Fund, including a majority of the Independent Trustees, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting, once an investment by an Acquiring Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board of the Fund will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Acquiring Fund in the Fund. The Board of the Fund will consider, among other things: (i) Whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board of the Fund will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to ensure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

13. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings, once an investment by an Acquiring Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the determinations of the Board of the Fund were made.

14. Before investing in Shares of a Fund in excess of the limits in section 12(d)(1)(A), each Acquiring Fund and the Fund will execute an Acquiring Fund Agreement stating, without limitation, that their Boards and their investment adviser(s), or their Sponsors or trustees (''Trustee''), as applicable, understand the terms and conditions of the requested order, and agree to fulfill their responsibilities under the requested order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), an Acquiring Fund will notify the Fund of the investment. At such time, the Acquiring Fund will also transmit to the Fund a list of the names of each Acquiring Fund Affiliate and Underwriting Affiliate. The Acquiring Fund will notify the Fund of any changes to the list of the names as soon as reasonably practicable after a change occurs. The Fund and the Acquiring Fund will maintain and preserve a copy of the requested order, the Acquiring Fund Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

15. The Acquiring Fund Advisor, Trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Acquiring Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted under rule 12b–1 under the Act) received from the Fund by the Acquiring Fund Advisor, Trustee or Sponsor, or an affiliated person of the

Acquiring Fund Advisor, Trustee or Sponsor, other than any advisory fees paid to the Acquiring Fund Advisor, Trustee or Sponsor, or its affiliated person by the Fund in connection with the investment by the Acquiring Fund in the Fund. Any Acquiring Fund Sub-Advisor will waive fees otherwise payable to the Acquiring Fund Sub-Advisor, directly or indirectly, by the Acquiring Management Company in an amount at least equal to any compensation received from a Fund by the Acquiring Fund Sub-Advisor, or an affiliated person of the Acquiring Fund Sub-Advisor, other than any advisory fees paid to the Acquiring Fund Sub-Advisor or its affiliated person by the Fund in connection with any investment by the Acquiring Management Company in the Fund made at the direction of the Acquiring Fund Sub-Advisor. In the event that the Acquiring Fund Sub-Advisor waives fees, the benefit of the waiver will be passed through to the Acquiring Management Company.

16. Any sales charges and/or service fees charged with respect to shares of an Acquiring Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

17. No Fund will acquire securities of any other investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent the Fund acquires securities of another investment company pursuant to exemptive relief from the Commission permitting the Fund to acquire securities of one or more investment companies for short-term cash management purposes.

18. Before approving any advisory contract under section 15 of the Act, the Board of each Acquiring Management Company, including a majority of the Independent Trustees, will find that the advisory fees charged under such advisory contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Acquiring Management Company may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Acquiring Management Company.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14482 Filed 6–12–15; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Public Availability of U.S. Small Business Administration FY 2014 Service Contract Inventory

AGENCY: U.S. Small Business Administration.

ACTION: Notice of public availability of 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), the Small Business Administration is publishing this notice to advise the public of the availability of the FY 2014 Service Contract inventory. This inventory provides information on service contract actions over $25,000 that were awarded 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 November 5, 2010 and December 19, 2011 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). The Small Business Administration has posted its inventory and a summary of the inventory on the Small Business Administration homepage at the following link: *http://www.sba.gov/content/service-contract-inventory.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to William Cody in the Procurement Division at (303) 844–3499 or *William.Cody@sba.gov.*

Dated: June 3, 2015.

Tami Perriello,

Chief Financial Officer/Associate Administrator for Performance Management, Office of the Chief Financial Officer.

[FR Doc. 2015–14531 Filed 6–12–15; 8:45 am]

BILLING CODE

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–40]

Petition for Exemption; Summary of Petition Received; Air Methods Corporation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 6, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–1867 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 9, 2015.

Brenda D. Courtney,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–1867.

Petitioner: Air Methods Corporation.

Section(s) of 14 CFR Affected: § 135.611.

Description of Relief Sought: Air Methods Corporation seeks relief to perform instrument flight rules (IFR) departures and IFR instrument approach procedures (IAP) at airports and/or heliports that do not have an approved weather reporting source, without airborne radar or thunderstorm detection equipment installed on its aircraft.

[FR Doc. 2015–14491 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2015–32]

Petition for Exemption; Summary of Petition Received; 6th Air Refueling Squadron, Flight Engineer Section

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 6, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–1475 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Alphonso Pendergrass (202) 267–4713, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 5, 2015.

Brenda D. Courtney,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–1475.

Petitioner: 6th Air Refueling Squadron, Flight Engineer Section.

Section(s) of 14 CFR Affected: §§ 61.213(a)(3) and 63.39(a),(b)(1)(2), and (3).

Description of Relief Sought: The U.S. Air Force KC–10 flight engineer community seeks an exemption from Title 14 CFR Sections 63.39(a), (b)(1)(2), and (3) along with the three phase practical test requirement outlined in FAA–S–8081–21 with changes 1, 2 and 3 based on military competence. This exemption would allow current and former members meeting the requirements of §§ 63.31, 63.33(a), 63.35, and 63.37 along with supporting documents determined by the Administrator to be granted an Federal Aviation Administration Flight Engineer Certificate with the appropriate aircraft rating based on military competence specific mission design series(MDS).

The Petitioner also seeks an exemption from Title 14 CFR Section 61.213(a)(3) based on military competence. This exemption would allow current and former members meeting the requirements of sections § 61.213(a)(1), (2), and (4) as appropriate along with supporting documents determined by the Administrator to be granted a Federal Aviation Administration Ground Instructor Certificate based on military competence.

[FR Doc. 2015–14490 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2014–0035]

MAP–21 Comprehensive Truck Size and Weight Limits Study Public Meeting and Solicitation of Comments

AGENCY: Federal Highway Administration (FHWA); Department of Transportation (DOT).

ACTION: Notice of public meeting; continuation of comment period.

SUMMARY: This notice announces an upcoming public briefing and the continued collection of comments regarding the technical reports for the Moving Ahead for Progress in the 21st Century Act (MAP–21) Comprehensive Truck Size and Weight Limits Study (CTSWLS). On June 5, 2015, DOT released the five technical reports to the public and to the National Academy of Sciences (NAS) for peer review.

DATES: A public meeting will be held on June 18, 2015 at 1:00 p.m., e.t.. The public docket (FHWA–2014–0035) will remain open until a Final Report is submitted to Congress or until further notice by FHWA.

ADDRESSES: The fourth public meeting will be conducted as a virtual public meeting (webinar format) to maximize public access to the briefing. Additional details and registration information will be sent to individuals who have registered for email updates on the CTSWLS; registration information will also be posted on FHWA's CTSWLS Web site: *http://www.ops.fhwa.dot.gov/freight/sw/map21tswstudy/index.htm.*

You may submit comments identified by the docket number FHWA–2014–0035 by any one of the following methods:

Fax: 1–202–493–2251;

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, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or

Electronically through the Federal eRulemaking Portal: http://

www.regulations.gov. Follow the online instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Send an email to *CTSWStudy@dot.gov,* or contact Mr. Thomas Kearney at: (518) 431–8890 or *Tom.Kearney@dot.gov;* Edward Strocko at: (202) 366–2997, or *Ed.Strocko@dot.gov;* Office of Freight Management and Operations, Federal Highway Administration, Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background

Section 32801 of MAP–21 (Pub. L. 112–141) requires DOT to conduct a CTSWLS addressing differences in safety risks, infrastructure impacts, and the effect on levels of enforcement between trucks operating at or within Federal truck size and weight limits and trucks legally operating in excess of Federal limits; comparing and contrasting the potential safety and infrastructure impacts of alternative configurations (including configurations that exceed current Federal limits to the current Federal law and regulations); and, estimating the effects of freight diversion due to these alternative configurations.

Report Release

The DOT released the technical reports to the public and submitted them to the NAS on June 5, 2015 for peer review. The technical reports are available on FHWA's CTSWLS Web site: *http://www.ops.fhwa.dot.gov/freight/sw/map21tswstudy/index.htm.*

The DOT is releasing these materials in advance of submitting a Final Report to Congress.

Public Meetings and Comment

On June 18, 2015, at 1:00 p.m., e.t., DOT will hold a virtual public meeting to provide an overview of the technical reports and update on the remaining tasks to complete the Final Report for the CTSWLS. This meeting will be recorded.

An additional presentation will be made for the second and final phase of the NAS peer review; details on the public portion of that meeting will be posted on the NAS and DOT CTSWLS Web sites and sent by email to people who have requested notification through the CTSWLS email distribution list.

The public docket for comments (FHWA–2014–00350) on any aspect of the CTSWLS, including the technical reports, will remain open until the Final Report is submitted to Congress or until further notice by FHWA.

The DOT invites the public to participate in these meetings and to direct comments to the public docket.

Authority: Sec. 32801, Pub. L. 112–141.

Issued on: June 10, 2015.

Gregory G. Nadeau,

Acting Administrator .

[FR Doc. 2015–14693 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Numbers FRA–2013–0128 and FRA–2014–0124]

Notice of Public Hearing

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this provides the public notice that by documents dated October 9, 2013 and November 18, 2014, the National Railroad Passenger Corporation (AMTRAK) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations governing the operation of passenger trains on the Northeast Corridor (NEC). Relief was also requested from speed limitations imposed by the Order of Particular Applicability for the Advanced Civil Speed Enforcement System (ACSES) Order. Specifically, Amtrak seeks relief from requirements that limit the current operation of its Tier II Acela trainsets to 150 mph from the current maximum authorized track speed for Class 8 track of 160 mph. In addition, Amtrak also requests relief from existing Tier II design requirements to allow for the procurement of new trainsets built to alternative design standards, as outlined in its petition. A previous notice was published outlining the details of Amtrak's petitions, on February 25, 2015 [80 FR 10208]. FRA assigned the petitions to Docket Numbers FRA–2013–0128 and FRA–2014–0124, respectively.

FRA has determined that the facts of these proceedings warrant a public hearing. Accordingly, a hearing is hereby scheduled to begin at 10:00 a.m. on July 22, 2015, at the National Housing Center, 1201 15th Street NW., Washington, DC 20005. Interested parties are invited to present oral statements at this hearing. For information on facilities or services for persons with disabilities, or to request special assistance at the hearing, contact FRA Program Analyst, Kenton Kilgore; by telephone, email, or in writing; at least five business days before the date of the hearing. Mr. Kilgore's contact information is as follows: FRA, Office of Railroad Safety, Mail Stop 25, 1200 New Jersey Avenue SE., Washington, DC 20590; (202) 493–6286; *kenton.kilgore@dot.gov.*

The informal hearing will be conducted by a representative designated by FRA in accordance with FRA's Rules of Practice (see particularly 49 CFR 211.25). FRA's representative will make an opening statement outlining the scope of the hearing, as well as any additional procedures for the conduct of the hearing. The hearing will be a non-adversarial proceeding in which all interested parties will be given the opportunity to express their views regarding the waiver petition without cross examination. After all initial statements have been completed, those individuals wishing to make brief rebuttal statements will be given an opportunity to do so.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

In addition, FRA is hereby extending the comment period for these waiver petitions to August 21, 2015, to allow adequate time for any additional comments to be submitted following the public hearing on July 22, 2015. Communications received by that date will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All communications concerning these proceedings should identify the appropriate docket numbers and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if

submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Issued in Washington, DC, on June 10, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–14632 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number: DOT–OST–2014–0031]

Agency Information Collection; Activity Under OMB Review; Airline Service Quality Performance—Part 234

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for—and usefulness of—DOT requiring large certificated air carriers to file ''On-Time Flight Performance Reports'' and ''Mishandled-Baggage Reports'' pursuant to 14 CFR 234.4 and 234.6. These reports are used to monitor the quality of air service that larger air carriers provide to the flying public. The Federal Aviation Administration uses the On-Time Flight Performance Reports to identify problem areas within the air traffic control system.

DATES: Written comments should be submitted by August 14, 2015.

FOR FURTHER INFORMATION CONTACT: Cecelia Robinson, Office of Airline Information, RTS–42, Room E34–410, OST–R, BTS, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, Telephone Number (202) 366–4405, Fax Number (202) 366–3383 or Email *cecelia.robinson@dot.gov.*

Comments: Comments should identify the associated OMB approval number 2138–0041 and Docket ID Number DOT–OST–2014–0031. Persons wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB #2138–0041, Docket—DOT–OST–2014–0031. The postcard will be date/time stamped and returned.

ADDRESSES: You may submit comments by any of the following methods:

Federal Erulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, see instructions above. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket, or to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access: You may access comments received for this notice at *http://www.regulations.gov* by searching docket DOT–OST–2014–0031.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2138–0041.

Title: Airline Service Quality Performance Reports—Part 234.

Form No.: BTS Form 234.

Type of Review: Renewal of approved collection.

Respondents: Large certificated air carriers that account for at least 1 percent of the domestic scheduled-service passenger revenues.

Number of Respondents: 14.

Number of Responses: 168.

Total Burden per Response: 20 hours.

Total Annual Burden: 3,360 hours.

Needs and Uses:

Consumer Information

Part 234 gives air travelers information concerning the on-time performance history of flights and the rate of mishandled baggage for each reporting carrier. The reports are filed by the 14 largest scheduled-service U.S. passenger carriers.

On July 15, 2011 the Department published a Notice of Proposed Rulemaking (NPRM) proposing to change the manner in which baggage data are reported (*see* 76 FR 41726). The proposed rule would require carriers to report: (1) The number of mishandled checked bags (as opposed to the current requirement to report the number of mishandled baggage reports filed by passengers), (2) the total number of checked bags (as opposed to the current requirement to report the total number of enplaned passengers), (3) the number of mishandled wheelchairs and scooters used by passengers with disabilities that were carried in the cargo compartment, and (4) the total number of wheelchairs and scooters used by passengers with disabilities that were carried in the cargo compartment.

In the preamble to the Notice, the Department stated that the change in the matrix to mishandled bags per unit of checked bags would give consumers more reliable information on the air carriers' performance regarding the treatment of baggage within their control. Under the current system, there is no direct relationship between the number of mishandled bags and the number of checked bags. With the institution of baggage fees, the number of checked bags at some carriers has declined by 40 to 50 percent. There has been a corresponding 40 percent decline (*i.e.,* improvement) in the industry mishandled baggage rates. The proposed matrix would have a direct correlation between mishandled baggage and checked baggage.

A separate breakout of mishandled wheelchairs/scooters would assist passengers with mobility disabilities in selecting air carriers with high probabilities of meeting their special needs. There is a gap in the Department's data regarding the mishandling of wheelchairs and scooters. The proposed data would provide information to passenger with

disabilities on which air carriers best meet their special needs.

Reducing and Identifying Traffic Delays

The Federal Aviation Administration uses Part 234 data to pinpoint and analyze air traffic delays. Wheels-up and wheels-down times are used in conjunction with departure and arrival times to show the extent of ground delays. Actual elapsed flight time, wheels-down minus wheels-up time, is compared to scheduled elapsed flight time to identify airborne delays. The reporting of aircraft tail number allows the FAA to track an aircraft through the air network, which enables the FAA to study the ripple effects of delays at hub airports. The data can be analyzed for airport design changes, new equipment purchases, the planning of new runways or airports based on current and projected airport delays and traffic levels. The identification of the reason for delays allows the FAA, airport operators, and air carriers to pinpoint delays under their control.

Administrative Issues

The *Confidential Information Protection and Statistical Efficiency Act of 2002* (44 U.S.C. 3501) requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on June 8, 2015.

Patricia Hu,

Director, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology.

[FR Doc. 2015–14529 Filed 6–12–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 9, 2015.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before July 15, 2015 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

Community Development Financial Institutions (CDFI) Fund

OMB Number: 1559–0021.

Type of Review: Revision of a currently approved collection.

Title: CDFI Program and NACA Program Application.

Abstract: The CDFI Fund provides financial assistance in the form of grants, loans, equity investments and deposits to community development financial institutions providing capital and financial services to underserved markets. The FY 2016 CDFI and NACA Program application introduces an integrated web-based collection tool that will now be used to collect data from CDFI and NACA Program applicants. The new interactive, integrated application reduces the burden on the applicant since it will store previously supplied information, which will reduce data entry in future applications. It is anticipated that this will decrease the amount of time to complete the application from 50 hours to 30 hours per response for the applicants. This revision reflects a decrease in hours due to the new collection tool. Total burden hours requested for this submission is 13,530 (451 applications X 30 hours an application).

Affected Public: Private Sector: Businesses or other for-profits; not-for-profit institutions.

Estimated Total Burden Hours: 13,530.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2015–14448 Filed 6–12–15; 8:45 am]

BILLING CODE 4810–70–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Meetings To Prepare the 2015 Annual Report to Congress

Advisory Committee: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open meetings to be held in Washington, DC to review and edit drafts of 2015 Annual Report to Congress on the following dates: July 8–9, August 12–13, September 16–17, and October 7–8, 2015.

SUMMARY: Notice is hereby given of meetings of the U.S.-China Economic and Security Review Commission.

Name: William A. Reinsch, Chairman of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, evaluate and report to Congress annually on the U.S.-China economic and security relationship. The mandate specifically charges the Commission to prepare a report to Congress ''regarding the national security implications and impact of the bilateral trade and economic relationship between the United States and the People's Republic of China [that] shall include a full analysis, along with conclusions and recommendations for legislative and administrative actions . . .''

Purpose of Meetings: Pursuant to this mandate, members of the Commission will meet in Washington, DC on July 8–9, August 12–13, September 16–17, and October 7–8, 2015 to review and edit drafts of the 2015 Annual Report to Congress.

The Commission is subject to the Federal Advisory Committee Act (FACA) with the enactment of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 that was signed into law on November 22, 2005 (Pub. L. 109–108). In accordance with FACA, the Commission's meeting to make decisions concerning the substance and recommendations of its 2015 Annual Report to Congress are open to the public.

Topics To Be Discussed: The Commissioners will be considering draft report sections addressing the following topics:

- U.S.-China Economic and Trade Relations, including: The foreign investment climate in China, China's economic reforms, and commercial cyber espionage and barriers to digital trade in China.
- Security and Foreign Policy Issues Involving China, including: China's

space and counterspace programs; and China's offensive missile forces.

- China and the world, including: China and Central Asia, China and Southeast Asia, Taiwan, and Hong Kong.

Dates, Times, and Room Locations (Eastern Daylight Time):

- Wednesday and Thursday, *July 8–9, 2015* (9:00 a.m. to 5:00 p.m.)—Room 231
- Wednesday and Thursday, *August 12–13, 2015* (9:00 a.m. to 5:00 p.m.)—Room 231
- Wednesday and Thursday, *September 16–17, 2015* (9:00 a.m. to 5:00 p.m.)—Room 231
- Wednesday and Thursday, *October 7–8, 2015* (9:00 a.m. to 5:00 p.m.)—Room 231

ADDRESSES: All report review-editing sessions will be held in The Hall of the States (North Bldg., 2nd Floor), located at 444 North Capitol Street NW., Washington, DC 20001.

Public seating is limited and will be available on a ''first-come, first-served'' basis. Advanced reservations are not required. All participants must register at the front desk of the lobby.

Required Accessibility Statement: The entirety of these Commission editorial and drafting meetings will be open to the public. The Commission may recess the public editorial/drafting sessions to address administrative issues in closed session.

The open meetings will also be adjourned around noon for a lunch break. At the beginning of the lunch break, the Chairman will announce what time the Annual Report review and editing session will reconvene.

FOR FURTHER INFORMATION CONTACT: Reed Eckhold, Congressional Liaison and Director of Communications, U.S.-China Economic and Security Review Commission, 444 North Capitol Street NW., Suite 602, Washington, DC 20001; Phone: (202) 624–1496; Email: *reckhold@uscc.gov.*

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: June 9, 2015.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2015–14456 Filed 6–12–15; 8:45 am]

BILLING CODE 1137–00–P

FEDERAL REGISTER

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Part II

Department of Education

34 CFR Subtitle A

Final Priorities, Requirements, Definitions, and Selection Criteria; Charter Schools Program Grants to State Educational Agencies; Applications for New Awards; Final Rule and Notice

DEPARTMENT OF EDUCATION

34 CFR Subtitle A

[Docket ID ED–2014–OII–0019]

Final Priorities, Requirements, Definitions, and Selection Criteria; Charter Schools Program Grants to State Educational Agencies

Catalog of Federal Domestic Assistance (CFDA) Number: 84.282A

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Final priorities, requirements, definitions, and selection criteria.

SUMMARY: The Assistant Deputy Secretary for Innovation and Improvement announces priorities, requirements, definitions, and selection criteria under the Charter Schools Program (CSP) Grants to State Educational Agencies (SEAs). The Assistant Deputy Secretary may use one or more of these priorities, requirements, definitions, and selection criteria for competitions in fiscal year (FY) 2015 and later years.

DATES: These priorities, requirements, definitions and selection criteria are effective July 15, 2015.

FOR FURTHER INFORMATION CONTACT: Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818 or by email: *Kathryn.Meeley@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:

Executive Summary

Purpose of This Regulatory Action: The Assistant Deputy Secretary for Innovation and Improvement announces the final priorities, requirements, definitions, and selection criteria for CSP Grants to SEAs. The Assistant Deputy Secretary may use one or more of these priorities, requirements, definitions, and selection criteria for competitions in FY 2015 and later years. We take this action in order to support the development of *high-quality charter schools* throughout the Nation by strengthening several components of the CSP Grants to SEAs program, including accountability for grantees, accountability and oversight for authorized public chartering agencies in a State, and support for *educationally disadvantaged students.*

Summary of the Major Provisions of This Regulatory Action: This regulatory action announces four priorities, four requirements, four definitions, and nine selection criteria that may be used for CSP Grants to SEAs competitions in FY 2015 and later years. This regulatory action's purpose is to achieve three main goals.

The first goal is to ensure that CSP funds are directed toward the creation of *high-quality charter schools.* For example, we are creating a selection criterion to ask applicants to explain how charter schools fit into the State's broader education reform strategy. In addition, the selection criteria request information from the SEA regarding how it will manage and report on project performance.

The second goal is to strengthen public accountability and oversight for authorized public chartering agencies (also referred to as authorizers). The priorities, requirements, definitions, and selection criteria collectively provide incentives for SEAs to implement CSP requirements, as well as State law and policies, in a manner that encourages authorized public chartering agencies to focus on school quality through rigorous and transparent charter approval processes. For example, *Priority 1—Periodic Review and Evaluation* and *Priority 2—Charter School Oversight* give priority to SEAs that take steps to improve public accountability and oversight for charter schools within the State, including by holding authorized public chartering agencies accountable for the quality of the charter schools in their portfolios.

The third goal is to support and improve academic outcomes for *educationally disadvantaged students.* Our commitment to equitable outcomes for all students, continued growth of *high-quality charter schools,* and addressing ongoing concerns about *educationally disadvantaged students'* access to and performance in charter schools, compel the Department to encourage a continued focus on students at the greatest risk of academic failure. A critical component of serving all students, including *educationally disadvantaged students,* is consideration of student body diversity, including racial, ethnic, and socioeconomic diversity. For example, the selection criteria encourage applicants to meaningfully incorporate student body diversity into charter school models and practices and ask applicants to describe specific actions they would take to support *educationally disadvantaged students* through charter schools.

In addition to the three goals outlined above, we believe this notice of final priorities, requirements, definitions, and selection criteria (NFP or notice) streamlines the CSP application process. For example, selection criterion (f) *Dissemination of Information and Best Practices* combines two statutory criteria that have been used separately in previous competitions, asking applicants to describe their plans to disseminate best or promising practices of charter schools to each local educational agency (LEA) in the State and to describe their dissemination subgrant awards processes, thereby decreasing the burden on applicants. Additional discussion regarding the final priorities, requirements, definitions, and selection criteria can be found in the *Public Comment* section of this document.

Costs and Benefits: The Department believes that the benefits of this regulatory action outweigh any associated costs, which we believe will be minimal. This action will not impose cost-bearing requirements on participating SEAs apart from those related to preparing an application for a CSP grant and would strengthen accountability for the use of Federal funds by helping to ensure that the Department awards CSP grants to SEAs that are most capable of expanding the number of *high-quality charter schools* available to our Nation's students. Please refer to the *Regulatory Impact Analysis* in this NFP for a more detailed discussion of costs and benefits.

Purposes of Program: The purpose of the CSP is to increase national understanding of the charter school model by:

(1) Providing financial assistance for the planning, program design, and initial implementation of charter schools;

(2) Evaluating the effects of charter schools, including the effects on students, student achievement, student growth, staff, and parents;

(3) Expanding the number of *high-quality charter schools* available to students across the Nation; and

(4) Encouraging the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.

The purpose of the CSP Grants to SEAs is to enable SEAs to provide financial assistance, through subgrants to eligible applicants, for the planning, program design, and initial implementation of charter schools and for the dissemination of information about successful charter schools, including practices that existing charter schools have demonstrated are successful.

Program Authority: The CSP is authorized under Title V, Part B, Subpart 1 of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 7221–7221j); and the Consolidated and Further Continuing Appropriations Act, 2015 (FY 2015 Appropriations Act), Public Law 113–235.

We published a notice of proposed priorities, requirements, definitions, and selection criteria for this program in the **Federal Register** on November 19, 2014 (NPP) (79 FR 68812). That NPP contained background information and our reasons for proposing the particular priorities, requirements, definitions, and selection criteria.

The *Analysis of Comments and Changes* section in this NFP describes the differences between the priorities, requirements, and definitions we proposed in the NPP and these final priorities, requirements, definitions, and selection criteria.

Public Comment: In response to our invitation in the NPP, 26 parties submitted comments on the proposed priorities, requirements, definitions, and selection criteria.

We group major issues according to subject. Generally, we do not address technical and other minor changes. In addition, we do not address comments that raise concerns not directly related to the priorities, requirements, definitions, or selection criteria.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the priorities, requirements, definitions, and selection criteria since publication of the NPP follows.

Priorities

Priority 1—Periodic Review and Evaluation

Comment: We received several general comments regarding *Priority 1.* One commenter expressed support for the priority. Another commenter recommended that we revise the language of *Priority 1* to reflect language in the FY 2015 Appropriations Act that requires each SEA to provide an assurance that authorizers in the State use increases in student academic achievement as one of the most important factors, as opposed to the most important factor, when determining whether to renew or revoke a school's charter. Another commenter suggested that we designate this priority as a minimum requirement for applicants rather than a priority that the Department may or may not utilize in any particular competition year. Finally, several commenters suggested that there is overlap between *Priority 1* and the other three priorities.

Discussion: We agree that the priorities, requirements, definitions and selection criteria should be consistent with the FY 2015 Appropriations Act, which was enacted after publication of the NPP in the **Federal Register**. Accordingly, we have modified *Priority 2—Charter School Oversight* and selection criterion (g) *Oversight of Authorized Public Chartering Agencies* to reflect the language in the FY 2015 Appropriations Act. We decline, however, to make any additional changes to *Priority 1.*

Regarding the comment that *Priority 1* should be a minimum requirement, we agree with the commenter that it is important for authorizers to conduct periodic reviews to evaluate how well their charter schools are performing. This priority is derived largely from a priority in the CSP authorizing statute (20 U.S.C. 7221a(e)(2)), and we believe that it is appropriate to retain it as a priority in this NFP.

Finally, we note that each priority can be used independently in any given competition. We believe that the overlapping elements across some of the priorities emphasize critical factors and provide the Department with flexibility to use or not use a particular priority in any given year.

Changes: None.

Comment: One commenter expressed concern that *Priority 1* diminishes the ability of an authorized public chartering agency (authorizer) to tailor charter contracts and performance standards in accordance with the needs of the charter school and its students. The commenter also suggested that charter schools would act responsibly without this priority. Similarly, one commenter stated that *Priority 1* removes local control of a charter school. Finally, one commenter asserted that the priority implies that an authorizer will conduct a review only once every five years at the time of charter renewal, and suggested that this will weaken authorizer oversight.

Discussion: This priority is based on section 5202(e)(2) of the ESEA (20 U.S.C. 7221a(e)(2)), which requires the Department to give priority to SEAs in States that provide for periodic review and evaluation of a charter school by its authorizer at least once every five years. In addition, we disagree that the priority will diminish an authorizer's ability to tailor charter contracts or performance standards to a specific charter school. Rather, with this priority, we can reward States that provide for periodic review and evaluation of each charter school by the authorizer, at a minimum, once every five years. Furthermore, while the review provides an opportunity for the authorizer to take appropriate action or impose meaningful consequences on the school for failing to meet certain performance standards, it does not prevent the authorizer from determining a more tailored approach under specific circumstances.

Finally, we note that the priority is designed to strengthen authorizer oversight. In specific instances, certain State laws allow charters to be awarded for a term of up to 15 years before being evaluated for renewal. In such circumstances, this priority is designed to promote more frequent reviews and evaluations. An SEA in a State that requires authorizers to conduct reviews and evaluations more frequently than every five years will not be penalized.

Changes: None.

Comment: Several commenters stated that the language of *Priority 1* is unclear and some recommended that we delete the priority. One commenter inquired whether *Priority 1* is designed to address a specific policy concern, stating that they were unaware of any scenario in which a State would have a charter school policy in place that is inconsistent with existing State law. Another commenter objected to the reference to the authorizer taking appropriate action, and also recommended that we remove the reference to the student academic achievement requirements and goals set forth in a State policy exceeding such requirements in State law. Finally, one commenter recommended that *Priority 1* be revised to ensure that the periodic reviews actually take place.

Discussion: Priority 1 is designed to clarify that performance standards for charter schools (including those related to student academic achievement) should be established in accordance with a State law, a State regulation, or a State policy to ensure the rigor of these performance standards across the State. Therefore, we decline to delete this priority.

In addition, we decline to remove from *Priority 1* the statement that periodic review and evaluation provides an opportunity for authorizers to take appropriate action or impose meaningful consequences on the charter school, if necessary. Often, the State charter school law, regulations, or policies that stipulate performance standards applicable to charter schools do not specify actions associated with meeting or failing to meet those performance standards. Given the underlying premise of charter schools—greater autonomy in exchange for accountability—we believe this language is critical to ensure that the

periodic review and evaluation result in deliberate, meaningful action if a charter school is failing to meet the standards of its charter or State charter law, regulation, or policy.

Changes: We agree that additional language in *Priority 1* is necessary to ensure that periodic reviews actually take place. For this reason, we have revised *Priority 1* to add that, in order to meet the priority, SEAs must take steps to ensure that periodic reviews take place. We believe this revision is consistent with the intent of the relevant priority in the authorizing statute.

Comment: None.

Discussion: The Department determined through internal review that the last sentence of *Priority 1* should be clarified to emphasize that the authorizer must have an opportunity to take appropriate action in order for an SEA to meet this priority.

Changes: We have revised the last sentence of *Priority 1* to clarify that periodic review and evaluation must include an opportunity for the authorized public chartering agency to take appropriate action or impose meaningful consequences on the charter school, if necessary.

Priority 2—Charter School Oversight

Comment: We received several general comments regarding *Priority 2—Charter School Oversight.* One commenter expressed support for the priority. One commenter recommended that we designate this priority an absolute priority. Another commenter recommended that we revise the priority to include language added to the FY 2015 Appropriations Act. Specifically, the commenter recommended that paragraph (b) be eliminated, and that paragraph (a)(1) refer only to legally binding performance contracts rather than to legally binding charters or performance contracts. Finally, one commenter expressed concern about requiring the use of increases in student academic achievement by subgroup as the most important factor in determining whether to renew or revoke a charter. The commenter recommended that the Department remove this requirement and substitute language that would allow greater authorizer discretion in making these renewal or revocation decisions.

Discussion: This NFP establishes the priorities that we may choose to use in the CSP Grants for SEAs competitions in FY 2015 and later years. We do not designate whether a priority will be absolute, competitive preference, or invitational in this NFP; we retain the flexibility to determine how best to designate the priorities to ensure that funded projects address the most pressing areas of need for competitions in FY 2015 and later years. When inviting applications for a competition using one or more of these priorities, we will designate the type of each priority through a notice published in the **Federal Register**.

We agree that *Priority 2* should reflect the language in the FY 2015 Appropriations Act, which was enacted after publication of the NPP in the **Federal Register**, and have made the appropriate change to *Priority* 2. Likewise, in accordance with the FY 2015 Appropriations Act, we believe paragraph (b) needs to remain part of *Priority 2* and have opted to retain the reference to a legally binding charter or performance contract in paragraph (a)(1) of *Priority 2.*

Changes: In conformance with the FY 2015 Appropriations Act, we have revised paragraph (b) of *Priority 2* to state that student achievement is one of the most important factors, as opposed to the most important factor, when determining whether to renew or revoke a school's charter.

Comment: One commenter recommended that *Priority 2* require annual financial audits and that the information from such audits describe public and private contributions. The commenter also suggested that this information be made public and that the Department strengthen the priority by requiring that charter schools include F–33 survey data (*i.e.,* LEA finance survey data on revenues and expenditures) collected by the Department's National Center for Education Statistics (NCES).

Discussion: We agree with the commenter that fiscal responsibility and public reporting are critical aspects of charter school oversight. Accordingly, the NFP includes a priority and a selection criterion regarding authorizer monitoring of operational performance expectations, including financial management, and annual public reporting of charter school performance (see *Priority 3—High-Quality Authorizing and Monitoring Processes* and selection criterion (g) *Oversight of Authorized Public Chartering Agencies*). We note, also, that in order for an SEA to meet *Priority 2,* all charter schools in the State must be required to file with their authorizers, on an annual basis, independent audits of their financial statements. We believe these elements address the commenter's concerns and, therefore, decline to revise *Priority 2.*

We decline to require that SEAs submit F–33 data for charter schools in order to meet this priority. The F–33 survey is a data collection and data census effort supported by NCES, whereas *Priority 2* is concerned primarily with charter school oversight by authorized public chartering agencies. We do not believe that requiring SEAs to complete a census report in order to meet this priority would strengthen or otherwise improve charter school oversight.

Changes: None.

Comment: One commenter suggested that the Department require SEAs to provide an assurance that charter schools will comply with the McKinney-Vento Homeless Assistance Act (McKinney-Vento) (42 U.S.C. 11301, *et seq.*) and that charter schools ensure their compliance by designating a McKinney-Vento Homeless liaison within the LEA in order to meet *Priority 2.*

Discussion: In order to qualify for funds under the CSP, a charter school must provide all students in the community, including *educationally disadvantaged students,* such as those served under McKinney-Vento, with an equal opportunity to attend the charter school. Charter schools that are considered to be independent LEAs under the applicable State's charter school law must comply with McKinney-Vento on the same basis as other LEAs. For these reasons, we decline to revise *Priority 2* as suggested by the commenter.

Changes: None.

Comment: One commenter expressed concern that paragraph (a)(3) of *Priority 2* would require State law to mandate that every charter school demonstrate academic improvement and recommended that the Department make this an assurance rather than a priority. The commenter stated that it is unlikely that every charter school in a State would demonstrate such improvement and that some charter schools may have such a high level of achievement that further improvement is not possible.

Discussion: An SEA is not required to demonstrate improved student academic achievement in order to meet the priority. First, if designated a competitive preference or invitational priority, *Priority 2* would not impose requirements on applicants. While applicants would be required to meet an absolute priority, under *Priority 2,* an SEA would have to show only that State law, regulation, or policy requires each charter school in the State to demonstrate improved student academic achievement.

Changes: None.

Priority 3—High-Quality Authorizing and Monitoring Processes

Comment: We received several general comments regarding *Priority 3—High-Quality Authorizing and Monitoring Processes.* One commenter expressed support for the priority. Another commenter recommended that *Priority 3* be mandatory for all applicants. Another commenter recommended designating *Priority 3* as an invitational priority because the priority necessitates oversight and monitoring that could be contrary to the practices States have already established. In addition, a commenter stated that *Priority 3* could favor States with a single authorizer and not work to strengthen authorizer diversity.

Discussion: This priority is designed to provide an incentive to States to adopt high-quality authorizing and monitoring processes. As discussed above, this NFP is designed only to establish the priorities that we may choose to use in the CSP Grants for SEAs competitions in FY 2015 and later years. Accordingly, we decline to designate this priority as absolute, competitive preference, or invitational in this NFP. While *Priority 3* is intended to strengthen authorizer quality, it is not designed to address authorizer diversity. We believe that States with a single authorizer, as well as States with multiple authorizers, can meet this priority by focusing on overall authorizer quality.

Changes: None.

Comment: One commenter suggested we revise *Priority 3* to include performance benchmarks that would trigger prompt inquiry by an SEA of an authorizer that is persistently poor-performing. The commenter also suggested revisions that would provide for ongoing public dissemination of authorizers' performance information, thus increasing accountability for authorizers.

Another commenter expressed concerns about the disruptive nature of charter school closures and suggested that the Department place a greater emphasis on high standards for authorizer performance, including consequences for persistently poor-performing authorizers. The commenter stated that the Department should focus more on the charter application phase to ensure that the authorizer's review of charter applications is sufficiently rigorous in order to minimize the number of charter closures.

Discussion: We agree that the public should be informed about authorizer performance, and that mechanisms should exist to facilitate the termination of chartering authority for persistently poor-performing authorizers. This priority is designed to encourage States to ensure quality practices for charter school authorizing and to take appropriate action to strengthen charter school authorizing across the State, as necessary. It also is designed to accommodate a wide range of State contexts, including where the SEA itself is an authorizer, and where an SEA may or may not have the authority to revoke the authorizer role from an organization. We believe that *Priority 3* is sufficiently rigorous and fully addresses Congressional intent while still meeting the needs of SEAs in varying contexts.

Changes: None.

Comment: One commenter suggested that we revise paragraph (a)(2) of *Priority 3* to state that performance objectives may, rather than must, be school-specific. Additionally, the commenter recommended that the Department clarify whether the reference to standardized systems that measure and benchmark performance of the authorizer in paragraph (b) of *Priority 3* applies to authorizers or SEAs. Another commenter recommended changing standardized systems to standardized reporting in this paragraph.

Discussion: We believe that performance objectives that are developed for each charter school and tie to rigorous academic and operational performance expectations are critical to the evaluation of school performance. While some performance objectives may be used by the authorizer for more than one school, a school's performance objectives serve as the basis for measuring performance at that specific school, and we believe that some of these objectives must be school specific in order to evaluate school performance effectively. However, to clarify the purpose of this priority, we have revised paragraph (a)(2) of *Priority 3* to state that performance objectives for each charter school must be aligned to the rigorous academic and operational performance expectations established by the authorizer.

We note that paragraph (b) of *Priority 3* gives priority to SEAs that demonstrate that all authorizers use standardized systems to measure and benchmark their performance, and was not intended to imply that an entity other than the authorizer would develop or implement these systems. We also agree that the term ''standardized systems'' could be misunderstood and understand the recommendation that we change this reference to ''standardized reporting.'' However, because our intent is to require a State to develop clear and specific standards, we have revised this section to clarify that, in order for the SEA to meet the priority, each authorizer in the State should be measuring and benchmarking performance and disseminating the results annually, but the SEA does not need to develop a standardized system across all authorizers.

Changes: We have revised paragraph (a)(2) of *Priority 3—High-Quality Authorizing and Monitoring Processes* to refer to the performance objectives for each school instead of school-specific performance objectives to clarify that the objectives must be aligned to the rigorous academic and operational performance expectations established by the authorizer. We also have revised paragraph (b) of *Priority 3* to specify that authorizers must use clear and specific standards and formalized processes that measure and benchmark authorizer performance, instead of standardized systems, to clarify our intent.

Comment: One commenter recommended that we revise paragraph (a)(2) of *Priority 3* to allow charter schools to create school-specific performance objectives that meet some or all of the outlined expectations rather than all expectations.

Discussion: We believe that it is important for schools to establish performance objectives that are aligned with all academic and operational expectations and that *high-quality charter schools* should meet all performance objectives. While a charter school that fails to meet all of its performance objectives should not automatically have its charter revoked, we believe that authorizers should evaluate a charter school's performance based on performance objectives that are aligned with the academic and operational performance expectations that have been established for the charter school. Periodic review and evaluation allows an authorizer to assess a charter school's performance with respect to defined expectations and ensures that charter schools are held accountable for academic and organizational performance objectives. We also note that a charter school or authorizer can establish performance expectations and objectives that are more rigorous or cover more areas than specified under State law.

Changes: None.

Comment: One commenter suggested revising paragraph (d) of *Priority 3* to remove the reference to differentiated review based on whether the developer has been successful in establishing and operating one or more *high-quality charter schools.* The commenter also suggested removing the reference to

high-quality when referring to charter schools. Another commenter stated that, with respect to the concept of differentiated review, although applicants' past performance is occasionally a partial indicator of an organization's ability to expand successfully, the expansion process may raise new and unforeseen challenges that the authorizer should consider. Finally, one commenter recommended deleting paragraph (d) altogether.

Discussion: We believe that an applicant could meet *Priority 3* if authorizers in its State conduct a differentiated review for charter school developers who operate charter schools that do not currently meet the definition of *high-quality charter schools.* We agree that differentiated review is not exclusive to *high-quality charter schools* and have revised the priority accordingly.

For purposes of this program, we agree that authorizers should be able to exercise discretion in approving charters through a differentiated process based on the past performance of charter school developers.

By promoting differentiated review, we intend to encourage authorizers to acknowledge that there are additional factors to consider when reviewing a charter petition from an existing charter school developer versus a charter petition from a charter school developer who is not currently operating charter schools. For these reasons, we decline to delete the paragraph.

Changes: We have revised paragraph (d) of *Priority 3* to clarify that an SEA can meet the priority by demonstrating that authorizers in the State use authorizing processes that include differentiated review of charter petitions to assess whether and the extent to which, the charter school developer has been successful, as opposed to basing the differentiated review on those considerations.

Comment: One commenter stated that *Priority 3* is generally problematic and should be deleted because it promotes undefined authorizer practices that do not work well in actual school settings, relies on performance data that are neither clear nor objective, and expects authorizers to weigh and interpret data to make closure decisions. The commenter also stated that standardized systems of measurement governing complex decisions regarding renewal or closure serve to embolden weak authorizers and interfere with charter school autonomy.

Discussion: We recognize that the authorizing process may not be governed by absolutes in all instances. We also recognize that there may be certain qualitative data or additional circumstances that authorizers consider when determining whether to approve a charter petition or to revoke an existing school's charter, and agree that authorizers should use the full range of information available. We disagree, however, that the factors of *Priority 3* are unfounded or unlikely to promote the growth and development of a *high-quality charter school* sector.

Priority 3 encourages authorizers to define quantifiable and clear objectives and expectations, both for themselves and charter schools. Furthermore, we believe that this priority encourages SEAs and States to invest in and develop an infrastructure that fosters the development of *high-quality charter schools* and chartering practices. As a secondary benefit, this priority brings together many entities involved in the chartering process, which creates a network for effective development and dissemination of information. For example, this may provide an opportunity for authorizers to share best practices and learn from each other within a State.

Changes: None.

Comment: One commenter recommended adding language to *Priority 3* to state that the reporting referenced in paragraph (a)(5) must provide information necessary for the State to benchmark performance. The commenter also recommended revising paragraph (b) to require SEAs to disseminate information on authorizer performance. Additionally, the commenter recommended revising paragraph (c) to remove the factor for multi-tiered clearance or review and instead focus on an evaluation of an applicant's readiness to open and operate. Finally, the commenter recommended that the Department delete from paragraph (d) the reference to *high-quality charter schools,* regarding authorizing processes that include differentiated review.

Discussion: With regard to adding language to require the State to benchmark performance in paragraph (a)(5), the paragraph already requests the use of frameworks and processes to evaluate performance of charter schools on a regular basis and, therefore, already includes the commenter's suggestion. In response to the recommendation to revise paragraph (b) of *Priority 3,* the intent of the priority is not to ask authorizers to disseminate information on performance in general. Paragraph (b) already calls for annual dissemination of performance information related to standards and formalized processes that measure and benchmark the performance of the authorizer. We believe paragraph (b), with our previously described revisions, is clear in that respect and decline to revise it further.

We decline to revise paragraph (c) of this priority. Multi-tiered clearance or review will often involve making a determination about whether a charter school is prepared to open and operate successfully. However, there may be scenarios where the multi-tiered clearance or review is more involved or examines other elements, and we want to give authorizers latitude to consider those elements. For this reason, we believe it would be counter-productive to limit the focus of the paragraph to the evaluation of readiness to open and operate.

Finally, we decline to delete the reference to high-quality in paragraph (d) because a major purpose of the CSP Grants for SEAs program is to foster the development of *high-quality charter schools.*

Changes: We have revised paragraph (b), as described above, to refer to clear and specific standards and formalized processes, instead of standardized systems.

Comment: One commenter suggested several revisions to paragraphs (a) and (b) of *Priority 3.* First, the commenter suggested adding language regarding the use of student achievement as a factor in renewal and revocation decisions. Additionally, the commenter suggested that we revise paragraph (b) to provide additional authority for intervention for poor-performing authorizers and to emphasize that SEAs should be paying close attention to authorizer performance.

Discussion: We believe that the final priorities, requirements, definitions, and selection criteria will provide sufficient incentives for SEAs to monitor authorizers and to take appropriate action against poor-performing authorizers. As a general rule, authorized public chartering agencies are created pursuant to State charter school law and, as such, are governed by State law. Therefore, the Department defers to States with respect to the oversight of authorizers.

Changes: None.

Priority 4—SEAs That Have Never Received a CSP Grant

Comment: We received general comments regarding *Priority 4.* One commenter expressed support for the priority. Another commenter recommended that we make *Priority 4* invitational.

Discussion: This NFP establishes the priorities that we may choose to use in the CSP Grants for SEAs competitions in

FY 2015 and later years. We do not designate whether a priority will be absolute, competitive preference, or invitational in this NFP; but rather, retain the flexibility to designate each priority as invitational, competitive preference, or absolute in order to ensure that program funds are used to address the most pressing programmatic concerns for competitions in FY 2015 and later years. When inviting applications for a competition using one or more of these priorities, we will designate the type of each priority through the notice inviting applications for new awards (NIA).

Changes: None.

Comment: Several commenters suggested that *Priority 4* penalizes States that have established robust charter sectors. One commenter stated that the priority is overly broad and would provide an advantage to States with new charter school laws that have been unsuccessful in previous competitions. Similarly, several commenters stated that the Department should be more concerned with directing CSP funds to ensure charter school quality and oversight rather than to States that have been ineligible to apply for a grant or a State with weak charter school laws. One commenter suggested that the priority would favor less qualified applications above higher quality applications. Similarly, another commenter suggested that the priority would penalize States that support innovation or have otherwise demonstrated successful and high-quality authorizing practices. Finally, one commenter recommended that we remove the priority altogether.

Discussion: Priority 4 is designed to provide the Department with the option to provide incentives to SEAs that have never received a CSP grant and might be at a competitive disadvantage due to a limited charter school infrastructure or limited record of past performance. Additionally, the priority reflects our belief that CSP funds can have a greater impact when they help seed a charter sector as a part of a State's initial effort to create high-quality public schools.

We believe that in any year in which we run a competition, the combination of priorities, requirements, and selection criteria in the NIA will ensure that high-quality applications will have an opportunity to receive funding. We disagree that *Priority 4* will penalize States that support innovation or have demonstrated success in the charter school sector. Other priorities, requirements, definitions, and selection criteria will provide an opportunity for States to describe their proposed activities, regardless of whether they have received a CSP grant in the past.

Changes: None.

Comment: One commenter stated that *Priority 4* provides a disincentive to States that have invested in the growth of charter schools. The commenter recommended that the Department establish a bifurcated process to separate States that have not previously received a grant from States that have. Similarly, another commenter recommended that the Department limit the priority to States that have been ineligible rather than unsuccessful in previous grant competitions.

Discussion: We disagree that the priority should focus on SEAs that were ineligible rather than unsuccessful. As written, this priority will already apply to a very limited pool of applicants. Only a small number of States with charter school laws have not received a CSP grant at any point in the past. We do not believe that it is necessary to separate unsuccessful applicants from ineligible applicants; we believe that our application review process ensures that only the highest quality proposals will be recommended for funding. In addition, the priority promotes the purposes of the CSP with respect to innovation and geographic diversity.

Changes: None.

Comment: One commenter stated that *Priority 4* excludes States with critical needs to support *educationally disadvantaged students;* the commenter noted that some States have a greater need for funds than comparable States that have not previously received an SEA grant. The commenter stated that only four SEAs are eligible for points under this priority, and that those States would be unlikely to benefit from SEA funding. The commenter asserted that charter management organizations (CMOs) are reluctant to operate in States that have not received SEA grants because the States are isolated, funding is inadequate, or talent is limited. A few commenters suggested that SEA funds are better expended in States that welcome charter growth and produce conditions favorable to charter expansion and that *Priority 4* unfairly penalizes States that have invested in robust charter sectors and supported innovation in the field.

Several commenters expressed a general concern that the Department should not give priority to States that have been unsuccessful in receiving a CSP grant over States that have received CSP funding in the past. One commenter suggested that *Priority 4* would unfairly disadvantage States with significant rural school populations, while another commenter recommended that we expand the priority to include States that submitted applications but were denied funding under the FY 2011 CSP Grants for SEAs competition. Another commenter recommended revising the background statement to state that this priority would encourage rather than assist States that have not yet received a CSP grant.

Discussion: We disagree that this priority will exclude States with substantial populations of *educationally disadvantaged students* or that States with smaller populations (or more rural communities) will not benefit from SEA funding. We do not believe that a developer—including a CMO—will be discouraged from operating in a State merely because the State has not received a CSP grant previously.

We also disagree that *Priority 4* penalizes States that have invested in their charter sectors or that it provides a disincentive for SEAs to support innovation in the charter school sector. States in both situations will be eligible to respond to this priority if they have never received a CSP grant. We do not believe *Priority 4* will unfairly disadvantage SEAs in States with significant rural populations, as the priority does not distinguish between urban and rural applicants. Finally, we do not believe that it is appropriate to prioritize unsuccessful applicants from the FY 2011 CSP Grants for SEAs competition but not give priority to unsuccessful applicants from competitions held in other fiscal years. Further, all SEAs that applied for funding under the FY 2011 CSP Grants for SEAs competition have received CSP grants in the past; therefore, giving priority to those States would be contrary to the purpose of *Priority 4.*

Changes: None.

Requirements

Lottery and Enrollment Preferences

Comment: One commenter expressed the view that data on enrollment patterns will be essential for understanding the extent to which an existing charter school complies with the CSP Nonregulatory Guidance on weighted lottery procedures. The commenter asserted that States with clusters of specialized charter schools should be required to provide assurances that procedures exist to ensure that these charter schools do not limit students' access to more inclusive education settings. Finally, another commenter stated that the Department should prohibit charter schools from having an enrollment preference or exemption that would exclude any group of students.

Discussion: We agree that equal access for all students is important in the context of charter school development and the provision of public education generally. The CSP Nonregulatory Guidance (*www2.ed.gov/programs/charter/nonregulatory-guidance.html*) is intended to provide information and guidance to CSP grantees on the Department's interpretation of various CSP statutory and regulatory requirements. The Guidance specifies the circumstances under which a charter school receiving CSP funds may use a weighted lottery to give slightly greater chances of admission to *educationally disadvantaged students.* As public schools, charter schools must employ open admissions practices and comply with applicable Federal civil rights laws, including laws prohibiting discrimination on the basis of race, ethnicity, or disability, and requirements of Part B of IDEA. For these reasons, we do not believe that an additional assurance is necessary.

Changes: None.

Comment: One commenter stated that the collective body of Federal law related to student enrollment practices was never intended to create agency guidance on the matter of weighted lottery processes. Rather, the commenter asserted that the original drafters of the statutes only intended to distinguish charter schools from magnet or other specialized public schools. The commenter suggested a more modest role for the Department in the charter school lottery process, focusing on relevant statutory language, reducing prescriptive guidance, and permitting greater deference to State law, provided that it does not conflict with applicable Federal statutes.

Discussion: We agree that States should have great flexibility in administering their charter school subgrant programs, including their lottery processes. The purpose of the CSP Nonregulatory Guidance is to provide clarity to grantees regarding how Federal requirements apply to their projects and to ensure that grantees are aware of permissible enrollment practices for charter schools receiving CSP funds.

Changes: None.

Comment: Several commenters suggested that an entity other than an SEA may be responsible for monitoring charter school lotteries and admissions processes. These commenters recommended adding other responsible public entities to the current list of entities (SEAs and authorized public chartering entities) responsible for reviewing, monitoring, or approving lotteries with enrollment preferences to account for this difference.

Discussion: We acknowledge that the SEA may not be the only entity responsible for approving and monitoring a charter school's lottery and admissions process. Because the SEA is the grant recipient under this program and provides subgrants to charter schools and charter school developers, for purposes of the CSP, the SEA is primarily responsible for ensuring that subgrantees comply with CSP requirements, including the definition of a charter school and the lottery requirement in section 5210(1) of the ESEA (20 U.S.C. 7221i(1)).

Changes: None.

Logic Model

Comment: Several commenters stated that a logic model is either unnecessary, unduly burdensome to applicants, or not required for monitoring compliance. Other commenters recommended that the Department provide additional guidance on the form and composition of the logic model requirement (*e.g.,* on granularity, format, components, etc.). One commenter argued that the requirement to include a logic model would not lead to the creation of *high-quality charter schools.* Finally, another commenter recommended deleting the requirement on the ground that a State with a small charter sector or a new charter school law might be ill-positioned to articulate a statewide theory of action with regard to the use of CSP funds.

Discussion: We believe that the logic model is an important element that will enable us to review and evaluate the theory of action that supports each application. All applicants should be able to articulate clearly their plan for using Federal funds.

The logic model represents one of many sources of information to allow us to assess grantee progress. In addition, we believe that developing a logic model will help SEAs clearly articulate their proposed outcomes and methods for achieving them. The logic model will also assist peer reviewers in evaluating the merits and key elements of each applicant's project plan. Because of its importance to the process, we believe that a logic model is not unduly burdensome as part of a well-developed application.

Department regulations define a logic model in 34 CFR 77.1, and we will refer all applicants to that definition in any NIA in which we utilize this requirement. We may provide supplemental information in an NIA or through other means that we believe will benefit applicants during a grant competition.

Changes: None.

High-Quality Charter School

Comment: One commenter supported allowing a State to develop its own definition of *high-quality charter school.* The commenter suggested allowing a State to meet this requirement with an assurance rather than requiring the Department to approve the State's definition. The commenter explained that the requirement that a State-proposed definition be at least as rigorous as the Federal definition is unclear, as is the role the Department would play in determining if one State's definition is more rigorous than another.

Discussion: We do not intend to compare one applicant's State definition of *high-quality charter school* to another. Consistent with the application requirement, a State's alternative definition will be reviewed to determine if it is at least as rigorous as the standard in paragraph (a) of the definition based on the reasoning and evidence provided by the applicant. We also note that peer reviewers' evaluation of a State's alternative definition of *high-quality charter schools* will be reflected in their scoring of the relevant selection criteria referencing *high-quality charter schools.*

Changes: None.

Definitions

Academically Poor-Performing Charter School

Comment: One commenter expressed support for the definition. Another commenter recommended revising paragraph (b) of the definition to clarify that an alternative definition could be used if the SEA demonstrates that the alternative definition is at least as rigorous as the description in paragraph (a) of the definition of *academically poor-performing charter school.*

Discussion: We agree that the definition of *academically poor-performing charter school* should be clarified to specify the standard that an SEA's proposed definition of the term must meet. We believe this comment also is applicable to the definition of *high-quality charter school.*

Changes: We have revised paragraphs (b) of the requirements for *academically poor-performing charter school* and *high-quality charter school* to clarify that an SEA's definition of each term must be at least as rigorous as paragraph (a) of the definitions of *academically poor-performing charter school* and *high-quality charter school,* as set forth in this NFP.

Comment: One commenter suggested that the definition of *academically poor-*

performing charter school is too rigid, and stated that typical students enter charter schools no fewer than two years behind grade level in instruction. The commenter asserted that effective charter schools will provide opportunities for increased academic growth in order to ensure that students meet grade level upon exiting the school. The commenter expressed concern that this definition does not present the above-described growth trajectory as a significant component of assessing student performance when considering whether a charter school is academically poor-performing. Finally, one commenter questioned how a State-proposed definition would be reviewed, particularly in a scenario where an absolute standard, rather than a growth standard, is used.

Discussion: We disagree with the commenter that the definition of *academically poor-performing charter school* does not account for student academic growth. In order to meet this definition, a charter school would have to both be in the lowest performing five percent of all public schools in a State and have failed to demonstrate student academic growth of at least one grade level for each cohort of students. Therefore, a charter school that is successfully demonstrating growth, even if the students remain below grade level, would not be considered academically poor-performing.

We do not intend to compare one applicant's State definition of *academically poor-performing charter school* to another. Consistent with the application requirement, a State's alternative definition will be reviewed to determine if it is at least as rigorous as the Department's definition of the term as specified in paragraph (a) based on the reasoning and evidence provided by the applicant.

Changes: None.

Comment: One commenter suggested that the Department alternatively define an *academically poor-performing charter school* as one that fails to meet the student performance goals established in the school's charter or related performance agreements.

Discussion: We agree that it is important for a charter school to adhere to the performance objectives outlined in its charter or performance contract. Because these objectives can vary by school, however, we do not believe that such an alternative definition would facilitate meaningful comparison of academic performance across all charter schools in a State. In addition, this definition could potentially allow a charter school to underperform without penalty if its charter or performance contract includes performance objectives that are less rigorous than other State requirements.

Changes: None.

Educationally Disadvantaged Students

Comment: One commenter expressed concern that our definition for this term includes all subgroups specified in the ESEA except racial and ethnic groups and, thus, allows the Department to avoid considering achievement gaps among different races and ethnicities.

Discussion: We disagree that this definition impacts any reporting requirements related to achievement gaps, or removes race and ethnicity from consideration of achievement gaps. We note that the definition of *high-quality charter school,* which explicitly addresses achievement gaps, requires demonstrated success in closing historic achievement gaps for the subgroups of students referenced in Section 1111 of the ESEA, which includes the reporting of information disaggregated by race, ethnicity, and other factors (20 U.S.C. 6311). We believe this priority provides incentives for SEAs to support the development of charter schools that are expanding educational opportunities for the most *educationally disadvantaged students*.

Changes: None.

Comment: One commenter stated that the term homeless youth is defined by a number of Federal and State agencies and recommended that the Department revise the definition of *educationally disadvantaged students* to include homeless students as defined by subtitle B of title VII of McKinney-Vento (42 U.S.C. 11434a). Several commenters recommended adding additional categories of students, including foster children, to the definition of *educationally disadvantaged students*.

Discussion: The definition of *educationally disadvantaged students* in this NFP includes the categories of students eligible for services in targeted assistance schools under title I, part A of the ESEA (20 U.S.C. 6315(b)). We believe that this is an appropriate group of students to define as *educationally disadvantaged students* insofar as the services provided in a targeted assistance school are intended to be provided to the school's eligible children identified as having the greatest need for special assistance. For this reason, we do not believe it is necessary to include other groups of students in the definition.

For purposes of this definition, we consider students who meet the definition of homeless children and youths under section 725(2) of McKinney-Vento (42 U.S.C. 11434a(2)) to be homeless students and thus among the groups of students covered. We do not believe it is necessary to revise the definition to this end.

Changes: None.

High-Quality Charter School

Comment: One commenter stated that the Department should not designate a charter school that has been open for fewer than three years as a *high-quality charter school*.

Discussion: We disagree that a charter school that has been open for fewer than three years cannot qualify as a *high-quality charter school*. If, for example, a charter school is only open for one year, it must still show evidence of academic growth for all students for that period. We believe that a school can demonstrate successfully the elements of the definition with fewer than three years of data. If the elements of the definition are met, then the school can be considered a *high-quality charter school*.

Changes: None.

Comment: Several commenters recommended that the Department adopt the definition of *high-quality charter school* in legislation proposed (but not enacted) by the 114th Congress. Specifically, the commenters recommended we adopt the definition described in S. 2304 and H.R. 10. Expanding Opportunity through Quality Charter Schools Act. S.2304, 114th Cong. (2014).

Discussion: The definition of *high-quality charter school* from S. 2304 and H.R. 10 requires strong academic results, which may include academic growth as determined by a state, highlights strong financial and organizational management, and asks that the school demonstrate success in significantly increasing student academic achievement, including graduation rates where applicable. This definition does not specify a time period over which results must be demonstrated. The definition announced in this NFP is consistent with the definition of high-quality charter school used in other Department programs, and we believe it is the appropriate definition for this program.

Changes: None.

Comment: One commenter recommended that the Department permit applicants to satisfy three of the five elements of the definition, rather than all five. In the alternative, the commenter proposed that we revise paragraph (a)(1) to refer to high or increased student academic achievement rather than simply increased student academic achievement. The commenter stated that

an already high-achieving charter school could be penalized without the change.

Discussion: We believe that each of the five elements represents an outcome or characteristic that is important and necessary to identify *high-quality charter schools*. If, for example, a charter school demonstrates an increase in student achievement and success in closing historic achievement gaps but has *significant compliance issues,* we do not believe that school should be considered a *high-quality charter school*. Removing one or more of these factors from consideration would substantially erode the definition.

We also decline to revise paragraph (a)(1) of the definition to require high or increased student academic achievement. We do not believe that the definition, as written, will penalize an existing high-achieving charter school. A charter school with students who demonstrate high rates of proficiency on State assessments, for example, can still demonstrate increases in academic achievement in other ways, such as increasing school-wide proficiency rates or increasing the number of students at the advanced level. We believe that it is important to encourage increases in student academic achievement and attainment even in a school with comparatively high-performing students. We also note that this definition addresses student mastery of grade-level standards.

Changes: None.

Comment: One commenter stated that paragraph (a)(1) should not distinguish between *educationally disadvantaged students* and all other students. The commenter suggested a technical revision to the language or, as an alternative, removing the reference to *educationally disadvantaged students* as it adds complexity to an already complex definition.

Discussion: The CSP statute emphasizes the importance of assisting *educationally disadvantaged students,* as well as other students, in meeting State academic content standards and State student academic achievement standards. Therefore, we believe that it is important that a charter school specifically identify and increase academic achievement for educationally disadvantaged and other students in order to be considered a *high-quality charter school.* Consequently, we decline to remove this element of the definition.

Changes: None.

Comment: One commenter asserted that paragraph (a)(2)(ii) of the definition of *high-quality charter school* is ambiguous as written. The commenter stated that the paragraph implies that we would require a school to compare performance independently between each racial and ethnic, income, disability, and English proficiency category, thus requiring approximately 28 comparisons. The commenter recommended that instead of requiring that a school demonstrate no significant achievement gap between any of the identified subgroups, we should require no gap between subgroups or, if applicable, appropriate comparison populations. Additionally, the commenter recommended referring to Section 1111(b)(2)(C)(v)(II) of the ESEA, rather than 1111(h)(1)(C)(i) because the former statutory reference is most commonly used for performance accountability purposes.

Discussion: We believe that, if an applicant chooses to respond to paragraph (2) of this definition, they have decided to demonstrate that there are no significant achievement gaps between any of the subgroups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA (20 U.S.C. 6311(b)(2)(C)(v)(II)); therefore, they would have the data to support this claim with applicable subgroup information. An applicant that responds to paragraph (a)(2)(i) of this definition has decided to demonstrate that it is successfully closing the achievement gap and is able to provide the relevant supporting data. This definition has been used in previous CSP competitions with that understanding. However, we agree that section 1111(b)(2)(C)(v)(II) is the more appropriate reference, consistent with other CSP grants, and have revised the definition accordingly.

Changes: We have revised paragraphs (a)(2)(i) and (ii) of the *high-quality charter school* definition to reference section 1111(b)(2)(C)(v)(II) of the ESEA.

Comment: One commenter asserted that a school should not be required to take into account the performance of a particular subgroup listed under (a)(2)(i) or (a)(2)(ii) if the number of students in that subgroup is so small that the data are statistically unreliable. The commenter stated that this is the operating procedure for Title I grants.

Discussion: We agree that the data for the various subgroups should not be compared in cases where the data sample is so small it is statistically unreliable or would infringe upon the privacy of a student. When using the definition of *high-quality charter school,* or providing other data for CSP programs, we intend for applicants to use only data that are available and reportable and provide any necessary explanations to clarify the use of such data.

Changes: None.

Comment: One commenter suggested that the Department define a *high-quality charter school* as a school that meets or exceeds goals stated in the school's approved charter or performance contract, rather than focus on State tests, attendance rates, graduation rates, or postsecondary attendance at the expense of other assessment tools (*e.g.,* preparation for careers).

Discussion: We agree that other methods exist to evaluate the quality of a charter school. This is captured throughout the priorities, requirements, definitions, and criteria in this NFP, particularly in sections focused on authorizer quality. However, because the performance goals in a charter or performance contract will vary from school to school, we believe it would be difficult for an SEA to use the goals in a charter school's performance contract to assess the quality of charter schools across the State.

Changes: None.

Comment: Several commenters suggested that this definition is too narrow and could lead to ''creaming'' high-aspiration students from non-charter public schools. One commenter expressed confusion over many elements of the definition, such as the references to increased student achievement and the need to close historic achievement gaps. Additionally, the commenter stated that the definition ignores other assessment tools such as preparation for careers.

Discussion: We first note that the final priorities, requirements, definitions, and selection criteria are designed to provide incentives to SEAs to increase the number of *high-quality charter schools* in the State and, thus, provide more high-quality options for all students. In addition, the selection criteria are related to a State's broader plan to ensure equitable access for students throughout the State by ensuring that all students—including *educationally disadvantaged students*—have equal access and opportunities to attend *high-quality charter schools.* Charter schools receiving CSP funds are required to provide all students in the community with an equal opportunity to attend the charter school and admit students by lottery if the charter school is oversubscribed. We believe the final priorities, requirements, definitions, and selection criteria will support and reinforce these program requirements.

We next address the comment that many of the elements of the definition are confusing. This definition provides discrete and measurable indicators for defining a charter school as high-quality. The rate at which a charter

school reduces or closes a historic achievement gap is a quantifiable measure of student achievement and school success. Similarly, testing and attendance rates provide data that can be used to examine school performance. We believe that the percentage of charter school students who go on to enroll in postsecondary institutions is yet another indicator of the performance and efficacy of a State's charter schools. Finally, we note that the term ''postsecondary education'' may encompass both non-traditional postsecondary education options as well as other career and technical training. We agree that there are other tools that measure student achievement, including career readiness. We believe the definition of *high-quality charter school* in this NFP, however, promotes the purposes of the CSP and provides a consistent, clear, and measurable metric of student academic achievement. For these reasons, we decline to revise the definition.

Changes: None.

Comment: One commenter recommended that we revise the definition of *high-quality charter school* to examine growth differentially. The commenter stated that comparing graduation rates of a school serving students who are at a very low percentile of proficiency with a school serving students at a very high percentile of proficiency is neither comparable nor fair, and contended that what success looks like at those schools will manifest in different ways.

Discussion: The definition states that academic results for students served by a *high-quality charter school* must be above the average academic results for such students in the State. Because the definition allows for comparisons among similar populations of students, we believe that it addresses the commenter's concern.

Changes: None.

Comment: One commenter recommended several substantive revisions to elements of the definition that would remove references to the achievement gap, evidence of academic achievement over three years, and references to attainment and postsecondary enrollment, as well as add a requirement for compliance in the area of safety, financial management, or statutory or regulatory compliance.

Discussion: We decline to adopt these proposed changes. First, it is unclear from the commenter's suggested revisions whether a CSP applicant's *high-quality charter schools* would have to show increased achievement in one or more (or all) subgroups. We decline to remove the three-year achievement requirement because we believe that a three-year period provides a reasonable time within which a charter school's performance can be evaluated to determine whether the school is high-quality. This does not mean the charter school could not be deemed high-quality with fewer than three years of data available, as noted within the definition. However, if three years of data exist, the charter should be evaluated based on all three years. Further, we believe the references to attendance, attainment, and retention are critical to the spirit of this definition given their correlation to performance. Finally, we believe the recommended revisions would remove or substantially diminish the focus of charter schools on serving *educationally disadvantaged students* and treating all students equitably, which are crucial elements that promote the purposes of the CSP.

Changes: None.

Comment: One commenter asked why, under paragraph (a)(2)(i) of the definition for *high-quality charter school,* demonstrated success in closing historic achievement gaps would be acceptable, while in paragraph (a)(2)(ii), an applicant must show actual significant gains rather than the closing of gaps. The commenter stated that a school could satisfy the requirements of paragraph (a)(2)(i) if its higher-achieving students decreased in performance and its lower achieving students did not make gains. Additionally, the commenter asked when, under paragraph (3) of the definition for *high-quality charter school,* results on statewide tests might not be considered applicable to meeting the definition of high-quality charter school, if those results are available.

Discussion: First, we note that in order for a school to be considered high-quality, all subgroups would have to demonstrate significant progress and the school would have to close achievement gaps simultaneously. These are two distinct but equally important components of this definition that work in tandem to ensure that SEA subgrants are used to support *high-quality charter schools.* In order to be considered high-quality, a charter school must meet elements (a)(1)–(5), unless the State opts to use an alternate definition. With regard to the commenter's second question, we note that an example of available but not necessarily applicable results could be an elementary charter school that tracks college completion rates of its alumni. Although these data theoretically could be collected, unless there was a general requirement for the collection of this information by all charter schools, it might not be a relevant measure. Without uniform data collection for all charter schools, there would be no comparison data to illustrate meaningful impact, and the data likely would not take into consideration other influences, such as the other secondary schools the students attended before going to college.

Changes: None.

Comment: One commenter suggested two revisions to the definition. First, the commenter recommended moving element (a)(5), which prohibits a *high-quality charter* school from having any *significant compliance issues,* (to paragraph (b); and replacing the term particularly with including, to make the provision more logical.

Discussion: We decline to revise paragraph (a)(5) or paragraph (b). Paragraph (a) provides the Department's definition of *high-quality charter school,* and paragraph (b) provides an SEA the option to propose its own definition. Paragraph (a)(5) is intended to highlight three areas where *significant compliance issues* can occur, but is not meant to be exhaustive.

Changes: None.

Comment: One commenter recommended that the Department define ''significant achievement gap.''

Discussion: We decline to define ''significant achievement gap'' in this NFP because we believe that not defining the term affords States greater flexibility. An applicant should be able to provide the necessary evidence and information in its application, demonstrating that schools identified as *high-quality charter schools* are either closing the achievement gap or have no significant achievement gap.

Changes: None.

Selection Criteria

(a) State-Level Strategy

Comment: Two commenters recommended expanding paragraph (1) of selection criterion (a) *State-Level Strategy* to include activities of authorizers and other entities that impact charter schools in the State.

Discussion: We agree that it is important for authorizers and other entities that impact charter schools to be part of the State's overall strategy for improving student academic achievement and attainment, and we encourage States to address the extent to which the activities of authorizers and other entities are integrated into the State-level strategy. For purposes of this program, however, we believe that the focus should be on the individual State's plan for integrating its CSP grant activities with its broader public education strategy. While a State whose

charter school authorizing practices are integrated into its CSP activities should include this information, we only expect States to discuss such practices in relation to proposed CSP grant activities. Likewise, if the CSP activities are integrated into the practices of authorizers and other entities, we would expect the State to discuss that as well.

Changes: None.

Comment: One commenter opined that a State's charter sector is purposefully designed to serve as an alternative to, rather than an integrated component of, a State's overall strategy for school improvement.

Discussion: Although charter schools are an alternative to traditional public schools, charter schools also are public schools, and we believe that it is important for States to include charter schools as part of their overall strategy for providing public education.

Changes: None.

Comment: One commenter recommended that we expand the criterion to require SEAs to explain how the State will ensure that charter schools serve the same or similar student populations as their non-charter public school counterparts.

Discussion: Charter schools are public schools and, as such, must employ open admissions policies and ensure that all students in the community have an equal opportunity to attend the charter school. A charter school's admissions practices must comply with applicable Federal and State laws, including Federal civil rights laws, such as title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990. Further, paragraph (2) of selection criterion (d) *Quality of Plan to Support Educationally Disadvantaged Students* addresses the quality of the SEA's plan to ensure that charter schools attract, recruit, admit, enroll, serve, and retain *educationally disadvantaged students.* Additionally, the CSP Nonregulatory Guidance clarifies that section 5203(b)(3)(E) of the ESEA (20 U.S.C. 7221b(b)(3)(E)) requires SEAs to provide an assurance that applications for CSP subgrants will include a description of how parents and other members of the community will be involved in the planning, program design, and initial implementation of the charter school.

Changes: None.

Comment: One commenter expressed concern about referring to a State's Race to the Top application or ESEA Flexibility request as examples of statewide education reform efforts in paragraph (1) of selection criterion (a) *State-Level Strategy.* The commenter questioned whether a charter sector could be strong in a State that did not receive a Race to the Top grant or an ESEA Flexibility waiver. Additionally, the commenter recommended revising the language to consider the extent to which the authorizer, in addition to the State, encourages strategies for improving student academic achievement.

Discussion: While States' Race to the Top applications and ESEA Flexibility requests are examples of initiatives that could be discussed in relation to State-level strategy, the list we provided was not intended to be exhaustive or exclusive. A State that has not received a Race to the Top grant or an ESEA Flexibility waiver may discuss its State-level strategy within the context of other efforts and receive full points on this criterion. We decline to expand the list of examples in this element of the criterion to include authorizer actions and authorizer strategy but agree that limiting the examples to Race to the Top and ESEA Flexibility applications may be confusing. Therefore, we have removed the examples from the final selection criterion. While an SEA may discuss its authorizer practices within the context of its State-level strategy, a discussion of authorizer quality and practice alone is unlikely to be deemed an adequate response to the criterion.

Changes: We have removed the reference to State Race to the Top applications and ESEA Flexibility waivers from paragraph (1) of this selection criterion.

Comment: One commenter recommended adding the State Systemic Improvement Plan (SSIP) as an example of an improvement effort in paragraph (1). The commenter stated that adding the SSIP will ensure that charter schools and the students they serve are actively considered in any and all State planning efforts.

Discussion: SSIPs are multi-year plans that each State produces to describe how it will improve educational outcomes for children with disabilities served under IDEA. The Department's Office of Special Education Programs administers the IDEA and works with States as they implement these plans. Like a State's Race to the Top application and ESEA Flexibility waiver request, a SSIP describes activities that could be responsive to this selection criterion. We agree that providing only a few examples for this criterion may be confusing, however, and are removing the examples from the final selection criterion and decline to include this revision.

Changes: None.

Comment: One commenter expressed concern about how the Department will consider States' various funding needs in relation to the composition of the student body, in cases where charter schools do not enroll student populations that are demographically similar to traditional non-charter public schools. The commenter mentioned students with disabilities and English learners as populations that may require additional funding in order to ensure that they are adequately served, and asked whether this will be a consideration in review of funding equity for paragraph (2) of selection criterion (a) *State-Level Strategy.*

Discussion: We recognize that the demographic composition and funding needs of schools may vary at the State and local levels. For this reason, this criterion is designed to allow applicants to describe the State's overall systems for funding public schools generally, and charter schools specifically, including any variances between the two, to demonstrate the extent to which funding equity for similar students is incorporated into the State's overall strategy.

Changes: None.

(b) Policy Context for Charter Schools

Comment: Several commenters stated that charter school policy is a local issue rather than an SEA-focused issue. One commenter stated that selection criterion (b) *Policy Context for Charter Schools* generally speaks to the SEA as the primary force behind information dissemination, growth, oversight, and other factors related to charter schools. The commenter stated that, in some States, an emphasis on the SEA would be misguided because the SEA may be hostile towards charter schools or may lack the legal ability to play a large role in the charter sector.

Discussion: The Department administers several grant programs under the CSP, including direct grants to non-SEA eligible applicants (*i.e.,* charter school developers and charter schools). The purpose of these priorities, requirements, definitions, and section criteria, however, is to implement the provisions of the CSP statute that authorize the Secretary to award grants to SEAs to enable them to conduct charter school subgrant programs in their States, in accordance with the requirements of the ESEA. In some cases, State charter school laws assign the primary role for charter school oversight to entities other than the SEA, and these entities play critical roles in information dissemination and growth of charter schools. This selection criterion asks SEA applicants to respond

to each factor within the context of their State activities. We understand, however, that the SEA may not be the sole entity responsible for executing these activities.

Changes: None.

Comment: One commenter expressed support for the selection criterion (b) *Policy Context for Charter Schools.* Another commenter expressed concern about the promotion of policies that weaken the collective bargaining rights of certain State or school employees based on the language contained in paragraph (1)(i) regarding the extent to which charter schools in the State are exempt from State or local rules that inhibit the flexible operation and management of public schools.

Discussion: By definition, charter schools are exempt from many significant State and local rules that inhibit the flexible operation and management of public schools. In exchange for this increased flexibility, charter schools are held accountable for results, including improved student academic achievement. Charter schools still must comply with Federal and State laws generally and meet all health and safety requirements. The criterion is designed to enable reviewers to assess the flexibility afforded charter schools, including flexibility with respect to school operations and management. The criterion bears no relation to employment policies or employee rights. Therefore, we decline to make any changes in response to the concern raised by the commenter.

Changes: None.

Comment: One commenter acknowledged the appropriateness of including flexibility under paragraph (1) of selection criterion (b) *Policy Context for Charter Schools* and recommended expanding the flexibility relative to establishing goals and quality measures related to State-mandated standards or assessments. The commenter referred to section 5210(1)(C) of the ESEA (20 U.S.C. 7221i(1)(C)), which defines a charter school as a public school that, among other things, operates in pursuit of a specific set of educational objectives determined by the school's developer.

Discussion: We believe the autonomy of charter schools to develop their own educational objectives and performance goals is critical, and this criterion acknowledges that importance by specifically emphasizing autonomy within paragraph (1)(ii). This criterion addresses the policy context for charter schools in a State, rather than the development of specific performance objectives, which would happen during the charter approval process. We believe *Priority 3—High-Quality Authorizing and Monitoring Processes* provides a strong incentive for the development of rigorous objectives that an authorizer would apply to the charter schools in its portfolio, and that this criterion would capture the unique qualities of individual charter schools. However, charter schools are still required to report on certain objectives applicable to all public schools. Together, the elements of this selection criterion ensure that an individual charter school's autonomy over the development of educational objectives is reflected in the CSP Grants for SEAs application.

Changes: None.

Comment: One commenter supported paragraph 3 of selection criterion (b) *Policy Context for Charter Schools,* which requests that SEAs describe their plans for ensuring that LEAs, including charter school LEAs, comply with IDEA. The commenter referenced several recently negotiated settlement agreements between schools and the Department's Office for Civil Rights related to IDEA compliance and recommended that we develop clear means to monitor charter school compliance with IDEA and other applicable statutes governing civil rights.

Discussion: Paragraph (3) of selection criterion (b) *Policy Context for Charter Schools* will enable peer reviewers to evaluate the quality of an SEA's plan to ensure charter schools' compliance with applicable Federal civil rights laws and part B of IDEA. We believe that this element of IDEA oversight is one that States are already required to have in place under section 612(a)(11) of the IDEA (20 U.S.C. 1412(a)(11)). This provision requires each SEA to exercise general supervision over all educational programs for children with disabilities administered in the State and to ensure that all such programs meet the requirements of part B of the IDEA. In addition, the Federal definition of a charter school ensures compliance with Federal civil rights laws and part B of IDEA. See section 5210(1)(G) of the ESEA (20 U.S.C. 7221i).

Changes: None.

(c) Past Performance

Comment: Several commenters supported the inclusion of selection criterion (c) *Past Performance.* Several commenters questioned how a State with a new charter school law (and, therefore, no previous charter experience) would receive points or otherwise not be unfairly disadvantaged during the application process. Additionally, one commenter asked how the Department would ensure that States with few or no *academically poor-performing charter schools* are not unfairly disadvantaged under this criterion.

Discussion: This selection criterion applies only to SEAs in States with charter school laws that have been in effect for five years or more. Therefore, an SEA in a state that enacted its first charter school law less than five years before the closing date of the relevant competition will not be scored on this criterion, and its total score will be calculated against a maximum point value that does not include the points assigned to this criterion.

In addition, SEAs that are required to respond to this criterion will not be at a disadvantage for having few or no *academically poor-performing charter schools.* In such a case, the SEA should include sufficient information for the reviewers to understand and evaluate the quality of its charter schools, including an explanation of how the State has minimized its number of *academically poor-performing charter schools.*

Changes: None.

Comment: Multiple commenters stated that the reduction in the number and percentage of *academically poor-performing charter schools* should not be evaluated based on a reduction of ''each'' of the past five years.

Discussion: We believe that it is important to examine the reduction in the number and percentage of *academically poor-performing charter schools* each year in order to determine the rate and consistency at which *academically poor-performing charter schools* have been closed or improved in a State. In addition, providing past performance data for each year gives the peer reviewers a more complete picture on which to score the applications. We encourage applicants to provide context about the performance of charter schools in the State.

Changes: None.

Comment: Several commenters recommended that we add past performance information as an application requirement. Specifically, one commenter suggested that we focus CSP funds on States that enhance, rather than diminish, the overall quality of public education.

Discussion: Selection criterion (c) *Past Performance* allows us to evaluate the extent to which an SEA's past performance has led to an increase in *high-quality charter schools* and a decrease in *academically poor-performing charter schools* within their State. An application requirement would only collect this information,

rather than allow for evaluation. For this reason, past performance will remain a selection criterion. We agree with the commenter that CSP funds should be awarded to States that enhance the overall quality of public schools, including charter schools. We believe that the final priorities, requirements, definitions, and selection criteria will achieve that purpose. The NIA for each competition will provide the specific criteria against which applications will be evaluated in that year.

Changes: None.

Comment: One commenter suggested that the evaluation of an SEA's past performance also be based on (1) the extent to which the demographic composition of the State's charter schools (in terms of *educationally disadvantaged students*) is similar to the demographic composition of non-charter public schools; (2) the extent to which approved charter applications in the State reflect innovations in charter schools; (3) the track record of the State's lead authorizer in minimizing compliance issues in its charter schools; and (4) the track record of the SEA in ensuring high-quality authorizer performance through early identification of authorizer performance issues with appropriate remedies.

Discussion: The focus of this criterion is on the SEA's performance in increasing the number of *high-quality charter schools,* decreasing the number of *academically poor-performing charter schools,* and improving student academic achievement. While we agree that the additional factors proposed by the commenter could inform an evaluation of an SEA's past performance, in many cases, an SEA providing a detailed response to the criteria will address the additional factors proposed by the commenter. Moreover, proposed addition (1) is covered by paragraph (2) of selection criterion (d) *Quality of Plan to Support Educationally Disadvantaged Students,* assessing the quality of the SEA's plan to serve an equitable number of educationally disadvantaged students. Proposed addition (2) is covered broadly under selection criterion (f) *Dissemination of Information and Best Practices,* which assesses the quality of the SEA's plan to disseminate best and promising practices of successful charter schools in the State. Proposed addition (3) is covered under the definition of a *high-quality charter school* in paragraph (5) which notes that a *high-quality charter school* should have no *significant compliance issues.* Finally, proposed addition (4) is covered under *Priority 1—Periodic Review and Evaluation,* which asks for SEAs to demonstrate that periodic review and evaluation occurs at least once every five years and provides an opportunity for authorizers to take appropriate action and impose meaningful consequences. Proposed addition (4) may also be addressed in an SEA's response to selection criterion (g), which asks SEAs how they will monitor and hold accountable authorizing public chartering agencies.

Changes: None.

Comment: One commenter stated that selection criterion (c) *Past Performance* does not consider the quality of States' existing charter schools and opined that it should be a specific focus for the SEA grant competition. Another commenter suggested that the Department consider revising this criterion to examine an SEA's performance only by its reduction of the number of *academically poor-performing charter schools.*

Discussion: We agree that the quality of a State's existing charter schools is an important consideration when evaluating the overall quality of an SEA's application for CSP funds and believe we have addressed that factor in these priorities, requirements, definitions, and selection criteria. While reducing the number of *academically poor-performing charter schools* is an important measure of an SEA's past performance with respect to administration of its charter schools, we believe that is only one aspect of the overall quality of a State's charter schools program. A major purpose of the CSP Grants to SEAs program is to increase the number of *high-quality charter schools* across the Nation and to improve student academic achievement. For these reasons, we decline to make the recommended change.

Changes: None.

(d) Quality of Plan To Support Educationally Disadvantaged Students

Comment: One commenter stated that the Department should include a reference to diversity in all of the selection criteria, beyond what is included in selection criterion (d) *Quality of Plan to Support Educationally Disadvantaged Students.* Additionally, the commenter suggested that the Department expand selection criterion (d) *Quality of Plan to Support Educationally Disadvantaged Students* to include the following 10 additional factors, to ensure that charter schools are fully inclusive and do not either directly or indirectly discourage enrollment of all students: (a) Compliance with Federal and State laws, particularly laws related to educational equity, nondiscrimination, and access to public schools for *educationally disadvantaged students;* (b) broad-reaching, inclusive marketing efforts; (c) streamlined applications with no enrollment or other barriers; (d) receptive processes that do not steer away *educationally disadvantaged students;* (e) availability of services for students with disabilities and English learners; (f) positive practices to address behavioral issues, avoiding practices that encourage students to leave the charter school; (g) sparing use of grade retention practices; (h) provision of services for disadvantaged students that are comparable to those offered in nearby public schools, including free- and reduced-price meals; (i) addressing location and transportation in ways that are designed to serve a diverse community that includes *educationally disadvantaged students;* and (j) comprehensive planning to ensure that charter school enrollment patterns do not contribute to increased racial and economic isolation in proximate schools within the same school district.

Discussion: Many of the factors proposed by the commenter are covered under selection criterion (d) *Quality of Plan to Support Educationally Disadvantaged Students* and the other criteria. More broadly, these selection criteria provide a basis for SEAs to address each of the factors proposed by the commenter at a level of detail that we believe will enable peer reviewers to evaluate the quality of the applications effectively.

Changes: None.

Comment: One commenter recommended that the Department revise this selection criterion to include a description of how SEAs plan to avoid disproportionate enrollment of homeless students in charter schools. The commenter stated that some non-charter public schools have shifted homeless students from their schools to charter schools.

Discussion: As public schools, charter schools must employ open admissions policies and ensure that all students in the community have an equal opportunity to attend the charter school. Further, charter schools receiving CSP funds must admit students by lottery if there are more applicants than spaces available at the charter school. While charter schools may weight their lotteries in favor of *educationally disadvantaged students,* which may include homeless students, they are not required to do so. Accordingly, the criterion includes a review of the SEA's plan to ensure that charter schools attract, recruit, admit, enroll, serve, and retain educationally disadvantaged and other students equitably. Although this criterion emphasizes the importance of

charter schools serving *educationally disadvantaged students,* which may include homeless students, the criterion does not diminish the requirement that charter schools receiving CSP funds provide all students in the community with an equal opportunity to attend the charter school.

Changes: None.

Comment: Several commenters recommended that the Department amend paragraphs (2), (3), and (4) of the selection criterion to address the quality of authorizers' and other State entities' plans to support *educationally disadvantaged students,* in addition to the SEA's plans to support such students.

Discussion: We agree that it is important for authorizers and other State entities to contribute to an SEA's efforts to support *educationally disadvantaged students.* Because this program authorizes the Secretary to award CSP grants to SEAs, however, the focus of these final priorities, requirements, definitions, and selection criteria is on SEAs' plans to support *educationally disadvantaged students.* To the extent that it is relevant, however, an SEA should include in its response to this criterion information regarding how its plan includes collaboration, coordination, and communication with other State entities for the purpose of providing effective support for *educationally disadvantaged students* and other students.

Changes: None.

Comment: One commenter stated that the criterion speaks to innovation in paragraph (3), and recommended that we make innovation a priority driven by individual schools rather than the SEA. The commenter recommended that the Department define innovation to include innovative curriculum, instructional methods, governance, administration, professional roles of teachers, instructional goals and standards, student assessments, use of technology, and stated that innovation should be a priority for all students, rather than just *educationally disadvantaged students* and other students.

Discussion: The CSP authorizing statute does not define innovation, and we prefer to permit applicants to exercise more flexibility by not defining the term in this NFP. We agree that innovation often happens at the school level but, for the purposes of this program, we are interested in how SEAs are encouraging innovation in charter schools within their State.

Changes: None.

(e) Vision for Growth and Accountability

Comment: Two commenters recommended revising selection criterion (e) *Vision for Growth and Accountability* to focus on the overall State plan by asking the SEA to describe the statewide vision for cultivating high-performing charter schools, as opposed to merely the SEA's vision. One commenter noted that a statewide vision may include the views of the SEA, authorizer(s), or other bodies. The other commenter suggested that the criterion should request information on charter schools with the capacity to become high-quality, rather than focus on the creation of *high-quality charter schools.*

Discussion: We agree that the statewide vision for growth and accountability is important and that the SEA should play a role in defining and assisting the State in realizing that vision. Thus, the SEA should describe a broad vision for cultivating *high-quality charter schools.* We agree that a charter school's capacity to become high-quality is relevant to an evaluation of the statewide vision for charter school growth and accountability. Therefore, we have revised paragraph (2) to request that SEAs provide a reasonable estimate of the overall number of *high-quality charter schools* in the State at both the beginning and end of the grant period.

Changes: We have revised selection criterion (e) *Vision for Growth and Accountability* to clarify that the SEA should describe its statewide vision for charter school growth and accountability, including the role of the SEA instead of just the vision of the SEA. We also revised the priority to list the factors the Secretary will consider in determining the quality of that statewide vision.

Comment: One commenter expressed concern about administrative burden within the context of selection criteria (e), (f), and (g). The commenter suggested that the Department add language that would incentivize States to reduce reporting and administrative requirements for charter schools, particularly when a school has a proven track record of high student achievement.

Discussion: We are mindful of the general reporting burden charter schools face as they comply with Federal, State, local, and authorizer reporting and other administrative requirements. However, the purpose of this regulatory action is to support the development of *high-quality charter schools* throughout the Nation by strengthening several components of the CSP Grants to SEAs program. These final priorities, requirements, definitions, and selection criteria do not address State or local reporting requirements. We believe that the factors outlined in the three selection criteria noted above do not increase reporting burden on charter schools, but rather, request that SEAs communicate how their plans address accountability within areas of reporting that already exist; how they plan to disseminate information about charter schools across the State, which is a requirement of the grant; and how, within the construct of their laws, they plan to provide oversight to authorizers.

Changes: None.

Comment: One commenter stated that selection criterion (e) *Vision for Growth and Accountability* is inherently subjective and recommended that the Department clarify what it would consider to be a highly rated plan.

Discussion: We rely on a team of independent peer reviewers to use their professional knowledge and expertise to evaluate responses to the selection criteria and rate the quality of the applications based on those responses. For these reasons, the Department declines to further delineate what constitutes a highly rated plan. Applicants are asked to address the criterion in their proposed plans in a way that they believe successfully responds to the selection criterion.

Changes: None.

(f) Dissemination of Information and Best Practices

Comment: Two commenters suggested that the Department revise selection criterion (f) *Dissemination of Information and Best Practices* to request a description of the extent to which authorizers or other State entities, as well as the SEA, will serve as leaders in identifying and disseminating information, including information regarding the quality of their plans to disseminate information and research on best or promising practices that effectively incorporate student body diversity and are related to school discipline and school climate.

Discussion: We understand that SEAs often collaborate with authorizers or other State entities to disseminate information about charter schools and best practices in charter schools. Information dissemination is a requirement for all SEAs that receive CSP funding. This criterion is intended to collect specific information about how the SEA plans to meet this requirement. Although we support collaboration, because SEAs are the grantees under the program, we decline to make the proposed revision.

Changes: None.

(g) Oversight of Authorized Public Chartering Agencies

Comment: One commenter expressed support for selection criterion (g) *Oversight of Authorized Public Chartering Agencies.* Another commenter recommended deleting this selection criterion, stating that it assumes that authorizers are providing inadequate or ineffective oversight and that requiring SEAs to oversee and manage authorizers' activities would impose undue costs and require more funding than the CSP Grants for SEAs program currently provides. The commenter also stated that the criterion should be deleted because it assumes that SEAs have statutory authority to monitor, evaluate, or otherwise hold accountable authorizers.

Discussion: This criterion is not intended to imply that authorizers are not providing adequate or effective oversight. Rather, the criterion is intended to challenge SEAs to take steps to ensure higher-quality charter school authorizing. We understand that SEAs do not always have the statutory authority to take action against authorizers that perform poorly or approve low-quality charter schools. However, all SEAs can review and evaluate data on authorizer and charter school performance, and this criterion is designed to encourage that role within the administrative plans SEAs put in place for the CSP grant. The CSP Grants for SEAs program allows up to five percent of funds to be set aside for administrative costs, which can be used for a wide range of activities to support charter schools funded under the grant, including monitoring and oversight and providing technical assistance.

Changes: None.

Comment: One commenter suggested revising paragraph (1) of selection criterion (g) *Oversight of Authorized Public Chartering Agencies* to require authorizers only to seek charter school petitions from developers that have the capacity to create *high-quality charter schools,* rather than requiring authorizers to seek and approve charter school petitions from such developers. Second, two commenters recommended revising paragraph (1) to focus on the capacity of developers to create charter schools that can become *high-quality charter schools.*

Discussion: We decline to delete the word ''approving'' from paragraph (1), which asks for the SEA's plan on how it will ensure that authorizers both seek and approve applications from developers with the capacity to create *high-quality charter schools.* We believe that, in addition to seeking applications from developers that have the capacity to create *high-quality charter schools,* authorizers should strive to assess the likelihood that applications will result in *high-quality charter schools.* However, we agree that it would be useful to clarify that these developers need only demonstrate that they have the capacity to create charter schools that can become *high-quality charter schools.* These suggested changes are consistent with other changes that we are making to these priorities, requirements, definitions, and selection criteria.

Changes: We have revised paragraph (1) of selection criterion (g) *Oversight of Authorized Public Chartering Agencies* to refer to developers that have the capacity to create charter schools that can become *high-quality charter schools.*

Comment: Several commenters recommended either substantial edits to paragraph (2) of selection criterion (g) *Oversight of Authorized Public Chartering Agencies* or the deletion of paragraph (2) altogether. These commenters stated that the focus on evidence-based whole-school models and practices related to racial and ethnic diversity would significantly limit charter school and authorizer autonomy and restrict innovation in the charter school sector. Finally, some commenters opined that this factor would create an obstacle for charter school developers seeking to open schools in communities that are not racially and ethnically diverse.

Discussion: We agree that innovation is a critical and fundamental attribute of charter schools. We disagree, however, that asking SEAs to describe how they will ensure that authorizers are approving charter schools with design elements that incorporate evidence-based school models and practices would limit innovation or preclude the creation of charter schools in certain communities. Despite the commenter's concern, this criterion does not ask applicants to ensure that all approved charter schools solely use evidence-based approaches—authorizers may approve charter school petitions that include new or untested ideas as long as there are elements within their new approach that are supported by evidence.

As discussed above, selection criteria do not impose requirements on applicants, but merely request information to enable peer reviewers to evaluate how well an applicant will comply with certain programmatic requirements based on their responses to the selection criteria. Thus, while we encourage SEAs and charter schools to take steps to improve student body diversity in charter schools, paragraph (2) of selection criterion (g) *Oversight of Authorized Public Chartering Agencies* does not require every approved school to be racially and ethnically diverse.

Changes: None.

Comment: Multiple commenters recommended that the Department revise paragraph (5) of selection criterion (g) *Oversight of Authorized Public Chartering* to reflect language added in the FY 2015 Appropriations Act which requires applicants to provide assurances that authorizers use increases in student academic achievement for all groups of students as one of the most important factors in deciding whether to renew a school's charter.

Discussion: We agree that this factor should be consistent with the language in the FY 2015 Appropriations Act, which was enacted after publication of the NPP in the **Federal Register**, and have made appropriate revisions.

Changes: We have revised paragraph (5) of selection criterion (g) *Oversight of Authorized Public Chartering Agencies* to reflect the requirement in the FY 2015 Appropriations Act that SEAs provide assurances that State law, regulations, or other policies require authorizers to use increases in student academic achievement as one of the most important factors in charter renewal decisions, instead of the most important factor.

Comment: One commenter recommended that the Department clarify selection criterion (g) *Oversight of Authorized Public Chartering Agencies* to ensure that States hold authorizers accountable for the enrollment, recruitment, retention and outcomes of all students, including students with disabilities. The commenter noted that all State charter school laws have provisions regarding special education and related services but that the substance of these statutes varies considerably from State to State. The commenter recommended providing clarity within selection criterion (g) *Oversight of Authorized Public Chartering Agencies* to specify that in accordance with IDEA, SEAs must exercise their authority to ensure authorizers provide students with disabilities equal access to the State's charter schools, and provide students with disabilities a free appropriate public education in the least restrictive environment.

Discussion: In general, selection criteria do not impose requirements on applicants. Rather, they are intended to solicit information to enable peer reviewers to evaluate an SEA's plan to

hold authorizers accountable within the constraints of the State's charter school law. One factor in selection criterion (g) provides for consideration of the quality of the SEA's plan to monitor, evaluate, assist, and hold authorized public chartering agencies accountable in monitoring their charter schools on at least an annual basis, including ensuring that the charter schools are complying with applicable State and Federal laws. Charter law provisions regarding IDEA requirements would be part of the SEA's plan.

In addition, although SEAs' statutory authority over authorizers varies from State to State, all charter schools receiving CSP subgrants through the SEA must comply with applicable Federal and State laws, including Federal civil rights laws and part B of the IDEA, to meet the Federal definition of a charter school (section 5210(1)(G) of the ESEA, 20 U.S.C. 7221i).

We also refer the commenter to selection criterion (a) *State-Level Strategy,* which requires SEAs to demonstrate how they will improve educational outcomes for students throughout the State. Finally, we refer the commenter to selection criterion (d) *Quality of Plan to Support Educationally Disadvantaged Students,* which explicitly requires SEAs to provide a plan and vision for supporting *educationally disadvantaged students,* which includes students with disabilities.

Changes: None.

Comment: One commenter recommended revising selection criterion (g) *Oversight of Authorized Public Chartering Agencies* to allow the Secretary to consider the quality of an authorizer either in addition to, or in place of, the quality of an SEA's plan to monitor the authorizer. The commenter expressed concern that the elements of this criterion will give an SEA undue influence over authorizers.

Discussion: The CSP Grants for SEAs program provides funds to SEAs to enable them to conduct charter school subgrant programs in their State. State charter school laws vary with respect to an SEA's oversight authority over authorizers. Therefore, this criterion is intended to challenge SEAs to take steps to ensure that charter school authorizers establish policies and employ practices to create and retain *high-quality charter schools* that meet the terms of their charter contracts and comply with applicable State and Federal laws, within the constraints of the State's charter school law. For this reason, we leave the language as originally drafted.

Changes: None.

Comment: Several commenters suggested textual revisions to selection criterion (g) *Oversight of Authorized Public Chartering Agencies.* First, one commenter recommended extensive changes to paragraph (2) in order to emphasize the need for an authorizer to conduct a petition approval process that considers an individual developer's capacity to create *high-quality charter schools,* among other factors. Additionally, one commenter suggested adding financial measures to academic and operational performance measures as an element of paragraph (3). One commenter recommended that we revise paragraph (7) to emphasize providing rather than supporting charter school autonomy. Finally, one commenter stated that the words ''public'' and ''government'' are not synonymous with regard to authorizing entities, but did not provide additional context for the comment.

Discussion: We decline to change paragraph (2) as suggested. We believe that it is critically important for an authorizer to evaluate entities for the capacity to develop a *high-quality charter school.* We also do not believe that it is appropriate to add a reference to financial factors to paragraph (3), as financial performance expectations are included as part of the general operational performance expectations discussed in the paragraph.

We also disagree with the proposed revisions to paragraph (7). We recognize that autonomy manifests in many ways and that the degree of autonomy afforded to charter schools is based on State law. With this criterion, we ask SEAs to describe their plans to ensure that authorizers are supporting charter school autonomy; this could be through the authorizer's provision of that autonomy, but also could occur in other indirect ways. For this reason, we decline to revise the language as suggested by the commenter. Finally, we agree that the terms ''public'' and ''government'' are not synonymous with respect to authorizers.

Changes: None.

Comment: One commenter suggested that we revise selection criterion (g) *Oversight of Authorized Public Chartering Agencies* to request that an SEA describe all efforts in the State to strengthen authorized public chartering agencies, rather than describe only the SEA's efforts. The commenter expressed expectations that an SEA will have robust oversight over authorizers.

Discussion: Because SEAs are the grantees under this program, we believe the emphasis should remain on the SEA rather than other entities within the State. We note that selection criterion (e) *Vision for Growth and Accountability* addresses the statewide vision for strengthening authorizers, which may involve direct State action or other entities playing an oversight or performance management role in partnership with the State.

Changes: None.

Comment: One commenter recommended that we revise selection criterion (g) *Oversight of Authorized Public Chartering Agencies* to ask SEAs to include an analysis of whether the State's budget is adequate for the SEA's plan to support high-quality authorizing within the context of each State's charter school law.

Discussion: We agree with the commenter that the adequacy of a State's budget for an SEA's plan is relevant in determining the quality of the SEA's plan to support high-quality authorizing. While we encourage each SEA to provide a detailed description of its plan, including any available resources to implement the plan, we decline to specify what constitutes a quality plan.

Changes: None.

(h) Management Plan and Theory of Action

Comment: One commenter suggested that we limit consideration of monitoring reviews under paragraph (3)(ii) of selection criterion (h) *Management Plan and Theory of Action* to those that have occurred within the past three years.

Discussion: Restricting the time period for monitoring reviews to three years may not provide a full picture of an applicant's capacity for effective program administration. Further, permitting an SEA to address compliance issues or findings identified in reviews beyond the three-year period will enable it to describe any corrective actions that have been implemented successfully.

Changes: None.

(i) Project Design

Comment: One commenter recommended that we revise paragraph (1)(i) of selection criterion (i) *Project Design* to request information about how the SEA will ensure that subgrants will be awarded to applicants demonstrating the capacity to create charter schools that can become *high-quality charter schools,* as opposed to the capacity to create *high-quality charter schools.*

Discussion: With this criterion, we ask SEAs to describe the likelihood of awarding subgrants to applicants that demonstrate the capacity to create *high-quality charter schools.* Asking

applicants to demonstrate their capacity to create *high-quality charter schools* implies that the SEA will employ rigorous subgrant review processes to assure subgrants are awarded to eligible applicants with the capacity to create *high-quality charter schools.* This criterion does not impose a time limit by which new charter schools must be able to demonstrate that they are *high-quality charter schools,* but still conveys the ultimate goal of SEAs awarding CSP subgrants to charter school developers that will create *high-quality charter schools.* We believe that this language already achieves the commenter's goal and decline to revise the criterion.

Changes: None.

Comment: One commenter stated that it is not useful to ask SEAs to estimate the number of *high-quality charter schools* they will create during the life of the grant or the proportion of charter schools that have yet to open that will become high-quality. The commenter suggested that we strike paragraph (1)(i) of selection criterion (i) *Project Design,* which requests the SEA to discuss the subgrant application and peer review processes, and how the SEA intends to ensure that subgrants will be awarded to applicants demonstrating the capacity to create *high-quality charter schools* and retain the language in paragraph (1)(ii), which requests that the SEA provide a reasonable year-by-year estimate of the number of subgrants the SEA expects to award during the project period.

Discussion: Paragraph (1)(i) of selection criterion (i) *Project Design* does not ask SEAs to provide an estimate of new charter schools that will become high-quality, but rather, focuses on the quality of the SEA's subgrant award process and how the SEA will ensure that subgrants are awarded to applicants demonstrating the capacity to create *high-quality charter schools.* On the other hand, we agree that the determination of the amount of CSP funds to award to an SEA requires a reasonable estimate of the number and size of subgrants the SEA expects to award during the grant period. For these reasons, we decline to make the change suggested by the commenter.

Changes: None.

Comment: One commenter suggested that the Department revise paragraph (3) of selection criterion (i) *Project Design* to include maintaining as well as increasing student body diversity as examples of areas of need in the State on which the SEA's subgrant program might focus.

Discussion: We agree that it would be useful to add maintaining a high level of student body diversity as an example of a potential area of need in a State. For this reason, we have made the recommended revision.

Changes: We have revised paragraph (3) of selection criterion (i) *Project Design* to refer to increasing student body diversity or maintaining a high level of student body diversity, as opposed to just increasing diversity.

General Comments

Comment: Several commenters expressed the opinion that charter school law is a State and local concern and should be subject to less Federal regulation. Several other commenters expressed concern that the proposed priorities, requirements, definitions, and selection criteria fail to acknowledge that States may have charter school laws that minimize the importance of SEAs in the charter school sector.

Discussion: We recognize that charter schools are authorized under State law and that State charter school laws vary. The CSP Grants for SEAs program, however, provides funds to SEAs to enable them to conduct charter school subgrant programs in the State. In order for SEAs to qualify for CSP funds, they must comply with the statutory and regulatory requirements governing the program. These priorities, requirements, definitions, and selection criteria are intended to clarify CSP requirements and to ensure that CSP funds are spent in accordance with those requirements.

Changes: None.

Comment: One commenter suggested that the Department require SEAs to ensure that education management organizations (EMOs) make their financial records available to governing boards on request.

Discussion: As for-profit entities, EMOs are not eligible to apply for CSP subgrants under the CSP Grants to SEAs program. While CSP subgrant recipients may enter into contracts with EMOs for the provision of goods and services within the scope of authorized activities under the program and approved subgrant project, the subgrantee is responsible for administering the project and supervising the administration of the project. When negotiating the terms of the contract with the EMO, the subgrantee should ensure that the contract includes whatever provisions are necessary for the proper and efficient administration of the subgrant (*e.g.* a provision that would give the grant and subgrant recipients, the Department, the Comptroller of the United States, or any of their duly authorized representatives, access to any books, documents, papers, and records of the contractor that are directly pertinent to the program for the purpose of conducting audits or examinations).

Changes: None.

Comment: One commenter expressed concern that the priorities, requirements, definitions, and selection criteria collectively disadvantage students with disabilities.

Discussion: We disagree that these final priorities, requirements, definitions, and selection criteria disadvantage students with disabilities. A major focus of the CSP grants for SEAs program is to provide financial assistance to SEAs to enable them to conduct charter school subgrant programs to assist educationally disadvantaged and other students in meeting State academic content standards and State student academic achievement standards. Likewise, these final priorities, requirements, definitions, and selection criteria reflect the Department's interest in ensuring that charter schools receiving CSP funds serve *educationally disadvantaged students,* including students with disabilities.

Changes: None.

Comment: One commenter stated that the priorities, requirements, definitions, and selection criteria imply that *economically disadvantaged students* as well as ethnic and racial minority students are not well-represented in charter schools and that this is not true in all States. In addition, the commenter provided an example of a State in which charter schools primarily serve students at greatest academic risk, and suggested that the Department emphasize academic growth as opposed to student achievement in order to capture the success of charter schools serving those students.

Discussion: These final priorities, requirements, definitions, and selection criteria are not intended to imply that economically disadvantaged, racial, or ethnic minority students are underrepresented in charter schools nationwide. We recognize that student demographic distributions vary by State and that many charter schools are successfully serving diverse student populations, including *educationally disadvantaged students* (*i.e.,* students at risk of academic failure) and students who are members of racial or ethnic minorities. In addition, the final priorities, requirements, definitions, and selection criteria provide opportunities for SEAs to demonstrate academic growth as well as improved student academic achievement in charter schools for all students, including *educationally disadvantaged students.* For example, paragraph (1) of the definition of a *high-quality charter*

school requires a charter school to demonstrate increased academic achievement and attainment for all students.

Changes: None.

Comment: One commenter recommended that the Department consider diversity-enhancing policies in the charter, magnet, and non-charter school sectors. Specifically, the commenter recommended that the Department support strategies that reflect collaborative cross-sector efforts and community input, consider actual and potential cross-sector student enrollment dynamics and impacts, and broadly increase school diversity across all taxpayer-supported school sectors.

Discussion: We agree that cross-sector collaboration can be useful in increasing student body diversity in public schools, including charter schools. Although SEAs are the only eligible applicants under this program, SEAs have great flexibility to devise charter school subgrant programs that promote cross-sector collaboration within the parameters of the CSP authorizing statute and applicable regulations.

Changes: None.

Comment: One commenter suggested that paragraph (3) of selection criterion (d) *Quality of Plan to Support Educationally Disadvantaged Students,* which considers the extent to which an SEA encourages innovations in charter schools in order to improve the academic achievement of *educationally disadvantaged students,* and paragraph (2) of selection criterion (g) *Oversight of Authorized Public Chartering Agencies,* which considers whether an SEA's plan ensures that authorizers are approving charter school petitions with design elements that incorporate evidence-based school models and practices, are contradictory.

Discussion: We disagree that the two factors contradict each other. For example, an SEA may support charter schools that incorporate evidence-based practices into an innovative school model focused on improving the academic achievement of *educationally disadvantaged students.* While the entirety of the proposed model may not have been evaluated because of the demographics of *educationally disadvantaged students* served, some or all of the individual components of the model or practices used may be evidence-based. In the context of selection criterion (g) *Oversight of Authorized Public Chartering Agencies,* the intent of encouraging SEAs to propose a plan whereby authorizers approve charter schools petitions with design elements that incorporate evidence-based school models is to promote rigorous review as it relates to authorizing but not to discourage authorizers from approving an untested innovative school design model focused on serving a subset of *educationally disadvantaged students,* as long as the model, or elements or practices with the model, are sufficiently based in research.

Changes: None.

Comment: One commenter stated that the Department should require SEAs to work with all partners in the field to ensure that the pool of charter school developers is diverse and focused on the needs of *educationally disadvantaged students.*

Discussion: We believe that it is important for SEAs to work with other entities that are relevant to charter schools to improve the overall quality of the charter school sector and to improve academic outcomes for *educationally disadvantaged students.* To that end, we have included selection criteria that ask applicants to discuss their State-level strategies and plans to serve *educationally disadvantaged students.*

Changes: None.

Comment: One commenter recommended that the Department consider additional options for a State to submit a competitive application. The commenter indicated that, in some States, the chief education officer (*e.g.,* superintendent of instruction or similar position) may lack the will or ability to advance a strong grant proposal under the CSP Grants for SEAs program.

Discussion: Given that this program awards funds to SEAs, we cannot compel a State to advance charter schools when the relevant leadership believes that it is not appropriate to do so. In States in which the SEA does not have an approved application under the CSP, non-SEA eligible applicants (*i.e.,* charter school developers and charter schools) may apply directly to the Department for CSP startup and dissemination grants. Additional information about the Department's CSP Grants to Non-SEA Eligible Applicants program can be found at *www2.ed.gov/programs/charternonsea/applicant.html.*

Changes: None.

Comment: One commenter expressed general concern about the structure of the priorities, requirements, definitions, and selection criteria, stating that the priorities are long and vague and may be difficult for the Department to apply. The commenter opined that the priorities, requirements, definitions, and selection criteria favor a narrow interpretation of sound chartering practices that lacks research-based support.

Discussion: These final priorities, requirements, definitions, and selection criteria will form the basis of our CSP Grants for SEAs competition for FY 2015 and future years. While we do not identify which priorities we will utilize for any particular competition, we believe that the substance of the priorities in this NFP is appropriate given the amount of Federal funds that will flow to the States and their subgrantees. We also disagree that these final priorities, requirements, definitions, and selection criteria lack appropriate alignment with leading practices. Rather, we believe that these final priorities, requirements, definitions, and selection criteria are well-founded in current educational research and widely-accepted practice.

For applicants that require additional information about these final priorities, requirements, definitions, and selection criteria, the Department will include information in each NIA on any planned pre-application meetings as well as instructions on how to request additional information.

Changes: None.

Comment: One commenter recommended that the Department add a selection criterion to measure the strength of a State's charter school law with respect to provisions related to the closure of *academically poor-performing charter schools.*

Discussion: We agree that an SEA's ability to close *academically poor-performing charter schools* is an important factor in assessing the quality of an SEA's grant application. These priorities, requirements, definitions, and selection criteria address school closure in several areas, including *Priority 3—High-Quality Authorizing and Monitoring Processes,* selection criterion (c) *Past Performance,* and selection criterion (e) *Vision for Growth and Accountability.* These provisions address State charter authorizing practices, including charter school closure policies, and their impact on the development of *high-quality charter schools* and closure of *academically poor-performing charter schools.*

Changes: None.

Comment: One commenter recommended that we add a new priority related to facilities access, based on the following additional factors: (1) Funding for facilities; (2) assistance with facilities acquisition; (3) access to public facilities; (4) the ability to share in bonds or mill levies; (5) the right of first refusal to purchase public school buildings; or (6) low- or no-cost leasing privileges.

Discussion: We support State efforts to assist charter schools in acquiring

facilities. Accordingly, selection criterion (a) *State-Level Strategy* considers the extent to which funding equity for charter school facilities is incorporated into the *State-level strategy.*

Changes: None.

Comment: One commenter stated that the proposed priorities generally imply that authorizers must follow a uniform path for decision-making, that such a path will lead to homogony across authorizers, and that this monoculture is not preferable. The commenter suggested that the Department address authorizer diversity and an authorizer's ability to exercise its own judgment and discretion with regard to chartering decisions.

Discussion: We agree that authorizers should exercise judgment over their portfolio of charter schools and should be evaluated based on the success of those portfolios. We also note that it is important for SEAs to develop and adopt principles and standards around charter school authorizing to ensure some level of quality control and public accountability within the charter sector if charter schools are to fulfill their intended purposes. These final priorities, requirements, definitions, and selection criteria enable the Department and peer reviewers to evaluate SEA applications regarding quality control and public accountability around charter school authorizing within their State.

Changes: None.

Comment: Two commenters expressed concern about charter schools' compliance with open records and meeting laws. One of the commenters recommended that the Department require States to ensure that charter schools comply with these laws, while the other commenter suggested that the Department require SEAs to provide guidance to charter schools, LEAs, and authorizers clarifying that neither the Family Educational Rights and Privacy Act (FERPA) nor IDEA prevent the sharing of student data in an efficient and timely manner.

Discussion: We support transparency across all aspects of the chartering process. Open meetings laws are not addressed in ESEA or other areas of Federal law. Therefore, the decision to include charter schools in open meetings requirements is a State issue. It is worth noting, however, that factors (4) and (6) of selection criterion (g) *Oversight of Authorized Public Chartering Agencies* ask charter schools how they comply with all related State laws. Regarding the request to add an additional assurance regarding records transfer, we note that section 5208 of the ESEA (20 U.S.C. 7221g) requires an SEA and LEA to transfer a student's records when that student transfers schools.

Changes: None.

Comment: One commenter expressed general concern over parent contracts in certain charter school settings. The commenter stated that these contracts have the potential to deny eligibility to a student if a child's parent or guardian is unable to comply with the contract, and that such contracts can have a discriminatory impact on certain students. The commenter recommended that the Department determine CSP Grants to SEAs program eligibility on the condition that subgrantees prohibit parent contracts. The commenter also recommended that the Department require school districts, authorizers, and individual schools to provide a city-wide, multi-year plan to note demographic changes, criteria for new school openings or closings, and equitable geographic distribution of schools. Additionally, the commenter asked that the Department require authorizers to submit an impact statement before approving any new charter school application. Finally, the commenter recommended that the Department require an SEA to conduct an annual assessment of the cumulative impact of charter schools on traditional school districts. This assessment would analyze funding, enrollment trends, and educational outcomes.

Discussion: While the CSP authorizing statute does not expressly prohibit parent contracts, SEAs are required to ensure that charter schools are providing equal educational opportunities for all students. In addition, charter schools receiving CSP subgrants may not charge tuition and, as public schools, ls must employ open admissions policies and provide all students with an equal opportunity to attend the charter school. While SEAs have great flexibility to conduct their charter schools subgrant programs in a manner that promotes State goals and objectives, they must do so consistent with CSP requirements. Thus, SEAs may not require or allow charter schools to employ admissions or other policies that are discriminatory or otherwise exclude certain students from applying for admission to the charter school.

With regard to the commenter's request that we require impact statements, we do not believe that requiring an SEA to conduct an annual impact assessment of charter schools represents the best expenditure of CSP funds. Further, elements related to impact could be addressed in selection criterion (a) *State-Level Strategy,* and also under selection criterion (g) *Oversight of Authorized Public Chartering Agencies,* through the development of a *State-level strategy* and authorizers' review and monitoring of their school portfolios. For these reasons, we decline to impose any of the recommended requirements.

Changes: None.

Comment: One commenter recommended that the Department require SEAs to post information regarding individual charter schools online, such as the school's charter, performance contract, and school rules. The commenter also stated that members of the charter sector should be subject to financial conflict of interest guidelines similar to those that magnet schools follow.

Discussion: We believe that charter schools should be transparent in their operations and make information as widely available to the public as possible. In addition, charter schools are public schools and, as such, are subject to all applicable laws governing information access. However, we defer to States regarding the specific information they choose to post on a particular Web site.

Changes: None.

Comment: One commenter supported the inclusion of the statutory priority for States that have a non-LEA authorizer as described in section 5202(e)(3)(B) of the ESEA (20 U.S.C. 7221a(e)(3)(B)). The commenter expressed the belief that the priority was not included in the NPP because the Department does not propose to supplement the statutory language, and that the priority should be used in the FY 2015 CSP Grants for SEAs competition.

Discussion: The commenter is correct that the final priorities in this NFP do not alter the statutory priority described in section 5202(e)(3)(B) of the ESEA (20 U.S.C. 7221a(e)(3)(B)), which delineates priority criteria to incentivize States who have an authorizer that is not a LEA or, if only LEAs can authorize charter schools within a given State, an appeals process for the denial of a charter school application.

Changes: None.

Comment: One commenter asked the Department to require applicants to submit information about the SEA's process for awarding grants to charter schools with a significant expansion of enrollment under the CSP program and noted that current CSP regulations give States latitude in defining significant expansion of enrollment.

Discussion: Under this program, the Department awards grants to SEAs to assist them in conducting a charter school subgrant program in their States. As a general matter, funds may be used

only for post-award planning and initial implementation of charter schools and the dissemination of information about charter schools. The CSP Replication and Expansion Grant program (CFDA Number 84.282M) awards grants to non-profit charter management organizations (CMOs) and other not for-profit entities to support the replication and expansion of *high-quality charter schools.* In limited circumstances, the Department has granted waiver requests submitted by SEAs under this program to enable the SEA to award a CSP grant to a charter school that has substantially expanded its enrollment. Because CSP Grants to SEAs generally do not support charter school expansions, however, the Department declines to include the proposed requirement.

Changes: None.

Comment: One commenter suggested including a note in the NIA stating that, while guiding growth within the priorities of a State or district is an admirable goal, the application and review process should not remove a strong community charter school proposal from consideration just because it does not focus on a priority for a State or authorizer.

Discussion: We acknowledge that a community charter school applicant may propose models to a specific authorizer that may not be aligned with a State's specific priorities for charter growth. While SEAs may exercise flexibility in designing and establishing priorities for their CSP subgrant programs, they are required to utilize a peer review process to evaluate subgrant applications to ensure fairness in the competitive subgrant award process and that the highest quality applications are approved for funding. We encourage the State to have a deliberate plan for innovative charter school growth, but individual authorizers approve or reject charter school petitions based on the requirements of the applicable State charter school law.

Changes: None.

Comment: We received several general comments about the goals stated in the Executive Summary section. One commenter stated that including annual measurable objectives as the most important factor in charter renewal decisions will exclude other equally important factors such as health, safety, finances, and governance. Additionally, one commenter stated that requiring all subgroups to attain high levels of achievement is inappropriate at the present time. Finally, two commenters asserted that an SEA should have the authority to establish academic outcomes related to its authorizers' portfolios so that the SEA can drive systemic and systematic changes in charter practices while also increasing the performance standards of a State's charter school system.

Discussion: With regard to the first point, we do not intend to imply that annual measurable objectives are the most important factor. All enumerated factors are equally important and include the elements enumerated by the commenter. Further, we recognize that various subgroups will achieve differing gains over time. In addition, while SEA oversight authority over authorizers varies based on State charter school law, we believe that having a *State-Level Strategy* provides the SEA with an opportunity to create systemic and systematic change while also increasing student academic achievement in charter schools.

With regard to the final point, we disagree with the commenter and note that an SEA's authority is an issue of State law. We do, however, believe that these priorities, requirements, definitions, and selection criteria may motivate a State to exercise a more active role over authorizer accountability.

Changes: None.

Comment: One commenter commended the Department's focus on *educationally disadvantaged students* and recommended that we reward States that present data demonstrating that there is equitable access to charter schools for all subgroups.

Discussion: We believe that equitable access to charter schools for all subgroups is addressed in paragraph (2) of selection criterion (d) *Quality of Plan to Support Educationally Disadvantaged Students.* A critical aspect of these priorities, requirements, definitions, and selection criteria is to ensure equitable access to charter schools for students across all subgroups, including *educationally disadvantaged students.* For this reason, we decline to make the suggested revision.

Changes: None.

FINAL PRIORITIES:

Priority 1—Periodic Review and Evaluation.

To meet this priority, the applicant must demonstrate that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school at least once every five years, unless required more frequently by State law, and takes steps to ensure that such reviews take place. The review and evaluation must serve to determine whether the charter school is meeting the terms of the school's charter and meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth in the school's charter or under State law, a State regulation, or a State policy, provided that the student academic achievement requirements and goals for charter schools established by that policy meet or exceed those set forth under applicable State law or State regulation. This periodic review and evaluation must include an opportunity for the authorized public chartering agency to take appropriate action or impose meaningful consequences on the charter school, if necessary.

Priority 2—Charter School Oversight.

To meet this priority, an application must demonstrate that State law, regulations, or other policies in the State where the applicant is located require the following:

(a) That each charter school in the State—

(1) Operates under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the rights and responsibilities of the school and the authorized public chartering agency;

(2) Conducts annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and

(3) Demonstrates improved student academic achievement; and

(b) That all authorized public chartering agencies in the State use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA (20 U.S.C. 6311(b)(2)(C)(v)) as one of the most important factors when determining whether to renew or revoke a school's charter.

Priority 3—High-Quality Authorizing and Monitoring Processes.

To meet this priority, an applicant must demonstrate that all authorized public chartering agencies in the State use one or more of the following:

(a) Frameworks and processes to evaluate the performance of charter schools on a regular basis that include—

(1) Rigorous academic and operational performance expectations (including performance expectations related to financial management and equitable treatment of all students and applicants);

(2) Performance objectives for each school aligned to those expectations;

(3) Clear criteria for renewing the charter of a school based on an objective body of evidence, including evidence that the charter school has (a) met the performance objectives outlined in the charter or performance contract; (b)

demonstrated organizational and fiscal viability; and (c) demonstrated fidelity to the terms of the charter or performance contract and applicable law;

(4) Clear criteria for revoking the charter of a school if there is violation of a law or public trust regarding student safety or public funds, or evidence of poor student academic achievement; and

(5) Annual reporting by authorized public chartering agencies to each of their authorized charter schools that summarizes the individual school's performance and compliance, based on this framework, and identifies any areas that need improvement.

(b) Clear and specific standards and formalized processes that measure and benchmark the performance of the authorized public chartering agency or agencies, including the performance of its portfolio of charter schools, and provide for the annual dissemination of information on such performance;

(c) Authorizing processes that establish clear criteria for evaluating charter applications and include a multi-tiered clearance or review of a charter school, including a final review immediately before the school opens for its first operational year; or

(d) Authorizing processes that include differentiated review of charter petitions to assess whether, and the extent to which, the charter school developer has been successful (as determined by the authorized public chartering agency) in establishing and operating one or more high-quality charter schools.

Priority 4—SEAs that Have Never Received a CSP Grant.

To meet this priority, an applicant must be an eligible SEA applicant that has never received a CSP grant.

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)).

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)).

FINAL REQUIREMENTS:

Academically poor-performing charter school: Provide one of the following:

(a) Written certification that, for purposes of the CSP grant, the SEA uses the definition of *academically poor-performing charter school* provided in this notice; or

(b) If the State proposes to use an alternative definition of *academically poor-performing charter school* in accordance with paragraph (b) of the definition of the term in this notice, (1) the specific definition the State proposes to use; and (2) a written explanation of how the proposed definition is at least as rigorous as the standard in paragraph (a) of the definition of *academically poor-performing charter school* set forth in the Definitions section of this notice.

High-quality charter school: Provide one of the following:

(a) Written certification that, for purposes of the CSP grant, the SEA uses the definition of *high-quality charter school* provided in this notice; or

(b) If the State proposes to use an alternative definition of *high-quality charter school* in accordance with paragraph (b) of the definition of the term in this notice, (1) the specific definition the State proposes to use; and (2) a written explanation of how the proposed definition is at least as rigorous as the standard in paragraph (a) of the definition of *high-quality charter school* set forth in the Definitions section of this notice.

Logic model: Provide a complete logic model (as defined in 34 CFR. 77.1) for the project. The logic model must address the role of the grant in promoting the State-level strategy for expanding the number of *high-quality charter schools* through startup subgrants, optional dissemination subgrants, optional revolving loan funds, and other strategies.

Lottery and Enrollment Preferences: Describe (1) how lotteries for admission to charter schools will be conducted in the State, including any student enrollment preferences or exemptions from the lottery that charter schools are required or expressly permitted by the State to employ; and (2) any mechanisms that exist for the SEA or authorized public chartering agency to review, monitor, or approve such lotteries or student enrollment preferences or exemptions from the lottery. In addition, the SEA must provide an assurance that it will require each applicant for a CSP subgrant to include in its application descriptions of its recruitment and admissions policies and practices, including a description of the proposed lottery and any enrollment preferences or exemptions from the lottery the charter school employs or plans to employ, and how those enrollment preferences or exemptions are consistent with State law and the CSP authorizing statute (for information related to admissions and lotteries under the CSP, please see Section E of the CSP Nonregulatory Guidance (January 2014) at *www2.ed.gov/programs/charter/nonregulatory-guidance.html*).

FINAL DEFINITIONS:

Academically poor-performing charter school means—

(a) A charter school that has been in operation for at least three years and that—

(1) Has been identified as being in the lowest-performing five percent of all schools in the State and has failed to improve school performance (based on the SEA's accountability system under the ESEA) over the past three years; and

(2) Has failed to demonstrate student academic growth of at least an average of one grade level for each cohort of students in each of the past three years, as demonstrated by statewide or other assessments approved by the authorized public chartering agency; or

(b) An SEA may use an alternative definition for *academically poor-performing charter school,* provided that the SEA complies with the requirements for proposing to use an alternative definition for the term as set forth in paragraph (b) of *academically poor-performing charter school* in the Requirements section of this notice.

Educationally disadvantaged students means economically disadvantaged students, students with disabilities, migrant students, limited English proficient students (also referred to as English learners or English language learners), neglected or delinquent students, or homeless students.

High-quality charter school means—

(a) A charter school that shows evidence of strong academic results for the past three years (or over the life of the school, if the school has been open for fewer than three years), based on the following factors:

(1) Increased student academic achievement and attainment (including, if applicable and available, high school graduation rates and college and other postsecondary education enrollment rates) for all students, including, as

applicable, *educationally disadvantaged students* served by the charter school;

(2) Either—

(i) Demonstrated success in closing historic achievement gaps for the subgroups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA (20 U.S.C. 6311(b)(2)(C)(v)(II)) at the charter school; or

(ii) No significant achievement gaps between any of the subgroups of students described in section 1111 (b)(2)(C)(v)(II) of the ESEA (20 U.S.C. 6311) at the charter school and significant gains in student academic achievement for all populations of students served by the charter school;

(3) Results (including, if applicable and available, performance on statewide tests, annual student attendance and retention rates, high school graduation rates, college and other postsecondary education attendance rates, and college and other postsecondary education persistence rates) for low-income and other *educationally disadvantaged students* served by the charter school that are above the average academic achievement results for such students in the State;

(4) Results on a performance framework established by the State or authorized public chartering agency for the purpose of evaluating charter school quality; and

(5) No *significant compliance issues,* particularly in the areas of student safety, financial management, and equitable treatment of students; or

(b) An SEA may use an alternative definition for *high-quality charter school,* provided that the SEA complies with the requirements for proposing to use an alternative definition for the term as set forth in paragraph (b) of *high-quality charter school* in the Requirements section of this notice.

Significant compliance issue means a violation that did, will, or could (if not addressed or if it represents a pattern of repeated misconduct or material non-compliance) lead to the revocation of a school's charter by the authorizer.

FINAL SELECTION CRITERIA:

(a) *State-Level Strategy.* The Secretary considers the quality of the State-level strategy for using charter schools to improve educational outcomes for students throughout the State. In determining the quality of the State-level strategy, the Secretary considers one or more of the following factors:

(1) The extent to which the SEA's CSP activities, including the subgrant program, are integrated into the State's overall strategy for improving student academic achievement and attainment (including high school graduation rates and college and other postsecondary education enrollment rates) and closing achievement and attainment gaps, and complement or leverage other statewide education reform efforts;

(2) The extent to which funding equity for charter schools (including equitable funding for charter school facilities) is incorporated into the SEA's State-level strategy; and

(3) The extent to which the State encourages local strategies for improving student academic achievement and attainment that involve charter schools, including but not limited to the following:

(i) Collaboration, including the sharing of data and promising instructional and other practices, between charter schools and other public schools or providers of early learning and development programs or alternative education programs; and

(ii) The creation of charter schools that would serve as viable options for students who currently attend, or would otherwise attend, the State's lowest-performing schools.

(b) *Policy Context for Charter Schools.* The Secretary considers the policy context for charter schools under the proposed project. In determining the policy context for charter schools under the proposed project, the Secretary considers one or more of the following factors:

(1) The degree of flexibility afforded to charter schools under the State's charter school law, including:

(i) The extent to which charter schools in the State are exempt from State or local rules that inhibit the flexible operation and management of public schools; and

(ii) The extent to which charter schools in the State have a high degree of autonomy, including autonomy over the charter school's budget, expenditures, staffing, procurement, and curriculum;

(2) The quality of the SEA's processes for:

(i) Annually informing each charter school in the State about Federal funds the charter school is eligible to receive and Federal programs in which the charter school may participate; and

(ii) Annually ensuring that each charter school in the State receives, in a timely fashion, the school's commensurate share of Federal funds that are allocated by formula each year, particularly during the first year of operation of the school and during a year in which the school's enrollment expands significantly; and

(3) The quality of the SEA's plan to ensure that charter schools that are considered to be LEAs under State law and LEAs in which charter schools are located will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act (20 U.S.C. 1400, *et seq.*), the Age Discrimination Act of 1975 (42 U.S.C. 6101, *et seq.*), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, *et seq.*), title IX of the Education Amendments of 1972 (20 U.S.C. 1681, *et seq.*), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(c) *Past Performance.* The Secretary considers the past performance of charter schools in a State that enacted a charter school law for the first time five or more years before submission of its application. In determining the past performance of charter schools in such a State, the Secretary considers one or more of the following factors:

(1) The extent to which there has been a demonstrated increase, for each of the past five years, in the number and percentage of *high-quality charter schools* (as defined in this notice) in the State;

(2) The extent to which there has been a demonstrated reduction, for each of the past five years, in the number and percentage of *academically poor-performing charter schools* (as defined in this notice) in the State; and

(3) Whether, and the extent to which, the academic achievement and academic attainment (including high school graduation rates and college and other postsecondary education enrollment rates) of charter school students equal or exceed the academic achievement and academic attainment of similar students in other public schools in the State over the past five years.

(d) *Quality of Plan to Support Educationally Disadvantaged Students.* The Secretary considers the quality of the SEA's plan to support *educationally disadvantaged students.* In determining the quality of the plan to support *educationally disadvantaged students,* the Secretary considers one or more of the following factors:

(1) The extent to which the SEA's charter school subgrant program would—

(i) Assist students, particularly *educationally disadvantaged students,* in meeting and exceeding State academic content standards and State student achievement standards; and

(ii) Reduce or eliminate achievement gaps for *educationally disadvantaged students;*

(2) The quality of the SEA's plan to ensure that charter schools attract, recruit, admit, enroll, serve, and retain *educationally disadvantaged students* equitably, meaningfully, and, with regard to *educationally disadvantaged*

students who are students with disabilities or English learners, in a manner consistent with, as appropriate, the IDEA (regarding students with disabilities) and civil rights laws, in particular, section 504 of the Rehabilitation Act of 1973, as amended, and title VI of the Civil Rights Act of 1964;

(3) The extent to which the SEA will encourage innovations in charter schools, such as models, policies, supports, or structures, that are designed to improve the academic achievement of *educationally disadvantaged students;* and

(4) The quality of the SEA's plan for monitoring all charter schools to ensure compliance with Federal and State laws, particularly laws related to educational equity, nondiscrimination, and access to public schools for *educationally disadvantaged students.*

(e) *Vision for Growth and Accountability.* The Secretary determines the quality of the statewide vision, including the role of the SEA, for charter school growth and accountability. In determining the quality of the statewide vision, the Secretary considers one or more of the following factors:

(1) The quality of the SEA's systems for collecting, analyzing, and publicly reporting data on charter school performance, including data on student academic achievement, attainment (including high school graduation rates and college and other postsecondary education enrollment rates), retention, and discipline for all students and disaggregated by student subgroup;

(2) The ambitiousness, quality of vision, and feasibility of the SEA's plan (including key actions) to support the creation of *high-quality charter schools* during the project period, including a reasonable estimate of the number of *high-quality charter schools* in the State at both the beginning and the end of the project period; and

(3) The ambitiousness, quality of vision, and feasibility of the SEA's plan (including key actions) to support the closure of *academically poor-performing charter schools* in the State (*i.e.,* through revocation, non-renewal, or voluntary termination of a charter) during the project period.

(f) *Dissemination of Information and Best Practices.* The Secretary considers the quality of the SEA's plan to disseminate information about charter schools and best or promising practices of successful charter schools to each LEA in the State as well as to charter schools, other public schools, and charter school developers (20 U.S.C. 7221b(b)(2)(C) and 7221c(f)(6)). If an SEA proposes to use a portion of its grant funds for dissemination subgrants under section 5204(f)(6)(B) of the ESEA (20 U.S.C. 7221c(f)(6)(B)), the SEA should incorporate these subgrants into the overall plan for dissemination. In determining the quality of the SEA's plan to disseminate information about charter schools and best or promising practices of successful charter schools, the Secretary considers one or more of the following factors:

(1) The extent to which the SEA will serve as a leader in the State for identifying and disseminating information and research (which may include, but is not limited to, providing technical assistance) about best or promising practices in successful charter schools, including how the SEA will use measures of efficacy and data in identifying such practices and assessing the impact of its dissemination activities;

(2) The quality of the SEA's plan for disseminating information and research on best or promising practices used by, and the benefits of, charter schools that effectively incorporate student body diversity, including racial and ethnic diversity and diversity with respect to *educationally disadvantaged students,* consistent with applicable law;

(3) The quality of the SEA's plan for disseminating information and research on best or promising practices in charter schools related to student discipline and school climate; and

(4) For an SEA that proposes to use a portion of its grant funds to award dissemination subgrants under section 5204(f)(6)(B) of the ESEA (20 U.S.C. 7221a(f)(6)(B)), the quality of the subgrant award process and the likelihood that such dissemination activities will increase the number of *high-quality charter schools* in the State and contribute to improved student academic achievement.

(g) *Oversight of Authorized Public Chartering Agencies.* The Secretary considers the quality of the SEA's plan (including any use of grant administrative or other funds) to monitor, evaluate, assist, and hold accountable authorized public chartering agencies. In determining the quality of the SEA's plan to provide oversight to authorized public chartering agencies, the Secretary considers how well the SEA's plan will ensure that authorized public chartering agencies are—

(1) Seeking and approving charter school petitions from developers that have the capacity to create charter schools that can become *high-quality charter schools*;

(2) Approving charter school petitions with design elements that incorporate evidence-based school models and practices, including, but not limited to, school models and practices that focus on racial and ethnic diversity in student bodies and diversity in student bodies with respect to *educationally disadvantaged students,* consistent with applicable law;

(3) Establishing measureable academic and operational performance expectations for all charter schools (including alternative charter schools, virtual charter schools, and charter schools that include pre-kindergarten, if such schools exist in the State) that are consistent with the definition of *high-quality charter school* in this notice;

(4) Monitoring their charter schools on at least an annual basis, including conducting an in-depth review of each charter school at least once every five years, to ensure that charter schools are meeting the terms of their charters or performance contracts and complying with applicable State and Federal laws;

(5) Using increases in student academic achievement as one of the most important factors in renewal decisions; basing renewal decisions on a comprehensive set of criteria, which are set forth in the charter or performance contract; and revoking, not renewing, or encouraging the voluntary termination of charters held by *academically poor-performing charter schools*;

(6) Providing, on an annual basis, public reports on the performance of their portfolios of charter schools, including the performance of each individual charter school with respect to meeting the terms of, and expectations set forth in, the school's charter or performance contract;

(7) Supporting charter school autonomy while holding charter schools accountable for results and meeting the terms of their charters or performance contracts; and

(8) Ensuring the continued accountability of charter schools during any transition to new State assessments or accountability systems, including those based on college- and career-ready standards.

(h) *Management Plan and Theory of Action.* The Secretary considers the quality of the management plan and the project's theory of action. In determining the quality of the management plan and the project's theory of action, the Secretary considers one or more of the following factors:

(1) The quality, including the cohesiveness and strength of reasoning, of the logic model (as defined in 34 CFR 77.1(c)), and the extent to which it

addresses the role of the grant in promoting the State-level strategy for using charter schools to improve educational outcomes for students through CSP subgrants for planning, program design, and initial implementation; optional dissemination subgrants; optional revolving loan funds; and other strategies;

(2) The extent to which the SEA's project-specific performance measures, including any measures required by the Department, support the logic model; and

(3) The adequacy of the management plan to—

(i) Achieve the objectives of the proposed project on time and within budget, including the existence of clearly defined responsibilities, timelines, and milestones for accomplishing project tasks; and

(ii) Address any compliance issues or findings related to the CSP that are identified in an audit or other monitoring review.

(i) *Project Design.* The Secretary considers the quality of the design of the SEA's charter school subgrant program, including the extent to which the project design furthers the SEA's overall strategy for increasing the number of *high-quality charter schools* in the State and improving student academic achievement. In determining the quality of the project design, the Secretary considers one or more of the following factors:

(1) The quality of the SEA's process for awarding subgrants for planning, program design, and initial implementation, and, if applicable, for dissemination, including:

(i) The subgrant application and peer review process, timelines for these processes, and how the SEA intends to ensure that subgrants will be awarded to eligible applicants demonstrating the capacity to create *high-quality charter schools;* and

(ii) A reasonable year-by-year estimate, with supporting evidence, of (a) the number of subgrants the SEA expects to award during the project period and the average size of those subgrants, including an explanation of any assumptions upon which the estimates are based; and (b) if the SEA has previously received a CSP grant, the percentage of eligible applicants that were awarded subgrants and how this percentage related to the overall quality of the applicant pool;

(2) The process for monitoring CSP subgrantees;

(3) How the SEA will create a portfolio of subgrantees that focuses on areas of need within the State, such as increasing student body diversity or maintaining a high level of student body diversity, and how this focus aligns with the *State-Level Strategy*;

(4) The steps the SEA will take to inform teachers, parents, and communities of the SEA's charter school subgrant program; and

(5) A description of any requested waivers of statutory or regulatory provisions over which the Secretary exercises administrative authority and the extent to which those waivers will, if granted, further the objectives of the project.

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 one or more of these priorities, requirements, and definitions 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 regulatory action would have an annual effect on the economy of more than $100 million because we anticipate awarding more than $100 million in grants to SEAs in FY 2015. Therefore, this action is ''economically significant'' and subject to review by OMB under section 3(f)(1) of Executive Order 12866. Notwithstanding this determination, we have assessed the potential costs and benefits, both quantitative and qualitative, of this final regulatory action and have determined that the benefits would justify the costs.

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 these final priorities, requirements, definitions and selection criteria only on a reasoned determination that their benefits justify their 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 the 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 this regulatory impact analysis we discuss the potential costs and benefits of this action, comments we received regarding those costs and benefits, and regulatory alternatives we considered.

Discussion of Potential Costs and Benefits

The Department believes that this regulatory action would not impose significant costs on eligible SEAs, whose participation in this program is voluntary. This action would not impose requirements on participating SEAs apart from those related to preparing an application for a CSP grant. The costs associated with meeting these requirements are, in the Department's estimation, minimal.

This regulatory action would strengthen accountability for the use of Federal funds by helping to ensure that the Department selects for CSP grants the SEAs that are most capable of expanding the number of *high-quality charter schools* available to our Nation's students, consistent with the purpose of the program as described in section 5201 of the ESEA (20 U.S.C. 7221). Similarly, this action would benefit participating SEAs by supporting their efforts to encourage the development and operation of *high-quality charter schools.* The Department believes that these benefits to the Federal government and to SEAs outweigh the costs associated with this action.

Discussion of Comments

We received several comments expressing concern that this regulatory action imposes undue administrative burden on applicants and grantees. Although the Department recognizes that there are costs to SEAs associated with applying for and receiving CSP grants, we do not believe that the requirements imposed on SEAs through this regulatory action—which relate only to preparing an application for a CSP grant—carry significant costs. Moreover, for the reasons noted in the preceding section, we believe the benefits of this action to the Federal government and to SEAs outweigh those costs.

We note, in addition, that SEAs receiving CSP grants may use up to 5 percent of grant funds for administrative costs associated with carrying out their grant projects.

Regulatory Alternatives Considered

The Department believes that the final priorities, requirements, definitions, and selection criteria in this notice are needed to administer the program effectively. As an alternative to promulgating the selection criteria, the Department could choose from among the selection factors authorized for CSP grants to SEAs in section 5204(a) of the ESEA (20 U.S.C. 7221c(a)) and the general selection criteria in 34 CFR 75.210. We do not believe that these factors and criteria provide a sufficient basis on which to evaluate the quality of applications. In particular, the factors and criteria would not sufficiently enable the Department to assess an applicant's past performance with respect to the operation of *high-quality charter schools* or the closure of *academically poor-performing charter schools* (as examined under selection criterion (c) *Past Performance*) or its plan to hold authorized public chartering agencies accountable for the performance of charter schools that they approve (as under selection criterion (g) *Oversight of Authorized Public Chartering Agencies*), considerations which are critically important in determining applicant quality.

We note that several of the priorities, requirements, and selection criteria in this NFP are based on priorities, requirements, selection criteria, and other provisions in the authorizing statute for this program.

Accounting Statement

As required by OMB Circular A–4 (available at *www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a004/a-4.pdf*), in the following table we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of this regulatory action. This table provides our best estimate of the changes in annual monetized transfers as a result of this regulatory action. Expenditures are classified as transfers from the Federal Government to SEAs.

ACCOUNTING STATEMENT CLASSIFICATION OF ESTIMATED EXPENDITURES

[In millions]

Category	Transfers
Annualized Monetized Transfers.	$115.
From Whom To Whom?	From The Federal Government to SEAs.

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.

Waiver of Congressional Review Act

These regulations have been determined to be major for purposes of the Congressional Review Act (CRA) (5 U.S.C. 801, *et seq.*). Generally, under the CRA, a major rule takes effect 60 days after the date on which the rule is published in the **Federal Register**. Section 808(2) of the CRA, however, provides that any rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.

These final priorities, requirements, definitions, and selection criteria are needed to conduct the 2015 CSP Grants for SEAs competition. The Department must award funds authorized for this program under the FY 2015 Appropriations Act for this competition to qualified applicants by September 30, 2015, or the funds will lapse. Even on an extremely expedited timeline, it is impracticable for the Department to adhere to a 60-day delayed effective date for the final priorities, requirements, definitions, and selection criteria and make grant awards to qualified applicants by the September 30, 2015 deadline. When the 60-day delayed effective date is added to the time the Department will need to receive applications (approximately 35 days), review the applications (approximately 45 days), and finally approve applications (approximately 30 days), the Department will not be able to allocate funds authorized under the FY 2015 Appropriations Act to all qualified applicants by September 30, 2015.

Not being able to allocate the approximately $116 million would have a significant negative effect on the quality of charter schools and public accountability and oversight. The Department has therefore determined that, pursuant to section 808(2) of the CRA, the 60-day delay in the effective date generally required for congressional review is impracticable, contrary to the public interest, and waived for good cause.

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 either of the program contact persons 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: June 8, 2015.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2015–14391 Filed 6–12–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Application for New Awards; Charter Schools Program Grants for State Educational Agencies

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

Overview Information:

Charter Schools Program (CSP) Grants for State Educational Agencies (SEAs).

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.282A.

DATES:

Applications Available: June 15, 2015.

Date of Pre-Application Meeting: June 17, 2015, 2:00 p.m. to 4:00 p.m., Washington, DC time.

Deadline for Transmittal of Applications: July 16, 2015.

Deadline for Intergovernmental Review: August 14, 2015.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the CSP is to increase national understanding of the charter school model by:

(1) Providing financial assistance for the planning, program design, and initial implementation of charter schools;

(2) Evaluating the effects of charter schools, including the effects on students, student achievement, student growth, staff, and parents;

(3) Expanding the number of high-quality charter schools available to students across the Nation; and

(4) Encouraging the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.

The purpose of the CSP Grants for SEAs competition is to enable SEAs to provide financial assistance, through subgrants to eligible applicants (also referred to as non-SEA eligible applicants), for the planning, program design, and initial implementation of charter schools and for the dissemination of information about successful charter schools, including practices that existing charter schools have demonstrated are successful.

Background: For the 2015 CSP SEA competition, the Department seeks to achieve three main goals. The first goal is to ensure that CSP funds are directed toward the creation of *high-quality charter schools.* For example, we ask applicants to explain how charter schools fit into the State's broader education reform strategy. In addition, the selection criteria request information from the SEA regarding how it will manage and report on project performance.

The second goal is to strengthen public accountability and oversight for authorized public chartering agencies (also referred to as authorizers). The notice of final priorities, requirements, definitions, and selection criteria for this program, published elsewhere in this issue of the **Federal Register** (NFP), provides incentives for SEAs to implement CSP requirements, as well as State law and policies, in a manner that encourages authorized public chartering agencies to focus on school quality through rigorous and transparent charter school authorization processes. For example, Absolute Priorities 1 Periodic Review and Evaluation and 2 Charter School Oversight require SEAs to ensure public accountability and oversight for charter schools within the State, including holding authorized public chartering agencies accountable for the quality of the charter schools in their portfolios.

The third goal is to support and improve academic outcomes for *educationally disadvantaged students.* Our commitment to equitable outcomes for all students, continued growth of *high-quality charter schools,* and addressing ongoing concerns about *educationally disadvantaged students'* access to and performance in charter schools compel the Department to encourage a continued focus on students at the greatest risk of academic failure. A critical component of serving all students, including *educationally disadvantaged students,* is consideration of student body diversity, including racial, ethnic, and socioeconomic diversity. For example, we encourage applicants to meaningfully incorporate student body diversity into charter school models and practices and ask applicants to describe specific actions they would take to support *educationally disadvantaged students* through charter schools.

In addition to the three goals outlined above, we believe the 2015 CSP Grants for SEAs competition streamlines the CSP application process. For example, selection criterion (f) *Dissemination of Information and Best Practices* combines two statutory criteria that have been used separately in previous competitions and asks applicants to describe their plans to disseminate best or promising practices of charter schools to each local educational agency (LEA) in the State, and to describe their dissemination subgrant awards processes, thereby decreasing the burden on applicants.

All charter schools receiving CSP funds, as outlined in section 5210 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), must comply with various non-discrimination laws, including the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments Act of 1972, section 504 of the Rehabilitation Act of 1973, part B of the Individuals with Disabilities Act, and applicable State laws.

With respect to opening and operating a single-sex charter school, the applicant should ensure that charter schools in its State comply with the Equal Protection Clause of the U.S. Constitution (as interpreted in *United States* v. *Virginia,* 518 U.S. 515 (1996) and other cases) and Title IX of the Education Amendments of 1970 (20 U.S.C. 1681 *et seq.*) and its regulations, including 34 CFR 106.34(c).

Priorities: This notice includes two absolute priorities and three competitive preference priorities. These priorities are from the NFP, published elsewhere in this issue of the **Federal Register**, and section 5202(e) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 7221a(e)).

Absolute Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet both of the following absolute priorities.

These priorities are:

Absolute Priority 1—Periodic Review and Evaluation.

To meet this priority, the applicant must demonstrate that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school at least once every five years, unless required more frequently by State law, and takes steps to ensure that such reviews take place. The review and evaluation must serve to determine whether the charter school is meeting the terms of the school's charter and meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth in the school's charter or under State law, a State regulation, or a State policy, provided that the student academic achievement requirements and goals for charter schools established by that policy meet or exceed those set forth under applicable State law or State regulation. This periodic review and evaluation must include an opportunity

for the authorized public chartering agency to take appropriate action or impose meaningful consequences on the charter school, if necessary.

Absolute Priority 2—Charter School Oversight.

To meet this priority, an application must demonstrate that State law, regulations, or other policies in the State where the applicant is located require the following:

(a) That each charter school in the State—

(1) Operates under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the rights and responsibilities of the school and the public chartering agency;

(2) Conducts annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and

(3) Demonstrates improved student academic achievement; and

(b) That all authorized public chartering agencies in the State use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA (20 U.S.C. 6311(b)(2)(C)(v)) as one of the most important factors when determining whether to renew or revoke a school's charter.

Competitive Preference Priorities: For FY 2015 and any subsequent year in which we make awards based on the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 15 points to an application depending on how well the application addresses Competitive Preference Priority 1, an additional five points to an application that meets Competitive Preference Priority 2, and an additional five points to an application that meets Competitive Preference Priority 3. Applications addressing each of these priorities may receive up to 25 priority points in total.

These priorities are:

Competitive Preference Priority 1—High-Quality Authorizing and Monitoring Processes (up to 15 points).

To meet this priority, an applicant must demonstrate that all authorized public chartering agencies in the State use one or more of the following:

(a) Frameworks and processes to evaluate the performance of charter schools on a regular basis that include—

(1) Rigorous academic and operational performance expectations (including performance expectations related to financial management and equitable treatment of all students and applicants);

(2) Performance objectives for each school aligned to those expectations;

(3) Clear criteria for renewing the charter of a school based on an objective body of evidence, including evidence that the charter school has (a) met the performance objectives outlined in the charter or performance contract; (b) demonstrated organizational and fiscal viability; and (c) demonstrated fidelity to the terms of the charter or performance contract and applicable law;

(4) Clear criteria for revoking the charter of a school if there is violation of law or public trust regarding student safety or public funds, or evidence of poor student academic achievement; and

(5) Annual reporting by authorized public chartering agencies to each of their authorized charter schools that summarizes the individual school's performance and compliance, based on this framework, and identifies any areas that need improvement.

(b) Clear and specific standards and formalized processes that measure and benchmark the performance of the authorized public chartering agency or agencies, including the performance of its portfolio of charter schools, and provide for the annual dissemination of information on such performance;

(c) Authorizing processes that establish clear criteria for evaluating charter applications and include a multi-tiered clearance or review of a charter school, including a final review immediately before the school opens for its first operational year; or

(d) Authorizing processes that include differentiated review of charter petitions to assess whether, and the extent to which, the charter school developer has been successful (as determined by the authorized public chartering agency) in establishing and operating one or more high-quality charter schools.

Competitive Preference Priority 2—One Authorized Public Chartering Agency Other than a LEA, or an Appeals Process (0 or 5 points).

To meet this priority, the applicant must demonstrate that the State—

(a) Provides for one authorized public chartering agency that is not an LEA, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to State law; or

(b) In the case of a State in which LEAs are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

Note: In order to meet this priority under paragraph (b) above, the entity hearing appeal must have the authority to approve the charter application over the objections of the LEA.

Competitive Preference Priority 3—SEAs that Have Never Received a CSP Grant (0 or 5 points).

To meet this priority, an applicant must be an eligible SEA applicant that has never received a CSP grant.

Application Requirements: Applications for funding under the CSP Grants for SEAs program must address the application requirements described below.

These application requirements are from section 5203(b) of the ESEA (20 U.S.C. 7221b(b)) and the NFP. An applicant may choose to respond to the application requirements in the context of its responses to the selection criteria, when applicable.

(i) *Academically poor-performing charter school:* Provide one of the following:

(a) Written certification that, for purposes of the CSP grant, the SEA uses the definition of *academically poor-performing charter school* provided in this notice; or

(b) If the State proposes to use an alternative definition of *academically poor-performing charter school* in accordance with paragraph (b) of the definition of the term in this notice, (1) the specific definition the State proposes to use; and (2) a written explanation of how the proposed definition is at least as rigorous as the standard in paragraph (a) of the definition of *academically poor-performing charter school* set forth in the Definitions section of this notice.

(ii) *Disseminating best practices:* Describe how the SEA will disseminate best or promising practices of charter schools to each LEA in the State, as requested in selection criterion (f) *Dissemination of Information and Best Practices*;

(iii) *Federal funds:* As requested in selection criterion (b) *Policy Context for Charter Schools,* describe how the SEA—

(a) Will inform each charter school in the State about Federal funds the charter school is eligible to receive and Federal programs in which the charter school may participate; and

(b) Will ensure that each charter school in the State receives the school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the school and a year in which the school's enrollment expands significantly;

(iv) *High-quality charter school:* Provide one of the following:

(a) Written certification that, for purposes of the CSP grant, the SEA uses the definition of *high-quality charter school* provided in this notice; or

(b) If the State proposes to use an alternative definition of *high-quality charter school* in accordance with paragraph (b) of the definition of the term in this notice, (1) the specific definition the State proposes to use; and (2) a written explanation of how the proposed definition is at least as rigorous as the standard in paragraph (a) of the definition of *high-quality charter school* set forth in the Definitions section of this notice.

(v) *IDEA Compliance:* Describe how charter schools that are considered to be LEAs under State law, and LEAs in which charter schools are located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400, *et seq.*).

(vi) *Logic model:* Provide a complete *logic model* (as defined in 34 CFR 77.1) for the project. The *logic model* must address the role of the grant in promoting the State-level strategy for expanding the number of *high-quality charter schools* through startup subgrants, optional dissemination subgrants, optional revolving loan funds, and other strategies.

Note: The applicant should review section VI.4 *Performance Measures* of this notice for information on the requirements for developing project-specific performance measures and targets consistent with the objectives of the proposed project. Program performance measures, which are also discussed in section VI.4 *Performance Measures* of this notice, should be included within this logic model. The applicant also should review the information that the Secretary considers under Selection Criterion (h). *Management Plan and Theory of Action.*

For technical assistance in developing effective performance measures, applicants are encouraged to review information provided by the Department's Regional Educational Laboratories (RELs). The RELs seek to build the capacity of States and school districts to incorporate data and research into education decision-making. Each REL provides research support and technical assistance to its region but makes learning opportunities available to educators everywhere. For example, the REL Northeast and Islands has created the following resource on logic models: *relpacific.mcrel.org/resources/elm-app.*

(vii) *Lottery and enrollment preferences:* Describe (1) how lotteries for admission to charter schools will be conducted in the State, including any student enrollment preferences or exemptions from the lottery that charter schools are required or expressly permitted by the State to employ; and (2) any mechanisms that exist for the SEA or authorized public chartering agency to review, monitor, or approve such lotteries or student enrollment preferences or exemptions from the lottery. In addition, the SEA must provide an assurance that it will require each applicant for a CSP subgrant to include in its application descriptions of its recruitment and admissions policies and practices, including a description of the proposed lottery and any enrollment preferences or exemptions from the lottery the charter school employs or plans to employ, and how those enrollment preferences or exemptions are consistent with State law and the CSP authorizing statute (for information related to admissions and lotteries under the CSP, please see section E of the CSP Nonregulatory Guidance (January 2014) at *www2.ed.gov/programs/charter/nonregulatory-guidance.html*).

(viii) Objectives: Describe the objectives of the SEA's charter school grant program, as requested in selection criterion (h) *Management Plan and Theory of Action,* and how these objectives will be fulfilled, including steps taken by the SEA to inform teachers, parents, and communities of the SEA's charter school grant program;

(ix) *Revolving loan fund:* If an SEA elects to reserve a portion of its grant funds (no more than 10 percent) to establish a revolving loan fund, describe how the revolving loan fund would operate;

(x) *Waivers:* If an SEA desires the Secretary to consider waivers under the authority of the CSP, include a request and justification for any waiver of statutory or regulatory provisions that the SEA believes is necessary for the successful operation of charter schools in the State, as requested in selection criterion (i) *Project Design.*

Definitions: The following definitions are from 34 CFR 77.1, the NFP, and section 5210 of the CSP authorizing statute (20 U.S.C. 7221i).

Academically poor-performing charter school means—

(a) A charter school that has been in operation for at least three years and that—

(1) Has been identified as being in the lowest-performing five percent of all schools in the State and has failed to improve school performance (based on the SEA's accountability system under the ESEA) over the past three years; and

(2) Has failed to demonstrate student academic growth of at least an average of one grade level for each cohort of students in each of the past three years, as demonstrated by statewide or other assessments approved by the authorized public chartering agency; or

(b) An SEA may use an alternative definition for *academically poor-performing charter school,* provided that the SEA complies with the requirements for proposing to use an alternative definition for the term as set forth in paragraph (b) of *academically poor-performing charter school* in the Requirements section of this notice.

Ambitious means promoting continued, meaningful improvement for program participants or for other individuals or entities affected by the grant, or representing a significant advancement in the field of education research, practices, or methodologies. When used to describe a performance target, whether a performance target is ambitious depends upon the context of the relevant performance measure and the baseline for that measure.

Baseline means the starting point from which performance is measured and targets are set.

Developer means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

Educationally disadvantaged students means economically disadvantaged students, students with disabilities, migrant students, limited English proficient students (also referred to as English learners or English language learners), neglected or delinquent students, or homeless students.

Eligible applicant means a developer that has (a) applied to an authorized public chartering authority to operate a charter school; and (b) provided adequate and timely notice to that authority under section 5203(d)(3) of the ESEA.

High-quality charter school means—

(a) A charter school that shows evidence of strong academic results for the past three years (or over the life of the school, if the school has been open for fewer than three years), based on the following factors:

(1) Increased student academic achievement and attainment (including, if applicable and available, high school graduation rates and college and other postsecondary education enrollment rates) for all students, including, as applicable, *educationally disadvantaged students* served by the charter school;

(2) Either—

(i) Demonstrated success in closing historic achievement gaps for the subgroups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA

(20 U.S.C. 6311(b)(2)(C)(v)(II)) at the charter school; or

(ii) No significant achievement gaps between any of the subgroups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA (20 U.S.C. 6311) at the charter school and significant gains in student academic achievement for all populations of students served by the charter school;

(3) Results (including, if applicable and available, performance on statewide tests, annual student attendance and retention rates, high school graduation rates, college and other postsecondary education attendance rates, and college and other postsecondary education persistence rates) for low-income and other *educationally disadvantaged students* served by the charter school that are above the average academic achievement results for such students in the State;

(4) Results on a performance framework established by the State or authorized public chartering agency for the purpose of evaluating charter school quality; and

(5) No *significant compliance issues,* particularly in the areas of student safety, financial management, and equitable treatment of students; or

(b) An SEA may use an alternative definition for *high-quality charter school,* provided that the SEA complies with the requirements for proposing to use an alternative definition for the term as set forth in paragraph (b) of *high-quality charter school* in the Requirements section of this notice.

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.

Performance measure means any quantitative indicator, statistic, or metric used to gauge program or project performance.

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project.

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.

Significant compliance issue means a violation that did, will, or could (if not addressed or if it represents a pattern of repeated misconduct or material non-compliance) lead to the revocation of a school's charter by the authorizer.

Program Authority: The CSP is authorized under Title V, Part B, Subpart 1 of the ESEA (20 U.S.C. 7221–7221j); and the Consolidated and Further Continuing Appropriations Act, 2015 (FY 2015 Appropriations Act), Public Law 113–235.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 76, 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, and 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. (c) the NFP.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply only to institutions of higher education.

II. Award Information

Type of Award: Discretionary grant.

Estimated Available Funds: $116,000,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Note: The FY 2015 Appropriations Act authorizes the use of CSP funds ''for grants that support preschool education in charter schools.'' Accordingly, an application submitted under this competition may propose to use CSP funds to support preschool education in charter schools. For guidance on how charter schools may use CSP funds to support preschool education in charter schools, please see the Department's nonregulatory guidance, entitled Charter Schools Program Guidance on the Use of Funds to Support Preschool Education, released in November 2014, at *www2.ed.gov/programs/charter/csppreschoolfaqs.doc.*

Estimated Range of Awards: $3,500,000 to $45,000,000 per year.

Estimated Average Size of Awards: $10,000,000 per year.

Estimated Number of Awards: 12.

Note: The Department is not bound by any estimates in this notice. The estimated range, average size, and number of awards are based on a single 12-month budget period. However, the Department may choose to fund more than 12 months of a project using FY 2015 funds.

Project Period: Up to 36 months.

Note: SEAs may award planning and implementation subgrants to eligible applicants for a period of up to three years, no more than 18 months of which may be used for planning and program design and no more than two years of which may be used for the initial implementation of a charter school. SEAs may award dissemination subgrants to eligible charter schools for a period of up to two years.

III. Eligibility Information

1. *Eligible Applicants:* SEAs in States with a State statute specifically authorizing the establishment of charter schools.

Note: Non-SEA eligible applicants in States in which the SEA elects not to participate in or does not have an application approved under the CSP may apply for funding directly from the Department. The Department is holding a separate competition for CSP grants to non-SEA eligible applicants under CFDA numbers 84.282B and 84.282C. The notice inviting applications for new awards under CFDA numbers 84.282B and 84.282C will be published later in FY 2015. Additional information about the competitions for non-SEA eligible applicants is available at *www2.ed.gov/about/offices/list/oii/csp/index.html.*

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818 or by email: *Kathryn.Meeley@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.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit the application narrative (Part

III) to no more than 60 pages, using the following standards:

• A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit 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. However, the page limit does apply to all of the application narrative section (Part III).

3. *Submission Dates and Times:*

Applications Available: June 15, 2015.

Date of Pre-Application Meeting: The Department will hold a pre-application meeting via Webinar for prospective applicants on June 17, 2015 from 2:00 p.m. to 4:00 p.m., Washington, DC, time. Individuals interested in attending this meeting are encouraged to pre-register by emailing their name, organization, and contact information with the subject heading ''SEA PRE-APPLICATION MEETING'' to *CharterSchools@ed.gov.* There is no registration fee for participating in this meeting.

For further information about the pre-application meeting, contact Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818 or by email: *Kathryn.Meeley@ed.gov.*

Deadline for Transmittal of Applications: July 16, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: August 14, 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 program.

5. *Funding Restrictions:* Grant funds must be used to carry out allowable activities, as described in section 5204(f) of the ESEA (20 U.S.C. 7221c(f)). The following funding restrictions apply to this competition:

Planning and Implementation Subgrants: An eligible applicant receiving a subgrant under this program may use the subgrant funds only for—

(a) Post-award planning and design of the educational program, which may include (i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and (ii) professional development of teachers and other staff who will work in the charter school; and

(b) Initial implementation of the charter school, which may include (i) informing the community about the school; (ii) acquiring necessary equipment and educational materials and supplies; (iii) acquiring or developing curriculum materials; and (iv) other initial operational costs that cannot be met from State or local sources. (20 U.S.C. 7221c(f)(3))

Dissemination Subgrants: An SEA may reserve not more than 10 percent of its grant funds to make subgrants to eligible charter schools to carry out dissemination activities. A charter school may use dissemination subgrant funds to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program) or to disseminate information about the charter school through such activities as—

(a) Assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers and that agree to be held to at least as high a level of accountability as the assisting charter school;

(b) Developing partnerships with other public schools, including charter schools, designed to improve student academic achievement in each of the schools participating in the partnership;

(c) Developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

(d) Conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student achievement.

Award Basis. In determining whether to approve a grant award and the amount of such award, the Department will consider, among other things, the amount of any unobligated carryover funds the applicant has under an existing CSP grant and the applicant's performance and use of funds under a previous or existing award under any Department program (34 CFR 75.233(b) and 75.217(d)(3)(ii)). In assessing the applicant's performance and use of funds under a previous or existing award, the Secretary will consider, among other things, the outcomes the applicant has achieved and the results of any Departmental grant monitoring, including the applicant's progress in remedying any deficiencies identified in such monitoring.

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number

can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov. and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements.* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the CSP Grants for SEAs competition, CFDA number 84.282A, 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 CSP Grants for SEAs competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.282, not 84.282A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must

obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; *and*
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. FAX: (202) 205–5630.

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 84.282A, 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 84.282A, 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from the NFP published elsewhere in this issue of the **Federal Register**.

Note: The Secretary does not consider selection criterion (c) *Past Performance* in evaluating the application submitted by an SEA in a State that enacted a charter school law for the first time less than five years before the closing date of this competition. Accordingly, such an SEA should not address this criterion in its application. To enable the Secretary to determine whether to consider criterion (c), an SEA should provide in its application the date when its State first enacted a charter school law and relevant supporting documentation.

In general, an SEA should clearly identify each selection criterion it addresses in its application. The maximum possible score for addressing each selection criterion is indicated in parentheses following the selection criterion. The maximum possible total score (based on the selection criteria and not including the competitive preference priorities) is 100 points, except that, for SEAs in States that first enacted a charter school law less than five years before the closing date of this competition, the maximum possible total score is 90 points because, as noted above, the Secretary does not consider selection criterion (c) in evaluating applications from these SEAs. The Secretary will convert each SEA's total score (including any additional points received based on the competitive

preference priorities) to a percentage of the applicable maximum possible total score and prepare a single rank order list using those percentages. Therefore, SEAs for which the Secretary does not consider selection criterion (c) will not be disadvantaged.

In evaluating an application, the Secretary considers the following selection criteria:

(a) *State-Level Strategy.* (15 points) The Secretary considers the quality of the State-level strategy for using charter schools to improve educational outcomes for students throughout the State. In determining the quality of the State-level strategy, the Secretary considers the following factors:

(1) The extent to which the SEA's CSP activities, including the subgrant program, are integrated into the State's overall strategy for improving student academic achievement and attainment (including high school graduation rates and college and other postsecondary education enrollment rates) and closing achievement and attainment gaps, and complement or leverage other statewide education reform efforts;

(2) The extent to which funding equity for charter schools (including equitable funding for charter school facilities) is incorporated into the SEA's State-level strategy; and

(3) The extent to which the State encourages local strategies for improving student academic achievement and attainment that involve charter schools, including but not limited to the following:

(i) Collaboration, including the sharing of data and promising instructional and other practices, between charter schools and other public schools or providers of early learning and development programs or alternative education programs; and

(ii) The creation of charter schools that would serve as viable options for students who currently attend, or would otherwise attend, the State's lowest-performing schools.

(b) *Policy Context for Charter Schools.* (5 points)

The Secretary considers the policy context for charter schools under the proposed project. In determining the policy context for charter schools under the proposed project, the Secretary considers the following factors:

(1) The degree of flexibility afforded to charter schools under the State's charter school law, including:

(i) The extent to which charter schools in the State are exempt from State or local rules that inhibit the flexible operation and management of public schools; and

(ii) The extent to which charter schools in the State have a high degree of autonomy, including autonomy over the charter school's budget, expenditures, staffing, procurement, and curriculum;

(2) The quality of the SEA's processes for:

(i) Annually informing each charter school in the State about Federal funds the charter school is eligible to receive and Federal programs in which the charter school may participate; and

(ii) Annually ensuring that each charter school in the State receives, in a timely fashion, the school's commensurate share of Federal funds that are allocated by formula each year, particularly during the first year of operation of the school and during a year in which the school's enrollment expands significantly; and

(3) The quality of the SEA's plan to ensure that charter schools that are considered to be LEAs under State law and LEAs in which charter schools are located will comply with sections 613(a)(5) and 613(e)(1)(B) of IDEA (20 U.S.C. 1400, *et seq.*), the Age Discrimination Act of 1975 (42 U.S.C. 6101, *et seq.*), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, *et seq.*), title IX of the Education Amendments of 1972 (20 U.S.C. 1681, *et seq.*), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(c) *Past Performance.* (10 points) The Secretary considers the past performance of charter schools in a State that enacted a charter school law for the first time five or more years before submission of its application. In determining the past performance of charter schools in such a State, the Secretary considers the following factors:

(1) The extent to which there has been a demonstrated increase, for each of the past five years, in the number and percentage of *high-quality charter schools* (as defined in this notice) in the State;

(2) The extent to which there has been a demonstrated reduction, for each of the past five years, in the number and percentage of *academically poor-performing charter schools* (as defined in this notice) in the State; and

(3) Whether, and the extent to which, the academic achievement and academic attainment (including high school graduation rates and college and other postsecondary education enrollment rates) of charter school students equal or exceed the academic achievement and academic attainment of similar students in other public schools in the State over the past five years.

(d) *Quality of Plan to Support Educationally Disadvantaged Students.* (15 points) The Secretary considers the quality of the SEA's plan to support *educationally disadvantaged students.* In determining the quality of the plan to support *educationally disadvantaged students,* the Secretary considers the following factors:

(1) The extent to which the SEA's charter school subgrant program would—

(i) Assist students, particularly *educationally disadvantaged students,* in meeting and exceeding State academic content standards and State student achievement standards; and

(ii) Reduce or eliminate achievement gaps for *educationally disadvantaged students*;

(2) The quality of the SEA's plan to ensure that charter schools attract, recruit, admit, enroll, serve, and retain *educationally disadvantaged students* equitably, meaningfully, and, with regard to *educationally disadvantaged students* who are students with disabilities or English learners, in a manner consistent with, as appropriate, the IDEA (regarding students with disabilities) and civil rights laws, in particular, section 504 of the Rehabilitation Act of 1973, as amended, and title VI of the Civil Rights Act of 1964;

(3) The extent to which the SEA will encourage innovations in charter schools, such as models, policies, supports, or structures, that are designed to improve the academic achievement of *educationally disadvantaged students*; and

(4) The quality of the SEA's plan for monitoring all charter schools to ensure compliance with Federal and State laws, particularly laws related to educational equity, nondiscrimination, and access to public schools for *educationally disadvantaged students.*

(e) *Vision for Growth and Accountability.* (10 points) The Secretary determines the quality of the statewide vision, including the role of the SEA, for charter school growth and accountability. In determining the quality of the statewide vision, the Secretary considers the following factors:

(1) The quality of the SEA's systems for collecting, analyzing, and publicly reporting data on charter school performance, including data on student academic achievement, attainment (including high school graduation rates and college and other postsecondary education enrollment rates), retention, and discipline for all students and disaggregated by student subgroup;

(2) The ambitiousness, quality of vision, and feasibility of the SEA's plan (including key actions) to support the creation of *high-quality charter schools* during the project period, including a reasonable estimate of the number of *high-quality charter schools* in the State at both the beginning and the end of the project period; and

(3) The ambitiousness, quality of vision, and feasibility of the SEA's plan (including key actions) to support the closure of *academically poor-performing charter schools* in the State (*i.e.,* through revocation, non-renewal, or voluntary termination of a charter) during the project period.

Note: In the context of closing *academically poor-performing charter schools,* we remind applicants of the importance of ensuring adherence to applicable laws, policies, and procedures that govern the closure of a charter school, the disposition of its assets, and the transfer of its students and student records.

(f) *Dissemination of Information and Best Practices.* (10 points) The Secretary considers the quality of the SEA's plan to disseminate information about charter schools and best or promising practices of successful charter schools to each LEA in the State as well as to charter schools, other public schools, and charter school developers (20 U.S.C. 7221b(b)(2)(C) and 7221(c)(f)(6)). If an SEA proposes to use a portion of its grant funds for dissemination subgrants under section 5204(f)(6)(B) of the ESEA (20 U.S.C. 7221c(f)(6)(B)), the SEA should incorporate these subgrants into the overall plan for dissemination. In determining the quality of the SEA's plan to disseminate information about charter schools and best or promising practices of successful charter schools, the Secretary considers the following factors:

(1) The extent to which the SEA will serve as a leader in the State for identifying and disseminating information and research (which may include, but is not limited to, providing technical assistance) about best or promising practices in successful charter schools, including how the SEA will use measures of efficacy and data in identifying such practices and assessing the impact of its dissemination activities;

(2) The quality of the SEA's plan for disseminating information and research on best or promising practices used by, and the benefits of, charter schools that effectively incorporate student body diversity, including racial and ethnic diversity and diversity with respect to *educationally disadvantaged students,* consistent with applicable law;

(3) The quality of the SEA's plan for disseminating information and research on best or promising practices in charter schools related to student discipline and school climate; and

(4) For an SEA that proposes to use a portion of its grant funds to award dissemination subgrants under section 5204(f)(6)(B) of the ESEA (20 U.S.C. 7221a(f)(6)(B)), the quality of the subgrant award process and the likelihood that such dissemination activities will increase the number of *high-quality charter schools* in the State and contribute to improved student academic achievement.

(g) *Oversight of Authorized Public Chartering Agencies* (15 points). The Secretary considers the quality of the SEA's plan (including any use of grant administrative or other funds) to monitor, evaluate, assist, and hold accountable authorized public chartering agencies. In determining the quality of the SEA's plan to provide oversight to authorized public chartering agencies, the Secretary considers how well the SEA's plan will ensure that authorized public chartering agencies are—

(1) Seeking and approving charter school petitions from developers that have the capacity to create charter schools that can become *high-quality charter schools*;

(2) Approving charter school petitions with design elements that incorporate evidence-based school models and practices, including, but not limited to, school models and practices that focus on racial and ethnic diversity in student bodies and diversity in student bodies with respect to *educationally disadvantaged students,* consistent with applicable law;

(3) Establishing measureable academic and operational performance expectations for all charter schools (including alternative charter schools, virtual charter schools, and charter schools that include pre-kindergarten, if such schools exist in the State) that are consistent with the definition of *high-quality charter school* as defined in this notice;

(4) Monitoring their charter schools on at least an annual basis, including conducting an in-depth review of each charter school at least once every five years, to ensure that charter schools are meeting the terms of their charter or performance contracts and complying with applicable State and Federal laws;

(5) Using increases in student academic achievement as one of the most important factors in renewal decisions; basing renewal decisions on a comprehensive set of criteria, which are set forth in the charter or performance contract; and revoking, not renewing, or encouraging the voluntary termination of charters held by *academically poor-performing charter schools*;

(6) Providing, on an annual basis, public reports on the performance of their portfolios of charter schools, including the performance of each individual charter school with respect to meeting the terms of, and expectations set forth in, the school's charter or performance contract;

(7) Supporting charter school autonomy while holding charter schools accountable for results and meeting the terms of their charters or performance contracts; and

(8) Ensuring the continued accountability of charter schools during any transition to new State assessments or accountability systems, including those based on college- and career-ready standards.

(h) *Management Plan and Theory of Action.* (10 points) The Secretary considers the quality of the management plan and the project's theory of action. In determining the quality of the management plan and the project's theory of action, the Secretary considers the following factors:

(1) The quality, including the cohesiveness and strength of reasoning, of the logic model (as defined in 34 CFR 77.1(c)) and the extent to which it addresses the role of the grant in promoting the State-level strategy for using charter schools to improve educational outcomes for students through CSP subgrants for planning, program design, and initial implementation; optional dissemination subgrants; optional revolving loan funds; and other strategies;

(2) The extent to which the SEA's project-specific performance measures, including any measures required by the Department, support the logic model; and

(3) The adequacy of the management plan to—

(i) Achieve the objectives of the proposed project on time and within budget, including the existence of clearly defined responsibilities, timelines, and milestones for accomplishing project tasks; and

(ii) Address any compliance issues or findings related to the CSP that are identified in an audit or other monitoring review.

Note: The Secretary encourages the applicant to propose a comprehensive management plan and theory of action for assessing the achievement of the objectives, including developing performance measures and performance targets for its proposed grant project that are consistent with those

objectives. The applicant should clearly identify the project-specific performance measures and performance targets in its plan and should review the logic model application requirement and performance measures section of this notice for information on the requirements for developing those performance measures and performance targets consistent with the objectives of the proposed project. The applicant may choose to include a discussion of the project-specific performance measures and targets it develops in response to the logic model requirement when addressing this criterion.

(i) *Project Design.* (10 points) The Secretary considers the quality of the design of the SEA's charter school subgrant program, including the extent to which the project design furthers the SEA's overall strategy for increasing the number of *high-quality charter schools* in the State and improving student academic achievement. In determining the quality of the project design, the Secretary considers the following factors:

(1) The quality of the SEA's process for awarding subgrants for planning, program design, and initial implementation and, if applicable, for dissemination, including:

(i) The subgrant application and peer review process, timelines for these processes, and how the SEA intends to ensure that subgrants will be awarded to eligible applicants demonstrating the capacity to create *high-quality charter schools*; and

(ii) A reasonable year-by-year estimate, with supporting evidence, of (a) the number of subgrants the SEA expects to award during the project period and the average size of those subgrants, including an explanation of any assumptions upon which the estimates are based; and (b) if the SEA has previously received a CSP grant, the percentage of eligible applicants that were awarded subgrants and how this percentage related to the overall quality of the applicant pool;

(2) The process for monitoring CSP subgrantees;

(3) How the SEA will create a portfolio of subgrantees that focuses on areas of need within the State, such as increasing student body diversity or maintaining a high level of student body diversity, and how this focus aligns with the *State-Level Strategy;*

(4) The steps the SEA will take to inform teachers, parents, and communities of the SEA's charter school subgrant program; and

(5) A description of any requested waivers of statutory or regulatory provisions over which the Secretary exercises administrative authority and the extent to which those waivers will, if granted, further the objectives of the project.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary also may 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 current 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:*

(a) *Program Performance Measures (GPRA Measures).* The goal of the CSP is to support the creation and development of high-quality charter schools that are free from State or local rules that inhibit flexible operation, are held accountable for enabling students to reach challenging State performance standards, and are open to all students. The Secretary has established two performance indicators to measure progress towards this goal: (1) The number of charter schools in operation around the Nation, and (2) the percentage of fourth- and eighth-grade charter school students who are achieving at or above the proficient level on State assessments in mathematics and reading/language arts. Additionally, the Secretary has established the following measure to examine the efficiency of the CSP: Federal cost per student in implementing a successful school (defined as a school in operation for three or more consecutive years).

(b) *Project-Specific Performance Measures.* Applicants must propose project-specific performance measures and performance targets consistent with the objectives of the proposed project. Applications must provide the following information as directed under 34 CFR 75.110(b) and (c):

(1) *Performance measures.* How each proposed performance measure (as defined in this notice) would accurately measure the performance of the project and how the proposed performance measure would be consistent with the performance measures established for the program funding the competition.

(2) *Baseline data.* (i) Why each proposed baseline (as defined in this notice) is valid; or (ii) If the applicant has determined that there are no established baseline data for a particular

performance measure, an explanation of why there is no established baseline and of how and when, during the project period, the applicant would establish a valid baseline for the performance measure.

(3) *Performance targets.* Why each proposed performance target (as defined in this notice) is ambitious (as defined in this notice), yet achievable, compared to the baseline for the performance measure and when, during the project period, the applicant would meet the performance target(s).

Note: The Secretary encourages applicants to consider developing project-specific performance measures and targets tied to their grant activities as well as to student academic achievement during the grant period. The project-specific performance measures should be sufficient to gauge the progress throughout the grant period, show results by the end of the grant period, and be included in the logic model as outlined in the Application Requirements section of this document.

(4) *Data Collection.* The applicant must also describe in the application: (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data, and (ii) the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

Note: If the applicant does not have experience with collection and reporting of performance data through other projects or research, the applicant should provide other evidence of capacity to successfully carry out data collection and reporting for their proposed project.

All grantees must submit an annual performance report with information that is responsive to these performance measures.

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).

6. *Project Director's Meeting:* Applicants approved for funding under this competition must attend a two-day meeting for project directors at a location to be determined in the continental United States during each year of the project. Applicants may include the cost of attending this meeting in their proposed budgets.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818 or by email: *Kathryn.Meeley@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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Dated: June 8, 2015.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2015–14392 Filed 6–12–15; 8:45 am]

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