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FEDERAL REGISTER

Vol. 80 Thursday,
No. 127 July 2, 2015

Pages 37921–38390

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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Contents

Federal Register

Vol. 80, No. 127

Thursday, July 2, 2015

Agency for Healthcare Research and Quality
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38205–38207
Meetings:
National Advisory Council for Healthcare Research and Quality, 38207

Agricultural Marketing Service
PROPOSED RULES
Marketing Agreements and Orders:
Pecans Grown in the States of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas, 38021–38032

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Food and Nutrition Service
See Forest Service

Alcohol and Tobacco Tax and Trade Bureau
PROPOSED RULES
Proposed Establishment of the Champlain Valley of New York Viticultural Area, 38147–38152

Animal and Plant Health Inspection Service
RULES
Importation of Beef From a Region in Argentina, 37935–37953
Importation of Beef From a Region in Brazil, 37923–37934

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38207–38208

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38208–38210

Coast Guard
RULES
Safety Zones:
Alexandria Bay Chamber of Commerce Fireworks Display; Saint Lawrence River, Heart Island, Alexandria Bay, NY, 37976–37978
Bay Village Independence Day Celebration Fireworks Display; Lake Erie, Bay Village, OH, 37978–37980
Erie Boom on the Bay Fireworks Display; Presque Isle Bay, Erie, PA, 37980–37982
Independence Day Celebration Fireworks Display; Lake Ontario, Oswego, NY, 37982–37984
NOTICES
Meetings:
Merchant Marine Personnel Advisory Committee, 38220–38221

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List; Additions and Deletions, 38178–38179

Commodity Futures Trading Commission
NOTICES
Meetings; Sunshine Act, 38179

Consumer Product Safety Commission
PROPOSED RULES
Safety Standard for Portable Hook-On Chairs, 38041–38050

Defense Department
See Engineers Corps
RULES
Federal Acquisition Regulations:
Clarification on Justification for Urgent Noncompetitive Awards Exceeding One Year, 38308–38309
Federal Acquisition Circular 2005–83; Small Entity Compliance Guide, 38313–38314
Federal Acquisition Circular 2005–83; Introduction, 38292–38293
Inflation Adjustment of Acquisition-Related Thresholds, 38293–38306
Permanent Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items, 38311–38312
Prohibition on Contracting With Inverted Domestic Corporations—Representation and Notification, 38306–38307
Prohibition on Contracting With Inverted Domestic Corporations, 38309–38310
Technical Amendments, 38312
Update to Product and Service Codes, 38307–38308
NOTICES
Meetings:
National Commission on the Future of the Army, 38180–38181

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
What Works Clearinghouse Formative Feedback, 38182–38183

Election Assistance Commission
NOTICES
Meetings; Sunshine Act, 38183–38184

Employment and Training Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
American Apprenticeship Initiative Grants, 38234–38235
Unemployment Insurance Call Center Final Assessment Guide, 38233–38234

Energy Department
See Federal Energy Regulatory Commission
RULES
Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment:
Test Procedures for Residential and Commercial Water Heaters; Correction, 37953–37954
Energy Conservation Programs:
Test Procedures for Conventional Ovens, 37954–37970
PROPOSED RULES
Energy Conservation Programs for Certain Industrial Equipment:
Energy Conservation Standards for Dedicated-Purpose Pool Pumps, 38032–38033
Reducing Regulatory Burden, 38019–38021
NOTICES
Proposed Subsequent Arrangement, 38184–38185
Proposed Subsequent Arrangements, 38184–38185

Engineers Corps
NOTICES
Environmental Impact Statements; Availability, etc.:
Rahway River Basin Flood Risk Management Study, 38181–38182

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Mississippi; Memphis, TN–MS–AR Emissions Inventory for the 2008 8-Hour Ozone Standard, 37985–37988
Approval of Alabama's Request To Relax the Federal Reid Vapor Pressure Gasoline Volatility Standard for Birmingham, AL, 38284–38289
Hazardous and Solid Waste Management System:
Disposal of Coal Combustion Residuals From Electric Utilities; Correction of Effective Date, 37988–37992
Revisions to Manifesting Regulations; Item Number:
Polychlorinated Biphenyls, 37994–37995
Transboundary Shipments of Hazardous Wastes Between Organization for Economic Cooperation and Development Member Countries:
Revisions to the List of Organization for Economic Cooperation and Development Member Countries, 37992–37994
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Mississippi; Memphis, TN–AR–MS Emissions Inventory for the 2008 8-Hour Ozone Standard, 38152–38153
Chemical Substances When Manufactured or Processed as Nanoscale Materials:
TSCA Reporting and Recordkeeping Requirements, 38153
NOTICES
Cross-Media Electronic Reporting:
South Dakota, Authorized Program Revision Approval, 38196–38197
Wyoming, Authorized Program Revision Approval, 38197
Environmental Impact Statements; Availability, etc.; Weekly Receipts, 38199
Receipt of Test Data Under the Toxic Substances Control Act, 38198–38199
Requests for Nominations:
National Drinking Water Advisory Council, 38197–38198

Farm Credit Administration
NOTICES
Meetings; Sunshine Act, 38199

Federal Aviation Administration
PROPOSED RULES
Airworthiness Directives:
Airbus Airplanes, 38036–38038
The Boeing Company Airplanes, 38033–38036, 38038–38041

Federal Communications Commission
RULES
Effective Competition:
Implementation of Section 111 of the STELA Reauthorization Act, 38001–38013
PROPOSED RULES
Preserving Vacant Channels in the UHF Television Band for Unlicensed Use, 38158–38171
World Radiocommunication Conference, 38316–38390

Federal Emergency Management Agency
RULES
Suspensions of Community Eligibility, 37996–37997

Federal Energy Regulatory Commission
NOTICES
Applications:
Freeport LNG Development, L.P., et al., 38193–38194
Gulf South Pipeline Co., LP, 38192–38193
Combined Filings, 38185–38189, 38191–38192, 38194–38196
Complaints:
TransSource, LLC v. The PJM Interconnection, LLC, 38186–38187
Designations as Non-Decisional:
BP America Inc., BP Corporation North America Inc., et al., 38192
Environmental Impact Statements; Availability, etc.:
Port Arthur Liquefaction Project and Port Arthur Pipeline Project; Port Arthur LNG, LLC and Port Arthur Pipeline, LLC, 38189–38191
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:
Indeck Corinth Limited Partnership, 38186
Roctop Investments, Inc., 38196

Federal Housing Finance Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38200

Federal Maritime Commission
RULES
Access to Commission Information and Records; Freedom of Information Act, 37997–38001
PROPOSED RULES
Organization and Functions; Rules of Practice and Procedure; Attorney Fees, 38153–38158
NOTICES
Agreements Filed, 38200–38201

Federal Motor Carrier Safety Administration
NOTICES
Meetings:
Medical Review Board, 38265

Federal Reserve System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38201–38204
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 38204

Federal Transit Administration
NOTICES
Requests for Nominations:
Transit Advisory Committee for Safety, 38265–38266

Fish and Wildlife Service
RULES
Migratory Bird Permits:
Update of Falconry Permitting Reporting Address, 38013–38015
NOTICES
Endangered and Threatened Wildlife and Plants:
Sonoran Pronghorn Draft Recovery Plan, 38226–38228

Food and Drug Administration
RULES
Revocation of General Safety Test Regulations That Are Duplicative of Requirements in Biologics License Applications, 37971–37974
PROPOSED RULES
Removal of Review and Reclassification Procedures for Biological Products Licensed Prior to July 1, 1972, 38145–38147
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Guidance for Industry on Controlled Correspondence Related to Generic Drug Development, 38211–38212
Meetings:
New Methods To Predict the Immunogenicity of Therapeutic Coagulation Proteins; Public Workshop, 38210
Prescription Drug User Fee Act Patient-Focused Drug Development, 38216–38217
Unapproved and Misbranded Otic Prescription Drug Products; Enforcement Action Dates, 38212–38216

Food and Nutrition Service
NOTICES
Meetings:
National Advisory Council on Maternal, Infant and Fetal Nutrition, 38172

Foreign Assets Control Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Iranian Financial Sanctions Regulations Report on Closure by U.S. Financial Institutions of Correspondent Accounts and Payable-Through Accounts, 38276–38277
Blocking or Unblocking of Persons and Properties, 38274–38276

Foreign Claims Settlement Commission
NOTICES
Meetings; Sunshine Act, 38232

Foreign-Trade Zones Board
NOTICES
Production Activity Authorizations:
Hyundai Motor Manufacturing Alabama, LLC; Subzone 222A, Montgomery, AL, 38173
Reorganizations Under Alternative Site Framework:
Foreign-Trade Zone 42, Orlando, FL, 38174

Forest Service
NOTICES
Meetings:
Trinity County Resource Advisory Committee, 38172–38173

General Services Administration
RULES
Federal Acquisition Regulations:
Clarification on Justification for Urgent Noncompetitive Awards Exceeding One Year, 38308–38309
Federal Acquisition Circular 2005–83; Small Entity Compliance Guide, 38313–38314
Federal Acquisition Circular 2005–83; Introduction, 38292–38293
Inflation Adjustment of Acquisition-Related Thresholds, 38293–38306
Permanent Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items, 38311–38312
Prohibition on Contracting With Inverted Domestic Corporations—Representation and Notification, 38306–38307
Prohibition on Contracting With Inverted Domestic Corporations, 38309–38310
Technical Amendments, 38312
Update to Product and Service Codes, 38307–38308
Federal Travel Regulations:
Removal of Privately Owned Vehicle Rates; Privately Owned Automobile Mileage Reimbursement When Government Furnished Automobiles Are Authorized; Correction, 37995–37996

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38217–38218

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
See U.S. Customs and Border Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Technical Assistance Request and Evaluation, 38222
Telecommunications Service Priority System, 38223

Housing and Urban Development Department
NOTICES
Federal Properties Suitable as Facilities To Assist the Homeless, 38223–38226

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service
See Reclamation Bureau

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Polyester Staple Fiber From Taiwan, 38174–38175

Determinations of Sales at Less Than Fair Value:
Melamine From the People's Republic of China, 38175–38176

International Trade Commission
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Hydrofluorocarbon Blends and Components From China, 38231–38232

Justice Department
See Foreign Claims Settlement Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Suspension of Deportation, 38232–38233
Request for Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization, 38233

Labor Department
See Employment and Training Administration

Land Management Bureau
NOTICES
Filings of Plats of Surveys:
Colorado, 38228

Legal Services Corporation
NOTICES
Meetings; Sunshine Act, 38235

National Aeronautics and Space Administration
RULES
Federal Acquisition Regulations:
Clarification on Justification for Urgent Noncompetitive Awards Exceeding One Year, 38308–38309
Federal Acquisition Circular 2005–83; Small Entity Compliance Guide, 38313–38314
Federal Acquisition Circular 2005–83; Introduction, 38292–38293
Inflation Adjustment of Acquisition-Related Thresholds, 38293–38306
Permanent Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items, 38311–38312
Prohibition on Contracting With Inverted Domestic Corporations—Representation and Notification, 38306–38307
Prohibition on Contracting With Inverted Domestic Corporations, 38309–38310
Technical Amendments, 38312
Update to Product and Service Codes, 38307–38308

National Endowment for the Humanities
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, 38235–38236

National Foundation on the Arts and the Humanities
See National Endowment for the Humanities

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 38218–38220
Diabetes Mellitus Interagency Coordinating Committee, 38219
National Cancer Institute, 38218, 38220

National Oceanic and Atmospheric Administration
RULES
Atlantic Highly Migratory Species:
Gulf of Mexico Highly Migratory Species; Commercial Blacknose Sharks and Non-Blacknose Small Coastal Sharks in the Gulf of Mexico Region; Closure, 38016–38017
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Snapper-Grouper Fishery of the South Atlantic; South Atlantic Snowy Grouper; Recreational Accountability Measures and Closure, 38015–38016
Fisheries of the Exclusive Economic Zone Off Alaska:
Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area, 38017–38018
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38176–38177
Meetings:
Caribbean Fishery Management Council, 38176
Mid-Atlantic Fishery Management Council, 38177–38178

National Park Service
NOTICES
Environmental Impact Statements; Availability, etc.:
General Management Plan, City of Rocks National Reserve, Cassia County, ID, 38228–38230

National Science Foundation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38236–38238
Meetings:
President's Committee on the National Medal of Science, 38236

Nuclear Regulatory Commission
NOTICES
Guidance:
Comprehensive Vibration Assessment Program for Reactor Internals During Preoperational and Startup Testing, 38239–38241
Standard Review Plan for Fuel Cycle Facilities License Applications, 38238–38239

Overseas Private Investment Corporation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38241

Patent and Trademark Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Patent Reexaminations and Supplemental Examinations, 38178

Peace Corps
NOTICES
Privacy Act; Systems of Records, 38241–38242

Pipeline and Hazardous Materials Safety Administration
NOTICES
Meetings:
Risk Modeling Methodologies Public Workshop, 38266–38267
Special Permit Applications:
Hazardous Materials, 38268–38272
Hazardous Materials; Modifications, 38267–38268

Postal Regulatory Commission
NOTICES
New Postal Products, 38242–38243

Presidential Documents
ADMINISTRATIVE ORDERS
National Defense Authorization Act for Fiscal Year 2013; Delegation of Authority (Memorandum of June 29, 2015), 37921

Reclamation Bureau
NOTICES
Meetings:
Glen Canyon Dam Adaptive Management Work Group, 38230–38231

Securities and Exchange Commission
PROPOSED RULES
Amendments to a Form and Investment Advisers Act Rules, 38050–38145
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38264
Self-Regulatory Organizations; Proposed Rule Changes:
BATS Exchange, Inc., 38247–38251
Chicago Board Options Exchange, Inc., 38261–38264
International Securities Exchange, LLC, 38251–38253
ISE Gemini, LLC, 38243–38245
NASDAQ Stock Market, LLC, 38245–38247
NYSE Arca, Inc., 38253–38261

Social Security Administration
RULES
Extension of Effective Date for Temporary Pilot Program Setting the Time and Place for a Hearing Before an Administrative Law Judge, 37970–37971

State Department
RULES
Temporary Modification of Category XI of the United States Munitions List, 37974–37976
NOTICES
Culturally Significant Objects Imported for Exhibition:
Holocaust Center for Humanity Exhibit, 38265
Making Place: The Architecture of David Adjaye Exhibition, 38264

Surface Transportation Board
NOTICES
Discontinuance of Service Exemptions:
CSX Transportation, Inc.; Raleigh County, WV, 38272–38273
Discontinuance of Trackage Rights Exemptions:
Delaware and Hudson Railway Co, Inc., Broome County, NY, et al., 38273–38274

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See Federal Transit Administration
See Pipeline and Hazardous Materials Safety Administration
See Surface Transportation Board

Treasury Department
See Alcohol and Tobacco Tax and Trade Bureau
See Foreign Assets Control Office
NOTICES
Monitoring Availability and Affordability of Auto Insurance, 38277–38281

U.S. Customs and Border Protection
NOTICES
Commercial Gaugers; Approvals:
WFR Metering, Inc., Houston, TX, 38221–38222
New Date for the October 2015 Customs Broker License Examination, 38221

Separate Parts In This Issue

Part II
Environmental Protection Agency, 38284–38289

Part III
Defense Department, 38292–38314
General Services Administration, 38292–38314
National Aeronautics and Space Administration, 38292–38314

Part IV
Federal Communications Commission, 38316–38390

Reader Aids

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

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Administrative Orders:
1 37921

5 CFR
Proposed Rules:
Ch. XXII 38019

7 CFR
Proposed Rules:
986 38021

9 CFR
94 (2 documents) 37923, 37935

10 CFR
430 (2 documents) 37953, 37954
Proposed Rules:
Ch. II 38019
III 38019
IX 38019
431 38032

14 CFR
Proposed Rules:
39 (3 documents) 38033, 38036, 38038

16 CFR
Proposed Rules:
1112 38041
1233 38041

17 CFR
Proposed Rules:
275 38050
279 38050

20 CFR
404 37970
416 37970

21 CFR
601 37971
610 37971
680 37971
Proposed Rules:
601 38145

22 CFR
121 37974

27 CFR
Proposed Rules:
9 38147

33 CFR
165 (4 documents) 37976, 37978, 37980, 37982

40 CFR
52 37985
80 (2 documents) 38284
257 37988
262 37992
761 37994
Proposed Rules:
52 38152
704 38153

41 CFR
301 37995
302 37995
303 37995
304 37995
305 37995
306 37995
307 37995
308 37995
309 37995
310 37995

44 CFR
64 37996

46 CFR
503 37997
Proposed Rules:
501 38153
502 38153

47 CFR
76 38001
Proposed Rules:
2 38316
15 38316
73 38158
74 38158
80 38316
90 38316
97 38316
101 38316

48 CFR
Ch. 1 (6 documents) 38292, 38313
1 (6 documents) 38293, 38306
2 (3 documents) 38293
3 (3 documents) 38293
4 (3 documents) 38293
5 (3 documents) 38307
6 (6 documents) 38293
7 (3 documents) 38293
8 (3 documents) 38293
9 (6 documents) 38293, 38309
10 (3 documents) 38293
12 (6 documents) 38293, 38311
13 (6 documents) 38293, 38311
15 (6 documents) 38293, 38312
16 (3 documents) 38293
17 (3 documents) 38293
18 (3 documents) 38311
19 (3 documents) 38293
22 (6 documents) 38293, 38307
25 (3 documents) 38293
28 (3 documents) 38293
30 (3 documents) 38293
42 (3 documents) 38293
50 (3 documents) 38293
52 (12 documents) 38293, 38306, 38309, 38312
53 (3 documents) 38293

50 CFR
21 38013
622 38015
635 38016
679 38017

Federal Register
Vol. 80, No. 127
Thursday, July 2, 2015

Presidential Documents

Title 3—

The President

Memorandum of June 29, 2015

Delegation of Authority Pursuant to Section 1035 of the National Defense Authorization Act for Fiscal Year 2013

Memorandum for the Secretary of Defense

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

I hereby delegate to the Secretary of Defense the authority to fulfill the certification requirement specified in section 1035 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239).

Any reference in this memorandum to section 1035 of the National Defense Authorization Act for Fiscal Year 2013 shall be deemed to be a reference to any future provision that is the same or substantially the same provision.

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

THE WHITE HOUSE,
Washington, June 29, 2015

[FR Doc. 2015–16499
Filed 7–1–15; 8:45 am]
Billing code 5001–06

Rules and Regulations

Federal Register

Vol. 80, No. 127

Thursday, July 2, 2015

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

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. APHIS–2009–0017]

RIN 0579–AD41

Importation of Beef From a Region in Brazil

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations governing the importation of certain animals, meat, and other animal products by allowing, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Brazil (the States of Bahia, Distrito Federal, Espírito Santo, Goiás, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Paraná, Rio Grande do Sul, Rio de Janeiro, Rondônia, São Paulo, Sergipe, and Tocantins). Based on the evidence in a recent risk assessment, we have determined that fresh (chilled or frozen) beef can be safely imported from those Brazilian States provided certain conditions are met. This action provides for the importation of beef from the designated region in Brazil into the United States while continuing to protect the United States against the introduction of foot-and-mouth disease.

DATES: Effective August 31, 2015.

FOR FURTHER INFORMATION CONTACT: Dr. Silvia Kreindel, Senior Staff Veterinarian, Regional Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 851–3313.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation of certain animals and animal products into the United States to prevent the introduction of various animal diseases, including rinderpest, foot-and-mouth disease (FMD), African swine fever, classical swine fever, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.1 of the regulations contains criteria for recognition by the Animal and Plant Health Inspection Service (APHIS) of foreign regions as free of rinderpest or free of both rinderpest and FMD. Section 94.11 restricts the importation of ruminants and swine and their meat and certain other products from regions that are declared free of rinderpest and FMD but that nonetheless present a disease risk because of the regions' proximity to or trading relationships with regions affected with rinderpest or FMD. Regions APHIS has declared free of FMD and/or rinderpest, and regions declared free of FMD and rinderpest that are subject to the restrictions in § 94.11, are listed on the APHIS Web site at *http://www.aphis.usda.gov/import_export/animals/animal_disease_status.shtml.*

On December 23, 2013, we published in the **Federal Register** (78 FR 77370–77376, Docket No. APHIS–2009–0017) a proposal [1] to allow, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Brazil (the States of Bahia, Distrito Federal, Espírito Santo, Goiás, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Paraná, Rio Grande do Sul, Rio de Janeiro, Rondônia, São Paulo, Sergipe, and Tocantins).

We solicited comments concerning our proposal for 60 days ending February 21, 2014. We reopened and extended the deadline for comments until April 22, 2014, in a document published in the **Federal Register** on February 27, 2014 (79 FR 10999, Docket No. APHIS–2009–0017). We received 870 comments by that date. They were from producers, trade associations, veterinarians, representatives of State and foreign governments, and individuals. They are discussed below by topic.

Note: In our December 2013 proposed rule, we proposed to amend § 94.22 to allow the importation of fresh beef from Brazil subject to the conditions already laid out in that section for the importation of beef and ovine meat from Uruguay. Because that and other sections in part 94 have been redesignated since the publication of the proposed rule, in this final rule, we are amending § 94.29 instead.

General FMD Risk

Many commenters, citing the highly contagious nature of FMD, expressed the view that we should not allow fresh beef to be imported from any country where the disease is present because regionalization is not likely to mitigate the risks associated with imports effectively. Commenters noted that the FMD virus can travel up to 60 miles on the wind. Commenters also cited bird fecal matter and people traveling between affected and non-affected areas as additional vectors for transmission of the virus.

As noted in the risk assessment accompanying the December 2013 proposed rule, we considered the epidemiological characteristics of FMD. Based on our assessment, we concluded that beef from the exporting region of Brazil could safely be imported into the United States, provided that FMD has not been diagnosed in that region within the past 12 months, that there is no commingling of bovines or beef from that region with animals or beef from other regions prior to export, and that certain additional FMD-mitigation requirements, which include removal of bones and certain tissue and chilling of the carcasses until they reach a pH level of under 6.0, are met. We evaluated information submitted by Brazil's Ministry of Agriculture, Livestock and Food Supply (MAPA) and verified the accuracy of that information by conducting site visits. We concluded that Brazil has the legal framework, animal health infrastructure, movement and border controls, diagnostic capabilities, surveillance programs, and emergency response capacity to prevent FMD outbreaks within the boundaries of the Brazilian export region and, in the unlikely event that one should occur, to detect, control, and eradicate the disease. Brazil's active and passive surveillance system would allow for rapid detection. In the event of an

[1] To view the proposed rule, the supporting risk assessment, economic analysis, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2009-0017.*

outbreak, in the exporting region, Brazil would promptly report findings to the World Organization for Animal Health (OIE), and the United States would stop importing beef from Brazil. Our findings regarding Brazil's disease-control capabilities give us confidence that the mitigation methods required under this rulemaking will safely permit the importation of fresh beef from Brazil.

Some commenters cited FMD's 14-day incubation period as an additional risk factor. It was suggested that infected cattle may not exhibit clinical signs of FMD during the incubation period. According to those commenters, such cattle could be slaughtered and enter the food chain, with the FMD-infected beef derived from them potentially being exported to the United States. Commenters advised us to adopt what they stated was the recommendation of the OIE for a 3-week quarantine of animals from which beef for export is to be derived and for the complete segregation of animals in the export zone from animals in adjacent infected zones.

APHIS disagrees with the commenters. The OIE guidelines do not require the quarantine of cattle whose beef is destined for exportation from FMD-free regions with vaccination. Article 8.7.24 of the OIE Terrestrial Animal Health Code states that veterinary authorities of countries importing fresh meat from countries or regions recognized by the OIE as FMD-free with vaccination should require the presentation of an international veterinary certificate attesting that the entire consignment of meat comes from animals which (1) have either been kept in the free-with-vaccination region or country or otherwise meet OIE requirements for live animal imports under Chapter 8.7 and (2) have been slaughtered in an approved abattoir and have been subjected to ante- and post-mortem inspections for FMD with favorable results. Similarly, under this rulemaking we require that the animals from which the meat is derived must have been born and raised in the exporting region. Because the animals would have lived only in the exporting region, they would be unlikely to have been exposed to the FMD virus, and, if exposed, would have been immunized against the particular FMD strains that are prevalent in the region. APHIS does recognize the possibility, however remote, that because cattle that are in the early stages of the FMD incubation period may not show clinical signs of FMD, an ante-mortem inspection could fail to detect the disease, and FMD-infected cattle could be presented for slaughter, processing, and export of meat. In our view, however, the additional mitigation measures contained in this rulemaking, which include requiring the maturation of the beef in a chiller until the pH level in the longissimus dorsi is less than 6.0 and the removal of bovine parts, such as the head, feet, and internal organs, that are associated with a higher FMD risk than muscle tissue will ensure that beef may be safely imported into the United States from Brazil.

Some of the comments expressed reservations about the efficacy of the maturation requirements contained in the proposed rule, which included chilling of the carcass after slaughter for a minimum of 24 and a maximum of 48 hours to ensure that the pH in the loin muscle will be below 6.0. One commenter stated that chilling beef may be inadequate for eliminating the FMD virus, since that virus can remain active in blood clots. Another commenter stated that the reduction of pH is not included as one of the recognized procedures for the inactivation of FMD virus in meat in the OIE Terrestrial Animal Health Code. It was suggested that, in order to effectively reduce the risk of FMD virus presence in meat, freezing should occur after maturation. According to one commenter, however, if freezing occurs too early after slaughter, any FMD virus that is present in the meat may survive for months.

Based on the existing scientific literature, it is generally accepted that FMD virus is inactivated at pH 6.0 or below after maturation at a temperature of 4 °C. Acidification of skeletal muscle that takes place during carcass maturation is normally sufficient to inactivate FMD virus in this tissue, even when cattle are killed at the height of viremia. Because it is known that the required level of acidification cannot be guaranteed under all circumstances, measuring of the pH level of the carcass muscle can be used to ensure that it has occurred.

APHIS agrees that chilling alone may not be adequate to eliminate the virus. Other tissues, organs, etc., that may harbor FMD virus, such as blood clots, heads, feet, viscera, bones, and major lymph nodes, do not undergo acidification, allowing the virus to survive the maturation process and subsequent low-temperature storage. Under this rulemaking, however, as noted previously, these tissues and organs must be removed from the carcasses prior to export to the United States.

Some commenters, though, also questioned the efficacy of those mitigation measures. It was stated that their effectiveness had not been demonstrated conclusively by the scientific literature. It was claimed that there is no agreed safe threshold level in the literature for FMD virus contamination for deboned beef. It was also claimed that scientific information is lacking on the amount of residual blood clot, lymph node, and bone tissue remaining after deboning, which is a concern because, as noted above, FMD virus can survive maturation in the lymph nodes and bone marrow. Information was also said to be lacking on the survivability of the FMD virus in deboned beef from carcasses where the normal acidification of skeletal muscle had not occurred and on FMD survival in fat tissues.

APHIS recognizes that blood clots and lymph nodes do not undergo acidification. As explained above, however, under this rulemaking, these tissues and organs must be removed from the carcasses prior to export to the United States. Carcasses in which normal acidification has not occurred would not be eligible for export to the United States. The rule allows the importation of muscle tissue, but not fat, into the United States. The demonstrated efficacy of maturation in inactivating the FMD virus in carcasses has already been noted. Even where marbling occurs, the maturation process is sufficient to inactivate the FMD virus.

A number of commenters expressed reservations about the effectiveness of vaccinating animals as a means of mitigating the risk of exposing U.S. livestock to FMD via imported beef. It was stated that vaccinated animals may become FMD carriers; that vaccinations are not foolproof due to variations in disease strain (FMD has seven distinct serotypes), mutations, and differences in susceptibility of organisms; and that wildlife cannot be vaccinated. The Government of Nicaragua, in comments submitted, claimed that the efficacy of immunization via vaccination with strains of attenuated virus remains a subject of scientific debate. Commenters further stated that FMD may spread by means of contaminated vaccines or the escape of the virus from vaccine production facilities. It was suggested that APHIS should stick to its previous policy of allowing imports only from regions free of a disease without vaccination.

APHIS acknowledges that vaccination of livestock has certain limitations as a risk-mitigation measure and for that reason, does not recognize a country that vaccinates for FMD as free of the disease. Vaccination of cattle against FMD introduces risks related to the immunological response within the vaccinated herd. While a large

percentage of individual animals in the herd may fully respond to FMD vaccination, some animals may have a limited response, resulting in partial or no immunity. Still, the scientific literature and decades of epidemiological, surveillance, and trade data indicate that the combination of vaccination and the mitigation measures we require under this rulemaking, (*e.g.,* inspection, removal of certain tissue from the carcasses, and maturation), are adequate to appropriately minimize the risk of introduction of FMD into the United States via the importation of fresh beef from countries that vaccinate for FMD. In 2003, APHIS authorized the importation of fresh beef under the same conditions that are found in this rule from Uruguay, a region that, like the exporting region of Brazil covered under this rule, is free of FMD with vaccination. The importation of such Uruguayan beef has not been associated with an increased risk of FMD. Further, as we described in the risk assessment and will discuss in greater detail later in this document, Brazil has an effective vaccination program. Quality control measures are in place to ensure that the FMD virus will not be spread by contaminated vaccines or insufficient biosecurity measures at vaccine production facilities. FMD vaccine production in Brazil complies with international guidelines.

Some commenters expressed reservations about APHIS' ability to prevent the introduction of FMD into the United States via beef imports from Brazil and to respond to an outbreak should one occur. It was stated that APHIS has neither the physical and financial resources to adequately inspect Brazilian beef production and processing sites or to control an outbreak in the United States. Additionally, some commenters stated that production and distribution of appropriate vaccines could prove challenging in the event of an outbreak in the United States.

We disagree with some of these comments. In carrying out our safeguarding mission, APHIS works to ensure the continued health and welfare of our nation's livestock and poultry. One important aspect of this work is making sure we can readily detect foreign animal diseases, such as FMD, and respond efficiently and effectively when faced with an outbreak. APHIS partners with other Federal, State, and local government agencies and private cooperators to expand the pool of available resources we can draw on in an emergency. We recognize that, depending on the size and scope of an outbreak, the production and distribution of vaccines could prove challenging. While we do have a resource in the North American Foot-and-Mouth Disease Vaccine Bank, which stores many types of inactivated FMD virus antigens, this resource might be overwhelmed in the face of a large and expanding outbreak. APHIS continues to discuss this issue and engage our stakeholders in planning and preparation for any response.

As discussed later in this document and in the risk assessment, we consider the feeding of FMD-contaminated waste to susceptible animals, particularly swine, to be the most likely pathway for the transmission of the disease. A commenter representing the pork industry questioned whether budget cuts to APHIS and State animal health staffs have had a negative effect on the ability to carry out the regulatory activities outlined in the Swine Health Protection Act (SHPA), and if so, whether the resulting reduction in regulatory activities had decreased the number of inspections and searches for unlicensed garbage-feeding operations to a level lower than that we found in a pathway analysis we conducted in 1995 to estimate the likelihood of exposing swine to infected waste.

Budget cuts to APHIS have necessitated a reordering of priorities in relation to SHPA-related activities. We have deemphasized or passed on to State partners or other cooperators lower-yield activities, such as visiting restaurants to inquire about garbage-disposal methods, in favor of allowing inspectors to spend more time interacting with and educating swine producers and conducting inspections. The regular presence of APHIS inspectors in U.S. garbage feeding facilities provides opportunities to educate operators on disease signs and reporting requirements and to conduct direct observation of animals for signs of illness. APHIS believes, therefore, that the presence of animal products infected with FMD or other reportable conditions entering the United States would be detected more quickly in these types of premises than in other, unregulated premises.

Brazilian Disease Control Measures

Many commenters opposed the December 2013 proposed rule on the grounds that, contrary to the conclusions of our risk assessment, Brazil's existing disease-control measures are inadequate to prevent producers in that country from exporting FMD-contaminated beef to the United States. Commenters expressed concerns about, among other things, Brazil's vaccination program, testing and disease reporting protocols, slaughter plant procedures, veterinary infrastructure, international border and internal movement controls, and the possibility of wildlife infecting the Brazilian cattle herd with FMD.

We have already noted that some commenters questioned the efficacy of vaccination as a means of combatting the spread of FMD. A number of commenters also expressed reservations specific to Brazil's vaccination procedures. It was stated that Brazil's reported 77 to 99 percent vaccination rate is inadequate for preventing the spread of FMD, that not all Brazilian States vaccinate, and that the lowest vaccination rate in the exporting region is in Mato Grosso, which has the country's highest cattle population. It was suggested, as noted above, that FMD could spread in Brazil through contaminated vaccines or escapes of the virus from vaccine production facilities. In addition, one commenter expressed concern about the qualifications of some individuals administering vaccinations in Brazil, noting that farmers may vaccinate their own animals or hire professionals who do not have to be registered with or accredited by the Brazilian Government to do the job for them.

In Brazil, vaccination is used to prevent the transmission of the FMD virus in the event that the disease were to be introduced in the region. Vaccination of cattle and buffalo is required in the exporting region. The aim of the vaccination program is to immunize at least 80 percent of bovines in a region in order to provide the protection and herd immunity needed to stop the spread of disease. While our risk assessment indicated that there was 76 percent coverage of bovines under 12 months of age in Mato Grosso, the much higher vaccination rates for bovines over that age, which represent most of the bovine population in the State, means that the overall vaccination rate there well exceeds 80 percent. More recent data described in a peer reviewed Journal, indicates that the vaccination coverage in Brazil as a whole exceeded 95 percent during the 2007–2011 (*http://dx.doi.org/10.1098/rstb.2012.0381*). All FMD vaccines produced or used in Brazil must follow OIE guidelines, including being tested for quality and safety by government officials. APHIS did not detect any evidence to suggest that unacceptable biologics or vaccines are being used in Brazil. Vaccination records are verified by local veterinary unit (LVU) personnel and may also be verified by field inspectors visiting individual premises. Despite the fact that Brazilian State or

Federal personnel do not physically observe all vaccinations, records in LVU offices that were reviewed by APHIS indicated that vaccination coverage was quite complete, reaching almost 100 percent.

Many commenters expressed concern about Brazil's disease-testing and reporting standards, citing delays in reporting a 2010 case of bovine spongiform encephalopathy (BSE) and in conducting the required testing in the wake of the detection and sending the OIE lab samples. It was also noted that during the time between the discovery of the case and the reporting of it, Brazil continued shipping processed meat to the United States.

APHIS agrees that the delays in the testing and reporting of the atypical BSE case detected in Brazil were problematic. Representatives of APHIS and the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) visited Brazil in February 2013 to evaluate the BSE laboratory infrastructure, emergency response capabilities, and BSE-related mitigations at the slaughter level. In addition, as a result of the delays in testing and reporting of this case, MAPA conducted audits of the laboratories to identify areas for change and improvement and subsequently implemented several new procedures to assure the timely testing of samples and reporting of results. These included the addition of a second laboratory to conduct immunohistochemistry tests, the expansion of testing capabilities, and the development of an inter-laboratory data management system to issue reports, record improper samples, and flag delays in sample receipt, completion, and notification of test results.

To evaluate Brazil's FMD-related laboratory capabilities, APHIS' risk assessment included site visits to various diagnostic laboratories in Rio Grande do Sul, Pará, Recife, and Pernambuco in 2002, 2008, and 2013. Based on those visits, APHIS concluded that Brazil has the diagnostic capability to adequately test samples for the presence of the FMD virus. Staffing was sufficient at the facilities, and staff members were well-trained and motivated. Laboratory equipment was adequate for diagnosing FMD, and quality control activities included routine monitoring and calibrating of the equipment. The tests used to investigate evidence of viral activity were consistent with OIE guidelines. The laboratories also had effective and efficient recordkeeping systems for storage and retrieval of data, and were able to turn samples around quickly.

Some commenters claimed that Brazil has failed to report detections of FMD within its cattle population and, therefore, could not be relied upon to report such detections in the future.

We disagree with the commenters. During the FMD outbreaks in 2005 and 2006, MAPA demonstrated that it has the capability to detect disease quickly, limit its spread, and report promptly. FMD cases were quickly identified, the disease was contained, and international authorities were notified in a timely manner. Further, as stated in our risk assessment, we did not detect any evidence to suggest that active outbreaks of FMD exist in the export region. Despite occasional outbreaks of FMD in Brazil and in neighboring countries of South America, APHIS considers the disease to be under control in the export region.

It was also noted that the protocols in place for reporting disease within Brazil depend on self-reporting by producers, which some commenters view as an unreliable method.

While passive disease surveillance in Brazil relies on self-reporting, producers, veterinarians, and others are required by law to report clinical signs of FMD to veterinary authorities. Failure to comply with FMD reporting requirements may result in penalties or fines.

Many commenters, noted that the exporting zone in Brazil borders FMD-affected regions, including the affected zone in Brazil, as well as Paraguay, Bolivia, and Argentina, and is not separated from all those regions by physical or geographic barriers. Commenters pointed out that there has been a history of FMD incursions in Brazil from neighboring countries and that as long as FMD remains endemic in South America, the possibility of reintroduction from those neighboring countries exists. Concerns were expressed about the adequacy of Brazil's border control measures. Commenters stated, among other things, that Brazil's border with Peru is not fixed and secure, that Brazil does not effectively control cattle coming in from Paraguay, and that there have been eyewitness accounts of unmanned Brazilian border inspection posts. A commenter stated that there was a discrepancy between our risk assessment and our environmental assessment in the way we characterized the physical barriers between the exporting region and affected regions and the possibility of virus transmission across those barriers. It was stated in the environmental assessment that some areas that APHIS regards as barriers could actually be wildlife disease reservoirs, but that the risk assessment contained no such statement.

In the risk assessment, we discussed the disease status of regions adjacent to the export region, the separation of those regions from the export region, and border controls. As noted in both that document and the environmental assessment, the exporting region has many natural barriers, such as large rivers, mountains, forests, and semiarid areas, along its international and internal borders. Even in relatively remote frontier areas, where there may be less surveillance and monitoring than in more populous ones, those geographic barriers restrict animal movement and human traffic, thereby preventing the spread of disease. In addition, Brazil collaborates with neighboring countries to harmonize FMD-related programs and restrictions. Mechanisms have been established to provide for immediate notification between these countries if an outbreak occurs. High-risk surveillance areas have been established on Brazil's borders with Argentina and Paraguay. Additionally, as discussed in greater detail below, research has determined that wildlife has not played a significant role in the maintenance and transmission of FMD in South America. We have added a statement to that effect to the environmental assessment, under the heading ''Regulatory Control of FMD.''

One commenter suggested that we add to the final rule a requirement for a geographic buffer zone, *i.e.,* a disease-free area, surrounding the export region. The commenter did not specify whether such a zone should apply to adjacent areas in Brazil or neighboring countries, or both.

Some of the same natural barriers, described above, that separate Brazil from neighboring countries also are present along the boundaries between the export region and other Brazilian States. Brazil's national FMD program provides for surveillance and reporting in the exporting area as well as in the adjacent Brazilian States. Buffer zones are already employed under Brazil's FMD program in areas where no natural barriers exist, along with enhanced border patrols. In addition, APHIS's site-visit team did not find any laboratory evidence that FMD currently exists anywhere in Brazil.

Some commenters stated that uncontrolled or inadequately controlled movement of wildlife in South America generally, and countries bordering Brazil in particular, may pose a risk of spreading FMD into the exporting zone of Brazil.

Although several South American wild animal species are susceptible to FMD, research into FMD in South America has determined that wildlife populations, including feral swine, do not play a significant role in the maintenance and transmission of FMD. During outbreak situations, wildlife may become affected by FMD; however, the likelihood that they would become carriers under field conditions is rare. Therefore, it is unlikely that FMD would be introduced into the exporting region through movement of infected wildlife. Further, Brazil's biosecurity measures, surveillance activities, and response capabilities, which we evaluated in our risk assessment, would mitigate the already low risk of the FMD virus spreading from wildlife to livestock in the exporting region of Brazil.

One commenter stated that Brazil is OIE certified as FMD free in just 2 of 26 States and relaxed its vaccination regimen almost 2 years ago.

The OIE currently recognizes the Brazilian State of Santa Catarina as FMD-free without vaccination. In addition, however, the OIE recognizes States and zones within Brazil as FMD-free with vaccination. The area so recognized by the OIE, which largely coincides with part of the APHIS exporting region, may be viewed on the OIE Web site at *http://www.oie.int/animal-health-in-the-world/official-disease-status/fmd/list-of-fmd-free-members/.*

A commenter stated that beef from Brazil may not meet Canada's import requirements and therefore could not be commingled with U.S. beef being shipped to Canada. The commenter expressed concern that U.S. beef exporters wishing to export beef to Canada could be negatively affected as a result of this rule.

The commenter's statement is correct but is not germane to the current rulemaking. Brazil does not export beef to Canada. U.S. exporters wishing to export beef to Canada have a legal obligation to meet that country's requirements by not commingling beef that is eligible for export to Canada, with beef that is not.

Some commenters questioned the efficacy of Brazil's internal animal movement controls. Noting that greater market opportunities and the resulting higher prices offered in the export region might foster illegal animal movements into that region from affected regions in Brazil, commenters questioned whether there were sufficiently stringent procedures in place in Brazil to restrict such movements. It was further stated that a European Commission (EC) audit found deficiencies in those controls. Some commenters also stated that Brazil does not require animal identification and that its voluntary traceability program and applies only to cattle whose meat is intended for countries that require traceability from birth, which the United States does not. That group of commenters included the Government of Nicaragua, which suggested that Brazil's ''unreliable'' traceability system could hinder its response to an outbreak of FMD, potentially allowing the disease to spread to other countries. One commenter expressed some doubt as to whether Brazil's traceability system, even if relatively effective, could aid in combatting an FMD outbreak, since traceability was not documented as effective in combatting FMD outbreaks in the United Kingdom.

We do not agree with these comments. Based on our review of the veterinary infrastructure in Brazil, we determined that MAPA, which oversees animal movement within the country, has the legal authority, technical capabilities, and personnel to implement the FMD program within Brazil. Movement controls in Brazil are stringent. As described in the risk assessment, MAPA requires that all cattle owners identify their animals with a unique brand. Sheep and swine are identified by a brand in the ear. Each LVU keeps a registry of brands and a complete registry of the cattle holdings in the region, with animal populations listed by age group and sex. The registry of holdings is updated at least twice per year, during the vaccination period, or when the animals are moved to another place. The LVU must issue an animal movement permit (GTA), which is required whenever animals are moved. The staff of the LVU is responsible for verifying that the vehicle transporting the animals has been cleaned and disinfected as required by law. A copy of the GTA is sent to the destination. Any inspection associated with animal movement involves checking the documents and verifying the animal information, as well as clinical observation of animal health. The EC Food and Veterinary Office (FVO) audits conducted in 2012 and 2013 found that post-mortem inspection were carried out in line with the EU requirements, that FMD related mitigation were conducted appropriately, and that Hazard Analysis Critical Control Points plans including traceability and maturation were implemented and verified by the veterinary authority were found to be satisfactory. In its most recent audit, conducted in October 2014, the EC FVO reported that that FMD-related requirements were met, and that Brazilian officials were able to demonstrate full traceability to farms of origin.

Other commenters expressed broader concerns about Brazil's disease-control activities, highlighting occasions when, the commenters suggested, Brazil may have failed to comply with safety standards. It was stated that, in the past, Brazil has failed to maintain equivalent safety standards for cooked products exported to the United States, causing FSIS to suspend imports of such products, that FSIS has not allowed imports from Santa Catarina, which we recognize as FMD-free, on the grounds that Brazil's microbiological and residue testing programs are deficient, and that repeated audits by FSIS and the EC have shown a failure on Brazil's part to promptly institute and maintain corrective action for deficiencies noted in previous audits. Commenters suggested that the results of those audits indicate that Brazil lacks either the willingness or the infrastructure to execute the consistent management controls needed to sufficiently mitigate the risk of the introduction of FMD into the United States through the importation of fresh beef. One commenter suggested that there was a dearth of veterinarians in Brazil who had the necessary training and expertise to manage a national FMD program.

As discussed in the risk assessment, APHIS evaluated the veterinary infrastructure of Brazil and concluded that MAPA has a system of official veterinarians and support staff in place for carrying out field programs and implementing import controls and animal quarantine. Additionally, MAPA has sufficient legal authority to carry out official control, eradication, and quarantine activities. We also determined that Brazil's technical infrastructure was adequate for rapid detection of FMD and for carrying out surveillance and eradication programs and that advanced technologies are utilized in conducting several animal health programs. Import controls are sufficient to protect international borders at principal crossing points.

A number of commenters expressed misgivings about Brazil's slaughter-plant procedures. It was suggested that Brazilian slaughter plants may be deficient on both sanitary and humane grounds. One commenter expressed doubt that, given Brazil's previous compliance issues, APHIS can be certain that beef imported from Brazil would have the lymph nodes removed in all cases, as required under this rulemaking. One commenter stated that if a pH meter at a Brazilian slaughter

plant is faulty, infected beef may be exported to United States.

The commenters did not present specific evidence regarding deficiencies on sanitary or humane grounds at Brazilian slaughter plants. APHIS evaluated Brazil's ability to carry out slaughter-related mitigation measures, including ante-mortem and postmortem inspections and deboning and removal of lymph nodes from beef carcasses. We concluded that MAPA will be able to enforce compliance with our inspection and slaughter-plant processing procedures. Our assessment of Brazil's veterinary system included an evaluation of the likelihood of compliance with the pH requirement. Brazilian authorities monitoring slaughter plants calibrate the pH meters frequently. Beef that does not reach the required pH is not allowed to be exported to the United States and is diverted to the Brazilian domestic market.

A few commenters expressed BSE-related concerns about importing fresh beef from Brazil. One commenter stated that some countries have banned or restricted beef imports from Brazil due to concerns about safety, particularly regarding BSE. Another commenter questioned whether Brazil tests for E. coli and BSE.

These comments are beyond the scope of the present rulemaking, which contains FMD-related import restrictions. The risk assessment supporting the rulemaking specifically examined the potential risk of introducing FMD into the U.S. cattle population by allowing imports of fresh beef from Brazil under certain conditions. We would note, however, that the OIE currently recognizes Brazil as a negligible-risk country for BSE, a designation APHIS concurred with in a notice [2] published in the **Federal Register** on October 1, 2014 (79 FR 59207–59208, Docket No. APHIS–2013–0064). Should circumstances arise that would dictate a change in Brazil's BSE classification to a less favorable one, APHIS would require BSE mitigations for imports of beef as appropriate to the adjusted risk classification.

Some commenters, citing what they characterized as Brazil's spotty record of compliance with safety standards, recommended that APHIS consider the development of an ongoing oversight protocol, beyond the usual port-of-entry testing, to monitor Brazil's compliance with our required risk mitigation measures. It was stated that APHIS has not adequately described how it will continue to provide oversight and/or monitor Brazil's animal health infrastructure indefinitely, to ensure that the country will maintain adequate controls to prevent the spread of FMD from other regions of Brazil or from neighboring countries to the exporting area.

The regulations in § 92.2 provide for such monitoring of regions after we recognize them for animal health status. We may require such a region to submit additional information pertaining to its animal health status and may also conduct additional site visits or other information collection activities in order to monitor the region's continued compliance with our requirements.

As discussed in greater detail below in the section pertaining to issues raised regarding our risk assessment, the findings from that assessment led us to conclude that the most likely pathway of exposure of domestic livestock to the FMD virus in beef was through feeding of contaminated food waste to swine. A commenter representing the pork industry questioned whether APHIS has current data regarding the level of biosecurity, security, veterinary care, routine health observations, and knowledge of disease reporting pathways in garbage-fed populations in Brazil. According to the commenter, such data are necessary to meet the goal of a foreign animal disease preparation and response plan. The commenter further enquired about the level of confidence APHIS has regarding the education provided to licensed garbage feeders and whether biosecurity and veterinary care protocols and disease reporting procedures are being followed in Brazil.

Licensed garbage feeders are generally provided with education by MAPA during routine inspections by Brazilian animal health regulatory staff on topics including the importance of proper cooking, signs of foreign animal diseases, appropriate biosecurity measures, etc. Mandatory inspections conducted by MAPA at least quarterly provide confidence in the ability of licensed garbage feeding operations to maintain biosecurity and reporting requirement protocols. Demonstration of adequate facilities and equipment is a requirement for obtaining and maintaining licensure.

One commenter cited the refusal of countries other than the United States whose producers are represented under the Five Nations Beef Alliance to accept Brazilian beef as a reason for not allowing it to be imported into the United States. The Five Nations Beef Alliance consists of the national beef cattle producers' organizations of Australia, Canada, Mexico, and New Zealand—our top livestock trading partners—as well as the United States. The commenter recommended that no Brazilian beef be imported into the United States until all the members of the Five Nations Beef Alliance decide that such imports are safe.

We do not agree with this comment. The Five Nations Beef Alliance is an industry association that lobbies on behalf of the beef industry in support of its economic interests. Our international trade agreements permit us to impose only those sanitary and phytosanitary measures necessary to protect human, animal, or plant life or health on the basis of scientific principles and evidence. We cannot take such actions for economic reasons alone or on the basis of the actions of industry associations.

Some commenters stated that any beef we import from Brazil should be labeled as such, thus enabling U.S. consumers to make informed decisions regarding their beef purchases.

Country of origin labeling is already required under the Agricultural Marketing Service regulations in 7 CFR part 65.

A commenter stated that there was a lack of information on disease serotypes and strains outside the export zone.

APHIS disagrees with the commenter. In our risk assessment, under Factor 3, ''Disease Status of Adjacent Regions'' (pp. 23 to 29), we describe FMD outbreaks that occurred in the countries and Brazilian States adjacent to the export area, including the serotypes involved in the outbreaks over the last 10 years.

Risk Assessment

A large number of commenters voiced reservations about both the methodology we used to conduct our risk assessment of the proposed exporting region of Brazil and the conclusions we reached in that document.

Some commenters noted that, in the past, APHIS has characterized other countries, (*e.g.,* Argentina, Japan, and South Korea), as low-risk countries for FMD, and that, soon after we did so, outbreaks of the disease occurred in those countries.

Because disease situations are fluid and no country, not even the United States, can guarantee perpetual freedom from a disease, APHIS' risk analyses consider whether a country can quickly detect, respond, and report changes in disease situations. In our evaluation, conducted according to the factors identified in § 92.2, ''Application for

[2] To view the notice and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0064.*

recognition of the animal health status of a region,'' we concluded that the specified region of Brazil has the legal framework, animal health infrastructure, movement and border controls, diagnostic capabilities, surveillance programs, and emergency response systems necessary to detect, report, control, and manage FMD outbreaks.

As a member of OIE, Brazil is obligated to immediately notify the organization of any FMD outbreak or other important epidemiological event. The notification must include the reason for the notification, the name of the disease, the affected species, the geographical area affected, the control measures applied, and any laboratory tests carried out or in progress.

Upon notification of an FMD outbreak in the exporting region of Brazil, APHIS would implement critical prevention measures to respond to the outbreak, including alerting U.S. Customs and Border Protection inspectors at all ports of entry. Because § 94.29(b) requires that FMD must not have been diagnosed in the exporting region within the past 12 months, fresh beef from the region would no longer meet our requirements, and we would immediately stop importation.

Some commenters questioned the methodology we employed for the site visits to Brazil. It was claimed that there is no obvious evidence of any established protocol or methodology to allow for consistency and assurance in the quality of the APHIS site visit reviews and that documentation pertaining to the visits was lacking or unavailable for public review. According to one commenter, documents pertaining to the specific methodology and measurements used during the site visits to support the qualitative risk assessment should have been available for the public to review. It was stated that without sufficient documentation, there was no way to distinguish between data obtained from the site visits and data supplied by the Government of Brazil. It was recommended that APHIS develop a protocol, which it should make available to the public, to be used for site visits so that our assessments can be analyzed and summarized more objectively.

APHIS' site visits consist of an in-depth evaluation of the eight factors identified in § 92.2 (scope of the evaluation being requested, veterinary control and oversight, disease history and vaccination practices, livestock demographics and traceability, epidemiological separation from potential sources of infection, surveillance, diagnostic laboratory capabilities, and emergency preparedness and response) as factors to consider in assessing the risk of transmission of an animal disease to U.S. livestock via the importation of animals or animal products from a foreign region. Risk factors are identified from the information gathered on these topics, and applicable mitigations are discussed. The regulations in § 92.2 are publically available at: *http://www.gpo.gov/fdsys/pkg/FR-2012-07-27/html/2012-18324.htm.* Further information on site visits is available in a guidance document regarding APHIS' approach to implementing its regionalization process and the way in which APHIS applies risk analysis to the decisionmaking process for regionalization. This document is available to the public at: *http://www.aphis.usda.gov/import_export/animals/downloads/regionalization_process.pdf.*

Our five site visits to Brazil, conducted in 2002, 2003, 2006, 2008, and 2013, included visits to Federal, State, and local veterinary offices, farms, border control stations, and diagnostic laboratories. The findings from these visits are discussed thoroughly in the risk assessment document. As noted in that document, the scope of the 2002 site visit included verification of FMD outbreak controls, an overview of the surveillance program and laboratory capabilities, vaccination practices and eradication activities, and movement and border controls. The focus of the 2003 site visit was to collect data that APHIS used in its risk assessment. The focus of the 2006 site visit was to evaluate the FMD situation following the 2005–2006 outbreak in Paraná and Mato Grosso do Sul. The focus of the 2008 visit was to evaluate the Brazilian State of Santa Catarina for freedom from classical swine fever, FMD, African swine fever, and swine vesicular disease. Finally, the scope of the 2013 visit included the evaluation of the FMD diagnostic capabilities, FMD laboratories, and vesicular disease emergency response.

Another issue raised in regard to our site visits was that not all of the factors for animal health status were reviewed during each of the site visits by APHIS. It was stated that because each site visit had a different focus, some of the information our site-visit teams obtained may now be out of date. For example, one commenter claimed that some risk factors associated with the importation of beef from Brazil, such as movement and border controls, appeared not to have been verified through site visits since the 2002 visit.

Even though a site visit may have a particular focus, all factors are evaluated during each visit, with emphasis on changes implemented since the previous one. Any observed changes in risk are noted in the risk assessment. If no changes are noted, then no changes are made to that factor in the risk assessment, and the original date for which risk was described is maintained. In the example noted below, movement and border controls were verified in site visits subsequent to 2002. However, since no significant changes were noted in risk, the 2002 date was retained to indicate when the initial observation was made.

Some commenters viewed the documentation supporting our risk assessment as insufficient. It was further noted that some of those supporting documents were in Portuguese. As a result, according to the commenters, transparency was lacking regarding our research methodology and the manner in which we arrived at our conclusions. It was also claimed that the documents we did make available lacked consistency and evidence of verification of our findings.

All of the documents that were provided by the Government of Brazil have been shared with stakeholders who requested them. APHIS acknowledges that some of the documents used as references in the risk analysis were submitted to APHIS in Portuguese; however, APHIS personnel involved in the evaluation had sufficient language skills to read those documents without requiring that they be translated into English. In addition, in most instances, the same or related data were provided in other documents or verbally presented to APHIS during site visits. The information provided by Brazil and the conclusions reached are thoroughly described in the risk analysis that was made available for public review and comment.

Some commenters stated that APHIS should prepare a quantitative risk assessment for beef from Brazil and make it available for public review. Commenters took the position that the qualitative risk assessment methodology that we employed is too subjective because it fails to quantify objectively the probability of risk and adequately assess the magnitude of the consequences of a disease outbreak. Noting that APHIS prepared a quantitative risk assessment in 2002 in support of the rulemaking allowing the importation of fresh beef from Uruguay, commenters questioned why APHIS chose to prepare only a qualitative risk assessment for Brazil.

Most of APHIS' risk analyses for FMD have been, and continue to be, qualitative in nature. APHIS believes that, when coupled with site visit evaluations, qualitative risk analyses provide the necessary information to assess the risk of the introduction of FMD through importation of commodities such as fresh beef. Quantitative risk analysis models may not be the best tool to use to assess the risk of FMD posed by exports from a country, such as in cases where the types of data required by such models are either unavailable or suffer from a high level of parameter uncertainty. In these instances, APHIS' approach is to characterize the risk of outbreak qualitatively in order to determine what appropriate measures to implement in order to mitigate the risk posed to the United States in the event of an outbreak in the exporting country (*e.g.,* maturation and pH of beef, no diagnosis of FMD in the previous 12 months).

Some commenters raised issues regarding the scope of our risk assessment. It was stated that the release assessment, exposure assessment, and consequence assessment appeared to be incomplete with regard to the necessary steps and requirements described in the OIE Terrestrial Animal Health Code.

We conducted the risk assessment guided by Chapter 2.1 of the OIE Terrestrial Animal Health Code, ''Import Risk Analysis.'' The Code recommends that risk assessments include four steps: An entry assessment, an exposure assessment, a consequence assessment, and an overall risk estimation based on the data compiled in the previous three steps. A description of each of those steps is included. In conducting our risk assessment of Brazil, we followed the steps listed in the OIE Terrestrial Animal Health Code. Where there are differences between APHIS' methodology and that described by the OIE, they have more to do with terminology than methodology. For example, we refer to what the OIE terms the entry assessment as a release assessment.

Some commenters did not view the eight factors listed § 92.2 as sufficiently comprehensive for conducting a risk assessment, suggesting that we should have relied on the OIE guidelines instead.

We did evaluate Brazil using the factors listed in § 92.2. These factors, however, are essentially the same as the factors listed in Chapter 1.6 of the OIE Terrestrial Animal Health Code. Both § 92.2 and the OIE Code provide for the evaluation of a region seeking recognition for a disease status on the basis of, among other things, the region's veterinary infrastructure, disease history, geographical separation from affected regions, diagnostic and surveillance capabilities, and emergency response planning. Both the OIE Code and § 92.2 require the requesting region to provide the same documentation.

In contrast to the comments discussed above, one commenter criticized our risk assessment methodology on the grounds that we granted too much deference to the OIE guidelines, thus violating our statutory mandate to protect U.S. livestock.

We do not agree with this comment. As noted above, the OIE evaluation criteria and those in § 92.2 essentially cover the same topics. In addition, the site visits we conduct as part of our risk assessment process enable us to verify the requesting country's disease status and its ability to maintain that status and to control outbreaks if they occur.

Commenters also took issue with the release assessment for suggesting that wildlife does not play a significant role in the transmission of FMD. It was claimed that the statement lacked support in the scientific literature.

The epidemiology of the disease in South America over time and the information provided in the surveillance section of the risk assessment clearly demonstrate that the role of wildlife in disease transmission in the area under consideration is insignificant. Many decades of experience with the disease have shown no consistent relationship between outbreaks in domestic animals and coexistence of susceptible wild animals in South America. In addition, results of repeated serological testing focusing on cattle as the most susceptible species do not reveal evidence of viral activity in domestic ruminants that are likely to contact wild animals. If wild animals were carriers or reservoirs of FMD, evidence of viral activity would be expected in domestic species coexisting in the same regions as infected wild animals.

Some commenters also claimed that the biological pathways for the release of pathogens were not described clearly in the release assessment.

We address biological pathways for the release of the FMD virus in the exposure assessment, which we discuss in greater detail below.

Commenters stated that our exposure assessment identified only a single exposure pathway: The feeding of FMD-contaminated beef to susceptible animals. It was stated that the exposure assessment included no discussion of any alternative exposure pathways for FMD, such as illegal imports and backyard pig feeding. It was further stated that the exposure assessment should have focused on the effects of plate waste or manufacturing waste processing for swine feeding on the survival of FMD virus.

There is a general scientific understanding on the main pathway of FMD exposure via the importation of fresh beef. This pathway is through the feeding of food waste to swine. The likelihood of exposure of FMD-susceptible species to FMD-infected beef was evaluated by reviewing previous studies we conducted. In 1995, we conducted a pathway analysis to estimate the likelihood of exposing swine to infected waste. With 95 percent confidence, we estimated that 0.023 percent or less of plate and manufacturing waste would be inadequately processed prior to feeding to swine. Based on this percentage, less than 1 part in 4,300 of imported beef fed to swine as plate or manufacturing waste is likely to be inadequately cooked. The findings of a 2001 APHIS survey, which showed a substantial reduction in waste-feeding operations, further indicated that the risk of FMD exposure via feeding of contaminated waste to swine was continuing to decline.

Some commenters stated that that the pork industry has undergone significant changes since we conducted the 1995 risk analysis and 2001 survey cited above. A commenter representing a national pork producers' association questioned the validity of our 1995 pathway analysis in particular, stating that the findings are outdated and incomplete. Other commenters also expressed skepticism that the 1995 analysis and the 2001 survey adequately reflect the current risk to the U.S. pork industry of the introduction of FMD into the United States through garbage feeding. It was suggested that APHIS needs to consider obtaining updated scientific data, independent of the 2001 APHIS waste-feeder survey, in order to better verify the exposure assessment for FMD presented in the risk analysis.

APHIS acknowledges that the pork industry in general has undergone significant changes since 1995; however, the garbage-feeding industry in particular, which we discuss in greater detail immediately below, has not. In that discussion, we elaborate on our reasons for our confidence that the 1995 risk analysis and 2001 survey adequately reflect the current risk to the U.S. pork industry from the feeding of contaminated food waste to swine.

One commenter stated that, according to APHIS reports to the U.S. Animal Health Association's Transmissible Diseases of Swine Committee, from

2009 to 2013, a number of unlicensed garbage feeders were found each year by State and Federal animal health authorities. The commenter asked if APHIS has any supporting information that estimates the number of unlicensed garbage-feeding facilities.

Procedures for the handling, processing, and feeding of food waste to swine in the United States are subject to our swine health protection regulations in 9 CFR part 166. Compliance with the regulations has improved in recent years, thereby reducing the probability of survival of FMD virus in the food waste. Searches for non-licensed garbage feeding facilities are regularly conducted using several different techniques as part of the duties of APHIS animal health staff, as well as State animal health and other State agency staff. When unlicensed garbage feeding facilities are identified, the unauthorized activity is documented, and the facility is brought into compliance. Depending on the State, all swine on such premises may be quarantined and tested for foreign animal diseases. Information on the number of inspections conducted to detect unlicensed garbage feeding facilities, the number of unlicensed facilities identified, and resolution of cases resulting from such identification are captured at the State level and evaluated by APHIS on a regular basis. Given the regular monitoring of these facilities and their relatively small number, we stand by the conclusions we reached in our 1995 risk analysis.

A commenter stated that our consequence assessment should have focused on the specific commodity to be imported, as outlined in the scope of the risk assessment.

The consequence assessment did examine at some length the possible economic consequences for the cattle industry, as well as other livestock industries, that could result from an outbreak of FMD in the United States.

Commenters took issue with the methodology we used for evaluating the efficacy of Brazil's movement and border controls. As noted in the risk assessment, APHIS assumes that, if the riskiest pathways are sufficiently mitigated, then the overall spectrum of risk issues should be acceptable. The commenters viewed that assumption as unwarranted.

We do not agree with this comment. APHIS tries to target the riskiest border crossings (and other areas) during site visits as examples of a type of ''maximized risk scenario'' in order to address similar, but theoretically lower, risks in the remainder of the export region. Using this assumption and visiting the areas of highest risk in the export region, APHIS concluded that movement control measures for live animals are effective at both domestic and international checkpoints. The commenters did not present any evidence to support their claim that this methodology is flawed.

A commenter objected to the terminology we used in characterizing the FMD risk associated with imports of beef from Brazil. It was stated that the characterization of the risk of FMD introduction as ''low'' was arbitrary and misleading. The commenter stated that the term ''low'' actually falls in the middle of the risk spectrum, meaning, in the view of the commenter, that the actual risk of FMD introduction from Brazil was unacceptably high. The same commenter also stated that there was a discrepancy between the risk assessment, which characterized the risk as ''low'' and the environmental assessment, which characterized the risk as ''extremely unlikely.''

APHIS disagrees with the commenter. We employ the term ''low'' to characterize the risk associated with importing a particular commodity when we have determined, based on a risk assessment, that the commodity can be safely imported into the United States under certain conditions. We base such determinations on our assessment of the exporting region's disease-control capabilities, as evaluated in relation to the eight factors in § 92.2, and the known efficacy of the risk mitigation measures available to us. The statements in the risk assessment and the environmental assessment are not contradictory. The environmental assessment refers to the risk of introduction of FMD into the United States as extremely unlikely. The risk assessment characterizes the combined risks of introduction and dissemination of the disease as low.

Economic Analysis

Many commenters expressed concern about the potentially devastating economic effect an outbreak of FMD in the United States could have on U.S. cattle producers. It was stated that the potential economic risks greatly outweigh the benefits of this rulemaking, and that the economic analysis accompanying the December 2013 proposed rule failed to take into account those potential costs. Some commenters recommended that we revise the economic analysis to account for those potential costs. It was suggested that we should perform a comprehensive, up-to-date economic analysis to identify consequences for all U.S. commodity groups potentially affected by an FMD outbreak.

It is true that an outbreak of FMD in the United States, whatever its source, could have very serious effects on the U.S. cattle industry. In the economic analysis accompanying the December 2013 proposed rule, we analyzed expected benefits and costs of annual imports of fresh (chilled or frozen) beef from Brazil averaging 40,000 metric tons (MT), and found that the expected changes in U.S. beef production, consumption, and exports would not be significant. We did not report on potential impacts of an FMD outbreak for the U.S. economy in the economic analysis accompanying the December 2013 proposed rule because, in our view, the risk-mitigation measures required of Brazil, which include deboning, maturation for at least 24 hours, and pH measurements below 6.0 in the loin muscle, will provide for the safe importation of beef from Brazil. The revised economic analysis accompanying this final rule, however, does analyze those potential impacts. We would further note that in the consequence assessment section of our risk assessment, we examined the potential economic and other consequences of an FMD outbreak in the United States at some length.

Some commenters also pointed out that an FMD outbreak in the United States could result in the loss of export markets for U.S. beef. It was further claimed that our economic analysis understated the value of those export markets.

An FMD outbreak would likely result in the loss of U.S. beef export markets. However, APHIS is confident that the required sanitary safeguards will ensure the safe importation of beef from Brazil as a result of this rule. Regarding the value of U.S. beef export markets, it can be measured differently depending on the combination of bovine products and composite prices used. The value can also vary based on how shipping and other transactional expenses may be included in reported prices. Commenters may consider the reported value of U.S. beef exports to be understated because of differences in product and price definitions. Nevertheless, attributing a higher value to U.S. beef export markets would not change our conclusion that the rule's impact on beef exports, as well as other segments of the beef industry, will be minor.

A commenter stated that allowing imports of beef from Brazil may cause a loss of consumer confidence in beef, resulting in a loss of profits for U.S. producers.

This is a hypothetical statement for which the commenter presents no supporting evidence.

A commenter expressed the view that the rulemaking would depress markets for U.S. producers and affect export markets because allowing imports from Brazil would facilitate Brazil's access to other international markets.

The question of whether or not allowing Brazilian beef to be imported into the United States would facilitate Brazilian producers' access to other international markets is beyond the scope of our economic analysis. The commenter did not present data that would support the proposition that Brazil's beef exports are likely to increase so precipitously as a result of this rulemaking that U.S. exporters would experience negative effects.

A commenter expressed the concern that the rulemaking would have adverse effects not only on U.S. beef producers but on associated industries as well.

Based on how small the volume of beef we project will be exported from Brazil to the United States relative to U.S. beef production, we anticipate that both U.S. beef producers and associated industries will be affected little, if at all, by this rulemaking.

Commenters questioned our projections regarding the amount of beef likely to be imported from Brazil and also expressed doubts about our assumption that Brazilian beef imports will mainly displace other imports rather than increasing the total volume of beef imports. It was stated that because exporting beef to the United States may be profitable for Brazilian producers, they are likely to ship more than the 40,000 MT of beef to the United States that we estimated they would in an average year.

Our import projections are based on the data we obtain from industry and other sources and the use of published models. In the preamble to the December 2013 proposed rule, we noted that we did not have all of the data necessary for a comprehensive analysis of the effects of the proposed rule on small entities, and we solicited comments on the potential effects. Because the commenters did not supply information that contradicted the data upon which we relied, that called into question the model we used, or that supported in any way the suggestion that our projections were inaccurate, we did not have cause to revise our projections.

Another commenter, while agreeing with our projection that Brazilian beef imports would most likely displace imports from elsewhere, questioned why the rulemaking was necessary if those existing imports are not problematic and there is no increased demand for beef by U.S. consumers.

The United States and many other member countries are a part of the rules-based international trading system, which has benefitted Members through the maintenance of open international markets. Under our international trade agreements, we consider requests from countries and regions to import their animals and/or animal products. Before such requests are granted, we must first assess the risks to U.S. herds posed by imports by evaluating the requesting country or region's disease status and the efficacy of its risk-mitigation measures. The United States' and other WTO Members' international trade obligations ensure that decisions regarding market access are based on scientific principles and risk assessments. U.S. demand for these products is not a part of the consideration of such requests.

One commenter characterized the proposed rule as a misguided attempt to remedy short-term beef price increases. The commenter stated that the U.S. cattle herd needs to be rebuilt, but the rulemaking may discourage producers from restocking.

The commenter's statement is a hypothetical one and, as such, difficult to evaluate. We did not receive any data from this or other commenters that would suggest that the rulemaking would discourage U.S. cattle producers from restocking.

A commenter claimed that the rulemaking would result in a larger drop in steer prices than the 0.14 percent we projected in the economic analysis supporting the December 2013 proposed rule.

We arrived at that estimate using results from a published economic model.[3] Had the commenter supplied a different set of substantiated data, we could have reevaluated our estimate.

Some commenters suggested that in the event of an FMD outbreak in the United States, APHIS should indemnify or otherwise support U.S. cattle producers.

APHIS' ability to pay indemnities is dependent upon the availability of funds. In the past, APHIS has indemnified producers whose livestock had to be depopulated as part of disease-eradication efforts.

Some commenters objected to the proposed rule because of what they perceived as economic favoritism. Commenters claimed that the rulemaking favored meat packers and processors at the expense of farmers. It was also asserted that the proposed rule favored Brazilian producers at the expense of U.S. producers because U.S. producers would not be able to compete on price with their Brazilian counterparts, and that, therefore, the rule would have the unintended effect of shrinking the U.S. cattle herd and expanding Brazil's.

We undertook this rulemaking at the request of Brazil and in accordance with our international trade agreements. We based this rulemaking on the findings of our risk assessment that fresh beef could safely be imported into the United States from Brazil under certain conditions. We do not believe this rule favors one sector or country over another, and the commenters did not provide evidence to support their claims.

Miscellaneous Comments

In addition to the issues already discussed in this document, commenters raised a few others that did not fit neatly into any of the above categories.

One commenter recommended that we allow the importation of fetal bovine serum from Brazil.

That comment is beyond the scope of the present rulemaking, which concerns the FMD status of Brazil and the importation of Brazilian beef.

Other commenters suggested that the rulemaking may lead to deforestation and/or environmental degradation.

The commenters did not explain how the rulemaking would have those effects. USDA prepared an environmental assessment, but the focus of the environmental assessment is to evaluate the potential impacts of allowing for the importation of fresh, maturated, and deboned beef from a region in Brazil into the United States, and not on increased deforestation in Brazil.

One commenter stated that the rulemaking does not comply with our statutory obligation to develop rural America.

The commenter did not cite any particular statute to support the claim that we were not meeting our statutory obligations.

Commenters writing on behalf of an association representing Hispanic and Native American livestock producers claimed that the rulemaking violates the civil rights and fair trade rights of minority livestock producers.

As we noted in the economic analysis accompanying the December 2013 proposed rule, we do not anticipate that

[3] Paarlberg, Philip L., Ann Hillberg Seitzinger, John G. Lee, and Kenneth H. Mathews, Jr. Economic Impacts of Foreign Animal Disease. Economic Research Report Number 57. USDA ERS, May 2008.

the rulemaking will have a significant economic effect on any livestock producers. In the absence of economic or competitive harm, we do not see this rule as violating the rights of any group.

Miscellaneous

We are making an editorial change to § 94.29(a) for the sake of clarity. In the December 2013 proposed rule, the paragraph read as follows: ''The meat is beef or ovine meat from animals that have been born, raised, and slaughtered in the exporting region of Brazil or in Uruguay.'' As written, that paragraph could be interpreted to indicate that not only beef but also ovine meat could be imported from the exporting region of Brazil. Since ovine meat may not be imported from Brazil under § 94.29, we have edited the paragraph in this final rule to read as follows: ''The meat is: (1) Beef from Brazil derived from animals that have been born, raised, and slaughtered in the exporting region of Brazil; or (2) Beef or ovine meat from Uruguay derived from animals that have been born, raised, and slaughtered in Uruguay.''

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the change discussed in this document.

Executive Orders 12866 and 13563 and Regulatory Flexibility Act

This final rule has been determined to be economically significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

We have prepared an economic analysis for this rule. The economic analysis provides a cost-benefit analysis, as required by Executive Orders 12866 and 13563, which 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, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The economic analysis also provides a final regulatory flexibility analysis that examines the potential economic effects of this rule on small entities, as required by the Regulatory Flexibility Act. The economic analysis is summarized below. Copies of the full analysis are available on the Regulations.gov Web site (see footnote 1 in this document for a link to Regulations.gov) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

This analysis examines potential economic impacts of a final rule that will allow fresh (chilled or frozen) beef from a designated region in Brazil to be imported into the United States provided certain conditions are met. Economic effects of the rule for both U.S. producers and consumers are expected to be small. Welfare gains for consumers will outweigh producer losses, resulting in a net benefit to the U.S. economy. APHIS has concluded that the risk of exposing U.S. livestock to FMD via fresh beef imports from Brazil is sufficiently low so that such imports are safe.

The United States is the largest beef producer in the world, and yet still imports a significant quantity. Annual U.S. beef import volumes from 1999 to 2013 averaged 0.9 million MT, equivalent to 11 percent of U.S. production. Much of the beef imported by the United States is from grass-fed cattle, and is processed with trimmings from U.S. grain-fed cattle to make ground beef. Australia, Canada, and New Zealand are the main foreign suppliers of beef to the United States.

Effects of the final rule are estimated using a partial equilibrium model of the U.S. agricultural sector. Economic impacts are estimated based on intra-sectoral linkages among the grain, livestock, and livestock product sectors. Annual imports of fresh (chilled or frozen) beef from Brazil are expected to range between 20,000 and 65,000 MT, with volumes averaging 40,000 MT. Quantity, price, and welfare changes are estimated for three import scenarios. The results are presented as average annual effects for the 4-year period, 2015–2018.

A portion of the beef imported from Brazil will displace beef that would otherwise be imported from other countries. The model indicates that the net annual increase in U.S. fresh beef imports will be 15,894 MT (79 percent of 20,000 MT) under the 20,000 MT scenario; 32,000 MT (80 percent of 40,000 MT) under the 40,000 MT scenario; and 52,654 (81 percent of 65,000 MT) under the 65,000 MT scenario.

If the United States imports 40,000 MT of beef from Brazil, total U.S. beef imports will increase by 2.8 percent. Due to the supply increase, the wholesale price of beef, the retail price of beef, and the price of cattle (steer) are estimated to decline by 0.65, 0.26, and 0.70 percent, respectively. U.S beef production will decline by 0.03 percent while U.S. beef consumption and exports will increase by 0.2 and 0.7 percent, respectively. The 20,000 MT and 65,000 MT scenarios show similar quantity and price effects.

The fall in beef prices and the resulting decline in U.S. beef production will translate into reduced returns to capital and management in the livestock and beef sectors. Under the 40,000 MT import scenario, beef processors will experience a decline in surplus of $28.85 million or 0.85 percent, while consumers will benefit from the decrease in price by an increase in their surplus by $387.50 million or 1.14 percent. Cattle producers will experience decline in welfare of $216.01 million or 8 percent. The overall impact will be a net welfare gain of $358.36 million or 1 percent for producers and consumers in the beef processing sector. For the combined beef and cattle sectors, there will be a $142 million net welfare gain (0.36 percent net benefit).

The 20,000 MT and 65,000 MT scenarios show similar welfare impacts, with net benefits increasing broadly in proportion to the quantity of beef imported. The largest impact will be for the beef sector, but consumers of pork and poultry meat sectors will benefit negligibly. While most of the establishments that will be affected by this rule are small entities, based on the results of this analysis, APHIS does not expect the impacts on small entities to be significant.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this final rule. The environmental assessment provides a basis for the conclusion that the importation of fresh beef from a region in Brazil under the conditions specified in this rule will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of

1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The environmental assessment and finding of no significant impact may be viewed on the Regulations.gov Web site.[4] Copies of the environmental assessment and finding of no significant impact are also available for public inspection at USDA, Room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 799–7039 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this final rule, which were filed under 0579–0414, have been submitted for approval to the Office of Management and Budget (OMB). When OMB notifies us of its decision, if approval is denied, we will publish a document in the **Federal Register** providing notice of what action we plan to take.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance 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. For information pertinent to E-Government Act compliance related to this rule, please contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

List of Subjects in 9 CFR part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 94 as follows:

[4] Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2009-0017*. The environmental assessment and finding of no significant impact will appear in the resulting list of documents.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, NEWCASTLE DISEASE, HIGHLY PATHOGENIC AVIAN INFLUENZA, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, SWINE VESICULAR DISEASE, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

■ 1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

§ 94.1 [Amended]

■ 2. In § 94.1, paragraphs (b)(4) and (d), introductory text, are amended by removing the words ''from Uruguay''.

■ 3. Section 94.29 is revised to read as follows:

§ 94.29 Restrictions on importation of fresh (chilled or frozen) beef from Brazil and fresh beef and ovine meat from Uruguay.

Notwithstanding any other provisions of this part, fresh (chilled or frozen) beef from a region in Brazil composed of the States of Bahia, Distrito Federal, Espírito Santo, Goiás, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Paraná, Rio Grande do Sul, Rio de Janeiro, Rondônia, São Paulo, Sergipe, and Tocantins, and fresh (chilled or frozen) beef and ovine meat from Uruguay may be exported to the United States under the following conditions:

(a) The meat is:

(1) Beef from Brazil derived from animals that have been born, raised, and slaughtered in the exporting region of Brazil, or

(2) Beef or ovine meat from Uruguay derived from animals that have been born, raised, and slaughtered in Uruguay.

(b) Foot-and-mouth disease has not been diagnosed in the exporting region of Brazil or in Uruguay within the previous 12 months.

(c) The meat comes from bovines or sheep that originated from premises where foot-and-mouth disease has not been present during the lifetime of any bovines and sheep slaughtered for the export of beef and ovine meat to the United States.

(d) The meat comes from bovines or sheep that were moved directly from the premises of origin to the slaughtering establishment without any contact with other animals.

(e) The meat comes from bovines or sheep that received ante-mortem and post-mortem veterinary inspections, paying particular attention to the head and feet, at the slaughtering establishment, with no evidence found of vesicular disease.

(f) The meat consists only of bovine parts or ovine parts that are, by standard practice, part of the animal's carcass that is placed in a chiller for maturation after slaughter. The bovine and ovine parts that may not be imported include all parts of the head, feet, hump, hooves, and internal organs.

(g) All bone and visually identifiable blood clots and lymphoid tissue have been removed from the meat.

(h) The meat has not been in contact with meat from regions other than those listed under § 94.1(a).

(i) The meat comes from carcasses that were allowed to maturate at 40 to 50 °F (4 to 10 °C) for a minimum of 24 hours after slaughter and that reached a pH below 6.0 in the loin muscle at the end of the maturation period. Measurements for pH must be taken at the middle of both *longissimus dorsi* muscles. Any carcass in which the pH does not reach less than 6.0 may be allowed to maturate an additional 24 hours and be retested, and, if the carcass still has not reached a pH of less than 6.0 after 48 hours, the meat from the carcass may not be exported to the United States.

(j) An authorized veterinary official of the government of the exporting region certifies on the foreign meat inspection certificate that the above conditions have been met.

(k) The establishment in which the bovines and sheep are slaughtered allows periodic on-site evaluation and subsequent inspection of its facilities, records, and operations by an APHIS representative.

(Approved by the Office of Management and Budget under control numbers 0579–0372 and 0579–0414)

Done in Washington, DC, this 26th day of June 2015.

Gary Woodward,

Deputy Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 2015–16337 Filed 7–1–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. APHIS–2014–0032]

RIN 0579–AD92

Importation of Beef From a Region in Argentina

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations governing the importation of certain animals, meat, and other animal products to allow, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Argentina located north of Patagonia South and Patagonia North B, referred to as Northern Argentina. Based on the evidence in a recent risk analysis, we have determined that fresh (chilled or frozen) beef can be safely imported from Northern Argentina, subject to certain conditions. This action provides for the importation of beef from Northern Argentina into the United States, while continuing to protect the United States against the introduction of foot-and-mouth disease.

DATES: Effective September 1, 2015.

FOR FURTHER INFORMATION CONTACT: Dr. Silvia Kreindel, Senior Staff Veterinarian, Regional Evaluation Services Staff, National Import Export Services, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 851–3313.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation of certain animals and animal products into the United States to prevent the introduction of various animal diseases, including rinderpest, foot-and-mouth disease (FMD), African swine fever, classical swine fever, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.1 of the regulations contains criteria for recognition by the Animal and Plant Health Inspection Service (APHIS) of foreign regions as free of rinderpest or free of both rinderpest and FMD. Section 94.11 restricts the importation of ruminants and swine and their meat and certain other products from regions that are declared free of rinderpest and FMD but that nonetheless present a disease risk because of the regions' proximity to or trading relationships with regions affected with rinderpest or FMD. Regions APHIS has declared free of FMD and/or rinderpest, and regions declared free of FMD and rinderpest that are subject to the restrictions in § 94.11, are listed on the APHIS Web site at *http://www.aphis.usda.gov/import_export/animals/animal_disease_status.shtml*.

Because vaccination for FMD may not provide complete protection to livestock, and because it can be difficult to quickly detect FMD in animals vaccinated for FMD, APHIS does not recognize regions that vaccinate animals for FMD as free of the disease. Although there has not been a major outbreak of FMD in Argentina since 2001/2002, we do not consider Northern Argentina to be free of FMD because of Argentina's vaccination program in that region. With few exceptions, the regulations prohibit the importation of fresh (chilled or frozen) meat of ruminants or swine that originates in or transits a region where FMD is considered to exist. One such exception is beef and ovine meat [1] from Uruguay, which is allowed to be imported into the United States under certain conditions that mitigate the FMD risks associated with these products. The conditions are set out in § 94.29 of the regulations.

In a proposed rule [2] published in the **Federal Register** (79 FR 51508–51514, Docket No. APHIS–2014–0032) on August 29, 2014, we proposed to also allow the importation of fresh (chilled or frozen) beef from Northern Argentina under those conditions found in § 94.29 of the regulations. The proposed conditions were as follows:

- The beef is from animals born, raised, and slaughtered in Northern Argentina.
- FMD has not been diagnosed in Northern Argentina within the previous 12 months.
- The meat comes from bovines that originated from premises where FMD had not been present during the lifetime of any bovines slaughtered for the export of beef to the United States.
- The meat comes from bovines that were moved directly from the premises of origin to the slaughtering establishment without any contact with other animals.
- The meat comes from bovines that received ante-mortem and post-mortem veterinary inspections, paying particular attention to the head and feet, at the slaughtering establishment, with no evidence found of vesicular disease.
- The meat consists only of bovine parts that are, by standard practice, part of the animal's carcass that is placed in a chiller for maturation after slaughter. The bovine parts that may not be imported include all parts of the head, feet, hump, hooves, and internal organs.
- All bone and visually identifiable blood clots and lymphoid tissue have been removed from the meat.
- The meat has not been in contact with meat from regions other than those listed in the regulations as free of rinderpest and FMD.
- The meat comes from carcasses that were allowed to maturate at 40 to 50 °F (4 to 10 °C) for a minimum of 24 hours after slaughter and that reached a pH of below 6.0 in the loin muscle at the end of the maturation period. Measurements for pH must be taken at the middle of both *longissimus dorsi* muscles. Any carcass in which the pH does not reach less than 6.0 may be allowed to maturate an additional 24 hours and be retested, and, if the carcass still has not reached a pH of less than 6.0 after 48 hours, the meat from the carcass may not be exported to the United States.
- An authorized veterinary official of the Government of Argentina certifies on the foreign meat inspection certificate that the above conditions have been met.
- The establishment in which the bovines are slaughtered allows periodic on-site evaluation and subsequent inspection of its facilities, records, and operations by an APHIS representative.

We solicited comments concerning our proposal for 60 days ending October 28, 2014. We reopened and extended the deadline for comments until December 29, 2014, in a document published in the **Federal Register** on October 31, 2014 (79 FR 64687–64688, Docket No. APHIS–2014–0032). We received 295 comments by that date. They were from producers, trade associations, veterinarians, representatives of State and foreign governments, and individuals. Of those, 62 comments were non-substantive in nature, with 44 supportive of APHIS' proposal and 18 opposed. Two commenters requested an extension of the comment period, which was granted as detailed above. The remaining comments are discussed below by topic.

General Comments

In May 2007, the World Organization for Animal Health (OIE) recognized

[1] The provisions allowing the importation of ovine meat from Uruguay were added in a final rule published in the **Federal Register** (78 FR 68327–68331) on November 14, 2013, and effective on November 29, 2013.

[2] To view the proposed rule, the supporting risk analysis, economic analysis, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0032*.

Northern Argentina as being an area free of FMD where vaccination is practiced. One commenter stated that OIE recognition of a certain status was not sufficient reason for U.S. recognition of that status.

As a member of the OIE, the United States recognizes OIE guidelines, including guidelines on regionalization. OIE's Terrestrial Animal Health Code provides internationally accepted guidelines to protect animal health by limiting the spread of animal diseases within and between countries without unnecessarily restricting international trade. APHIS evaluates all requests from countries or regions requesting recognition of disease freedom or to export a particular commodity consistent with OIE guidelines. In this particular case, the request was to export fresh (chilled or frozen) beef. APHIS' evaluation of this request was based on science and conducted according to the factors identified in 9 CFR 92.2. We did not automatically accept OIE recognition of Northern Argentina's disease status as the basis for changes to our regulations; rather, we conducted our own evaluation, which is detailed in the proposed rule and its accompanying risk analysis.

One commenter said that the definition of Northern Argentina as ''North of Patagonia South and Patagonia North B'' is vague. The commenter added that the proposed rule's subsequent claim that ''Northern Argentina is bordered by the Atlantic Ocean and shares land borders with Bolivia, Brazil, Chile, Paraguay, Uruguay, and the Province of Río Negro, Argentina'' is confusing as Patagonia is not bordered by Bolivia, Brazil, Paraguay, or Uruguay. The commenter suggested that the definition of the proposed region be more clearly designated by the use of degrees of latitude.

Figure 12, which is located on page 52 of the risk analysis, is a map showing the various regions in Argentina, including Northern Argentina. The region under consideration is located north of the Patagonia Region; the Patagonia Region includes the region located south of the 42nd parallel known as Patagonia South, and the region immediately north of the 42nd parallel known as Patagonia North B.[3] The limits of the Patagonia North B region are as follows: In the west along the Andes Mountains (international border with the Republic of Chile) in the Province of Neuquén; in the north along the Barrancas River at the border with the Province of Mendoza; in the east, the border with the Province of Río Negro; and in the south, the 42nd parallel and the southern border with the Province of Chubut. The region within the country of Argentina, north of Patagonia North B as described above is known as Northern Argentina.

It is true that Patagonia is not bordered by Bolivia, Brazil, Paraguay, or Uruguay, as Patagonia is located in the south of Argentina. Northern Argentina, however, shares land borders with those countries as well as being north of the Patagonia Region.

One commenter stated that the Country of Origin Labeling (COOL) law should cover any imports of fresh (chilled or frozen) beef from Argentina.

Under COOL, which is administered by the U.S. Department of Agriculture's (USDA) Agricultural Marketing Service, retailers, such as full-time grocery stores, supermarkets, and club warehouse stores, are required to notify their customers with information regarding the source of certain food, including muscle cut and ground meats. Any fresh (chilled or frozen) beef imported from Argentina would be subject to such requirements.

Another commenter said that the risks posed by possible unregulated beef potentially entering the country far outweigh any short-term solutions to consumer demand issues that would result from allowing any type fresh (chilled or frozen) beef to be imported from Argentina.

In accord with the Animal Health Protection Act (AHPA, 7 U.S.C. 8301 *et seq.*) and consistent with our international agreements, APHIS has analyzed the FMD risks associated with allowing for the importation of fresh (chilled or frozen) beef from Northern Argentina. APHIS is confident that the required sanitary safeguards will allow fresh (chilled or frozen) beef to be imported safely into the United States.

One commenter stated that APHIS must ensure that cattle from Northern Argentina are held to the same health standards as cattle from the United States.

We are confident in our assessment of the capabilities of the Argentine sanitary system in maintaining the health of herds in Northern Argentina to the standards set out in this rule. Argentina may be required either to provide or to allow APHIS to collect additional information in order to maintain its authorization to export fresh (chilled or frozen) beef if we have reason to believe that events in the region or in surrounding regions could affect the risk profile of the region under consideration. We also note that APHIS uses a wide variety of sources to conduct verification activities in Northern Argentina. These sources include the U.S. Embassy, multilateral relationships with trading partners, and the OIE.

We received a number of comments from Argentine beef trade organizations. One domestic commenter stated that comments from those organizations should not be given any consideration. The commenter further stated that American cattle associations should be given the power to approve or deny any trade agreements reached by the United States and other countries.

We disagree. Federal agencies must accept and respond to comments from all interested parties. The comment regarding international trade agreements falls outside the scope of this final rule, as APHIS is not entering into a trade agreement with Argentina.

One commenter said that the importation of fresh (chilled or frozen) beef from Northern Argentina was contrary to the recommendation put forward by the U.S. Dietary Guidelines Advisory Committee that Americans eat more plant-based foods.

The dietary guidelines released yearly by the U.S. Department of Health and Human Services' Office of Disease Prevention and Health Promotion and the USDA's Center for Nutrition Policy and Promotion are irrelevant to APHIS' mission to protect the nation's animal and plant health and to APHIS' determination regarding whether fresh (chilled or frozen) beef may be safely imported from Northern Argentina. These guidelines are intended for individual use on a voluntary basis; they are not broad policy statements or trade directives.

Comments on the Impetus for Rulemaking

One commenter stated that they believe the motivation for the publication of the proposed rule and APHIS' ongoing privileging of Argentine interests is tied to Argentina's WTO complaint against the United States over our ban of Argentina's animal and meat exports. The commenter found it troubling APHIS would place trade

[3] In 2002, Argentina divided the country into four major parts: Patagonia South, Patagonia North A, Patagonia North B, and Northern Argentina. While the OIE recognized Patagonia North A as FMD free without vaccination in 2014, APHIS has made no similar determination. For export purposes, APHIS includes Patagonia North A in the Northern Argentina region and any fresh (chilled or frozen) beef exported from that area would be required to be treated in the same manner as beef exported from the smaller, OIE-recognized region of Northern Argentina. Northern Argentina as it is discussed in this document and the supporting documentation accompanying this final rule includes Patagonia North A.

considerations ahead of food safety and animal health. Another commenter postulated that the proposed action is intended to decrease the cost of beef for the American consumer at the risk of the United States livestock industry.

We undertook this rulemaking at the request of Argentina and in accordance with APHIS' regulations, the United States' obligations under its international trade agreements, and the findings of our risk analysis that fresh beef could safely be imported into the United States from Northern Argentina under certain conditions. Our decision was based on a scientific evaluation of the disease situation in Northern Argentina, which we conducted in accordance with § 92.2. We would not propose to allow for the importation of a commodity from any region unless our evaluation of the region's disease situation and sanitary capabilities supported it, consistent with our statutory responsibility under the AHPA.

Another commenter wanted to know if the importation of fresh (chilled or frozen) beef from Argentina would result in a benefit to another portion of the American economy via the export of products to Argentina.

We do not believe this rule favors one portion of the American economy over another and the commenter did not provide evidence suggesting that such an effect would occur.

Under the agreements reached in the GATT was a provision that, upon approval of the USDA, Argentina would be authorized to ship an additional 20,000 metric tons (MT) of fresh (chilled or frozen) beef to the United States under the U.S. import quota system. One commenter said that the quota reached during the Uruguay Round is insignificant when compared to the existing security and financial stability of the U.S. beef market as a whole and that security and stability should not be jeopardized via the importation of fresh (chilled or frozen) beef from Argentina.

The commenter's point regarding import quotas reached at the GATT is beyond the scope of the rulemaking. APHIS evaluates the sanitary or phytosanitary risk of importing a given commodity independent of considerations of existing import quotas.

One commenter cited Argentina's willingness to export meat to Russia as problematic since the United States and the European Union (EU) member nations currently have trade sanctions in place against that country. The commenter said that APHIS should not be allowing for trade with a country openly mitigating the effects of those food sanctions.

Another commenter postulated that the importation of fresh (chilled or frozen) beef represents a quid pro quo arrangement between the Democratic Party and its financial backers. The commenter stated that the rule would serve to benefit these parties monetarily and is not scientifically substantiated. The commenter concluded that scientific evidence contrary to the proposed action has been ignored by APHIS.

Under the AHPA and its predecessor statutes, APHIS' primary responsibility with regard to international import trade has always been to identify and manage the sanitary risks associated with importing commodities. When we determine that the risk associated with the importation of a commodity can be successfully mitigated, it is our obligation under the international trade agreements to which the United States is signatory to make provisions for the importation of that commodity. Under our international trade agreements, APHIS considers market access requests from countries and regions. Approval or denial of these requests, as mandated by the AHPA and consistent with our Nation's trade agreements, are not and cannot be made along political lines. They must be made as a result of sound science. A detailed discussion of the scientific basis for this rule may be found in the risk analysis and in this document. Additionally, the commenter provided no examples or evidence to support the claim that APHIS has ignored any contrary scientific findings regarding FMD in Northern Argentina.

Many commenters said that no trade is worth jeopardizing the safety of U.S. livestock and wildlife. The commenters pointed to the trade deficit as proof that the United States should not prioritize importation of commodities and concluded that APHIS should be investing in domestic rather than foreign agriculture.

As stated above, our principal task related to international trade is to identify and manage the risks associated with importing commodities. Moreover, under the international trade agreements to which the United States is signatory, APHIS' decisionmaking regarding the safe importation of commodities must be based on scientific sanitary considerations. APHIS has determined that the import of the commodity at issue does not jeopardize U.S. animal health.

Comments on U.S. Production

Several commenters questioned why the rulemaking was necessary if those existing imports are not problematic and there is no increased demand for beef by U.S. consumers. Another commenter stated that APHIS should focus on domestic agriculture, national animal identification, and labeling of all food products instead of international trade.

Consistent with our international obligations, APHIS considers market access requests from countries and regions. U.S. demand for these products is not a part of the consideration of such requests. Before such requests are granted, we must first assess the animal disease risks to U.S. herds posed by imports by evaluating the requesting country's or region's disease status and the efficacy of its risk mitigation measures. The United States and many other member countries are a part of the rules-based international trading system, which has benefitted all those countries through the maintenance of open international markets. Regarding the comment that APHIS focus on domestic activities, APHIS and other Federal agencies currently operate programs in the areas of focus specified by the second commenter, namely domestic agriculture, national animal identification, and food product labeling.

One commenter characterized the proposed rule as an attempt by APHIS to remedy short-term beef price increases. The commenter stated that the U.S. cattle herd needs to be rebuilt, but the rulemaking may discourage producers from restocking.

As noted in our previous responses, APHIS' consideration of Argentina's market access request is a scientific inquiry into whether fresh (chilled or frozen) beef from Northern Argentina can be safely imported. APHIS does not consider the impact on short-term beef prices. The commenter's second statement is a hypothetical one based on an unsupported presumption and, as such, difficult to evaluate. We did not receive any data from this or other commenters that would suggest that the rulemaking would discourage U.S. cattle producers from restocking.

Another commenter said that American cattle are not fed animal proteins, which are prohibited in ruminant feeds.

Although bovine spongiform encephalopathy (BSE)-related concerns were not within the scope of the FMD risk-specific risk analysis completed regarding the importation of beef (chilled or frozen) from Northern Argentina, we do note that Argentina also bans the feeding of ruminant proteins to ruminants in line with OIE guidelines concerning BSE.

Comments on APHIS Oversight

One commenter said that APHIS does not appear to have a mitigation plan in place if FMD were to be introduced into the United States as a result of this proposal or otherwise. Two other commenters stated that there is no FMD vaccine currently available in the United States.

In carrying out our safeguarding mission, APHIS works to ensure the continued health and welfare of our Nation's livestock and poultry. One important aspect of this work is making sure we can readily detect foreign animal diseases, such as FMD, and respond efficiently and effectively when faced with an outbreak. APHIS partners with other Federal, State, and local government agencies and private cooperators to expand the pool of available resources we can draw on in an emergency. Specifics of our FMD response plan may be found in a document entitled ''USDA APHIS Foot-and-Mouth Disease (FMD) Response Plan: The Red Book'' (September 2014), which is designed to provide strategic guidance on responding to an FMD outbreak. The plan gives direction to emergency responders at the local, State, Tribal, and Federal levels to facilitate FMD control and eradication efforts in domestic livestock in the United States and may be found on the Internet at *http://www.aphis.usda.gov/animal_health/emergency_management/downloads/fmd_responseplan.pdf.*

As to the commenters' point regarding availability of the FMD vaccine, we recognize that, depending on the size and scope of an FMD outbreak, the production and distribution of vaccines could prove challenging. While we do have a resource in the North American Foot-and-Mouth Disease Vaccine Bank (NAFMDVB), which stores many types of inactivated FMD virus antigens, this resource might be overwhelmed in the face of a large and expanding outbreak. APHIS continues to discuss this issue and engage our stakeholders in planning and preparation for any response. In the event that the United States experiences an FMD outbreak in which a specific strain is identified, the USDA will notify the NAFMDVB, which will request the manufacturing of finished vaccine from approved suppliers, based on the stockpiled antigens.

One commenter recommended that APHIS conduct annual audits of the Argentine system as we do domestically in order to continually verify split-state disease status and regional disease programs. Another commenter stated that the USDA's Food Safety and Inspection Service (FSIS) must determine Argentina's equivalency to U.S. food safety standards in order for specific processing facilities to be eligible to export fresh (chilled or frozen) beef to the United States; any imported beef must follow FSIS labeling regulations; and shipments of fresh (chilled or frozen) beef from Northern Argentina is subject to examination by U.S. inspectors before being allowed to enter the country.

Under the provisions of § 92.2(g), APHIS may require Argentina to submit additional information pertaining to animal health status or allow APHIS to conduct additional information collection activities in order to maintain its authorization to export to the United States. Specifically, we ask for additional information if they report suspect or known cases of disease to the OIE; if we receive public information about suspect or known cases of disease; if the region that was previously evaluated has been re-defined; if there are public reports stating changes in the veterinary authority, budgets, or controls in border areas; if we receive reports or evidence of smuggling from neighboring countries; if there are outbreaks or suspect cases in border regions; or if there are changes in any of the other factors we consider when preparing a risk analysis. We do not require submission of additional information on a regular schedule because we are concerned primarily with events that could potentially affect the risk status of the region under consideration.

FSIS makes determinations of equivalence by evaluating whether foreign food regulatory systems attain the appropriate level of protection provided by our domestic system. Thus, while foreign food regulatory systems need not be identical to the U.S. system, any imported meat is subject to the inspection, sanitary, quality, species identification, and residue standards applied to products produced domestically. FSIS evaluates foreign food regulatory systems for equivalence through document reviews and on-site audits. Imported meat is subject to reinspection at the port of first entry into the United States.

Comments on Argentine Oversight

One commenter stated that we did not adequately address the significance of the Argentine Government's failure to provide prompt notification of its widespread FMD outbreaks in 2000. The commenter suggested that Argentine officials were not subject to any type of sanctions that would prevent the recurrence of a similar failure to notify APHIS of any future FMD outbreaks. Another commenter, citing what they characterized as Argentina's spotty record of compliance with safety standards, recommended that APHIS consider the development of an ongoing oversight protocol, beyond the usual port-of-entry testing, to monitor Argentina's compliance with our required risk mitigation measures. Two commenters further stated that APHIS has not adequately described how it will continue to provide oversight and/or monitor Argentina's animal health infrastructure indefinitely, to ensure that the country will maintain adequate controls to prevent the spread of FMD from other regions of Argentina or from neighboring countries to the exporting area.

The regulations in § 92.2 provide for monitoring of regions after APHIS authorizes imports from such regions. If we determine that necessary measures have not been fully implemented or maintained, we will take appropriate remedial action to ensure that the importation of fresh (chilled or frozen) beef from Northern Argentina does not result in the importation of FMD into the United States. Contrary to the commenter's assertion, the consequence of Argentina's failure to notify APHIS of the FMD outbreak in 2000/2001 was a provisional suspension of the beef trade with Argentina. In the future, indications of noncompliance may result in similar actions. Incidents would be evaluated by APHIS on a case-by-case basis.

Many commenters stated that Argentina has shown a trend of decreasing compliance in audits conducted by FSIS between 2005 and 2009. The commenters stated that Argentina's history of compliance issues could influence its ability to consistently and successfully enforce control measures within Northern Argentina in order to successfully mitigate the risk from the possible entry of FMD into this region from the surrounding higher-risk areas. The commenters asked if APHIS consulted with FSIS as part of its evaluation, and if so, what was FSIS' feedback. Several commenters asked that the comment period on the proposed rule be extended until FSIS posted its most recent audit report for review by stakeholders.

The purpose of APHIS' evaluation was to assess the FMD situation in Northern Argentina and to evaluate Argentina's ability to prevent, detect, control, report, and manage FMD within its borders. Based on its site visits and other documentation and information, APHIS concluded that Argentina's legal framework, animal health infrastructure,

movement and border controls, diagnostic capabilities, surveillance programs, and emergency response capacity are sufficient to detect, prevent, control, and eradicate FMD outbreaks within the boundaries of Northern Argentina. Moreover, with respect to Northern Argentina, APHIS concluded that the Argentine veterinary authority is capable of complying with our requirements. Nevertheless, based on the comments, APHIS has reviewed the last six FSIS audits conducted in Argentina at the slaughter level, including the most recent audit, which was finalized in July 2014. The FSIS audits concluded that ante-mortem inspection processes, which are relevant to the detection of FMD during the slaughter process, were conducted satisfactorily. We did not extend the comment period pursuant to the release of any future FSIS audit reports. As stated previously, the initial 60-day public comment period was extended by 60 days, providing stakeholders with a total of 120 days to share information relevant to the rule. In addition, given the contents of the last six reports, APHIS has no reason to believe that additional reports would be inconsistent.

One commenter said that little is known about the Argentine beef industry, including such factors as animal care standards, antimicrobial use, and environmental protection issues. The commenter said that we may be unintentionally supporting practices in these areas that have been determined to be harmful.

Contrary to the commenter's assertion, we thoroughly examined the infrastructure and efficacy of the Argentine bovine production and export system and detailed all aspects in our risk analysis. We subsequently determined that it is robust and capable of meeting the standards for exportation set forth by APHIS. Results of the environmental assessment we conducted to evaluate the possible environmental impacts of the rulemaking did not suggest that the rule would lead to adverse environmental impacts and the commenter provided no evidence to the contrary. FSIS's last six audits of the Argentine system at the slaughter level, which include a review of food safety practices, animal care standards, and antimicrobial use, concluded that the system is satisfactory.

Another commenter expressed concern about the financial stability of Argentina, which the commenter proposed could compromise the Servicio Nacional de Sanidad y Calidad Agroalimentario's (SENASA) ability to provide adequate sanitary surveillance and support a rigorous food safety inspection system. The commenter said that recent news reports speculating as to whether Argentina will default on its international loans suggest that the Argentine Government may not be able to adequately fund its own operations.

As described in the risk analysis, SENASA reported that its 2013 budget was 1.3 billion pesos (approximately $200.7 million). SENASA officials described the system as self-sufficient because user fees are required for almost every service SENASA provides, including slaughter surveillance, issuances of certificates, and laboratory tests. The budget for the laboratory is 60 million pesos (approximately $12 million). APHIS finds no reason to believe that the funding will change, as stable funding for the FMD control and eradication programs in Argentina has been in place for over a decade.

One commenter said that it is unrealistic to expect that Argentine beef will be uniformly processed and inspected under ideal circumstances as required by the standards set out in the proposed rule. The commenter viewed it as unrealistic to expect that the APHIS-approved criteria for sanitary safety to be foolproof. Another commenter said that Argentina has participated in a regional plan to eradicate FMD in all of South America since 1987 and APHIS should encourage Northern Argentina and neighboring countries to continue in their efforts and commitment to eradication of the disease so that vaccination is no longer necessary. The commenter said that, after this milestone is reached, Argentina's request to export fresh (chilled or frozen) beef to the United States could then be considered. The commenter concluded that if trade is permitted from a country or area of higher risk (*e.g.,* FMD free with vaccination) to a country or area of lower risk (*e.g.,* FMD free without vaccination), then there is little incentive for the vaccinating country or area to take the extra effort required to truly eradicate the disease, and global eradication is likely to be delayed.

We have determined that the Argentine production and export system is robust and capable of meeting the standards for exportation set forth by APHIS. APHIS does not adopt a zero tolerance for risk for international trade in meat products. Our risk analysis process is designed to determine whether a product may be imported safely into the United States. If, based on our risk analysis, we conclude that the production system in the country in question is insufficient to provide an appropriate level of protection, then we will not authorize the importation of the particular commodity. As described in the risk analysis, APHIS concluded that the surveillance, prevention, and control measures implemented by Argentina are sufficient to minimize the risk of introducing FMD into the United States for the purpose of beef imports. Since 2002, Argentina has taken a targeted approach to eradicating FMD one region at a time and harmonizing FMD-related regulations with neighboring countries. We therefore disagree with the commenter's conclusion that there is little incentive to eradicate the disease, as Argentina gives us no reason to believe that this targeted approach will not continue in the future. Any risk of FMD introduction into the exporting region is mitigated by this approach due to local regulations, standardized vaccination schedules, and other harmonization measures involved in regionalization. Consistency of approach allows for effective surveillance and monitoring.

One commenter suggested that APHIS conduct further surveillance of the Argentine program prior to any consideration of allowing for the importation of fresh (chilled or frozen) beef from Argentina. The commenter stated that three site visits made to the region in question are inadequate to fully understand the Argentine production system.

APHIS evaluated the information provided by Argentina since the application was first submitted in 2003, and conducted site visits as part of the verification process. We do not make our determinations based solely on site visits but rather on all the information gathered during the evaluation process, which, in the case of Argentina, lasted over 10 years. We are confident in our conclusion that the system in Northern Argentina is robust and that fresh (chilled or frozen) beef produced under the conditions stipulated may safely be imported into the United States.

Comments on General Disease Risk

One commenter claimed that it would be a poor decision to allow beef to be imported from Northern Argentina into the United States due to the risk associated with FMD, rinderpest, African swine fever, classical swine fever, and swine vesicular disease. The commenter observed that these diseases can be transferred from infected animals or meats from Argentina to animals in the United States.

The commenter's categorization of APHIS' proposed action is incorrect insofar as we only proposed to import fresh (chilled or frozen) beef from

Northern Argentina and not any species of live animal. Further, no South American country has ever reported an outbreak of rinderpest except Brazil, which had an outbreak in 1921 that was limited in scope and quickly eradicated. Furthermore, the global distribution of rinderpest has diminished significantly in recent years as a result of the Food and Agriculture Organization Global Rinderpest Eradication Program. The last known cases of rinderpest worldwide occurred in the southern part of the ''Somali pastoral ecosystem'' consisting of southern Somalia, eastern Kenya, and southern Ethiopia. In May 2011, the OIE announced its recognition of global rinderpest freedom. Finally, African swine fever, classical swine fever, and swine vesicular disease are diseases only associated with pigs and not transmissible to cattle or other bovine species. A detailed discussion of FMD in Argentina may be found in the risk analysis and in this final rule under the subheading ''Comments on FMD Risk.''

Another commenter stated that the United States would put all cloven hoofed animals in the United States, both domestic and wild, at risk for diseases not controlled in Northern Argentina.

APHIS disagrees with the commenter. Our evaluation shows that Argentina, as discussed in the risk analysis, has taken the necessary action to address FMD issues and the commenter provided no evidence or specifics concerning any other diseases.

Comments on FMD Risk

Many commenters, citing the highly contagious nature of FMD, expressed the view that we should not allow fresh beef to be imported from any country where the disease is present because regionalization is not likely to mitigate the risks associated with imports effectively.

One commenter noted that Argentina's last significant FMD outbreak, which caused the loss of its countrywide FMD free status in 2001, was linked specifically to the movement of cattle across its northern borders with Bolivia and Paraguay, which were not free of FMD. The commenter added that cattle from Bolivia and Paraguay were sold in Argentine markets at a discount due to their inability to be sold legally in Argentina and this practice allowed for the spread of FMD into the Argentine domestic cattle population. Another commenter said that the acknowledgement of a risk of reintroduction of FMD from exporting regions into the export area as mentioned in the risk analysis is cause for concern.

Our evaluation is centered on the safety of a particular commodity—fresh (chilled or frozen) beef, not live animals—in terms of potential introduction of FMD into the United States. However, most of the countries in South America have been recognized by the OIE as being FMD free with (Uruguay) or without vaccination (Chile and Guyana) or with free regions with vaccination (Argentina, Bolivia, Brazil, Colombia, and Peru) or without vaccination (Argentina, Bolivia, Brazil, Colombia, and Peru). No outbreaks have been reported in Brazil since 2006, Paraguay since 2012, or Bolivia since 2007. In that regard, the risk of introduction from neighboring countries is low. Any risk of introduction is mitigated by the coordinated regional approach to FMD eradication among those countries. In our risk analysis, we also detail the many enhancements enacted by SENASA in its border control activities along the northern borders with Bolivia, Paraguay, and Brazil.

As stated in the risk analysis accompanying the proposed rule, we considered the epidemiological characteristics of FMD that are relevant to the risk that may be associated with importing beef from the export region of Northern Argentina. Based on our assessment, we concluded that beef from Northern Argentina could safely be imported into the United States, subject to certain mitigation requirements, which include removal of bones and certain tissue as well as chilling of carcasses until they reach a pH level of under 6.0. We evaluated information submitted by SENASA and verified the accuracy of that information through site visits. As detailed in the risk analysis, SENASA underwent extensive reorganization in the wake of the FMD outbreak in 2001. The new structure was designed to increase the efficiency and effectiveness of the existing system. Based on our assessment of this system, we concluded that Argentina has the legal framework, animal health infrastructure, movement and border controls, diagnostic capabilities, surveillance programs, and emergency response capacity to prevent FMD outbreaks within the boundaries of the export region and, in the unlikely event that one should occur, to detect, control, and eradicate the disease. Argentina's active and passive surveillance system would allow for rapid detection. In the event of an outbreak, in the exporting region, Argentina would promptly report findings to the OIE, and the United States would stop importing beef from Northern Argentina. Our findings regarding Argentina's disease-control capabilities give us confidence that the mitigation methods required under this rulemaking will be effective in preventing the introduction of FMD into the United States via the importation of fresh beef from Northern Argentina.

Another commenter stated that the risk analysis does not provide detailed information about the level and efficacy of the FMD vaccination programs in Northern Argentina.

The vaccination rates in Northern Argentina reached over 99 percent between 2008 and 2012. In addition, the region of Northern Argentina has several overlapping controls to ensure compliance with vaccination calendars through matching vaccination records to movement permits and census data and through field inspections. As detailed in the risk analysis, vaccination of cattle is mandatory in the area north of the 42nd parallel with the exception of Patagonia North B (the area adjacent to Patagonia South, a region without vaccination) and recently, Patagonia North A and the summer pastures (*zona veranadas*) of Calingasta Valleys in the Province of San Juan. The technical requirements for the vaccination program are established by SENASA and vaccination can only be performed by authorized personnel who are trained, registered, and accredited/audited by SENASA. Vaccination coverage rates have been over 97 percent in the region above the 42nd parallel (with the exception of Patagonia North B, and most recently Patagonia North A, in which vaccination is not conducted) since 2001. In the unlikely event that unvaccinated susceptible animals are exposed to the FMD virus, these animals will develop clinical signs that will be easily detected in the field and during ante-mortem and postmortem inspection. This will trigger a response that includes epidemiological investigation, movement restrictions, and submission of samples for laboratory analysis. If the laboratory reports the case as positive for FMD, Argentina will notify the international authorities and its trading partners, and trade will cease.

One commenter claimed that the regionalization process has eroded the sanitary safety of the United States with regard to FMD. The commenter stated that a blanket prohibition on the importation of meat from countries that have experienced outbreaks of FMD is by far the more effective option. The commenter concluded that the change from APHIS' previous policy involving such a prohibition to our current

regionalization approach was motivated by trade pressures.

Regionalization recognizes that pest and disease conditions may vary across a country as a result of ecological, environmental, and quarantine differences, and adapts import requirements to the health conditions of the specific area or region where a commodity originates. This final rule is predicated on a risk analysis document that provides a scientific basis for potential importation of chilled (fresh or frozen) beef from Northern Argentina. Without this document, APHIS would not have proposed this action. Political and economic interests may stimulate consideration of the expansion of trade of agricultural commodities between countries, but all APHIS decisionmaking concerning sanitary restrictions on trade is based on sound science, not on trade pressures.

Many commenters stated that the last FMD outbreak in Argentina was detected in February 2006 in an area near the border with Paraguay and that this area of Paraguay continues to have active virus present that can serve as a source of new outbreaks in cattle. According to officials in Argentina, illegal movement of animals from neighboring countries, as well as mechanical transmission of the virus, introduced the FMD virus into Argentina during the 2000/2001, 2003, and 2006 outbreaks. These officials acknowledge that even where there are barriers or checkpoints, people, cars, and animal products can cross both domestic and international borders illegally. The commenters concluded that the potential for the FMD virus to cross the border, particularly by passenger car or foot traffic, remains. Another commenter said that the risk analysis did not adequately describe the degree to which the region is separated from high risk regions by physical and other barriers.

In the risk analysis, we discussed the disease status of regions adjacent to the export region, the separation of those regions from the export region, and border controls. As noted in both the risk analysis and the environmental assessment, Northern Argentina has many natural barriers, such as large rivers, mountains, forests, and semiarid areas, along its international and internal borders. Even in relatively remote frontier areas, where there may be less surveillance and monitoring than in more populous ones, those geographic barriers restrict animal movement and human traffic, thereby preventing the spread of disease. In addition, Argentina collaborates with neighboring countries to harmonize FMD-related programs and restrictions. Mechanisms have been established to provide for immediate notification between these countries if an outbreak occurs. High-risk surveillance areas have been established on Argentina's borders with Bolivia, Paraguay, and Brazil. Border control and security in Northern Argentina are discussed in detail in the risk analysis. APHIS examined these issues during all of its site visits. Based on those visits and other documents and information that APHIS has obtained and made available with the risk analysis, APHIS is confident that Argentina's border controls with respect to Northern Argentina are sufficient to prevent the introduction of FMD into the region.

Some commenters questioned the efficacy of the Argentine system in controlling illegal entry of livestock and wildlife interactions, specifically citing potential transmission via feral swine populations in the northern border regions with Bolivia and Paraguay. Several commenters stated that reviews of European Commission Food and Veterinary Office (EC FVO) audits identified points of concern in the areas of border control, particularly those along the border with Bolivia, animal identification, vaccination controls, and other concerns. Another commenter stated that Argentina has demonstrated non-compliance in the course of routine USDA and EC FVO audits in the past.

We do not agree that wildlife-livestock interactions in Argentina play a significant role in the transmission of FMD. Although several South American wild animal species are susceptible to FMD, research into FMD in South America has determined that wildlife populations, including feral swine, do not play a significant role in the maintenance and transmission of FMD. During outbreak situations, wildlife may become affected by FMD; however, as discussed in the environmental assessment and the risk analysis, the likelihood that they would become carriers under field conditions is rare. Therefore, it is unlikely that FMD would be introduced into Northern Argentina through movement of infected wildlife. Further, Argentina's biosecurity measures, surveillance activities, and response capabilities, which we evaluated in our risk analysis, would mitigate the already low risk of the FMD virus spreading from wildlife to livestock in the exporting region of Northern Argentina.

We have made additions to the risk analysis that address the commenters' point regarding the EC FVO audits.[4] As described in the updated risk analysis, at the time the risk analysis that accompanied the proposed rule was finalized, no FMD outbreaks had been reported in South America for over 3 years. Based on the history of the disease in the continent, Argentina's veterinary infrastructure, and SENASA's prompt response to the FMD outbreaks that occurred in neighboring countries (Brazil 2006, Bolivia, 2007, and Paraguay 2011/12), APHIS concluded that it is unlikely that the disease could be reintroduced from adjacent areas into the export region. Our review of the most recent EC FVO report, from 2014, revealed that the EC FVO had concluded that the official FMD control system in place for Argentina is reliable and meets EU requirements. APHIS has also concluded that the veterinary infrastructure, surveillance, prevention, and control measures implemented by Argentina are sufficient to minimize the risk of introducing FMD into the United States for the purpose of beef imports. Further, the 2012 EC FVO report specifically states that, ''the FMD vaccination programme covers more than 80% of the susceptible population.''

In terms of the specifically mentioned Argentine border with Bolivia, local veterinarians in the Bolivian border region, as coordinated and supervised by the SENASA Coordinator of Animal Health, have instituted additional measures to strengthen sanitary controls in that area, including:

- Enhancing controls concerning transhumant animals (*i.e.,* animals moved from one grazing ground to another, usually seasonally), which include periodic visits to areas with higher likelihood of transhumance and the application of sanitary measures (*e.g.,* compulsory vaccinations, frequent visits with owners to discuss health-related issues).
- Revising and updating the registry of subsistence producers to improve the vaccination controls and animal movements in the region.
- Increasing the frequency of vaccinator audits, and implementing additional sanitary measures such as movement restrictions in irregular cases (*e.g.,* an animal lacking paperwork or an animal whose ownership is unknown).
- Increasing animal movement controls on roads, which include both fixed and mobile checkpoints.
- Identifying risk areas related to the possible presence of swine in rubbish

[4] A full account of Argentina's response to the 2012 EC audit may be found on the Internet at *http://ec.europa.eu/food/fvo/audit_reports/details.cfm?rep_id=3099.*

dumps and other places of exposure to sources of irregular feeding, and implementing responsive sanitary measures according to those findings.

• Continuing awareness campaigns and education for the community on FMD and animal health in general, in order to minimize the risk of introduction of the FMD virus in the region.

As stated previously, the regulations in § 92.2 provide for monitoring of regions after APHIS authorizes imports. If we determine, via audit or other means, that the required measures have not been fully implemented or maintained, or that SENASA is unable to certify that the specific certification requirements are met, we will take appropriate remedial action to ensure that the importation of fresh (chilled or frozen) beef from Northern Argentina does not result in the importation of FMD into the United States.

Several commenters said that APHIS had concluded in the risk analysis and the proposed rule that there is a risk of reintroduction of FMD from adjacent areas into the export region, as long as the disease is endemic in the overall region in South America. The commenters stated that even though the risk of introducing FMD to the United States is low, if all of the conditions are met as outlined in the proposed rule, the risk is still present and must be viewed in light of the devastation it would cause to the U.S. beef industry if an FMD outbreak were to occur.

We took this information into account in our risk analysis and determined that the Argentine production and export system is robust and capable of meeting the standards for exportation set forth by APHIS. APHIS does not adopt a zero tolerance for risk for international trade in meat products. Our risk analysis process is designed to determine whether a product can be imported safely into the United States. If, based on our risk analysis, we conclude that the production system in the country in question is insufficient to provide an appropriate level of protection, then we will not authorize the importation of the particular commodity. That is not the conclusion we reached regarding the importation of fresh (chilled or frozen) beef from Northern Argentina.

Several commenters questioned the efficacy of Argentina's internal animal movement controls. One commenter claimed that there is no required branding program or other animal identification program. The commenter further stated that non-symptomatic carriers of FMD exist in South America and therefore a qualified laboratory is required to identify these carriers. Another commenter stated that in a large, diverse nation such as Argentina, it is quite possible for FMD virus to have been circulating among various species in various regions undetected for long periods of time. A third commenter said that it is common practice in the beef industry to ship livestock from place to place and, as a result, the risk of cattle from outside the designated area being transshipped through the area then to the United States is tremendous. The commenter asserted that all imports cannot be inspected and tested. Another commenter stated that greater market opportunities and the resulting higher prices offered in the export region might foster illegal animal movements into that region from the surrounding countries.

We do not agree with these comments. Based on our review of the veterinary infrastructure in Argentina, we determined that SENASA, which oversees animal movement within the country, has the legal authority, technical capabilities, and personnel to implement the FMD program within Argentina. Movement controls in Argentina are stringent. We evaluated these controls and concluded that cattle movements follow particular requirements, which are described in detail in the risk analysis, and that cattle whose beef is destined to be exported to the United States are required to be accompanied by documentation at slaughter showing that they were born and raised in the Northern Argentina region. APHIS evaluated the system and concluded that SENASA has the ability to certify that this requirement has been met.

As described in the risk analysis, in 2007, Argentina instituted a compulsory cattle identification program, requiring that all calves born after September 2007 carry official tags (Resolution 754/2006). Resolution 563/2012 requires that bovines from the older age groups be individually identified. At the time of the 2013 site visit, SENASA reported that the entire Argentine herd was individually identified. Individual identification of bovines is unique and permanent. The number of tags needed is requested by the animal owner and is crosschecked at the local office to the inventory in the integrated management system for animal health (Sistema Integrado de Gestión en Sanidad Animal—SIGSA). The animals' owner is responsible for applying the tags and then notifying the local office as to which tags have been used. The color of tags issued to cattle holders is determined by the FMD status of the region in which the cattle reside. Green tags are used in regions that are FMD-free without vaccination, yellow for regions that are FMD-free with vaccination, red in buffer areas, and blue tags are used for tag replacement purposes only. SENASA requires that all premises with agricultural animal production register with SENASA and obtain a RENSPA (Registro National Sanitario de Productores Agropecuarios or National Sanitary Registry of Agricultural Producers) number. The local SENASA office must issue an animal movement permit (DT-e), which is required whenever animals are moved. The local SENASA office is responsible for verifying that the vehicle transporting the animals has been cleaned and disinfected as required by law. Any inspection associated with animal movement involves checking the documents and verifying the animal information, as well as clinical observation of animal health.

Argentina's surveillance system includes active surveillance (which involves ongoing laboratory-based testing). We are confident that the SENASA laboratory, which is responsible for the screening and confirmatory diagnosis of FMD, is fully capable of carrying out those responsibilities.

Any beef product that is imported into the United States from Argentina must be certified by SENASA as meeting all requirements set out in the regulations. This certification must accompany each shipment and is subject to review by the U.S. Customs Border and Protection (CBP) officials that cover each port of entry into the United States. Any shipments not meeting that requirement are refused entry and CBP reserves the right to question documentation or packaging at the port of entry based upon inspection. Imported meat products are then forwarded to an FSIS Inspection House for re-inspection. We are confident that these measures supply the necessary level of inspection required to minimize the risk of introducing FMD into the United States.

Some of the commenters did not believe the requirement for chilling the carcass after slaughter would be an effective mitigation against the FMD virus. One commenter stated that chilling beef may be inadequate for eliminating the virus, since that virus can remain active in blood clots. Two commenters said that research shows that the FMD virus can survive in frozen bone for up to 6 months.

APHIS agrees that chilling alone may not be adequate to eliminate the virus. Other tissues, organs, etc., that may harbor FMD virus, such as blood clots,

heads, feet, viscera, bones, and major lymph nodes, do not undergo acidification, allowing the virus to survive the maturation process and subsequent low-temperature storage. Under this rulemaking, however, as noted previously, these tissues, bones, and organs must be removed from the carcasses prior to export to the United States. We have also added a more detailed discussion of viral inactivation to the risk analysis.

Two commenters noted that, in the past, APHIS has characterized other countries, *e.g.,* Argentina, Japan, and South Korea, as low-risk countries for FMD, and that, soon after we did so, outbreaks of the disease occurred in those countries.

Because disease situations are fluid and no country, not even the United States, can guarantee perpetual freedom from a disease, APHIS' risk analyses consider whether a country can quickly detect, respond, and report changes in disease situations. In our evaluation, conducted according to the factors identified in § 92.2, ''Application for recognition of the animal health status of a region,'' we concluded that Argentina has the legal framework, animal health infrastructure, movement and border controls, diagnostic capabilities, surveillance programs, and emergency response systems necessary to detect, report, control, and manage FMD outbreaks.

As a member of OIE, Argentina is obligated to immediately notify the organization of any FMD outbreak or other important epidemiological event. The notification must include the reason for the notification, the name of the disease, the affected species, the geographical area affected, the control measures applied, and any laboratory tests carried out or in progress.

Upon notification of an FMD outbreak in the exporting region of Argentina, APHIS would implement critical prevention measures to respond to the outbreak, including alerting CBP inspectors at all ports of entry. Because § 94.29(b) of this final rule requires that FMD must not have been diagnosed in the exporting region within the past 12 months, fresh beef from the region would no longer meet our requirements, and we would immediately stop allowing it to be imported.

One commenter said that Argentina is surrounded by FMD positive countries and inquired about the disease status of southern Argentina. Another commenter stated that reliance on natural barriers to protect against FMD is an inadequate prevention tool for a region that shares multiple borders with countries known to have FMD or are FMD free with vaccination.

No FMD outbreaks have been reported in South America since 2012. Most South American countries have been recognized by the OIE as being FMD free with vaccination (Uruguay) or without vaccination (Chile and Guyana) or with free regions with vaccination (Argentina, Bolivia, Brazil, Colombia, Peru) or without vaccination (Argentina, Bolivia, Brazil, Colombia, Peru). No outbreaks have been reported in Brazil since 2006, in Paraguay since 2012, and in Bolivia since 2007. In that regard, the risk of introduction from neighboring countries is low. Any risk is of introduction is mitigated by following a regional approach to FMD eradication. APHIS acknowledges many enhancements in border control activities along the northern borders with Bolivia, Paraguay, and Brazil.

Further, Argentina does not solely rely on natural barriers to protect the export region from FMD; rather, it is one of many elements that contribute to Argentina's overall sanitary security. As long as FMD is considered endemic only in small areas of South America, there is a very low risk of reintroduction of FMD from those small, adjacent affected areas into the export region and therefore a low likelihood that beef destined for the United States could originate from or be commingled with animals or animal products from affected neighboring areas.

In the event FMD were to be introduced into the northwest of Argentina, the consequences would not be major (as demonstrated in the Tartagal outbreak, 2003) mainly due to the low animal density, low animal movements, and effective veterinary infrastructure in the area. The FMD outbreak that occurred in 2006 shows that SENASA is able to immediately notify and contain the disease, even before confirming diagnosis. APHIS acknowledges that SENASA has adopted several measures to prevent the introduction of the FMD virus from the south of Brazil, Bolivia, and Paraguay. Both Argentina and the OIE divide the areas south of Northern Argentina into three major parts: Patagonia North A, Patagonia North B, and Patagonia South. Patagonia North A was recognized by the OIE as FMD free without vaccination in 2014, however, as stated in footnote 3, APHIS has made no similar determination. For export purposes, APHIS includes Patagonia North A in the Northern Argentina region and any fresh (chilled or frozen) beef exported from that area would be required to be treated in the same manner as beef exported from the slightly smaller region known to Argentina and the OIE as Northern Argentina. On August 29, 2014, we published in the **Federal Register** (79 FR 51528–51535, Docket No. APHIS–2013–0105) [5] a notice that we were adding Patagonia North B and Patagonia South to the list of regions that APHIS considers free of FMD.

One commenter specifically cited the feral swine population of Texas as a potential vector for the rapid spread of FMD if it were to enter into the United States via the importation of fresh (chilled or frozen) beef from Argentina.

FMD susceptible scavengers, such as feral swine, might ingest discarded FMD-contaminated meat, such as raw meat trimmings, and become infected. The frequency of scavenging incidents is similar to risk factors analyzed in connection with the waste feeding pathway (*e.g.,* the amount of imported, contaminated, uncooked meat in household garbage). Therefore, we consider the risk of the scavenging pathway to be equivalent to or lower than that of the waste feeding pathway. We have updated the exposure assessment section of the risk analysis to include further discussion of the risk related to susceptible scavenger and waste feeding of swine.

Another commenter cited the practice of some cowboys in the Patagonia Region who capture and sell feral cattle stating, that cattle of this type are not tested and therefore could be carriers of FMD.

Feral cattle that are captured and enter the Argentine beef production system must come into compliance with the Argentine FMD program requirements, including compulsory vaccination and identification, as is necessary for cattle from any other source in Argentina. Vaccination campaigns take special consideration of the distribution and reach of feral populations.

Comments on the Risk Analysis Development Process

The risk analysis for Northern Argentina includes an in-depth evaluation of the 11 factors used by APHIS to evaluate the animal health status of a region prior to 2012. In August 2012, APHIS consolidated the 11 factors listed in § 92.2(b) into 8 factors. APHIS introduced this simplification in order to facilitate the application process; however, since the evaluation of the Northern Argentina started before 2012, and the topics

[5] To view that notice and its supporting documentation, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0105.*

addressed by the 11 factors are encapsulated in the 8, this analysis follows the 11 factor format. One commenter objected to our use of the 11 factor format. The commenter characterized the reason for the change as the fact that ''the list of 11 factors can be confusing.'' The commenter said that the use of the 11 factor analysis is arbitrary and contrary to APHIS' current regulations and should not be permitted.

We disagree. As stated in the proposed rule, the topics addressed by the 11 factors are encapsulated in the 8. Appendix II of the risk analysis describes the correspondence between the 8 and 11 factors. The commenter's assertion that APHIS amended its evaluation factors because they were confusing is an incomplete assessment of the situation at the time of the August 2012 rule. Specifically, we said that the 11 factor list could be confusing because the information requested in some of the factors overlapped with information requested in other factors. We therefore amended the list so as not to receive redundant information from requesting countries. Given that the development of our risk analysis took years and given that the 11 factors are included in the 8 factors, rewriting the analysis in the way the commenter suggests would involve a time-consuming, non-substantive consolidation process, which is not warranted under the circumstances.

Some commenters questioned the methodology we employed for the site visits to Argentina. It was claimed that there is no obvious evidence of any established protocol or methodology to allow for consistency and assurance in the quality of the APHIS site visit reviews and that documentation pertaining to the visits was lacking or unavailable for public review. According to one commenter, documents pertaining to the specific methodology and measurements used during the site visits to support the qualitative risk analysis should have been available for the public to review. It was stated that without sufficient documentation, there was no way to distinguish between data obtained from the site visits and data supplied by the Government of Argentina. It was recommended that APHIS develop a protocol, which it should make available to the public, to be used for site visits so that our assessments can be analyzed and summarized more objectively.

The purpose of the site visit is to verify and complement the information previously provided by the country. APHIS site visits consist of an in-depth evaluation of the risk factors identified by APHIS in § 92.2 to consider in assessing the risk of the relevant animal disease posed by a region. The animal disease risks identified in the risk analysis come from the information gathered pertaining to these factors during the site visits and APHIS' document review; and whenever mitigations are considered necessary, such mitigations are discussed in the risk analysis.

APHIS has also published guidance on our approach to implementing our regionalization process and the way in which we apply risk analysis to the decisionmaking process for regionalization. This document can be found on the APHIS Web site at *http://www.aphis.usda.gov/import_export/animals/downloads/regionalization_process.pdf.* Site visit findings are thoroughly described throughout the risk analysis.

Two other commenters stated that a request for information had been made under the Freedom of Information Act (FOIA) to APHIS related to the site visits to Argentina and documented reporting procedures and established methodology used to conduct those site visits. The commenters said that the rule should not be finalized until the commenters receive, review, and have the opportunity to make additional comments based on the information obtained through FOIA.

We disagree with the commenter's suggestion. As stated previously, the initial 60-day public comment period was extended by 60 days, providing stakeholders with a total of 120 days to share information relevant to each rule. FOIA requests are processed and fulfilled separately from the regulatory process.[6]

Two commenters said that some citations in the risk analysis, such as references to APHIS internal publications or unpublished reports, did not seem credible because those sources were not readily available to stakeholders for review. The commenters added that each of the primary supporting documents included with the rule on Regulations.gov should have been explicitly referenced in the risk analysis.

We disagree. The information referenced and the conclusions reached are thoroughly described in the risk analysis. In addition, the final risk analysis includes further discussion and references regarding some of the issues about which other commenters had questions.

Two commenters raised issues regarding the scope of our risk analysis. It was stated that the release assessment, exposure assessment, and consequence assessment appeared to be incomplete with regard to the necessary steps and requirements described in the OIE Terrestrial Animal Health Code.

We conducted the risk analysis in accordance with chapter 2.1 of the OIE Terrestrial Animal Health Code, ''Import Risk Analysis.'' The Code recommends that risk analyses include four steps: An entry assessment, an exposure assessment, a consequence assessment, and an overall risk estimation based on the data compiled in the previous three steps. A description of each of those steps is included. In conducting our risk analysis of Northern Argentina, we followed the steps listed in the OIE Terrestrial Animal Health Code. Where there are differences, they have more to do with terminology than methodology. For example, we refer to what the OIE terms the entry assessment as a release assessment.

Comments on the U.S. Governmental Accountability Office Audit

Many commenters stated that the U.S. Government Accountability Office (GAO) has accepted a request submitted by several members of Congress to review the APHIS country review and verification process and the risk analysis used to formulate this proposed rule. The commenters said that no further action on the rule should be taken until the GAO review is completed. One commenter stated that a USDA Office of the Inspector General (OIG) review is also a possibility and that APHIS should wait for the reports from both bodies before proceeding with further action.

While an audit has been requested, that request has not been processed by the GAO. The GAO is an independent agency and, as such, its audit process exists independently of the APHIS regulatory process. If, in the future, the GAO conducts such an audit and releases findings and recommendations, APHIS will review them and adjust our process accordingly. As for the OIG audit referenced by the commenter, at this time such a request has not been submitted. If it is submitted in the future, the OIG will conduct the audit independently of APHIS, and we will take any findings into consideration at the time they are released.

[6] For more information on the APHIS FOIA process you may visit *http://www.aphis.usda.gov/wps/portal/aphis/resources?1dmy&urile=wcm%3apath%3a/aphis_content_library/sa_resources/sa_laws_and_regulations/sa_foia/ct_foia.*

Comments on the University of Minnesota Report

Several commenters made reference to a report released by a third-party scientific review team from the University of Minnesota College of Veterinary Medicine, Center for Animal Health and Food Safety, and the Center for Veterinary Population Medicine which evaluated the APHIS risk analysis. The commenters stated that the report found limited or lacking scientific methodological approaches in performing the risk analysis, poorly defined scope regarding the specific animal types and products for the risk analysis, lack of sufficient detail for geographical landmarks outlining the region, and maps lacking the necessary level of detail to be useful to determine the region.

We have not been made privy to this report and therefore cannot provide a detailed response to topics beyond those cited by the commenters. Both APHIS and the OIE support the use of a qualitative risk analysis model for the purpose of animal health status evaluation. In the OIE's ''Handbook on Import Risk Analysis for Animal and Animal Products,'' qualitative risk analyses, such as the one that informs our decision to allow for the importation of fresh (chilled or frozen) beef from Northern Argentina, are cited as both an appropriate and the most common type of assessment used to support import decisions. The risk factors evaluated by APHIS and described in detail in the risk analysis are almost identical to those evaluated by the OIE.[7] Additionally, we disagree that the specific animal types and products are undefined. The sole product under consideration for importation in the risk analysis is fresh (chilled or frozen) beef that has been matured and deboned in accordance with the regulations. We also disagree with the claims regarding lack of geographical detail. As described previously, figure 12, which is located on page 52 of the risk analysis, is a map showing the various regions in Argentina, including Northern Argentina. The region under consideration is located north of the Patagonia Region, which includes the region located south of the 42nd parallel known as Patagonia South, and the region immediately north of the 42nd parallel known as Patagonia North B. The full description of the area is found earlier in this document. We have also added further description of the area to the risk analysis.

Comments on the Risk Analysis

Some commenters stated that APHIS should prepare a quantitative risk analysis for beef from Northern Argentina and make it available for public review. Commenters took the position that the qualitative risk analysis methodology that we employed is too subjective because it fails to quantify objectively the probability of risk and adequately assess the magnitude of the consequences of a disease outbreak. Noting that APHIS prepared a quantitative risk analysis in 2002 in support of the rulemaking allowing the importation of fresh beef from Uruguay, commenters questioned why APHIS chose to prepare only a qualitative risk analysis for Northern Argentina.

One commenter stated that although the commenter recognized that the analysis was qualitative, some categories that define what USDA considers ''low'' risk would be helpful and are necessary for a clear understanding of the risk associated with importation of a given commodity.

Most of APHIS' risk analyses for FMD have been, and continue to be, qualitative in nature. APHIS believes that, when coupled with site visit evaluations, qualitative risk analyses provide the necessary information to properly assess the risk of the introduction of FMD through importation of commodities such as fresh beef. Quantitative risk analysis models are not the best tool to use to assess the risk of FMD posed by exports from a country where the types of data required by such models are unavailable or inadequate. In these instances, APHIS characterizes the risk of potential outbreak qualitatively in order to determine what appropriate measures to implement in order to mitigate the risk posed to the United States in the event of an outbreak in the exporting country (*e.g.,* maturation and pH of beef, no diagnosis of FMD in the previous 12 months).

Contrary to the assertion that a qualitative analysis should define an explicit level of risk or a range of risk, the relative flexibility afforded by a qualitative analysis allows us to evaluate commodity import programs in a holistic manner.

Some commenters viewed the documentation supporting our risk analysis as insufficient. It was further noted that some of those supporting documents were in Spanish. As a result, according to the commenters, transparency was lacking regarding our research methodology and the manner in which we arrived at our conclusions. It was also claimed that the documents we did make available lacked consistency and evidence of verification of our findings.

APHIS acknowledges that some of the documents used as references in the risk analysis were submitted to APHIS in Spanish; APHIS personnel were able to read and evaluate these documents without the necessity of translation into English. In most instances, the same or related data were provided in English in other documents or verbally presented to APHIS during site visits. However, the information provided by Argentina and the conclusions reached are thoroughly described in English in the risk analysis that was made available for public review and comment.

As stated in the proposed rule, although there has not been a major outbreak of FMD since 2001/2002, APHIS does not consider Northern Argentina to be free of FMD because of the vaccination program in that region. One commenter stated that the sanitary security of the United States would be more effectively protected by continuing only to allow for importation from countries that are certified as FMD free without vaccination.

We disagree with the commenter. Our conclusion regarding the decision to allow for the importation of fresh (chilled or frozen) beef from Northern Argentina was reached based upon our understanding of the disease situation in that region and the efficacy of mitigation measures for beef. It has been 9 years since the last FMD detection of any size in Northern Argentina; and the changes in SENASA's infrastructure following earlier outbreaks, as detailed in the risk analysis provide adequate protection against the importation of FMD into the United States via fresh (chilled or frozen) beef from Northern Argentina.

Another commenter observed that the source for APHIS' report that SENASA had officially inspected over 31 million cattle and sheep in 2009 was noted as being a discussion between APHIS and SENASA officials during APHIS' 2005 site visit. The commenter questioned the reliability of this source.

The date of the discussion regarding inspection that took place during the site visit was incorrect in the risk analysis that accompanied the proposed rule. We have corrected the reference in the updated risk analysis to indicate that the discussion occurred during APHIS' 2009 site visit.

Another commenter asked that APHIS address the impact of FMD on the economy and individuals, the duration

[7] You may find a detailed list of the OIE factors on the Internet at *http://www.oie.int/fileadmin/Home/eng/Health_standards/tahc/2010/en_chapitre_selfdeclaration.htm.*

of the disease, meat inspection procedures, and uncertainties about Argentine sanitary security.

These topics and more are covered by the risk analysis. Further, we would note that in 2003 APHIS authorized the importation of fresh (chilled or frozen) beef under the same conditions that are found in this rule from Uruguay, a region that, like Northern Argentina, is free of FMD with vaccination. Since that time, importation of Uruguayan beef has not been associated with an increased risk of FMD.

Some of the commenters expressed reservations about the efficacy of the maturation requirements contained in the proposed rule, which included chilling the carcass after slaughter for a minimum of 24, and a maximum of 48, hours to ensure that the pH in the loin muscle will be below 6.0. One commenter observed that the risk analysis and the environmental assessment that accompanied the proposed rule were inconsistent concerning whether the FMD virus is totally inactivated as stated in the risk analysis, or whether a small proportion of the virus particles that are relatively resistant to the effects of heat and pH in most populations would remain, as stated in the environmental assessment. The commenter concluded that, if the latter situation were true, the presence of even a small number of virus particles undermined APHIS' claim that the risk posed by the importation of chilled (fresh or frozen) beef from Northern Argentina is low since the virus would not be truly inactivated.

Based on the existing scientific literature, it is generally accepted that FMD virus is inactivated at pH 6.0 or below after maturation at a temperature of 4 °C. Acidification of skeletal muscle that takes place during carcass maturation is normally sufficient to inactivate FMD virus in this tissue, even when cattle are killed at the height of viremia. Because it is known that the required level of acidification cannot be guaranteed under all circumstances, measuring of the pH level of the carcass muscle can be used to ensure that it has occurred. This rule requires that measurements for pH be taken at the middle of both *longissimus dorsi* muscles; any carcass in which the pH does not reach less than 6.0 may be allowed to maturate an additional 24 hours, and if the carcass still has not reached a pH of less than 6.0 after 48 hours, the meat from the carcass may not be exported to the United States. We have updated the risk analysis and the environmental assessment based on this comment to include further references and explanation of the issue.

One commenter noted that both the rate of pH fall and the ultimate pH achieved in the muscle tissue are influenced by factors such as species, type of muscle in an animal, genetic variability between animals, administration of drugs which affect metabolism, environmental factors prior to slaughter such as feeding or stress, and post-mortem temperature. The commenter stated that therefore a precise protocol must be followed, and expressed doubt that Argentine producers would be capable of adhering to this protocol.

Contrary to the commenter's point regarding different muscle types reaching varying pH levels, we have specified that pH readings must be taken from the *longissimus dorsi* muscle. Additionally, transportation and carcass resting both influence the likelihood that the muscle tissue will reach the required pH level since, as stated previously, acidification of the skeletal muscles takes place during this time. Even if one or more of the various influencing factors were to affect the pH of the muscle tissue, any carcasses that do not reach the required pH level will not be allowed to be exported into the United States, regardless of how that level was reached. As stated previously, we have added more discussion on the maturation process and the effectiveness of the process in FMD virus inactivation to the final risk analysis.

Two commenters said that the proposed mitigations involving the maturation of the fresh beef and deboning appeared inconsistent with the OIE guidelines for FMD risk mitigation. The commenters stated that the proposed requirements established deboning and maturation as two separate and unrelated mitigations, but the OIE recommendations clearly state that deboning should occur after the meat has matured and reached a pH less than 6.0 at the middle of both *longissimus dorsi* muscles.

While it was always our intention—and is our practice concerning importation of fresh (chilled or frozen) beef from Uruguay—that deboning occur after the meat had matured and reached the required pH level, we have amended, for clarification purposes, the language in this final rule describing this process.

The same commenters pointed out that neither the proposed rule nor the risk analysis provided information regarding freezing procedures, even though the product proposed for import was chilled or frozen beef.

Both chilling and freezing of meat after maturation are standard industry practices, crucial for food safety and quality regardless of the final destination of the meat. The procedure is as follows: After slaughter, beef carcasses are kept in the chilling rooms at appropriate refrigeration temperatures (carcasses will begin chilling within 1 hour from bleed-out). As previously stated, bovine carcasses are then required to maturate at 40 to 50 °F (4 to 10 °C) for a minimum of 24 hours and must reach a pH below 6.0 in the loin muscle at the end of this period. Measurements for pH must be taken at the middle of both *longissimus dorsi* muscles. The maturation process critical for FMD virus inactivation via pH drop is temperature dependent, which is why we specified the required temperature range in the proposed rule.

The process of carcass fabrication begins immediately after a carcass leaves the chilling room and takes place in the deboning room where beef cuts are obtained and blood clots and lymph nodes are removed under environmental refrigeration temperatures. These temperatures vary but are generally less than 50 °F (10 °C). Carcass temperature (usually between 4 and 7 °C) and pH are controlled before the carcass enters the deboning room in order to ensure compliance with SENASA authorities and the specifications of importing countries. After the carcass is processed into cuts of meat, those cuts are packed and stored either in a chiller separate from the chiller used for carcass maturation, or in a freezer. A description of the inactivation process has been added to the final risk analysis.

Another commenter observed that, unlike the risk analysis APHIS completed concerning the importation of fresh (chilled or frozen) beef from Brazil, the risk analysis for Northern Argentina does not disclose the number of practicing veterinarians in Argentina, instead stating that SENASA employs 1,054 veterinarians. The commenter said that the absence of the total number of veterinarians in Argentina made a true picture of the veterinarian-to-livestock ratio in Argentina impossible. The commenter further stated that the SENASA-employed veterinarian-to-livestock population ratio of approximately 1 government-employed veterinarian for each 54,080 head of cattle suggests that Argentina lacks an adequate number of veterinarians to effectively monitor the health of Argentina's cattle herd. The commenter said that APHIS should explain the discrepancy in approach between the risk analyses for Brazil and Northern Argentina.

In conducting our evaluation of any animal health program, APHIS is mainly concerned with the veterinary authority

of the responsible organization and its available resources for conducting emergency response, vaccination, enforcing movement restrictions, etc. We evaluate the veterinary infrastructure and authority in the context of detection and prevention of FMD, which includes the ability of the veterinary authority to certify that the required mitigations are met. That evaluation may or may not include number of veterinarians. Brazil provided that number with its application and Argentina did not. As in the United States, many veterinarians in Argentina operate mixed veterinary practices that encompass care of both large and small animals in varying proportion. Therefore, any information provided regarding total number of veterinary practices in Argentina would be misleading. Consequently, we do not consider the number to be a significant aspect of a country's sanitary infrastructure; however, we do provide such information in the risk analysis if it is included in the information provided to us.

The same commenter stated that, in the risk analysis accompanying APHIS' proposal to declare the State of Santa Catarina, Brazil, free of FMD, APHIS disclosed the type and quantity of high-risk imports that were known to enter Santa Catarina, the numbers and origins of FMD-susceptible animals that had entered Santa Catarina for breeding purposes, swine movement into and within the State of Santa Catarina, and imports of animals and products from FMD-susceptible animals into the State of Santa Catarina. The commenter said that these data enabled reviewers to evaluate the risk and formulate opinions regarding the specific import practices of the state that had requested to export FMD-susceptible animals and products to the United States and observed that APHIS provided no comparable data in the risk analysis accompanying the Argentine proposed rule.

The commenter specifically cited a statement from the risk analysis that ''an area near the border with Paraguay [is] considered endemic for FMD [and] [t]his endemic area appears to have active virus present in restricted niches or patches, which could potentially lead to outbreaks in cattle populations with low FMD immunity,'' and concluded that APHIS knows that it is likely, if not highly likely, that an active FMD virus is present in Northern Argentina.

As described in the two risk analyses, both the State of Santa Catarina, Brazil, and the region of Northern Argentina follow OIE guidelines for the importation of FMD-susceptible commodities. The particular imports as well as the guidelines followed are different since both regions have different status. Argentina is a net exporter of cattle, and the number of imported cattle is insignificant. According to SENASA, the last importation of cattle from Paraguay (which was for breeding purposes only) occurred in 2010 (11 head), no cattle imports have been reported from Brazil or Bolivia since 2010, and Argentina's imports from Uruguay are generally less than 200 head of cattle per year. The primary imports of beef into Argentina are from Uruguay under the same type of conditions that are currently in place for the importation of fresh (chilled or frozen) beef from Uruguay into the United States.

The risk analysis we performed pursuant to declaring the State of Santa Catarina free of FMD specifically evaluated the disease situation for four swine diseases, including FMD. The State of Santa Catarina is a major swine-producing state, and an assessment of swine movements was critical to our analysis. In the case of Northern Argentina, swine imports into the region are negligible as Argentina is not a major swine-producer. According to SENASA, 1,521 swine were imported into Argentina in 2014, all of which were from Brazil.

Further, the commenter has taken the statement about the Paraguay-Argentina border out of its original context in the risk analysis. The statement refers to the situation in Argentina in a particular area at the time of the most recent FMD outbreak in Argentina, which was 9 years ago. The current epidemiological situation and evidence supports APHIS' conclusion that either the disease does not exist in that region or that the vaccination coverage is high and the disease is under control. At the time the State of Santa Catarina, Brazil, risk analysis was finalized in August 2010, there were other regions of South America experiencing outbreaks. As a result, our consideration of risk for the State of Santa Catarina, Brazil, was based in part on the disease situation in the surrounding region, which differs here since there has been no outbreak of FMD reported in South America for the past 3 years.

One commenter stated that farmers who own property spanning the borders between Argentina and Paraguay and Argentina and Bolivia are of particular concern as this increases the potential for animal movements across the borders. The commenter added that nomadic people in the area would also be likely to move animals without proper documentation. Another commenter specifically cited the border with Paraguay as being of continuing concern given that the risk analysis identified illegal movement of livestock from Paraguay as a likely source of historical FMD introduction to Argentina.

Argentina collaborates with neighboring countries to harmonize FMD-related programs and restrictions. Mechanisms have been established to provide for immediate notification between these countries if an outbreak occurs. High-risk surveillance areas have been established on Argentina's borders with Brazil, Paraguay, and Bolivia. This program includes: Strengthening infrastructure of the veterinary services; harmonizing procedures for control, prevention, and eradication of FMD; harmonizing vaccination procedures in areas of geographic contiguity; and conducting vaccinations under APHIS supervision. That being said, in response to the comment we are adding a clarifying statement to both the risk analysis and the environmental assessment to emphasize that if FMD exists at all in South America, it likely does so only in very small regions as evidenced by the lack of reports of the disease over the past 3 years.

One commenter said that the nature of the border control and biosecurity measures in place between the Northern Argentina region and neighboring countries was not clearly described in the risk analysis. Another commenter stated that while APHIS described enhancements to the border control activities and infrastructure in the Provinces of Formosa, Salta, and Jujuy, we failed to explain what enhancements were made in the Provinces of Misiones, Chaco, and Corrientes.

As stated in the risk analysis, border control activities include, but are not limited to, vaccinations, surveillance, animal census, education, and animal identification. Contrary to the second commenter's assertion, enhancements made to border control activities, which include activities that occur in the Provinces of Misiones, Chaco, and Corrientes since they are located on the border of Argentina, are described in the risk analysis as follows: Following the recommendations of the OIE mission that visited Argentina, Brazil, and Paraguay in December 2006, the heads of the veterinary services and the Pan American Foot-and-Mouth Disease Center defined an area of high-level surveillance within the border regions of Argentina, Brazil, Paraguay, and Bolivia. Initially the program was intended to last 2 years and be subjected to periodic reviews and evaluations. During the 2009 and 2013 site visits,

SENASA reported that the program was still effectively operating, with a redefinition of the high surveillance area in 2013 to include the border regions of Argentina, Paraguay, and Bolivia. Most of the financing has been obtained from the World Bank and the Inter-American Development bank. Among others, the general actions include:

- Strengthening infrastructure of the veterinary services;
- Harmonizing procedures for control, prevention, and eradication of FMD;
- Harmonizing vaccination procedures in areas of geographic contiguity; and
- Conducting vaccinations under APHIS supervision.

The same commenter observed that APHIS included data on the buffalo population in our risk analyses for both the State of Santa Catarina, Brazil, and for the 14 additional Brazilian States that have requested to export fresh (chilled or frozen) beef to the United States, as buffalo are an FMD-susceptible species. The commenter noted that there is no mention of buffalo in the Northern Argentina risk analysis despite the existence of Internet advertisements for hunting water buffalo in Argentina. The commenter concluded that, for such advertisements to exist there must be a significant population of water buffalo in the region, which represent a risk of FMD transmission.

In 2014, the buffalo population in Argentina was less than 94,000 head [8] and vaccination and movement requirements for those buffalo are identical to those for cattle. We have added an explanation to this effect in the final risk analysis.

The same commenter stated that APHIS provides no discussion regarding the likelihood that wildlife in Argentina has developed a natural immunity to the FMD virus. The commenter posited that, with such immunity, wildlife could serve as asymptomatic carriers of the disease and because Argentina has been vaccinating cattle for FMD for a considerable period of time, the transmission of the FMD virus between wildlife and domestic livestock would not be expected to result in a symptomatic response.

Other commenters also took issue with the release assessment for suggesting that wildlife does not play a significant role in the transmission of FMD. It was claimed that the statement lacked support in the scientific literature. One commenter specifically cited the feral swine population in the Gran Chaco region and the endangered and protected Chacoan peccary that are allowed to move freely within the Gran Chaco as a potential source of wildlife transmission for FMD between Northern Argentina, Bolivia, Paraguay, and Brazil.

The first commenter provided no evidence to support the supposition that species of wildlife are likely to become asymptomatic carriers of the FMD virus in the particular region under consideration and there is no epidemiological data supporting such a claim. As stated previously, research into FMD in South America has determined that wildlife populations do not play a significant role in the maintenance and transmission of FMD. During outbreak situations, wildlife may become affected by FMD; however, the likelihood that they would become carriers under field conditions is rare. Therefore, it is unlikely that FMD would be introduced into Northern Argentina through movement of infected wildlife.

The epidemiology of the disease in South America over time and the information provided in the surveillance section of the risk analysis clearly demonstrate that the role of wildlife in disease transmission in the area under consideration is insignificant. Many decades of experience with the disease have shown no consistent relationship between outbreaks in domestic animals and coexistence of susceptible wild animals in South America. In addition, results of repeated serological testing focusing on cattle as the most susceptible species do not reveal evidence of viral activity in domestic ruminants that are likely to contact wild animals. If wild animals were carriers or reservoirs of FMD, evidence of viral activity would be expected in domestic species coexisting in the same regions as infected wild animals.

A commenter said that, while the APHIS risk analysis states that, as of 2006, there were 52 eligible plants in Argentina certified to export meat to the United States, the most recent FSIS audit of the Argentine meat industry states that there are only 14 such establishments. The commenter said that APHIS' assessment of risk associated was therefore wrongly assuming that the volume of potentially export-eligible beef per plant was lower; a situation which would allow for more careful oversight within those plants than is actually the case given the FSIS data.

All plants approved by SENASA are federally inspected. Prior to the finalization of this rule, only cooked or cured beef was eligible for export from Northern Argentina under the regulations in 9 CFR 94.4, due to that region's FMD status. In response to the comment we are deleting the number of plants since that number will be updated after FSIS conducts its equivalence determination. Moreover, the number of eligible plants is subject to relatively frequent change, most likely due to ongoing compliance cost assessments made by individual owners in Argentina. Regardless, we do not make assumptions regarding how much beef a plant will produce; rather we evaluate the likelihood that FMD could be introduced into the United States via the importation of beef. It is unlikely, given the expected low import volume, that beef will be imported from Argentina at levels that will overwhelm the existing processing infrastructure.

The same commenter pointed out that the endnote citation listed in the risk analysis as supporting an assertion regarding the rate of pH change in the *longissimus dorsi* muscle referred to an FSIS report on Argentine plants eligible to export meat to the United States and not to any scientific literature.

The commenter correctly pointed out that our reference number was mistaken and we have corrected it in the final risk analysis.

Comments on the Economic Analysis

One commenter said that the underlying assumption in APHIS' entire economic model is that U.S. cattle are grain fed and, therefore, of higher quality, while imports from Argentina will be beef from grass fed cattle. The commenter characterized these assumptions as false, citing the USDA Foreign Agricultural Service's (FAS's) September 2014 GAIN report, which states that most of the beef currently consumed in Argentina is grain fed. The commenter concluded that therefore beef from Argentina will be comparable to high-quality U.S. beef and, therefore, more competitive in the U.S. market.

We acknowledge the fact that a large percentage of beef cattle in Argentina now complete their feeding regimen in feedlots. It is true that the grain fed beef imported from Argentina will be more directly competitive with U.S. sourced beef, but the overall conclusion of our analysis remains the same: The relatively small quantity of Argentine beef expected to be imported will not significantly impact the U.S. market. In 2013, Argentina exported approximately 7 percent of its total production and consumed the remaining 93 percent. Given Argentina's production capacity and its promotion of domestic consumption of beef, it is unlikely that

[8] SENASA, official communication with APHIS, January 23, 2015.

Argentina's beef will strongly compete in the U.S market. In terms of value, the EU continues to be the main destination for Argentina's beef exports, as it is able to enter the EU market under the Tariff Quota regulated by EC Regulation No. 936/97 of 27 May 1997. Argentina has been recently approved by the EU to access the quota for premium quality (Beef 481) with no fee. Other countries already authorized under this quota are the United States, Australia, Canada, New Zealand, and Uruguay. This quota differs from the Tariff Quota regulated by EC Regulation No. 936/97 described earlier in this document in that it is not allotted by portions to each of the participant nations, but it is a general quota for which all the countries involved must compete. Argentina's beef exports will therefore most likely be intended for multiple locations, not only for the U.S. market.

The same commenter said that in 2012, the price for heavy fed steers in Argentina was $8.80 pesos per live kilo (approximately $0.47 U.S. dollars per pound) and the price for heavy fed steers in the United States in that year was approximately $1.23 U.S. dollars per pound. The commenter observed that Argentine cattle are priced at about one-third of the price of U.S. cattle and this price differential will create incentive for multinational corporations to source beef from Argentine cattle and therefore quickly increase supplies of beef comparable to U.S. beef in the U.S. market.

Argentina's proposed export quantity represents less than 1 percent of U.S. beef production and is unlikely to have a major impact on the U.S. domestic market. In addition, Argentine beef will be exported to the United States under a quota, and quantities over that quota will be assessed an import duty of 26.4 percent. The EU is the largest market for Argentina's beef. Given projected import levels, above-quota duties, and existing market patterns, the economic impact of Argentine beef imports is likely to be small.

The same commenter stated that the economic analysis likely ignores the extreme sensitivity of U.S. cattle prices to changes in supply. The commenter cited studies that show that farm level elasticity of demand for slaughter cattle is such that a 1 percent increase in supply can reduce prices by up to 2.5 percent. The commenter observed that domestic cattle prices jumped $26 per hundredweight after trade restrictions were imposed on imports of cattle and beef from Canada in 2003, thus demonstrating the sensitivity of the market.

The economic analysis uses a partial equilibrium model for which more details can be found in Paarlberg et al.[9] In mapping interactions among the grain, livestock, and livestock product sectors, the model assumes price-taking economic decisionmakers who maximize well-defined objective functions. Utility maximization for consumers yields a set of per capita demand functions. Three sets of parameters drive the model: The livestock feed-balance calculator, the revenue shares for all industries, and elasticities used in the model solution. The livestock feed-balance calculators are critical because they relate the stocks and flows of animals for each quarter to the feed supplies available, forming the critical vertical linkage between the animal agriculture component and the crop component. Elasticities are critical parameters and are grouped into several sets. Most own- and cross-price elasticities of retail demand are based on estimates from econometric models. Cross-price elasticities are non-negative, implying that the commodities involved are substitutes. Substitution elasticities describe derived demand behaviors and affect supplies of the output commodities in the equation from which they are derived. Substitution elasticities are either obtained from the literature or generated consistent with commonly accepted supply elasticity values.

The percentage change in cattle and beef prices in 2003, which was because of trade restrictions due to the discovery of BSE in Canada, were significantly greater than the percentage price changes expected as a result of the importation of fresh (chilled or frozen) beef from Argentina. Immediately following the discovery of BSE in Canada in May 2003, the United States closed its border to imports of Canadian feeder cattle, fed cattle, cull cows, and beef. Later in 2003, the United States reopened its border to imports of Canadian boneless beef obtained from animals less than 30 months of age. Prior to May 2003, almost half of the cattle sold in Canada were exported as either live animals or meat. In 2002, about 90 percent of Canadian beef exports went to the United States and accounted for 55 percent of U.S. beef imports.

In contrast to the relatively sudden loss of such a large traded volume of beef in 2003, expected annual imports from Argentina of 20,000 MT of fresh beef would be the equivalent of less than 2 percent of average annual U.S. beef imports and less than 0.2 percent of the U.S. beef supply, 2009–2013.

The commenter cites studies indicating that a 1 percent increase in the supply of beef can reduce slaughter cattle prices by up to 2.5 percent. Other studies, such as Marsh et al. (2005), find a coefficient closer to 1.5 (beef price flexibility coefficient at the slaughter-wholesale market level).[10] When this coefficient is multiplied by the percentage increase in the U.S. beef supply expected with this rule (20,000 MT, when assuming no displacement of beef imports from other sources), the percentage impact on slaughter cattle prices, 0.25 percent, is found to be essentially the same as shown in the last row of table 3 of the economic analysis.[11]

A commenter expressed the view that the rulemaking would depress markets for U.S. producers.

The commenter did not present data that would support the proposition that Argentina's beef exports are likely to increase so precipitously as a result of this rulemaking that U.S. producers would experience negative effects.

One commenter stated that the rule did not represent any benefit to U.S. producers.

Using a partial equilibrium model and considering three scenarios of 16,000, 20,000 and 24,000 metric tons, there are net welfare gains in each scenario. Under the 20,000 MT import scenario, producers would experience a decline in surplus of $7.63 million or 0.42 percent, while consumers would benefit from the decrease in price by an increase in their surplus of $130.24 million or 0.30 percent. The overall impact would be a net welfare gain of $122.61 million or 0.27 percent for U.S. beef consumers. The net welfare gain for the beef sector would be $0.61 million or 0.002 percent.

In the initial regulatory flexibility analysis prepared in connection with the proposed rule regarding the economic effects of the rule on small entities, we stated that the primary entities affected by the rule would be

[9] Paarlberg, Philip L., Ann Hillberg Seitzinger, John G. Lee, and Kenneth H. Mathews, Jr. Economic Impacts of Foreign Animal Disease. Economic Research Report Number 57. USDA ERS, May 2008.

[10] Marsh, J.M., G.W. Brester, and V.H. Smith. ''The Impacts on U.S. Cattle Prices of Re-Establishing Beef Trade Relations.'' Agricultural Marketing Policy Center, Briefing No. 74, February 2005.

[11] The average annual U.S. fresh beef supply (production minus exports plus imports), 2009–2013, was 11.85 million MT. Expected imports from Argentina in comparison to the U.S. fresh beef supply: 20,000 MT/11,850,000 = 0.17 percent. Effect on slaughter cattle prices of fresh beef imports from Argentina assuming a flexibility coefficient of 1.5: (0.17 percent)(1.5) = 0.25 percent.

cattle producers, feedlots, and slaughter facilities, the majority of which were considered to be small businesses. We also stated that there could be other categories of small entities affected and invited commenters to supply us with any information we might be lacking on the number and nature of those entities. Two commenters cited this as evidence that APHIS did not adequately prepare for the publication of this proposed rule by presenting a full list of potentially affected small entities.

The economic analysis for the proposed rule considered the entities that may be directly affected. Under the Regulatory Flexibility Act, agencies are required to consider impacts on small entities and request additional information if it is not readily available. We estimate that cattle (steer) prices and wholesale beef prices are likely to decline between about 0.2 and 0.3 percent due to beef imports from Argentina. These measures of price effects are industry-wide. How reductions in producer surplus because of these price declines may be distributed among livestock operations and other affected entities cannot be determined from the information available.

Many commenters expressed concern about the potentially devastating economic effect an outbreak of FMD in the United States could have on U.S. cattle producers. It was stated that the potential economic risks greatly outweigh the benefits of this rulemaking, and that the economic analysis accompanying the August 2014 proposed rule failed to take into account those potential costs. Some commenters recommended that we revise the economic analysis to account for those potential costs. It was suggested that we should perform a comprehensive, up-to-date economic analysis to identify consequences for all U.S. commodity groups potentially affected by an FMD outbreak.

It is true that an outbreak of FMD in the United States, whatever its source, could have very serious effects on the U.S. cattle industry. In the economic analysis accompanying the August 2014 proposed rule, we modeled expected benefits and costs of annual imports of fresh (chilled or frozen) beef from Northern Argentina for three scenarios: Importation averaging 16,000 MT, 20,000 MT, and 24,000 MT, and found that the expected changes in U.S. beef production, consumption, and exports would be inconsequential. We have added a discussion of the potential impacts of an FMD outbreak for the U.S. economy to the final economic analysis. We also note that we examined the potential economic and other consequences of an FMD outbreak in the United States at some length in the consequence assessment section of our risk analysis.

Several commenters cited the ''Site-Specific Biosafety and Biosecurity Mitigation Risk Assessment'' [12] conducted for the Department of Homeland Security's National Bio and Agro-Defense Facility and the economic impact models used to estimate the impact of an outbreak of FMD, suggesting that APHIS consult those models in our own analyses.

The report referenced by the commenters shows the cumulative impact on the entire industry for a worst case disease scenario. Given the risk mitigation measures in place, it is highly unlikely that FMD would be introduced into the United States via fresh (chilled or frozen) beef from Argentina.

Comments on Economic Effects

While specific comments on the initial regulatory flexibility analysis are addressed above, we also received a number of comments concerning the overall economic effect of the rule as it relates to potential costs to U.S. consumers.

Several commenters stated that an analysis of the long term costs to consumers and the livestock industry resulting from an outbreak of FMD in the United States was not included in the proposed rule.

While we agree with the commenters that the consequences of an FMD outbreak in the United States would be severe, the likelihood of such an outbreak occurring due to exposure of the domestic livestock population to chilled (fresh or frozen) beef imported from Northern Argentina is low. Therefore, the overall risk of FMD to U.S. animal health from imports of these commodities is also low.

A commenter stated that allowing imports of beef from Northern Argentina may cause a loss of consumer confidence in other types of meat in addition to beef, resulting in a loss of profits for U.S. producers.

This is a hypothetical statement for which the commenter presents no supporting evidence.

Comments on the Environmental Assessment

One commenter stated that the environmental assessment accompanying the proposed rule marginalized empirical evidence demonstrating FMD spread in domestic wildlife by relying upon cursory studies.

There has been no confirmed spread of FMD in wildlife in the United States. Due to the lack of epidemiological data on FMD in U.S. wildlife, FMD research has had to rely on experimental infections or mathematical modeling. While experimental data indicates that many U.S. wildlife species are susceptible to FMD, transmission by persistently infected livestock or wildlife to susceptible animals has not been proven despite decades of worldwide research.

The same commenter said that the environmental assessment cited an 11-year-old study to assert that ''experts generally consider the transfer of FMD from wildlife to domestic animals to be unlikely,'' while, according to FMD disease notifications submitted to the OIE, the Republic of South Africa attributed its 2009 outbreak of FMD to contact with wild species as did Botswana.

Apart from the African buffalo (*Syncerus caffer*) in sub-Saharan Africa, wildlife has not been demonstrated to play a significant role in the transmission of FMD. More often, wildlife are passively infected when outbreaks of FMD occur in domestic livestock, and, in some wild ungulates, infection results in severe disease. Efforts to control FMD in wildlife may not be successful when the disease is endemic in livestock and may cause more harm to wildlife, human livelihoods, and domestic animals. Currently in sub-Saharan Africa, the complete eradication of FMD on a subcontinental scale in the near term is not possible, given the presence of FMD-infected African buffalo and the existence of weak veterinary infrastructures in some FMD-endemic countries.

The same commenter reasoned that since the environmental assessment states that likely results of an outbreak of FMD in the United States would include loss of livestock, rare species, and habitat due to the culling process, and the pollution of the environment from mass carcass disposals, then APHIS must initiate a Section 7 Consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (the Services) for a determination by the appropriate Service as to whether APHIS' proposed action is likely to adversely affect a listed species or its designated critical habitat under the Endangered Species Act.

[12] You may view this report on the Internet at *http://www.dhs.gov/xlibrary/assets/nbaf_ssra_final_report.pdf.*

APHIS is not required to consult with the Services if we determine that an action will not immediately affect listed species or critical habitat. As stated previously, in our risk analysis, APHIS concluded that Argentina's legal framework, animal health infrastructure, movement and border controls, diagnostic capabilities, surveillance programs and emergency response systems are adequate to detect and control any future FMD outbreaks within the national boundaries of the export region of consideration. Although consequences of an FMD outbreak in the United States are potentially substantial, the likelihood of an outbreak occurring via exposure of the domestic livestock population to fresh (chilled or frozen) beef imported from Northern Argentina under the required conditions is low. In addition, the environmental assessment also concluded that the potential for infection of wildlife from the proposed action is unlikely. The United States has retained an FMD-free status since 1929, and APHIS is very effective at assessing and implementing necessary mitigations to prevent FMD outbreaks in this country. In the unlikely event that FMD was discovered in the United States (most likely from an illegal importation of FMD-infected products or animals) and APHIS were to implement an eradication program, we would immediately enter into an emergency Section 7 consultation with the Services' offices to implement necessary protection measures for federally listed species and critical habitat in the eradication area.

One commenter objected to the environmental assessment's description of SENASA's sanitary enhancements as ''adequate'' and stated that the level of monitoring must be more than merely ''adequate.''

By ''adequate'' monitoring, we mean that APHIS has determined that Argentina has established the necessary controls that would allow for rapid detection, restrictions, quarantine, and reporting to the international community. In the event of such an event, the United States could impose the necessary restrictions on potentially affected products in a timely manner.

One commenter asked about the impact of the proposed action on the environment in Argentina given that the number of cattle raised in Argentina will increase significantly upon finalization of the rule.

While Executive Order 12114, ''Environmental Effects Abroad of Major Federal Actions'' furthers the purpose of the National Environmental Policy Act with respect to the environment outside of the United States, APHIS' proposed action is importation of fresh (chilled or frozen) beef from Northern Argentina into the United States. Therefore, the focus of the environmental assessment is to evaluate the potential impacts of allowing for the importation of fresh, maturated, and deboned beef from Northern Argentina into the United States, and not on the sustainability of cattle ranching in Argentina. The commenter's presumption regarding increased production may not be correct, in that the export of beef from Argentina may result in changes to the destination of product rather than substantial increases in domestic production.

Comments on Bioterrorism

Two commenters stated that the importation of fresh (chilled or frozen) beef would allow terrorists to intentionally introduce a foreign animal disease into the United States.

Another commenter observed that U.S. Department of Homeland Security has classified FMD as a national security issue. The commenter said that a terrorist with the intention of crippling the U.S. economy might use FMD as a mechanism to do so if the materials were made available.

This is a hypothetical statement for which the commenters presented no supporting evidence. Importation of a veterinary select agent or toxin such as FMD, which is among those agents and toxins that have been determined to have the potential to pose a severe threat to animal health or animal products, is strictly regulated by APHIS and the Centers for Disease Control and Prevention. With respect to the possibility of obtaining FMD virus from imported beef from Northern Argentina, as we have detailed elsewhere, we are confident that the conditions Argentina will be required to meet in order to import fresh (chilled or frozen) beef into the United States will preclude the importation of FMD.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the change discussed in this document.

Executive Orders 12866 and 13563 and Regulatory Flexibility Act

This final rule has been determined to be economically significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

We have prepared an economic analysis for this rule. The economic analysis provides a cost-benefit analysis, as required by Executive Orders 12866 and 13563, which 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, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The economic analysis also provides a final regulatory flexibility analysis that examines the potential economic effects of this rule on small entities, as required by the Regulatory Flexibility Act. The economic analysis is summarized below. Copies of the full analysis are available on the Regulations.gov Web site (see footnote 1 in this document for a link to Regulations.gov) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

This analysis examines potential economic impacts of a final rule that will allow fresh (chilled or frozen) beef from a region in Northern Argentina to be imported into the United States provided certain conditions are met. Economic effects of the rule for both U.S. producers and consumers are expected to be small. Producers' welfare will be negatively affected. Welfare gains for consumers will outweigh producer losses, however, resulting in a net benefit to the U.S. economy. APHIS has concluded that the risk of exposing U.S. livestock to FMD via fresh beef imports from Argentina is sufficiently low such that imports are safe.

The United States is the largest beef producer in the world, and yet still imports a significant quantity. Annual U.S. beef import volumes from 1999 to 2013 averaged 0.9 million MT or roughly 11 percent of U.S. production. Much of the beef imported by the United States is from grass-fed cattle, and is processed with trimmings from U.S. grain-fed cattle to make ground beef. Australia, Canada, and New Zealand are the main foreign suppliers of beef to the United States.

Effects of the final rule are estimated using a partial equilibrium model of the U.S. agricultural sector. Economic impacts are estimated based on intra-sectoral linkages among the grain, livestock, and livestock product sectors. Annual imports of fresh (chilled or frozen) beef from Argentina are expected to range between 16,000 and 24,000 MT, with volumes averaging 20,000 MT. Quantity, price, and welfare changes are estimated for these three import scenarios. The results are presented as average annual effects for the 4-year period, 2015–2018.

A portion of the beef imported from Argentina will displace beef that would otherwise be imported from other countries. The model indicates that the net annual increase in U.S. fresh beef imports will be 12,955 MT (81 percent of 16,000 MT) under the 16,000 MT scenario; 15,895 MT (79 percent of 20,000 MT) under the 20,000 MT scenario; and 19,458 MT (81 percent of 24,000 MT) under the 24,000 MT scenario.

If the United States imports 20,000 MT of beef from Argentina, total U.S. beef imports will increase by 1.3 percent. Due to the supply increase, the wholesale price of beef, the retail price of beef, and the price of cattle (steer) are estimated to decline by 0.32, 0.12, and 0.35 percent, respectively. U.S beef production will decline by 0.01 percent, while U.S. beef consumption and exports will increase by 0.1 and 0.4 percent, respectively. The 16,000 MT and 24,000 MT scenarios show similar quantity and price effects.

The fall in beef prices and the resulting decline in U.S. beef production will translate into reduced returns to capital and management in the livestock and beef sectors. Under the 20,000 MT import scenario, beef producers will experience a welfare decline of $13.86 million or 0.4 percent, while consumers will benefit from the decrease in price by a welfare gain of $190.97 million or 0.6 percent. Cattle producers will experience decline in welfare of $107.05 million or 4 percent. The overall impact will be a net welfare gain of $177.11 million or 0.5 percent for producers and consumers in the beef processing sector. For the combined beef and cattle sectors, there will be a $70.06 million net welfare gain (0.18 percent net benefit).

The 16,000 MT and 24,000 MT scenarios show similar welfare impacts, with net benefits increasing broadly in proportion to the quantity of beef imported. The largest impact will be for the beef sector; consumers of pork and poultry meat will benefit negligibly. While most of the establishments that will be affected by this rule are small entities, based on the results of this analysis, APHIS does not expect the impacts to be significant.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this final rule. The environmental assessment provides a basis for the conclusion that the importation of fresh beef from Northern Argentina under the conditions specified in this rule will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The environmental assessment and finding of no significant impact may be viewed on the Regulations.gov Web site.[13] Copies of the environmental assessment and finding of no significant impact are also available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 799–7039 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this final rule, which were filed under 0579–0428, have been submitted for approval to the Office of Management and Budget (OMB). When OMB notifies us of its decision, if approval is denied, we will publish a document in the **Federal Register** providing notice of what action we plan to take.

[13] Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0032.* The environmental assessment and finding of no significant impact will appear in the resulting list of documents.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance 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. For information pertinent to E-Government Act compliance related to this rule, please contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, NEWCASTLE DISEASE, HIGHLY PATHOGENIC AVIAN INFLUENZA, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, SWINE VESICULAR DISEASE, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

■ 1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 94.29 is revised to read as follows:

§ 94.29 Restrictions on importation of fresh (chilled or frozen) beef and ovine meat from specified regions.

Notwithstanding any other provisions of this part, fresh (chilled or frozen) beef from a region in Argentina located north of Patagonia South and Patagonia North B, referred to as Northern Argentina (the region sometimes referred to as Patagonia North A is included in Northern Argentina); fresh (chilled or frozen) beef from a region in Brazil composed of the States of Bahia, Distrito Federal, Espírito Santo, Goiás, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Paraná, Rio Grande do Sul, Rio de Janeiro, Rondônia, São Paulo, Sergipe, and Tocantins; and fresh (chilled or frozen) beef and ovine meat from Uruguay may be exported to the United States under the following conditions:

(a) The meat is:

(1) Beef from animals that have been born, raised, and slaughtered in the exporting regions of Argentina or Brazil; or

(2) Beef or ovine meat from Uruguay derived from animals that have been born, raised, and slaughtered in Uruguay.

(b) Foot-and-mouth disease has not been diagnosed in the exporting region of Argentina (for beef from Argentina), the exporting region of Brazil (for beef from Brazil), or in Uruguay (for beef or ovine meat from Uruguay) within the previous 12 months.

(c) The meat comes from bovines or sheep that originated from premises where foot-and-mouth disease has not been present during the lifetime of any bovines and sheep slaughtered for the export of beef and ovine meat to the United States.

(d) The meat comes from bovines or sheep that were moved directly from the premises of origin to the slaughtering establishment without any contact with other animals.

(e) The meat comes from bovines or sheep that received ante-mortem and post-mortem veterinary inspections, paying particular attention to the head and feet, at the slaughtering establishment, with no evidence found of vesicular disease.

(f) The meat consists only of bovine parts or ovine parts that are, by standard practice, part of the animal's carcass that is placed in a chiller for maturation after slaughter and before removal of any bone, blood clots, or lymphoid tissue. The bovine and ovine parts that may not be imported include all parts of the head, feet, hump, hooves, and internal organs.

(g) All bone and visually identifiable blood clots and lymphoid tissue have been removed from the meat.

(h) The meat has not been in contact with meat from regions other than those listed in § 94.1(a).

(i) The meat came from bovine carcasses that were allowed to maturate at 40 to 50 °F (4 to 10 °C) for a minimum of 24 hours after slaughter and that reached a pH below 6.0 in the loin muscle at the end of the maturation period. Measurements for pH must be taken at the middle of both *longissimus dorsi* muscles. Any carcass in which the pH does not reach less than 6.0 may be allowed to maturate an additional 24 hours and be retested, and, if the carcass still has not reached a pH of less than 6.0 after 48 hours, the meat from the carcass may not be exported to the United States.

(j) An authorized veterinary official of the government of the exporting region certifies on the foreign meat inspection certificate that the above conditions have been met.

(k) The establishment in which the bovines and sheep are slaughtered allows periodic on-site evaluation and subsequent inspection of its facilities, records, and operations by an APHIS representative.

(Approved by the Office of Management and Budget under control numbers 0579–0372, 0579–0414, and 0579–0428)

Done in Washington, DC, this 26th day of June 2015.

Gary Woodward,

Deputy Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 2015–16335 Filed 7–1–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2011–BT–TP–0042]

RIN 1904–AC53

Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Test Procedures for Residential and Commercial Water Heaters; Correction

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

ACTION: Final rule; correction.

SUMMARY: On July 11, 2014, the U.S. Department of Energy published a final rule amending the test procedures for consumer water heaters and certain commercial water heaters. This correction addresses an error in one of the amendatory instructions for the regulatory text. Neither the error nor the correction in this document affects the substance of the rulemaking or any of the conclusions reached in support of the final rule.

DATES: *Effective* July 13, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–6590. Email: *Ashley.Armstrong@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9507. Email: *Eric.Stas@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) published a final rule in the **Federal Register** on July 11, 2014 (''the July 2014 final rule''), amending the test procedures for consumer and certain commercial water heaters. 79 FR 40542. In the rule, DOE incorporated by reference the American Society for Testing and Materials (ASTM) D2156–09, ''Standard Test Method for Smoke Density in Flue Gases from Burning Distillate Fuels,'' at 10 CFR 430.3(h)(1) for use in 10 CFR part 430, subpart B, Appendix E. The effective date for this rule is July 13, 2015.

On January 6, 2015, DOE published a final rule in the **Federal Register** (''the January 2015 final rule'') amending the test procedures for direct heating equipment and pool heaters. 80 FR 792. The January 2015 final rule incorporated by reference the same industry standard, ASTM D2156–09, at 10 CFR 430.3(i)(1) for use in 10 CFR part 430, subpart B, Appendix O. The effective date for this rule was February 5, 2015.

The July 2014 final rule instruction to incorporate by reference ASTM D2156–09 at 10 CFR 430.3(h)(1) conflicts with the January 2015 final rule instruction to incorporate by reference ASTM D2156–09 at 10 CFR 430.3(i)(1). The instruction in the July 2014 final rule would be in error if implemented as written, because it would needlessly duplicate the incorporation by reference of ASTM D2156–09, which was already incorporated by reference by the January 2015 final rule.

Amendatory instruction 8 on page 40567 of the **Federal Register** in the July 2014 final rule at 79 FR 40542 is, therefore, corrected to modify 10 CFR 430.3 to incorporate by reference ASTM D2156–09 for use in both Appendix E and Appendix O to subpart B. DOE notes that ASTM D2156–09 has already been approved for incorporation by reference for Appendix E (79 FR 40542) and Appendix O (80 FR 792), and, therefore, no additional action is necessary. The effective date of the July 2014 final rule at 79 FR 40542 remains July 13, 2015.

Correction

In FR Doc. 2014–15656 appearing on page 40542 in the issue of Friday, July 11, 2014, the following correction is made:

§ 430.3 [Corrected]

On page 40567, second column, § 430.3, amendatory instruction 8, is corrected to read as follows (and the text for paragraph (h) is removed):

§ 430.3 [Amended]

■ 8. In § 430.3, amend paragraph (i)(1) by removing the phrase ''appendix O'' and adding in its place the phrase ''appendices E and O''.

Issued in Washington, DC, on June 25, 2015.

Kathleen B. Hogan,

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

[FR Doc. 2015–16342 Filed 7–1–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2012–BT–TP–0013]

RIN 1904–AC71

Energy Conservation Program: Test Procedures for Conventional Ovens

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

ACTION: Final rule.

SUMMARY: On December 3, 2014, the U.S. Department of Energy (DOE) issued a supplemental notice of proposed rulemaking (SNOPR) to amend the test procedures for conventional cooking products. The oven-related procedures proposed in that rulemaking serve as the basis for this final rule. As part of the SNOPR, DOE proposed to incorporate methods for measuring conventional oven volume, clarified that the existing oven test block must be used to test all ovens regardless of input rate, and proposed a method to measure the energy consumption of conventional ovens equipped with an oven separator. Additionally, DOE proposed technical corrections to the units of measurement in certain calculations. This final rule amends the current procedure to include the proposed changes listed above, as well as clarifications to certain definitions, that will take effect 30 days after the final rule publication date. These changes will be mandatory for product testing to demonstrate compliance with any new or amended energy conservation standards when they take effect and for representations of the energy consumption of conventional ovens starting 180 days after publication.

DATES: The effective date of this rule is August 3, 2015. The final rule changes will be mandatory for product testing starting December 29, 2015. The incorporation by reference of certain publications listed in this rule was approved by the Director of the Federal Register as of August 3, 2015.

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

A link to the docket Web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2012-BT-TP-0013* . This Web page will contain a link to the docket for this notice on the regulations.gov site. The regulations.gov Web page will contain simple instructions on how to access all documents, including public comments, in the docket.

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

FOR FURTHER INFORMATION CONTACT:

Ms. Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–2J, 1000 Independence Avenue SW., Washington, DC, 20585–0121. Telephone: (202) 586–6590. Email: *ashley.armstrong@ee.doe.gov.*

Ms. Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC, 20585–0121. Telephone: (202) 287–6122. Email: *Celia.Sher@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: This final rule incorporates by reference into part 430 the following industry standard:

AHAM OV–1–2011, (''AHAM OV–1''), Procedures for the Determination and Expression of the Volume of Household Microwave and Conventional Ovens, (2011).

Copies of AHAM standard can be purchased from the Association of Home Appliance Manufacturers, 1111 19th Street NW., Suite 402, Washington DC 20036, 202–872–5955, or *www.aham.org.*

This AHAM standard is discussed further in section III.D.

Table of Contents

I. Authority and Background
A. General Test Procedure Rulemaking Process
B. Test Procedures for Cooking Products
C. The January 2013 NOPR
D. The December 2014 SNOPR
E. Conventional Cooking Top Active Mode Test Procedures
II. Summary of the Final Rule
III. Discussion
IV. Procedural Issues and Regulatory Review
A. Review Under Executive Order 12866
B. Review Under the Regulatory Flexibility Act
C. Review Under the Paperwork Reduction Act of 1995
D. Review Under the National Environmental Policy Act of 1969
E. Review Under Executive Order 13132
F. Review Under Executive Order 12988
G. Review Under the Unfunded Mandates Reform Act of 1995
H. Review Under the Treasury and General Government Appropriations Act, 1999
I. Review Under Executive Order 12630
J. Review Under Treasury and General Government Appropriations Act, 2001
K. Review Under Executive Order 13211
L. Review Under Section 32 of the Federal Energy Administration Act of 1974
M. Congressional Notification
N. Approval of the Office of the Secretary

I. Authority and Background

Title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, *et seq.;* ''EPCA'' or, ''the Act'') sets forth a variety of provisions designed to improve energy efficiency. (All references to EPCA refer to the statute as amended through the Energy Efficiency Improvement Act of 2015, Public Law 114–11 (Apr. 30, 2015). Part B of Title III, which for editorial reasons was redesignated as Part A upon incorporation into the U.S. Code (42 U.S.C. 6291–6309, as codified), establishes the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' These include cooking products,[1] and specifically consumer conventional ovens, the subject of this document. (42 U.S.C. 6292(a)(10))

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

A. General Test Procedure Rulemaking Process

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must

[1] DOE's regulations define kitchen ranges and ovens, or ''cooking products'', as one of the following classes: Conventional ranges, conventional cooking tops, conventional ovens, microwave ovens, microwave/conventional ranges and other cooking products. (10 CFR 430.2) Based on this definition, DOE interprets kitchen ranges and ovens to refer more generally to all types of cooking products including, for example, microwave ovens.

follow when prescribing or amending test procedures for covered products. EPCA provides that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2)) Finally, in any rulemaking to amend a test procedure, DOE must determine to what extent, if any, the proposed test procedure would alter the measured energy efficiency of any covered product as determined under the existing test procedure. (42 U.S.C. 6293(e)(1))

This final rule fulfills, in part, DOE's obligation to periodically review its test procedures under 42 U.S.C. 6293(b)(1)(A). DOE anticipates that its next evaluation of this test procedure for conventional ovens will occur in a manner consistent with the timeline set out in this provision.

B. Test Procedures for Cooking Products

DOE's test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens are codified at appendix I to subpart B of Title 10 of the Code of Federal Regulations (CFR) part 430 (Appendix I).

DOE established the test procedures in a final rule published in the **Federal Register** on May 10, 1978. 43 FR 20108, 20120–20128. DOE revised its test procedures for cooking products to more accurately measure their efficiency and energy use, and published the revisions as a final rule in 1997. 62 FR 51976 (Oct. 3, 1997). These test procedure amendments included: (1) A reduction in the annual useful cooking energy; (2) a reduction in the number of self-cleaning oven cycles per year; and (3) incorporation of portions of International Electrotechnical Commission (IEC) Standard 705–1988, ''Methods for measuring the performance of microwave ovens for household and similar purposes,'' and Amendment 2–1993 for the testing of microwave ovens. *Id.* The test procedures for conventional cooking products establish provisions for determining estimated annual operating cost, cooking efficiency (defined as the ratio of cooking energy output to cooking energy input), and energy factor (defined as the ratio of annual useful cooking energy output to total annual energy input). 10 CFR 430.23(i); Appendix I. These provisions for conventional cooking products are not currently used for compliance with any energy conservation standards because the present standards are design requirements, and there is not an EnergyGuide [2] labeling program for cooking products.

DOE subsequently conducted a rulemaking to address standby and off mode energy consumption, as well as certain active mode testing provisions, for dishwashers, dehumidifiers, and conventional cooking products. DOE published a final rule on October 31, 2012 (77 FR 65942, hereinafter referred to as the October 2012 Final Rule), adopting standby and off mode provisions that satisfy the EPCA requirement that DOE include measures of standby mode and off mode energy consumption in its test procedures for residential products, if technically feasible. (42 U.S.C.6295(gg)(2)(A))

C. The January 2013 NOPR

On January 30, 2013, DOE published a NOPR (78 FR 6232, hereinafter referred to as the January 2013 NOPR) proposing amendments to Appendix I that would allow for measuring the active mode energy consumption of induction cooking products; *i.e.,* conventional cooking tops and ranges equipped with induction heating technology for one or more surface units [3] on the cooking top. DOE proposed to incorporate induction cooking tops by amending the definition of ''conventional cooking top'' to include induction heating technology. Furthermore, DOE proposed to require for all cooking tops the use of test equipment compatible with induction technology. Specifically, DOE proposed to replace the solid aluminum test blocks currently specified in the test procedure for cooking tops with hybrid test blocks comprising two separate pieces: An aluminum body and a stainless steel base. In the January 2013 NOPR, DOE also proposed amendments to include a clarification that the test block size be determined using the smallest dimension of the electric surface unit. 78 FR 6232 (Jan. 30, 2013).

D. The December 2014 SNOPR

On December 3, 2014, DOE published a supplemental NOPR (SNOPR) (79 FR 71894, hereinafter referred to as the December 2014 SNOPR), modifying its proposal from the January 2013 NOPR to more accurately measure the energy efficiency of induction cooking tops. DOE proposed to add a layer of thermal grease between the stainless steel base and aluminum body of the hybrid test block to facilitate heat transfer between the two pieces. DOE also proposed additional test equipment for electric surface units with large diameters (both induction and electric resistance) and gas cooking top burners with high input rates. 79 FR 71894 (Dec. 3, 2014). In addition, DOE proposed methods to test non-circular electric surface units, electric surface units with flexible concentric cooking zones, and full-surface induction cooking tops. *Id.* Furthermore, DOE proposed to incorporate methods for measuring conventional oven volume, clarify that the existing oven test block must be used to test all ovens regardless of input rate, and provide a method to measure the energy consumption and efficiency of conventional ovens equipped with an oven separator. *Id.*

E. Conventional Cooking Top Active Mode Test Procedures

DOE received a number of comments from interested parties on the cooking top active mode test procedure proposed in the December 2014 SNOPR. The majority of comments stated that additional analysis was necessary before establishing a test procedure for conventional cooking tops. AHAM requested an extension of the comment period for the December 2014 SNOPR, citing the difficulty its members had procuring the specified test equipment materials. Therefore, AHAM stated, many manufacturers were not able to properly assess the new specifications, testing variation, repeatability, and reproducibility of the proposed test procedure before the comment period closed. (AHAM, No. 14 at p. 1) [4] AHAM also expressed concern with DOE's choice to pursue an accelerated rulemaking schedule for cooking products, stating that the rulemaking schedule did not allow for a thorough technical examination. AHAM asked

[2] For more information on the EnergyGuide labeling program, see: *www.access.gpo.gov/nara/cfr/waisidx_00/16cfr305_00.html.*

[3] The term surface unit refers to burners for gas cooking tops, electric resistance heating elements for electric cooking tops, and inductive heating elements for induction cooking tops.

[4] A notation in the form ''AHAM, No. 14 at p. 1'' identifies a written comment (1) made by AHAM; (2) recorded in document number 14 that is filed in the docket of this cooking products test procedures rulemaking (Docket No. EERE–2012–BT–TP–0013) and maintained in the Resource Room of the Building Technologies Program; and (3) which appears on page 1 of document number 14.

DOE to seek additional input from interested parties on the December 2014 SNOPR and commented that the proposed cooking top test procedure may result in technical problems. (AHAM, No. 18 at pp. 1–2)

BSH Home Appliances Corporation (BSH) and General Electric Appliances (GE) stated that delays associated with acquiring the hybrid test block materials necessitated additional time for them to evaluate DOE's proposal. (BSH, No. 16 at p. 2; GE, No. 17 at p. 1) BSH commented that the proposed hybrid test block method did not include certain specifications necessary for test procedure reproducibility, such as test load sizing and positioning, and recommended that DOE consider the specifications in International Electrotechnical Commission (IEC) Standard 60350–2 Edition 2, ''Household electric appliances—Part 2: Hobs—Method for measuring performance'' (IEC Standard 60350–2). (BSH, No. 16 at p. 1) Further, AHAM, BSH, and GE suggested that DOE specify additional test block diameters because these commenters asserted that the proposed test block sizes do not adequately reflect surface unit sizes currently available on the market. (BSH, No. 16 at p. 5; GE, No. 17 at p 2; AHAM, No. 18 at p. 2)

Interested parties also expressed a significant number of concerns with the use of thermal grease. GE noted that since receiving DOE's proposal, it has not been able to replicate the DOE test results using the methods described. (GE, No. 17 at p. 2) Specifically, GE observed during its testing that the aluminum body slid off the stainless steel base, the thermal grease dried out, and the amount of grease between the blocks changed from one test to another. (GE, No. 17 at p. 2) AHAM, BSH, and GE requested that DOE specify an operating temperature range for the thermal grease as well as an application thickness, but also noted that the thermal conductivity and viscosity of the grease may change over time or after repeated use at high temperatures. (BSH, No. 16 at p. 11; GE, No. 17 at p. 2; AHAM, No. 18 at p. 3) GE further commented that the variation introduced by the hybrid test block due to the inability to reliably maintain the specified flatness, thermal grease, and inadequate sizing, may be small individually, but collectively result in a test procedure that cannot reliably discern efficiency differences between similar products, alternate technology options, and product classes. Thus, GE believes the proposal for conventional cooking tops in the December 2014 SNOPR results in too much variability to serve as the basis for establishing a standard. (GE, No. 17 at p. 3)

The California IOUs also stated that they prefer an alternative to the hybrid test block and recommended that DOE require water-heating test methods to measure the cooking efficiency of conventional cooking tops. Specifically, the California IOUs requested that DOE align the residential cooking product test methods with existing industry test procedures, such as American Society for Testing and Materials (ASTM) standard F1521–12, Standard Test Methods for Performance of Range Tops, and IEC Standard 60350–2, Household electric cooking appliances—Part 2: Hobs—Methods for measuring performance. (California IOUs, No. 19 at p. 1) The California IOUs commented that they plan to conduct additional testing to better characterize the differences between the water-heating and hybrid test block test procedures, and will provide these results to DOE. According to the California IOUs, the differences in test procedure standard deviation between the hybrid test block and water-heating test method as presented in the December 2014 SNOPR did not sufficiently show that the hybrid test block method is more repeatable than a water-heating method. (California IOUs, No. 19 at p. 2) Additionally, the California IOUs believe cooking efficiencies derived using a water-heating test method are more representative of the actual cooking performance of cooking tops as opposed to a test procedure using hybrid test blocks, since many foods prepared on cooktops have relatively high liquid content. (California IOUs, No. 19 at p. 1)

In February and March of 2015, DOE conducted a series of interviews with manufacturers of conventional cooking products representing the majority of the U.S. market to discuss key issues with the proposed cooking top test procedure. Manufacturers agreed that the hybrid test block method, as proposed, presented many issues which had not yet been addressed, and which left the repeatability and reproducibility of the test procedure in question. These concerns were similar to those expressed in written comments but were received from a larger group of manufacturers and included:

- Difficulty obtaining the hybrid test block materials;
- Difficulty obtaining and applying the thermal grease without more detailed specifications (*i.e.,* thermal conductivity alone was not sufficient to identify a grease that performed according to DOE's descriptions in the December 2014 SNOPR);
- Difficulty testing induction cooking tops that use different programming techniques to prevent overheating (some manufacturers observed that power to the heating elements cut off prematurely during testing with the hybrid test block even after adding thermal grease); and
- The need for larger test block sizes to test electric surface units having 12-inch and 13-inch diameters and gas surface units with high input rates.

Interviewed manufacturers that produce and sell products in Europe uniformly supported the use of a water-heating test method and harmonization with IEC Standard 60350–2 for measuring the energy consumption of electric cooking tops. These manufacturers cited the benefits of adopting a test method similar to the IEC water-heating method as including: (1) Compatibility with all electric cooking top types, (2) additional test vessel diameters to account for the variety of surface unit sizes on the market, and (3) the test load's ability to represent a real-world cooking top load.

After reviewing public comments and information received during manufacturer interviews, as well as performing additional analyses, DOE concluded that further study is required before a cooking top test procedure can be established that produces test results which measure energy use during a representative average use cycle, is repeatable and reproducible, and is not unduly burdensome to conduct. For these reasons, this final rule addresses test methods for conventional ovens only, including conventional ovens that are a part of conventional ranges. This final rule also addresses minor technical corrections to existing calculations and definitions in Appendix I for both conventional cooking tops and ovens.

DOE plans to address test procedures for cooking tops in a separate rulemaking in order to consider any additional data and information that will allow it to further conduct the analysis of cooking tops, particularly when using a water-heating method to evaluate energy consumption. As part of that rulemaking, DOE will carefully consider and address remaining cooking top-related comments on the December 2014 SNOPR.

II. Summary of the Final Rule

This final rule amends the current DOE test procedure for conventional ovens. These changes will primarily clarify the manner in which to test for compliance with potential energy conservation standards for conventional ovens. The final rule establishes that the existing oven test block should be used to test all ovens, including ovens having

input rates greater than 22,500 British thermal units per hour (Btu/h). The final rule additionally amends the current DOE test procedure to include test methods for conventional ovens equipped with an oven separator. Conventional ovens equipped with an oven separator shall be tested in each possible oven configuration (*i.e.,* full oven cavity, upper cavity, and lower cavity), with the results averaged.

Because Appendix I does not currently contain a measure of conventional oven volume, the final rule incorporates by reference in the DOE test procedure the relevant sections of AHAM Standard OV–1–2011 ''Procedures for the Determination and Expression of the Volume of Household Microwave and Conventional Ovens'' (AHAM–OV–1–2011) for determining conventional oven cavity volume. As part of its rulemaking that is considering amended standards for conventional ovens, DOE proposed standards as a function of oven cavity volume.

Additionally, this final rule is clarifying the current definitions for ''freestanding'' and ''built-in'' installation configurations. Because the manufacturer instructions of some conventional ovens state the oven can be used in either a freestanding or built-in configuration, this final rule is clarifying that ovens with this option be tested in the built-in configuration, as ovens designed to be used in a built-in configuration incorporate fan-only mode for thermal management, and the energy consumption of these products is likely higher than for comparable ovens designed for use only in a freestanding configuration. Furthermore, the final rule is clarifying the term ''self-cleaning operation'' when referring to an oven's self-cleaning process. The existing test procedure in Appendix I does not include an explicit definition, although section 3 of Appendix I, *Test Methods and Measurements,* requires measurement of self-cleaning operation.

Finally, the final rule includes technical corrections to the calculation of derived results from test measurements in section 4 of Appendix I. Section 4 contains a number of references to incorrect units of measurement and an incorrect value for the annual useful cooking energy output for gas cooking tops. The final rule also restores headings for sections 4.2 and 4.2.1 in Appendix I regarding the calculations for conventional cooking tops, which were inadvertently removed in the October 2012 Final Rule.

III. Discussion

A. Products Covered by This Test Procedure Rulemaking

As discussed in section I of this final rule, section 6292(a)(10) of EPCA covers kitchen ranges and ovens, or ''cooking products.'' DOE's regulations define ''cooking products'' as consumer products that are used as the major household cooking appliances. They are designed to cook or heat different types of food by one or more of the following sources of heat: Gas, electricity, or microwave energy. Each model may consist of a horizontal cooking top containing one or more surface units [5] and/or one or more heating compartments. Cooking products include the following classes: Conventional ranges, conventional cooking tops, conventional ovens, microwave ovens, microwave/conventional ranges and other cooking products. (10 CFR 430.2) In this final rule, DOE is addressing test procedures for conventional ovens.

DOE notes that conventional ranges are defined in 10 CFR 430.2 as a class of kitchen ranges and ovens which is a household cooking appliance, consisting of a conventional cooking top and one or more conventional ovens. Because ranges consist of both a cooking top and at least one oven, any potential cooking top energy conservation standard or oven energy conservation standard would apply to each of these cooking systems individually. Thus, the test procedures presented in this final rule also apply to the oven portion of a conventional range.

As part of the previous energy conservation standards rulemaking for conventional cooking products, DOE decided not to analyze conventional gas cooking products with higher burner input rates, including products marketed as ''commercial-style'' or ''professional-style,'' in its consideration of energy conservation standards due to a lack of available data for determining the efficiency characteristics of those products. At the time, DOE considered commercial-style ovens to be gas ovens with burner input rates greater than 22,500 Btu/h. 74 FR 16040, 16054 (Apr. 8, 2009); 72 FR 64432, 64444–64445 (Nov. 15, 2007). In the December 2014 SNOPR, DOE noted that the current definitions for ''conventional oven'' and ''conventional range'' in 10 CFR 430.2 already cover conventional gas ovens with higher input rates (including commercial-style gas ovens), as these products are household cooking appliances with compartments intended for the cooking or heating of food by means of a gas flame.

Sub-Zero Group, Inc. (Sub-Zero) commented that DOE's findings based on manufacturer feedback in the previous energy conservation standards rulemaking are still relevant. Specifically, the small market size, the limited energy savings potential, and the lack of energy consumption data for ovens with high input rates are reasons to exclude these products from coverage. (Sub-Zero, No. 20 at pp. 2, 3) Sub-Zero further commented that ''high performance'' is a better descriptor of cooking products with high input rates rather than ''commercial-style,'' noting that the ''high performance'' segment appeals to consumers demanding restaurant-style cooking performance in their homes. (Sub-Zero, No. 20 at p. 2) Sub-Zero suggested that high performance (*i.e.,* ''commercial-style'') products be defined as cooking products that offer residential consumers restaurant-quality performance at a safety and convenience level that is acceptable for residential use. (Sub-Zero, No. 20 at p. 2)

DOE excluded ''commercial-style'' conventional gas ovens from its analysis in the previous energy conservation standards rulemaking due to a lack of available data for determining efficiency characteristics of those products. 74 FR 16040, 16054 (Apr. 8, 2009); 72 FR 64432, 64444–64445 (Nov. 15, 2007). As discussed in section III.C of this final rule, DOE conducted testing in support of the December 2014 SNOPR that demonstrated that the existing conventional oven test procedure is appropriate for ovens with high input rates. Additionally, DOE is not aware of any data or test procedures that establish whether a conventional oven with burner input rates greater than 22,500 Btu/h delivers ''restaurant-quality performance'' as compared to an oven with burner input rates lower than 22,500 Btu/h. Furthermore, through testing, reverse engineering analyses, and discussions with manufacturers conducted in support of the concurrent energy conservation standards rulemaking for cooking products, DOE determined that the primary differentiation between conventional gas ovens with lower burner input rates and those with higher input rates, including those marketed as commercial-style, was design and construction related to aesthetics rather than improved cooking performance. Some examples of design and construction related features include

[5] The term surface unit refers to burners for gas cooking tops, electric resistance heating elements for electric cooking tops, and inductive heating elements for induction cooking tops.

heavier gauge cavity walls, extra interior support structure for heavier gauge racks, and ball-bearing extension racks. These features add to the overall thermal mass that must be heated during the baking process but do not necessarily improve cooking performance.

For these reasons, DOE notes in this final rule that the current definitions for ''conventional oven'' and ''conventional range'' in 10 CFR 430.2 already cover conventional gas ovens with higher input rates (including commercial-style gas ovens), as these products are household cooking appliances with compartments intended for the cooking or heating of food by means of a gas flame.

B. Effective Date

The amended test procedure becomes effective 30 days after this test procedure final rule is published in the **Federal Register**. Pursuant to EPCA, manufacturers of covered products must use the applicable test procedure as the basis for determining that their products comply with the applicable energy conservation standards adopted pursuant to EPCA and for making representations about the efficiency of those products. (42 U.S.C. 6293(c); 42 U.S.C. 6295(s)) Beginning 180 days after publication of this test procedure final rule, representations related to the energy consumption of conventional ovens must be based upon results generated under the applicable provisions of the amended test procedure in Appendix I. (42 U.S.C. 6293(c)(2))

C. Gas Ovens With Input Rates Greater Than 22,500 Btu/h

Because DOE is considering in a separate rulemaking energy conservation standards for conventional ovens, including gas ovens with high input rates, DOE evaluated the appropriateness of the existing test methods in Appendix I for use with conventional gas ovens that have burner input rates greater than 22,500 Btu/h. In the December 2014 SNOPR, DOE proposed that the existing test methods in Appendix I should be used to test ovens with high input rates, including gas ovens marketed as commercial-style. 79 FR 71916 (December 3, 2014).

The current active mode test procedure for conventional ovens involves setting the temperature control for the normal baking cooking cycle such that the temperature inside the oven is 325 ± 5 degrees Fahrenheit (°F) higher than the room ambient air temperature (77 ± 9 °F). An 8.5-pound (6.25-inch diameter) cylindrical anodized aluminum test block is then heated in the oven from ambient room air temperature ± 4 °F until the test block temperature has increased 234 °F above its initial temperature. If an oven permits baking by either forced convection by using a fan, or without forced convection, the oven is tested using the procedure described above in each of those two cooking modes. After the baking test(s), if the oven is equipped with a self-cleaning function, the self-cleaning process is initiated in accordance with the manufacturer's instruction and allowed to run until completion. The measured energy consumption during these test cycles is used to calculate the oven's cooking efficiency and integrated annual energy consumption (IAEC).[6]

DOE's review of the gas oven cavity volumes currently available on the U.S. market indicated that there is significant overlap in oven cavity volume between products marketed as standard, residential-styleovens and those marketed as commercial-style ovens. The primary differentiating factor between the two oven types was burner input rate, which is greater than 22,500 Btu/h for most commercial-style gas ovens. In the December 2014 SNOPR, DOE investigated the effect of increasing oven test block size on oven cooking efficiency. DOE sought to determine whether a larger test block would provide a more representative measure of cooking efficiency at higher input rates. DOE also sought to determine whether the smaller block was inadequate to properly measure the efficiency of commercial-style ovens. In its testing, DOE found that while cooking efficiency increased with the larger test block, it scaled by approximately the same factor for all ovens tested regardless of a particular oven's input rate or cavity volume, or whether the oven was marketed as residential-style or commercial-style. The relative ranking of cooking efficiency for ovens with high input rates as compared to ovens with input rates lower than 22,500 Btu/h did not change with increased test block size. This suggested that thermal losses are large enough in comparison to the heat absorbed by either sized test block that they account for much of the additional oven energy input for ovens with high input rates. Thus, the thermal losses from the cavity are driven largely by input rate alone and do not change greatly with increased test block size. 79 FR 71915–71916 (December 3, 2014).

Sub-Zero stated that the proposed test procedure does not accurately measure the performance and efficiency of the larger, higher-output components. (Sub Zero, No. 20 at p. 2) Additionally, Sub-Zero commented that an analysis based largely on 30-inch wide gas or electric ranges cannot adequately evaluate the very different performance attributes offered by high-performance products which are essential to consumer utility. (Sub-Zero, No. 20 at p. 2) Thus, Sub-Zero believes that DOE's conclusion that the existing test procedure in Appendix I is appropriate for ovens with high input rates is incorrect. (Sub-Zero, No. 20 at p. 3) Sub-Zero requested that high performance products be exempted until adequate further analysis is conducted such that these products can be accurately and fairly evaluated. (Sub Zero, No. 20 at p. 3)

In support of the December 2014 SNOPR and in support of the parallel energy conservation standards rulemaking for conventional ovens, DOE tested eight conventional gas ovens that were selected to capture a range of design features that might impact performance, including infrared broilers, convection fans, and hidden bake elements. The basic design features and measured IAEC are shown in Table III–1. The test sample included 30-inch wide models as well as models with widths greater than 30 inches. DOE observed that many of the same features found in gas ovens marketed as commercial-style were also available in ovens marketed as residential-style. By comparing the design features and the measured energy consumption of the ovens in its test sample, DOE determined that the major differentiation between conventional gas ovens with lower burner input rates and those with higher input rates, including those marketed as commercial-style, was design and construction related to aesthetics rather than improved cooking performance. Available information also indicates that the high thermal mass of products marketed as commercial-style likely lead to a low oven cooking efficiency and require higher oven input rates to compensate for the heat lost to the cavity.

[6] For ovens that can be operated with or without forced convection, the average of the energy consumption for these two modes is used. For self-clean mode, the test procedure in Appendix I assumes an average of 4 self-cleaning operations per year.

TABLE III–1—GAS OVEN FEATURES IN DOE TEST SAMPLE

Test unit No.	Type	Installation configuration	Burner input rate (Btu/h)	Unit width (in.)	Cavity volume (ft^3)	Ignition type	Hidden bake element (Y/N)	Convection (Y/N)	Normalized IAEC † (kBtu/yr)
1	Standard	Freestanding	18,000	30	4.8	Spark	Y	N	1234.2
2	Standard	Freestanding	18,000	30	4.8	Glo-bar	Y	N	1396.5
3	Self-Clean	Freestanding	18,000	30	5.0	Glo-bar	Y	Y	1269.0
4	Standard	Freestanding	16,500	30	4.4	Glo-bar	Y	N	1495.2
5	Self-Clean	Built-in	13,000	24	2.8	Glo-bar	Y	N	1492.9
6 *	Standard	Freestanding	28,000	36	5.3	Glo-bar	Y	Y	1864.5
7 *	Standard	Slide-in	27,000	30	4.4	Glo-bar	Y	Y	1916.5
8 *	Standard	Freestanding	30,000	36	5.4	Glo-bar	Y	Y	2079.3

* Models are marketed as commercial style.
† Measured IAEC normalized to a fixed cavity volume of 4.3 ft^3.

DOE also investigated the time it took each oven in its sample to heat the test block to the required final temperature of 234 °F above its initial temperature. As shown in Table III–2, gas ovens with burner input rates greater than 22,500 Btu/h do not heat the test block significantly faster than the ovens with lower burner input rates, and two out of the three units with the higher burner input rates took longer than the average time to heat the test block.

TABLE III–2—GAS OVEN TEST TIMES

Unit	Product class	Burner input rate (*Btu/h*)	Bake time for the test block to reach 234 °F above initial temp (*minutes (min)*)	Difference in time from avg. (*min*)
1	Standard	18,000	43.6	−3.8
2	Standard	18,000	43.6	−3.8
3	Self-Clean	18,000	47.2	−0.2
4	Standard	16,500	44.9	−2.5
5	Self-Clean	13,000	48.9	1.5
6	Standard *	28,000	48.9	1.5
7	Standard *	27,000	45.4	−2.0
8	Standard *	30,000	57.2	9.8
Average			47.4	

* Test units 6, 7, and 8 are marketed as commercial-style ovens.

Considering the testing results and analysis described above, and because interested parties did not provide data or information to support the assertion that the performance of conventional ovens with input rates greater than 22,500 Btu/h as compared to ovens with lower input rates cannot be accurately measured using the existing test procedure, DOE maintains in this final rule that the existing test block and existing conventional oven test method are appropriate to test conventional ovens with input rates greater than 22,500 Btu/h.

D. Incorporating by Reference AHAM–OV–1–2011 for Determination of the Volume of Conventional Ovens

As discussed in section I of this final rule, DOE has initiated a rulemaking to determine whether to amend the current energy conservation standards for conventional ovens. As part of that rulemaking, DOE has proposed standards as a function of oven cavity volume.

In the December 2014 SNOPR, DOE proposed to amend section 3.1.1 of Appendix I to incorporate by reference the industry test standard AHAM–OV–1–2011, which includes a method for determining oven cavity volume. DOE proposed to incorporate section 3, ''Definition,'' section 5.1, ''General Principles,'' and section 5.2 ''Overall Volume'' of AHAM–OV–1–2011, as these sections provide a repeatable and reproducible method to measure cavity dimensions and calculate overall volume by including clear definitions of oven characteristics and tolerances for dimensional measurements. 79 FR 71916 (December 3, 2014). Section 5.1 of AHAM–OV–1–2011 specifies that if depressions or cutouts exist in the cavity wall, dimensions are taken from the plane representing the largest area of the surface. Section 5.1 of AHAM–OV–1–2011 also specifies that oven lights, racks, and other removable features shall be ignored in the overall volume calculation, and the volume of non-rectangular cavities is calculated by measuring the rectangular portion of the cavity and non-rectangular cavity separately and adding their volumes together.

AHAM–OV–1–2011 also includes a measurement of the oven's usable space, which is the volume inside the oven cavity available for the placement of food, but DOE did not propose to incorporate this measurement in Appendix I. The usable space is oven-specific and determined by measuring either the size of the cavity door aperture or the distance between barriers, racks, and rack supports inside the cavity or on the cavity walls. The lesser of these dimensions is used to calculate the volume of the usable space.

Although DOE did not receive any public comments on its proposal to

incorporate the overall cavity volume measurement described in section 5.1 and 5.2 of AHAM–OV–1–2011, one manufacturer commented during interviews conducted in February and March of 2015 that DOE should instead consider incorporating the usable space measurement described in section 5.3 of AHAM–OV–1–2011. The manufacturer cited difficulty in determining the plane representing the largest area of the cavity wall surface, and also stated that the oven test procedure used by National Resources Canada (NRCan) bases its energy efficiency regulations on the volume of usable oven space and not overall cavity volume.

DOE notes that during February and March 2105 manufacturer interviews conducted to discuss the December 2014 SNOPR, the majority of manufacturers confirmed that the cavity volume currently published in marketing materials and product literature typically represents overall cavity volume. DOE does not believe that requiring this measurement will place additional burden on manufacturers. Manufacturers already provide exterior dimensions in the installation instructions and may also be able to use the configuration and dimensions of indentions in the oven cavity walls provided in engineering drawings to determine the plane representing the largest area of the cavity wall surface. Incorporating a cavity measurement into Appendix I would, in most circumstances, add only the three additional measurements of cavity height, width, and depth. Furthermore, DOE believes the overall cavity volume measurement provides a more accurate representation of the relationship between cavity volume and cooking efficiency as measured by the DOE test procedure in Appendix I. Any mass in the overall cavity volume outside of the usable space is heated during the bake cycle, contributes to the thermal mass, and thus impacts the cooking efficiency of the oven.

For the reasons discussed above, DOE amends in this final rule section 3.1.1 of Appendix I to incorporate by reference Sections 3, 5.1, and 5.2 of AHAM–OV–1–2011 for measuring the overall oven cavity volume.

E. Conventional Oven Separator

In the December 2014 SNOPR, DOE observed one conventional electric oven equipped with an oven separator on the U.S. market that allows for cooking using the entire oven cavity in the absence of the separator or, if the separator is installed, splitting the oven into two smaller cavities that may be operated individually with independent temperature controls. DOE proposed to test conventional ovens equipped with an oven separator in each possible oven configuration (*i.e.,* full oven cavity, upper cavity, and lower cavity) with the cooking efficiency and total annual energy consumption averaged. DOE noted that while the current test procedure in Appendix I includes provisions for measuring the energy consumption and cooking efficiency of single ovens and multiple (separate) ovens,[7] it does not include provisions for how to test a single oven that can be configured as a full oven or as two separate smaller cavities. 79 FR 71916–71917 (December 3, 2014).

During the subsequent manufacturer interviews, several manufacturers commented that without an easy or convenient way to store the separator, consumers would rarely use the feature. One manufacturer suggested that DOE consider applying a consumer usage factor to the oven separator when calculating annual energy consumption instead of using an equally-weighted average.

DOE is not aware of any consumer usage data indicating how often consumers might use an oven separator in each configuration. Additionally, DOE notes that the annual energy consumption of conventional ovens having multiple, permanent cavities of different volumes are currently averaged with an equal weighting in the existing oven test procedure in Appendix I. Therefore, DOE has no basis to adopt a weighted average of cooking efficiency and annual energy consumption as part of the test procedure for ovens equipped with an oven separator. In this final rule, DOE amends the oven test procedure in Appendix I to require the test of conventional ovens equipped with an oven separator in each possible oven configuration and to calculate cooking efficiency and annual energy consumption as an equal average of the results measured in each configuration.

F. Standby and Off Mode Test Procedure

EPCA requires that DOE amend its test procedures for all covered consumer products, including conventional ovens, to include measures of standby mode and off mode energy consumption, if technically feasible. (42 U.S.C. 6295(gg)(2)(A)) Accordingly, DOE conducted a rulemaking for conventional cooking products, dishwashers, and dehumidifiers to address standby and off mode energy consumption.[8] In the October 2012 Final Rule, DOE addressed standby mode and off mode energy consumption, as well as active mode fan-only operation, for conventional cooking products. 77 FR 65942 (Oct. 31, 2012).

DOE noted in the December 2014 SNOPR that because conventional gas ovens with higher input rates are covered under the definition of ''cooking products'' in 10 CFR 430.2, these products are covered by the standby and off mode test procedures discussed above. During testing of conventional ovens with both standard and higher input rates in its test sample, DOE did not observe any standby mode or off mode operation or features unique to these products that would warrant any changes to the standby mode and off mode test methods. 79 FR 71917 (December 3, 2014). Because DOE received no comments objecting to these findings, this final rule does not amend the standby mode and off mode test methods currently specified in Appendix I section 3.1.

G. Technical Corrections to the Calculation of Derived Results From Test Measurements

DOE did not receive comments on its proposal to correct the units of measurement in section 4 of Appendix I nor did DOE receive comments on its correction of the integrated energy factor for conventional electric cooking tops, IR_{CT}. In this final rule, DOE corrects the following sections of Appendix I to reference the appropriate units: 4.1.2.1.1, 4.1.2.2.1, 4.1.2.4.3, 4.1.2.5.3, 4.1.4.1, 4.1.4.2, 4.2.1.2, 4.2.2.2.1, and 4.2.2.2.2. DOE also corrects the value of the annual useful cooking energy output, O_{CT}, used to calculate IR_{CT}, to 173.1 kWh per year.

H. Headings for Conventional Cooking Top Calculations

DOE did not receive comments on its proposal in the December 2014 SNOPR to restore headings to section 4.2 ''Conventional cooking top,'' and section 4.2.1, ''Surface unit cooking efficiency'' in Appendix I to appropriately describe these sections. Therefore DOE has included these modifications in this final rule.

I. Clarifying Definitions for Freestanding and Built-In Ovens

Appendix I contains definitions for various cooking product installation

[7] For multiple ovens, Appendix I specifies that the energy consumption and cooking efficiency be calculated as the average of each individual oven.

[8] DOE pursued amendments to Appendix I addressing standby and off mode energy for microwave ovens as part of a separate rulemaking. The final rule for this microwave oven rulemaking published on January 18, 2013. 78 FR 4015.

conditions and specifies that the unit under test must be installed in an enclosure in accordance with the manufacturer's instructions. The test procedure in Appendix I currently defines ''freestanding'' as an installation configuration where the product is not supported by surrounding cabinetry, walls, or other similar structures. A ''built-in'' installation condition means the product is supported by surrounding cabinetry, walls, or other similar structures. ''Drop-in'' means the product is supported by horizontal surface cabinetry. During interviews after publication of the December 2014 SNOPR, manufacturers commented that the current definitions for ''freestanding,'' ''built-in,'' and ''drop-in'' should be amended. Specifically, manufacturers noted that some conventional ovens and conventional ranges are designed to be used in both a freestanding or built-in configuration, and that it is currently unclear in which configuration the oven should be tested.

During its testing, DOE observed that built-in ovens consume energy in fan-only mode, whereas freestanding ovens do not. The additional energy required to exhaust air from the oven cavity is necessary to meet safety-related temperature requirements for built-in installation configurations, in which the oven is enclosed in cabinetry. Because built-in ovens consume additional energy in fan-only mode, as part of DOE's ongoing energy conservation standards rulemaking for conventional ovens, DOE has proposed to establish separate product classes for built-in and freestanding ovens using the definitions provided in Appendix I. 80 FR 33030, 33045–46 (June 10, 2015). DOE also recognizes that the current definition of built-in configurations does not adequately describe the installation conditions that require built-in ovens to have a separate fan assembly and fan-only mode.

In this final rule, DOE is clarifying that conventional ovens or ranges that may be used in either a freestanding or built-in configuration are to be tested in the built-in configuration to account for any additional energy-consumption related to fan-only mode in this configuration. DOE is also clarifying that the definition of built-in means the product is enclosed in surrounding cabinetry, walls, or other similar structures on at least three sides.

J. Clarifying Definitions for Oven Self-Cleaning Operation

The existing test procedure in Appendix I does not include a definition for the self-cleaning operation or self-cleaning process of conventional ovens, although it specifies the measurement energy consumption during self-cleaning operation in section 3 *Test Methods and Measurements*. The existing test procedure specifies setting the conventional oven's self-cleaning process in accordance with the manufacturer's instructions, and if the self-cleaning process is adjustable, using the average time recommended by the manufacturer for a moderately soiled oven. DOE is clarifying in the final rule that self-cleaning operation is an active mode not intended to heat or cook food that is user-selectable, separate from the normal baking mode, and dedicated to cleaning and removing cooking deposits from the oven cavity walls.

K. Compliance With Other EPCA Requirements

EPCA requires that any new or amended test procedures for consumer products must be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use, and must not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

As part of the December 2014 SNOPR, DOE tentatively concluded that the amended test procedures would produce test results that measure the energy consumption of conventional ovens during representative use, and that the test procedures would not be unduly burdensome to conduct. 79 FR 71917–71918 (Dec. 3, 2014).

As discussed in section III.C of this document, the final rule amends the test procedure for gas ovens to require that the existing test block be used for all ovens, including ovens with high input rates. DOE does not expect any increase in testing burden compared to the existing test procedure, since these tests follow the same methodology, use the same test equipment, and can be conducted in the same facilities used for the current energy testing of conventional ovens. As discussed in section III.D of this document, the final rule also incorporates by reference AHAM–OV–1–2011 for measuring the overall oven cavity volume. DOE estimates that it would take on the order of one-half to one hour to conduct the cavity volume measurement for a single oven, and $50 to $100 per test for labor. Additionally, because manufacturers may already be using the AHAM procedure to measure oven cavity volume, DOE does not anticipate this measurement to be unduly burdensome to conduct. As discussed in section III.E of this document, the final rule amends the test procedure so that conventional ovens equipped with an oven separator are tested in each possible oven configuration. DOE notes, based on its testing, that this may add two oven tests for the additional cavity configurations, and add approximately $2,750 for labor. DOE does not believe this additional cost represents an excessive burden for test laboratories or manufacturers given the significant investments necessary to manufacture, test and market consumer appliances.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

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

B. Review Under the Regulatory Flexibility Act

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

DOE reviewed this final rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. The final rule clarifies that the existing test method for ovens is applicable to gas ovens with higher input rates. The final rule also includes a test method for conventional ovens with oven separators and incorporates by reference a test method to measure oven cavity volume.

The Small Business Administration (SBA) considers a business entity to be a small business, if, together with its affiliates, it employs less than a threshold number of workers or earns less than the average annual receipts specified in 13 CFR part 121. The threshold values set forth in these regulations use size standards and codes established by the North American Industry Classification System (NAICS) that are available at: *http://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf*. The threshold number for NAICS classification code 335221, titled ''Household Cooking Appliance Manufacturing,'' is 750 employees; this classification includes manufacturers of residential conventional ovens.

Most of the manufacturers supplying conventional ovens are large multinational corporations. DOE surveyed the AHAM member directory to identify manufacturers of conventional ovens and conventional ranges. DOE then consulted publicly-available data, purchased company reports from vendors such as Dun and Bradstreet, and contacted manufacturers, where needed, to determine if they meet the SBA's definition of a ''small business manufacturing facility'' and have their manufacturing facilities located within the United States. Based on this analysis, DOE estimates that there are seven small businesses that manufacture conventional ovens and conventional ranges subject to the proposed test procedure amendments.

For the reasons stated in the preamble, DOE has concluded that the final rule would not have a significant impact on small manufacturers under the applicable provisions of the Regulatory Flexibility Act. The final rule clarifies that DOE's existing test procedures in Appendix I for conventional ovens are applicable to conventional ovens with higher input rates. These tests follow the same methodology, use the same test equipment, and can be conducted in the same facilities used for the current energy testing of conventional ovens, so there would be no additional facility costs required by the final rule. Additionally, the incorporation by reference of AHAM–OV–1–2011 to measure oven cavity volume and the addition of a test method to measure conventional ovens with an oven separator will not significantly impact small manufacturers under the applicable provisions of the Regulatory Flexibility Act. DOE estimates a cost of $4,500 for an average small manufacturer to measure the cavity volume of all of its product offerings which is only 0.03 percent of the average annual revenue of the seven identified small businesses. This estimate assumes $100 per test as described in section III.K of this notice, with up to 44 tests per manufacturer. Additionally, no small conventional oven manufacturer, as defined by the SBA, offers a product with an oven separator.

For these reasons, DOE concludes and certifies that this final rule would not have a significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a regulatory flexibility analysis for this rulemaking. DOE has transmitted the certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the SBA for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of conventional ovens must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for conventional ovens, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including conventional ovens. 76 FR 12422 (March 7, 2011). The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. In an application to renew the OMB information collection approval for DOE's certification and recordkeeping requirements, DOE included an estimated burden for manufacturers of conventional ovens. OMB has approved the revised information collection for DOE's certification and recordkeeping requirements through November 30, 2017. 80 FR 5099 (January 30, 2015). DOE estimated that it will take each respondent approximately 30 hours total per company per year to comply with the certification and recordkeeping requirements based on 20 hours of technician/technical work and 10 hours clerical work to submit the Compliance and Certification Management System templates. This rulemaking would include recordkeeping requirements on manufacturers that are associated with executing and maintaining the test data for this equipment. DOE recognizes that recordkeeping burden may vary substantially based on company preferences and practices.

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

D. Review Under the National Environmental Policy Act of 1969

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

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined this final rule and determined that it will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the

various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

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

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *http://energy.gov/gc/office-general-counsel.* DOE examined this final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

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

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

I. Review Under Executive Order 12630

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

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

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

K. Review Under Executive Order 13211

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

This regulatory action is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

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

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

The proposed modifications to the test procedures addressed by this action incorporate testing methods contained in the AHAM OV–1–2011 standard, ''Procedures for the Determination and Expression of the Volume of Household Microwave and Conventional Ovens.'' DOE has evaluated this standard and is unable to conclude whether this industry standard fully complies with the requirements of section 32(b) of the FEAA, (*i.e.,* that it was developed in a manner that fully provides for public participation, comment, and review). DOE has consulted with both the Attorney General and the Chairman of the FTC about the impact on competition of using the methods contained in these standards and has received no comments objecting to their use.

M. Congressional Notification

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

N. Approval of the Office of the Secretary

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

List of Subjects in 10 CFR Part 430

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

Issued in Washington, DC, on June 18, 2015.

Kathleen B. Hogan,

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

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

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

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

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

■ 2. Section 430.3 is amended by redesignating paragraph (h)(7) as (h)(8) and adding new paragraph (h)(7) to read as follows:

§ 430.3 Materials incorporated by reference.

* * * * *

(h) * * *

(7) AHAM OV–1–2011, (''AHAM OV–1''), Procedures for the Determination and Expression of the Volume of Household Microwave and Conventional Ovens, (2011), IBR approved for appendix I to subpart B.

* * * * *

Appendix I to Subpart B—[Amended]

■ 3. Appendix I to subpart B of part 430 is amended:

■ a. By revising the Note;

■ b. In section 1. *Definitions,* by:

■ i. Redesignating sections 1.2 through 1.19 as sections 1.3 through 1.20, respectively; and

■ ii. Adding new section 1.2;

■ iii. Revising newly redesignated section 1.3;

■ c. In section 2. *Test Conditions,* by revising sections 2.1 and 2.6;

■ d. By revising section 3. *Test Methods and Measurements;*

■ e. In section 4. *Calculation of Derived Results From Test Measurements,* by:

■ i. Revising sections 4.1.2.1.1, 4.1.2.2.1, 4.1.2.4.3, 4.1.2.5, 4.1.2.5.1, 4.1.2.5.2, 4.1.2.5.3. 4.1.3.2, 4.1.4.1, 4.1.4.2, 4.2.1.2, 4.2.2.2.1, 4.2.2.2.2, and 4.2.3.2; and

■ ii. Adding sections 4.2 and 4.2.1.

The revisions and additions read as follows:

Appendix I to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Conventional Ranges, Conventional Cooking Tops, Conventional Ovens, and Microwave Ovens

Note: Any representation related to active mode energy consumption of conventional ranges, conventional cooking tops, and conventional ovens made after December 29, 2015 must be based upon results generated under this test procedure. Any representation related to standby mode and off mode energy consumption of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens must be based upon results generated under this test procedure.

Upon the compliance date(s) of any energy conservation standard(s) for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens, use of the applicable provisions of this test procedure to demonstrate compliance with the energy conservation standard(s) will also be required.

1. Definitions

* * * * *

1.2 *AHAM–OV–1* means the test standard published by the Association of Home Appliance Manufacturers titled, ''Procedures for the Determination and Expression of the Volume of Household Microwave and Conventional Ovens,'' AHAM OV–1–2011 (incorporated by reference; see § 430.3).

1.3 *Built-in* means the product is enclosed in surrounding cabinetry, walls, or other similar structures on at least three sides.

* * * * *

2. Test Conditions

2.1 *Installation* A freestanding conventional range or oven shall be installed with the back directly against, or as near as possible to, a vertical wall which extends at least 1 foot above and on either side of the appliance. There shall be no side walls. A drop-in, built-in, or wall-mounted appliance shall be installed in an enclosure in accordance with the manufacturer's instructions. If the manufacturer's instructions specify that the appliance may be used in multiple installation conditions, the appliance shall be installed according to the built-in configuration. Regardless of the installation condition, conventional cooking products are to be completely assembled with all handles, knobs, guards, etc. mounted in place. Any electric resistance heaters, gas burners, baking racks, and baffles shall be in place in accordance with the manufacturer's instructions; however, broiler pans are to be removed from the oven's baking compartment.

* * * * *

2.6 *Normal nonoperating temperature.* All areas of the appliance to be tested shall attain the normal nonoperating temperature, as defined in section 1.13 of this appendix, before any testing begins. The equipment for measuring the applicable normal nonoperating temperature shall be as described in sections 2.9.3.1, 2.9.3.2, 2.9.3.3, and 2.9.3.4 of this appendix, as applicable.

* * * * *

3. Test Methods and Measurements

3.1 *Test methods.*

3.1.1 *Conventional oven.* Perform a test by establishing the testing conditions set forth in section 2, *Test Conditions,* of this appendix and turn off the gas flow to the conventional cooking top, if so equipped. Before beginning the test, the conventional oven shall be at its normal non-operating temperature as defined in section 1.13 and described in section 2.6 of this appendix. Set the conventional oven test block W_1 approximately in the center of the usable baking space. If

there is a selector switch for selecting the mode of operation of the oven, set it for normal baking. If an oven permits baking by either forced convection by using a fan, or without forced convection, the oven is to be tested in each of those two modes. The oven shall remain on for one complete thermostat ''cut-off/cut-on'' of the electrical resistance heaters or gas burners after the test block temperature has increased 234 °F (130 °C) above its initial temperature.

3.1.1.1 *Self-cleaning operation of a conventional oven.* If the conventional oven is capable of operating in a user-selectable self-cleaning mode, separate from the normal baking mode and dedicated to cleaning and removing cooking deposits from the oven cavity walls, establish the test conditions set forth in section 2, Test Conditions, of this appendix. Turn off the gas flow to the conventional cooking top. The temperature of the conventional oven shall be its normal non-operating temperature as defined in section 1.13 and described in section 2.6 of this appendix. Then set and start the conventional oven's self-cleaning process in accordance with the manufacturer's instructions. If the self-cleaning process is adjustable, use the average time recommended by the manufacturer for a moderately soiled oven.

3.1.1.2 *Conventional oven standby mode and off mode power.* Establish the standby mode and off mode testing conditions set forth in section 2, *Test Conditions,* of this appendix. For conventional ovens that take some time to enter a stable state from a higher power state as discussed in Section 5, Paragraph 5.1, Note 1 of IEC 62301 (Second Edition) (incorporated by reference; see § 430.3), allow sufficient time for the conventional oven to reach the lower power state before proceeding with the test measurement. Follow the test procedure as specified in Section 5, Paragraph 5.3.2 of IEC 62301 (Second Edition) for testing in each possible mode as described in 3.1.1.2.1 and 3.1.1.2.2 of this appendix. For units in which power varies as a function of displayed time in standby mode, set the clock time to 3:23 at the end of the stabilization period specified in Section 5, Paragraph 5.3 of IEC 62301 (First Edition), and use the average power approach described in Section 5, Paragraph 5.3.2(a) of IEC 62301 (First Edition), but with a single test period of 10 minutes +0/−2 sec after an additional stabilization period until the clock time reaches 3:33.

3.1.1.2.1 If the conventional oven has an inactive mode, as defined in section 1.12 of this appendix, measure and record the average inactive mode power of the conventional oven, P_{IA}, in watts.

3.1.1.2.2 If the conventional oven has an off mode, as defined in section 1.14 of this appendix, measure and record the average off mode power of the conventional oven, P_{OM}, in watts.

3.1.1.3 *Conventional oven cavity volume.* Measure the oven cavity volume according to the test procedure specified in Sections 3, 5.1 and 5.2 of AHAM–OV–1 (incorporated by reference; see § 430.3).

3.1.2 *Conventional cooking top.* Establish the test conditions set forth in section 2, Test Conditions, of this appendix. Turn off the gas flow to the conventional oven(s), if so equipped. The temperature of the conventional cooking top shall be its normal nonoperating temperature as defined in section 1.13 and described in section 2.6 of this appendix. Set the test block in the center of the surface unit under test. The small test block, W_2, shall be used on electric surface units of 7 inches (178 mm) or less in diameter. The large test block, W_3, shall be used on electric surface units over 7 inches (178 mm) in diameter and on all gas surface units.

Turn on the surface unit under test and set its energy input rate to the maximum setting. When the test block reaches 144 °F (80 °C) above its initial test block temperature, immediately reduce the energy input rate to 25±5 percent of the maximum energy input rate. After 15±0.1 minutes at the reduced energy setting, turn off the surface unit under test.

3.1.2.1 *Conventional cooking top standby mode and off mode power.* Establish the standby mode and off mode testing conditions set forth in section 2, *Test Conditions,* of this appendix. For conventional cooktops that take some time to enter a stable state from a higher power state as discussed in Section 5, Paragraph 5.1, Note 1 of IEC 62301 (Second Edition) (incorporated by reference; see § 430.3), allow sufficient time for the conventional cooking top to reach the lower power state before proceeding with the test measurement. Follow the test procedure as specified in Section 5, Paragraph 5.3.2 of IEC 62301 (Second Edition) for testing in each possible mode as described in sections 3.1.2.1.1 and 3.1.2.1.2 of this appendix. For units in which power varies as a function of displayed time in standby mode, set the clock time to 3:23 at the end of the stabilization period specified in Section 5, Paragraph 5.3 of IEC 62301 (First Edition), and use the average power approach described in Section 5, Paragraph 5.3.2(a) of IEC 62301 (First Edition), but with a single test period of 10 minutes +0/−2 sec after an additional stabilization period until the clock time reaches 3:33.

3.1.2.1.1 If the conventional cooking top has an inactive mode, as defined in section 1.12 of this appendix, measure and record the average inactive mode power of the conventional cooking top, P_{IA}, in watts.

3.1.2.1.2 If the conventional cooking top has an off mode, as defined in section 1.14 of this appendix, measure and record the average off mode power of the conventional cooking top, P_{OM}, in watts.

3.1.3 *Conventional range standby mode and off mode power.* Establish the standby mode and off mode testing conditions set forth in section 2, Test Conditions, of this appendix. For conventional ranges that take some time to enter a stable state from a higher power state as discussed in Section 5, Paragraph 5.1, Note 1 of IEC 62301 (Second Edition) (incorporated by reference; see § 430.3), allow sufficient time for the conventional range to reach the lower power state before proceeding with the test measurement. Follow the test procedure as specified in Section 5, Paragraph 5.3.2 of IEC 62301 (Second Edition) for testing in each possible mode as described in sections 3.1.3.1 and 3.1.3.2 of this appendix. For units in which power varies as a function of displayed time in standby mode, set the clock time to 3:23 at the end of the stabilization period specified in Section 5, Paragraph 5.3 of IEC 62301 (First Edition), and use the average power approach described in Section 5, Paragraph 5.3.2(a) of IEC 62301 (First Edition), but with a single test period of 10 minutes +0/−2 sec after an additional stabilization period until the clock time reaches 3:33.

3.1.3.1 If the conventional range has an inactive mode, as defined in section 1.12 of this appendix, measure and record the average inactive mode power of the conventional range, P_{IA}, in watts.

3.1.3.2 If the conventional range has an off mode, as defined in section 1.14 of this appendix, measure and record the average off mode power of the conventional range, P_{OM}, in watts.

3.1.4 *Microwave oven.*

3.1.4.1 *Microwave oven test standby mode and off mode power.* Establish the testing conditions set forth in section 2, *Test Conditions,* of this appendix. For microwave ovens that drop from a higher power state to a lower power state as discussed in Section 5, Paragraph 5.1, Note 1 of IEC 62301 (Second Edition) (incorporated by reference; see § 430.3), allow sufficient

time for the microwave oven to reach the lower power state before proceeding with the test measurement. Follow the test procedure as specified in Section 5, Paragraph 5.3.2 of IEC 62301 (Second Edition). For units in which power varies as a function of displayed time in standby mode, set the clock time to 3:23 and use the average power approach described in Section 5, Paragraph 5.3.2(a) of IEC 62301 (First Edition), but with a single test period of 10 minutes +0/−2 sec after an additional stabilization period until the clock time reaches 3:33. If a microwave oven is capable of operation in either standby mode or off mode, as defined in sections 1.18 and 1.14 of this appendix, respectively, or both, test the microwave oven in each mode in which it can operate.

3.2 *Test measurements.*

3.2.1 *Conventional oven test energy consumption.* If the oven thermostat controls the oven temperature without cycling on and off, measure the energy consumed, E_O, when the temperature of the block reaches T_O (T_O is 234 °F (130 °C) above the initial block temperature, T_I). If the oven thermostat operates by cycling on and off, make the following series of measurements: Measure the block temperature, T_A, and the energy consumed, E_A, or volume of gas consumed, V_A, at the end of the last ''ON'' period of the conventional oven before the block reaches T_O. Measure the block temperature, T_B, and the energy consumed, E_B, or volume of gas consumed, V_B, at the beginning of the next ''ON'' period. Measure the block temperature, T_C, and the energy consumed, E_C, or volume of gas consumed, VC, at the end of that ''ON'' period. Measure the block temperature, T_D, and the energy consumed, E_D, or volume of gas consumed, V_D, at the beginning of the following ''ON'' period. Energy measurements for E_O, E_A, E_B, E_C, and E_D should be expressed in watt-hours (kJ) for conventional electric ovens, and volume measurements for V_A, V_B, V_C, and V_D should be expressed in standard cubic feet (L) of gas for conventional gas ovens. For a gas oven, measure in watt-hours (kJ) any electrical energy, E_{IO}, consumed by an ignition device or other electrical components required for the operation of a conventional gas oven while heating the test block to T_O.

3.2.1.1 *Conventional oven average test energy consumption.* If the conventional oven permits baking by either forced convection or without forced convection and the oven thermostat does not cycle on and off, measure the energy consumed with the forced convection mode, $(E_O)_1$, and without the forced convection mode, $(E_O)_2$, when the temperature of the block reaches T_O (T_O is 234 °F (130 °C) above the initial block temperature, T_I). If the conventional oven permits baking by either forced convection or without forced convection and the oven thermostat operates by cycling on and off, make the following series of measurements with and without the forced convection mode: Measure the block temperature, T_A, and the energy consumed, E_A, or volume of gas consumed, V_A, at the end of the last ''ON'' period of the conventional oven before the block reaches T_O. Measure the block temperature, T_B, and the energy consumed, E_B, or volume of gas consumed, V_B, at the beginning of the next ''ON'' period. Measure the block temperature, T_C, and the energy consumed, E_C, or volume of gas consumed, V_C, at the end of that ''ON'' period. Measure the block temperature, T_D, and the energy consumed, E_D, or volume of gas consumed, V_D, at the beginning of the following ''ON'' period. Energy measurements for E_O, E_A, E_B, E_C, and E_D should be expressed in watt-hours (kJ) for conventional electric ovens, and volume measurements for V_A, V_B, V_C, and V_D should be expressed in standard cubic feet (L) of gas for conventional gas ovens. For a gas oven that can be operated with or without forced convection, measure in watt-hours (kJ) any electrical energy consumed by an ignition device or other electrical components required for the operation of a conventional gas oven while heating the test block to T_O using the forced convection mode, $(E_{IO})_1$, and without using the forced convection mode, $(E_{IO})_2$.

3.2.1.2 *Conventional oven fan-only mode energy consumption.* If the conventional oven is capable of operation in fan-only mode, measure the fan-only mode energy consumption, E_{OF}, expressed in kilowatt-hours (kJ) of electricity consumed by the conventional oven for the duration of fan-only mode, using a watt-hour meter as specified in section 2.9.1.1 of this appendix. Alternatively, if the duration of fan-only mode is known, the watt-hours consumed may be measured for a period of 10 minutes in fan-only mode, using a watt-hour meter as specified in section 2.9.1.1 of this appendix. Multiply this value by the time in minutes that the conventional oven remains in fan-only mode, t_{OF}, and divide by 10,000 to obtain E_{OF}. The alternative approach may be used only if the resulting E_{OF} is representative of energy use during the entire fan-only mode.

3.2.1.3 *Energy consumption of self-cleaning operation.* Measure the energy consumption, E_S, in watt-hours (kJ) of electricity or the volume of gas consumption, V_S, in standard cubic feet (L) during the self-cleaning test set forth in section 3.1.1.1 of this appendix. For a gas oven, also measure in watt-hours (kJ) any electrical energy, E_{IS}, consumed by ignition devices or other electrical components required during the self-cleaning test.

3.2.1.4 *Standby mode and off mode energy consumption.* Make measurements as specified in section 3.1.1.2 of this appendix. If the conventional oven is capable of operating in inactive mode, as defined in section 1.12 of this appendix, measure the average inactive mode power of the conventional oven, P_{IA}, in watts as specified in section 3.1.1.2.1 of this appendix. If the conventional oven is capable of operating in off mode, as defined in section 1.14 of this appendix, measure the average off mode power of the conventional oven, P_{OM}, in watts as specified in section 3.1.1.2.2 of this appendix.

3.2.1.5 *Conventional oven cavity volume.* Measure the oven cavity volume, CV_O, in cubic feet (L), as specified in section 3.1.1.3 of this appendix.

3.2.2 *Conventional surface unit test energy consumption.*

3.2.2.1 *Conventional surface unit average test energy consumption.* For the surface unit under test, measure the energy consumption, E_{CT}, in watt-hours (kJ) of electricity or the volume of gas consumption, V_{CT}, in standard cubic feet (L) of gas and the test block temperature, T_{CT}, at the end of the 15 minute (reduced input setting) test interval for the test specified in section 3.1.2 of this appendix and the total time, t_{CT}, in hours, that the unit is under test. Measure any electrical energy, E_{IC}, consumed by an ignition device of a gas heating element or other electrical components required for the operation of the conventional gas cooking top in watt-hours (kJ).

3.2.2.2 *Conventional surface unit standby mode and off mode energy consumption.* Make measurements as specified in section 3.1.2.1 of this appendix. If the conventional surface unit is capable of operating in inactive mode, as defined in section 1.12 of this appendix, measure the average inactive mode power of the conventional surface unit, P_{IA}, in watts as specified in section 3.1.2.1.1 of this appendix. If the conventional surface unit is capable of operating in off mode, as defined in section 1.14 of this appendix, measure the average off mode power of the

conventional surface unit, P_{OM}, in watts as specified in section 3.1.2.1.2 of this appendix.

3.2.3 *Conventional range standby mode and off mode energy consumption.* Make measurements as specified in section 3.1.3 of this appendix. If the conventional range is capable of operating in inactive mode, as defined in section 1.13 of this appendix, measure the average inactive mode power of the conventional range, P_{IA}, in watts as specified in section 3.1.3.1 of this appendix. If the conventional range is capable of operating in off mode, as defined in section 1.14 of this appendix, measure the average off mode power of the conventional range, P_{OM}, in watts as specified in section 3.1.3.2 of this appendix.

3.2.4 *Microwave oven test standby mode and off mode power.* Make measurements as specified in Section 5, Paragraph 5.3 of IEC 62301 (Second Edition) (incorporated by reference; see § 430.3). If the microwave oven is capable of operating in standby mode, as defined in section 1.18 of this appendix, measure the average standby mode power of the microwave oven, P_{SB}, in watts as specified in section 3.1.4.1 of this appendix. If the microwave oven is capable of operating in off mode, as defined in section 1.14 of this appendix, measure the average off mode power of the microwave oven, P_{OM}, as specified in section 3.1.4.1.

3.3 *Recorded values.*

3.3.1 Record the test room temperature, T_R, at the start and end of each range, oven or cooktop test, as determined in section 2.5 of this appendix.

3.3.2 Record the measured test block, test block body, and test block base weights W_1, W_2, and W_3 in pounds (kg).

3.3.3 Record the initial temperature, T_1, of the test block under test.

3.3.4 For a conventional oven with a thermostat which operates by cycling on and off, record the conventional oven test measurements T_A, E_A, T_B, E_B, T_C, E_C, T_D, and E_D for conventional electric ovens or T_A, V_A, T_B, V_B, T_C, V_C, T_D, and V_D for conventional gas ovens. If the thermostat controls the oven temperature without cycling on and off, record E_O. For a gas oven which also uses electrical energy for the ignition or operation of the oven, also record E_{IO}.

3.3.5 For a conventional oven that can be operated with or without forced convection and the oven thermostat controls the oven temperature without cycling on and off, measure the energy consumed with the forced convection mode, $(E_O)_1$, and without the forced convection mode, $(E_O)_2$. If the conventional oven operates with or without forced convection and the thermostat controls the oven temperature by cycling on and off, record the conventional oven test measurements T_A, E_A, T_B, E_B, T_C, E_C, T_D, and E_D for conventional electric ovens or T_A, V_A, T_B, V_B, T_C, V_C, T_D, and V_D for conventional gas ovens. For a gas oven that can be operated with or without forced convection, measure any electrical energy consumed by an ignition device or other electrical components used during the forced convection mode, $(E_{IO})_1$, and without using the forced convection mode, $(E_{IO})_2$.

3.3.6 Record the measured energy consumption, E_S, or gas consumption, V_S, and for a gas oven, any electrical energy, E_{IS}, for the test of the self-cleaning operation of a conventional oven.

3.3.7 For conventional ovens, record the conventional oven standby mode and off mode test measurements P_{IA} and P_{OM}, if applicable. For conventional cooktops, record the conventional cooking top standby mode and off mode test measurements P_{IA} and P_{OM}, if applicable. For conventional ranges, record the conventional range standby mode and off mode test measurements P_{IA} and P_{OM}, if applicable.

3.3.8 For conventional ovens, record the measured oven cavity volume, CV_O, in cubic feet (L), rounded to the nearest tenth of a cubic foot (nearest L).

3.3.9 For the surface unit under test, record the electric energy consumption, E_{CT}, or the gas volume consumption, V_{CT}, the final test block temperature, T_{CT}, and the total test time, t_{CT}. For a gas cooking top which uses electrical energy for ignition of the burners, also record EIC.

3.3.10 Record the heating value, H_n, as determined in section 2.2.2.2 of this appendix for the natural gas supply.

3.3.11 Record the heating value, H_p, as determined in section 2.2.2.3 of this appendix for the propane supply.

3.3.12 Record the average standby mode power, P_{SB}, for the microwave oven standby mode, as determined in section 3.2.4 of this appendix for a microwave oven capable of operating in standby mode. Record the average off mode power, P_{OM}, for the microwave oven off mode power test, as determined in section 3.2.4 of this appendix for a microwave oven capable of operating in off mode.

4. Calculation of Derived Results From Test Measurements

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4.1.2.1.1 *Annual primary energy consumption.* Calculate the annual primary energy consumption for cooking, E_{CO}, expressed in kilowatt-hours (kJ) per year for electric ovens and in kBtus (kJ) per year for gas ovens, and defined as:

$$E_{CO} = \frac{E_O \times K_e \times O_O}{W_1 \times C_p \times T_S}$$

for electric ovens,

Where:

E_O = test energy consumption as measured in section 3.2.1 or as calculated in section 4.1.1 or section 4.1.1.1 of this appendix.

K_e = 3.412 Btu/Wh (3.6 kJ/Wh,) conversion factor of watt-hours to Btus.

O_O = 29.3 kWh (105,480 kJ) per year, annual useful cooking energy output of conventional electric oven.

W_1 = measured weight of test block in pounds (kg).

C_p = 0.23 Btu/lb-°F (0.96 kJ/kg ÷ °C), specific heat of test block.

T_S = 234 °F (130 °C), temperature rise of test block.

$$E_{CO} = \frac{E_O \times O_O}{W_1 \times C_p \times T_S}$$

for gas ovens,

Where:

E_O = test energy consumption as measured in section 3.2.1 or as calculated in section 4.1.1 or section 4.1.1.1 of this appendix.

O_O = 88.8 kBtu (93,684 kJ) per year, annual useful cooking energy output of conventional gas oven.

W_1, C_p and T_S are the same as defined above.

* * * * *

4.1.2.2.1 *Annual primary energy consumption.* Calculate the annual primary energy consumption for conventional oven self-cleaning operations, E_{SC}, expressed in kilowatt-hours (kJ) per year for electric ovens and in kBtus (kJ) for gas ovens, and defined as:

$E_{SC} = E_S \times S_e \times K$, for electric ovens,

Where:

E_S = energy consumption in watt-hours, as measured in section 3.2.1.3 of this appendix.

S_e = 4, average number of times a self-cleaning operation of a conventional electric oven is used per year.

K = 0.001 kWh/Wh conversion factor for watt-hours to kilowatt-hours.

or

E_{SC} $V_S \times H \times S_g \times K$, for gas ovens,

Where:

V_S = gas consumption in standard cubic feet (L), as measured in section 3.2.1.3 of this appendix.

H = H_n or H_p, the heating value of the gas used in the test as specified in sections 2.2.2.2 and 2.2.2.3 of this appendix in Btus per standard cubic foot (kJ/L).

S_g = 4, average number of times a self-cleaning operation of a conventional gas oven is used per year.

K = 0.001 kBtu/Btu conversion factor for Btus to kBtus

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4.1.2.4.3 *Conventional gas oven energy consumption.* Calculate the total annual gas energy consumption of a conventional gas oven, E_{AOG}, expressed in kBtus (kJ) per year and defined as:

$E_{AOG} = E_{CO} + E_{SC}$,

Where:

E_{CO} = annual primary cooking energy consumption as determined in section 4.1.2.1.1 of this appendix.

E_{SC} = annual primary self-cleaning energy consumption as determined in section 4.1.2.2.1 of this appendix.

If the conventional gas oven uses electrical energy, calculate the total annual electrical energy consumption, E_{AOE}, expressed in kilowatt-hours (kJ) per year and defined as:

$E_{AOE} = E_{SO} + E_{SS}$,

Where:

E_{SO} = annual secondary cooking energy consumption as determined in section 4.1.2.1.2 of this appendix.

E_{SS} = annual secondary self-cleaning energy consumption as determined in section 4.1.2.2.2 of this appendix.

If the conventional gas oven uses electrical energy, also calculate the total integrated annual electrical energy consumption, IE_{AOE}, expressed in kilowatt-hours (kJ) per year and defined as:

$IE_{AOE} = E_{SO} + E_{SS} + E_{OTLP} + (E_{OF} \times N_{OG})$,

Where:

E_{SO} = annual secondary cooking energy consumption as determined in section 4.1.2.1.2 of this appendix.

E_{SS} = annual secondary self-cleaning energy consumption as determined in section 4.1.2.2.2 of this appendix.

E_{OTLP} = annual combined low-power mode energy consumption as determined in section 4.1.2.3 of this appendix.

E_{OF} = fan-only mode energy consumption as measured in section 3.2.1.2 of this appendix.

N_{OG} = representative number of annual conventional gas oven cooking cycles per year, which is equal to 183 cycles for a conventional gas oven without self-clean capability and 197 cycles for a conventional gas oven with self-clean capability.

4.1.2.5 *Total annual energy consumption of multiple conventional ovens and conventional ovens with an oven separator.* If the cooking appliance includes more than one conventional oven or consists of a conventional oven equipped with an oven separator that allows for cooking using the entire oven cavity or, if the separator is installed, splitting the oven into two smaller cavities, calculate the total annual energy consumption of the conventional oven(s) using the following equations:

4.1.2.5.1 *Conventional electric oven energy consumption.* Calculate the total annual energy consumption, E_{TO}, in kilowatt-hours (kJ) per year and defined as:

$E_{TO} = E_{ACO} + E_{ASC}$

Where:

$$E_{ACO} = \frac{1}{n}\sum_{i=1}^{n}(E_{CO})_i$$

is the average annual primary energy consumption for cooking, and where:

n = number of conventional ovens in the basic model or, if the cooking appliance is equipped with an oven separator, the number of oven cavity configurations.

E_{CO} = annual primary energy consumption for cooking as determined in section 4.1.2.1.1 of this appendix.

$$E_{ASC} = \frac{1}{n}\sum_{i=1}^{n}(E_{SC})_i$$

is the average annual self-cleaning energy consumption,

Where:

n = number of self-cleaning conventional ovens in the basic model.

E_{SC} = annual primary self-cleaning energy consumption as determined according to section 4.1.2.2.1 of this appendix.

4.1.2.5.2 *Conventional electric oven integrated energy consumption.* Calculate the total integrated annual energy consumption, IE_{TO}, in kilowatt-hours (kJ) per year and defined as:

$IE_{TO} = E_{ACO} + E_{ASC} + E_{OTLP} + (E_{OF} \times N_{OE})$

Where

$$E_{ACO} = \frac{1}{n}\sum_{i=1}^{n}(E_{CO})_i$$

is the average annual primary energy consumption for cooking, and where:

n = number of conventional ovens in the cooking appliance or, if the cooking appliance is equipped with an oven separator, the number of oven cavity configurations.

E_{CO} = annual primary energy consumption for cooking as determined in section 4.1.2.1.1 of this appendix.

$$E_{ASC} = \frac{1}{n}\sum_{i=1}^{n}(E_{SC})_i$$

is the average annual self-cleaning energy consumption,

Where:

n = number of self-cleaning conventional ovens in the basic model.

E_{SC} = annual primary self-cleaning energy consumption as determined according to section 4.1.2.2.1 of this appendix.

E_{OTLP} = annual combined low-power mode energy consumption for the cooking appliance as determined in section 4.1.2.3 of this appendix.

E_{OF} = fan-only mode energy consumption as measured in section 3.2.1.2 of this appendix.

N_{OE} = representative number of annual conventional electric oven cooking cycles per year, which is equal to 219 cycles for a conventional electric oven without self-clean capability and 204 cycles for a conventional electric oven with self-clean capability.

4.1.2.5.3 *Conventional gas oven energy consumption.* Calculate the total annual gas energy consumption, E_{TOG}, in kBtus (kJ) per year and defined as:

$E_{TOG} = E_{ACO} + E_{ASC}$

Where:

E_{ACO} = average annual primary energy consumption for cooking in kBtus (kJ) per year and is calculated as:

$$E_{ACO} = \frac{1}{n}\sum_{i=1}^{n}(E_{CO})_i$$

Where:

n = number of conventional ovens in the cooking appliance or, if the cooking appliance is equipped with an oven separator, the number of oven cavity configurations.

E_{CO} = annual primary energy consumption for cooking as determined in section 4.1.2.1.1 of this appendix.

and,

E_{ASC} = average annual self-cleaning energy consumption in kBtus (kJ) per year and is calculated as:

$$E_{ASC} = \frac{1}{n}\sum_{i=1}^{n}(E_{SC})_i$$

Where:

n = number of self-cleaning conventional ovens in the basic model.

E_{SC} = annual primary self-cleaning energy consumption as determined according to section 4.1.2.2.1 of this appendix.

If the oven also uses electrical energy, calculate the total annual electrical energy consumption, E_{TOE}, in kilowatt-hours (kJ) per year and defined as:

$E_{TOE} = E_{ASO} + E_{AAS}$

Where:

$$E_{ASO} = \frac{1}{n}\sum_{i=1}^{n}(E_{SO})_i$$

is the average annual secondary energy consumption for cooking,

Where:

n = number of conventional ovens in the basic model or, if the cooking appliance is equipped with an oven separator, the number of oven cavity configurations.

E_{SO} = annual secondary energy consumption for cooking of gas ovens as determined in section 4.1.2.1.2 of this appendix.

$$E_{AAS} = \frac{1}{n}\sum_{i=1}^{n}(E_{SS})_i$$

is the average annual secondary self-cleaning energy consumption,

Where:

n = number of self-cleaning ovens in the basic model.

E_{SS} = annual secondary self-cleaning energy consumption of gas ovens as determined in section 4.1.2.2.2 of this appendix.

If the oven also uses electrical energy, also calculate the total integrated annual electrical energy consumption, IE_{TOE}, in kilowatt-hours (kJ) per year and defined as:

$IE_{TOE} = E_{ASO} + E_{AAS} + E_{OTLP} + (E_{OF} \times N_{OG})$

Where:

$$E_{ASO} = \frac{1}{n}\sum_{i=1}^{n}(E_{SO})_i$$

is the average annual secondary energy consumption for cooking,

Where:

n = number of conventional ovens in the basic model or, if the cooking appliance is equipped with an oven separator, the number of oven cavity configurations.

E_{SO} = annual secondary energy consumption for cooking of gas ovens as determined in section 4.1.2.1.2 of this appendix.

$$E_{AAS} = \frac{1}{n}\sum_{i=1}^{n}(E_{SS})_i$$

is the average annual secondary self-cleaning energy consumption,

Where:

n = number of self-cleaning ovens in the basic model.

E_{SS} = annual secondary self-cleaning energy consumption of gas ovens as determined in section 4.1.2.2.2 of this appendix.

E_{OTLP} = annual combined low-power mode energy consumption as determined in section 4.1.2.3 of this appendix.

E_{OF} = fan-only mode energy consumption as measured in section 3.2.1.2 of this appendix.

N_{OG} = representative number of annual conventional gas oven cooking cycles per year, which is equal to 183 cycles for a conventional gas oven without self-clean capability and 197 cycles for a conventional gas oven with self-clean capability.

* * * * *

4.1.3.2 *Multiple conventional ovens and conventional ovens with an oven separator.* If the cooking appliance includes more than one conventional oven or consists of a conventional oven equipped with an oven separator that allows for cooking using the entire oven cavity or, if the separator is installed, splitting the oven into two smaller cavities, calculate the cooking efficiency of the conventional oven(s), Eff_{TO}, using the following equation:

$$Eff_{TO} = \frac{n}{\sum_{i=1}^{n}\left(\frac{1}{Eff_{AO}}\right)_i}$$

Where:

n = number of conventional ovens in the cooking appliance or, if the cooking appliance is equipped with an oven separator, the number of oven cavity configurations.

Eff_{AO} = cooking efficiency of each oven determined according to section 4.1.3.1 of this appendix.

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4.1.4.1 *Conventional oven energy factor.* Calculate the energy factor, or the ratio of useful cooking energy output to the total energy input, R_O, using the following equations:

$$R_O = \frac{O_O}{E_{AO}}$$

For electric ovens,

Where:

O_O = 29.3 kWh (105,480 kJ) per year, annual useful cooking energy output.

E_{AO} = total annual energy consumption for electric ovens as determined in section 4.1.2.4.1 of this appendix.

For gas ovens:

$$R_O = \frac{O_O}{E_{AOG} + (E_{AOE} \times K_e)}$$

Where:

O_O = 88.8 kBtu (93,684 kJ) per year, annual useful cooking energy output.

E_{AOG} = total annual gas energy consumption for conventional gas ovens as determined in section 4.1.2.4.3 of this appendix.

E_{AOE} = total annual electrical energy consumption for conventional gas ovens as determined in section 4.1.2.4.3 of this appendix.

K_e = 3.412 kBtu/kWh (3,600 kJ/kWh), conversion factor for kilowatt-hours to kBtus.

4.1.4.2 *Conventional oven integrated energy factor.* Calculate the integrated energy factor, or the ratio of useful cooking energy output to the total integrated energy input, IR_O, using the following equations:

$$IR_O = \frac{O_O}{IE_{AO}}$$

For electric ovens,

Where:

O_O = 29.3 kWh (105,480 kJ) per year, annual useful cooking energy output.

IE_{AO} = total integrated annual energy consumption for electric ovens as determined in section 4.1.2.4.2 of this appendix.

For gas ovens:

$$IR_O = \frac{O_O}{E_{AOG} + (IE_{AOE} \times K_e)}$$

Where:

O_O = 88.8 kBtu (93,684 kJ) per year, annual useful cooking energy output.

E_{AOG} = total annual gas energy consumption for conventional gas ovens as determined in section 4.1.2.4.3 of this appendix.

IE_{AOE} = total integrated annual electrical energy consumption for conventional gas ovens as determined in section 4.1.2.4.3 of this appendix.

K_e = 3.412 kBtu/kWh (3,600 kJ/kWh), conversion factor for kilowatt-hours to kBtus.

4.2 *Conventional cooking top.*

4.2.1 *Surface unit cooking efficiency.*

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4.2.1.2 *Gas surface unit cooking efficiency.* Calculate the cooking efficiency, Eff_{SU}, of the gas surface unit under test, defined as:

$$Eff_{SU} = \frac{(W_3 \times C_p) \times T_{SU}}{E}$$

Where:

W_3 = measured weight of test block as measured in section 3.3.2 of this appendix, expressed in pounds (kg).

C_p, and T_{SU} are the same as defined in section 4.2.1.1 of this appendix.

and,

$E = (V_{CT} \times H) + (E_{IC} \times K_e)$,

Where:

V_{CT} = total gas consumption in standard cubic feet (L) for the gas surface unit test as measured in section 3.2.2.1 of this appendix.

E_{IC} = electrical energy consumed in watt-hours (kJ) by an ignition device of a gas surface unit as measured in section 3.2.2.1 of this appendix.

K_e = 3.412 Btu/Wh (3.6 kJ/Wh), conversion factor of watt-hours to Btus.

H = either H_n or H_p, the heating value of the gas used in the test as specified in sections 2.2.2.2 and 2.2.2.3 of this appendix, expressed in Btus per standard cubic foot (kJ/L) of gas.

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4.2.2.2.1 *Annual cooking energy consumption.* Calculate the annual energy consumption for cooking, E_{CC}, in kBtus (kJ) per year for a gas cooking top, defined as:

$$E_{CC} = \frac{O_{CT}}{Eff_{CT}}$$

Where:

O_{CT} = 527.6 kBtu (556,618 kJ) per year, annual useful cooking energy output.

Eff_{CT} = the gas cooking top efficiency as defined in section 4.2.1.3 of this appendix.

4.2.2.2.2 *Total integrated annual energy consumption of a conventional gas cooking top.* Calculate the total integrated annual energy consumption of a conventional gas cooking top, IE_{CA}, in kBtus (kJ) per year, defined as:

$IE_{CA} = E_{CC} + (E_{CTSO} \times K_e)$

Where:

E_{CC} = energy consumption for cooking as determined in section 4.2.2.2.1 of this appendix.

E_{CTSO} = conventional cooking top combined low-power mode energy consumption = $[(P_{IA} \times S_{IA}) + (P_{OM} \times S_{OM})] \times K$,

Where:

P_{IA} = conventional cooking top inactive mode power, in watts, as measured in section 3.1.2.1.1 of this appendix.

P_{OM} = conventional cooking top off mode power, in watts, as measured in section 3.1.2.1.2 of this appendix.

If the conventional cooking top has both inactive mode and off mode annual hours, S_{IA} and S_{OM} both equal 4273.4;

If the conventional cooking top has an inactive mode but no off mode, the inactive mode annual hours, S_{IA}, is equal to 8546.9, and the off mode annual hours, S_{OM}, is equal to 0;

If the conventional cooking top has an off mode but no inactive mode, S_{IA} is equal to 0, and S_{OM} is equal to 8546.9;

K = 0.001 kWh/Wh conversion factor for watt-hours to kilowatt-hours.

K_e = 3.412 kBtu/kWh (3,600 kJ/kWh), conversion factor for kilowatt-hours to kBtus.

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4.2.3.2 *Conventional cooking top integrated energy factor.* Calculate the integrated energy factor or ratio of useful cooking energy output for cooking to the total integrated energy input, IR_{CT}, as follows:

For electric cooking tops,

$$IR_{CT} = \frac{O_{CT}}{IE_{CA}}$$

Where:

O_{CT} = 173.1 kWh (623,160 kJ) per year, annual useful cooking energy output of cooking top.

IE_{CA} = total annual integrated energy consumption of cooking top determined according to section 4.2.2.1.2 of this appendix.

For gas cooking tops,

$$IR_{CT} = \frac{O_{CT}}{IE_{CA}}$$

Where:

O_{CT} = 527.6 kBtu (556,618 kJ) per year, annual useful cooking energy output of cooking top.

IE_{CA} = total integrated annual energy consumption of cooking top determined according to section 4.2.2.2.2 of this appendix.

* * * * *

[FR Doc. 2015–15886 Filed 7–1–15; 8:45 am]

BILLING CODE 6450–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Docket No. SSA–2015–0010]

RIN 0960–AH75

Extension of Effective Date for Temporary Pilot Program Setting the Time and Place for a Hearing Before an Administrative Law Judge

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: We are extending for one year our pilot program that authorizes the agency to set the time and place for a hearing before an administrative law judge (ALJ). Extending of the pilot program continues our commitment to improve the efficiency of our hearing process and to maintain a hearing process that results in accurate, high-quality decisions for claimants. The current pilot program will expire on August 10, 2015. In this final rule, we are extending the effective date to August 12, 2016. We are making no other substantive changes.

DATES: This final rule is effective July 2, 2015.

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

SUPPLEMENTARY INFORMATION:

Background

Over the past several years, one of our highest priorities has been to improve the efficiency of our hearing process for the Old Age, Survivors, and Disability Insurance (OASDI) programs under title II of the Social Security Act (Act) and the Supplemental Security Income (SSI) program under title XVI of the Act. We began a pilot program in July 2010 (75 FR 39154), under which the agency, rather than the ALJ, may set the time and place of the hearing under certain circumstances. Because we expect to continue to face significant challenges in dealing with the historically large number of hearing requests, we must maintain programs and policies that can provide us with the flexibility we need to improve the efficiency of our hearing process.

When we published a final rule on July 8, 2010 authorizing the agency to set the time and place for a hearing before an ALJ, we explained that we would implement our authority as a temporary pilot program. (75 FR 39154). Therefore, we included in sections 404.936(h) and 416.1436(h) of the final rule a provision that the pilot program would end on August 9, 2013, unless we decided to either terminate the program earlier, or extend it beyond that date by publication of a final rule in the **Federal Register.** Most recently, on July 18, 2014, we extended the deadline until August 10, 2015. (79 FR 41881).

Explanation of Extension

During the pilot program, we tracked ALJ productivity closely, working with ALJs to addresss any concerns about our hearing process. We are continuing to work with ALJs who do not promptly schedule their hearings, and we are using a variety of authorties available to correct these situations. To date, our efforts have been largely successful. We are retaining this authority in our regulations to provide us with the flexibility we need to manage the hearing process appropriately.

During this extension of the pilot program, we will continue to monitor the productivity of ALJs and to work with our ALJs to address any concerns regarding our hearing process. Accordingly, we are extending our authority to set the time and place for a hearing before an ALJ for another year, until August 12, 2016. As before, we reserve the authority to end the program earlier, or to extend it by publishing a final rule in the **Federal Register**.

Regulatory Procedures

Justification for Issuing Final Rule Without Notice and Comment

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 when developing regulations. Section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5). Generally, the APA requires that an agency provide prior notice and opportunity for public comment before issuing a final rule. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest. We have determined that good

cause exists for dispensing with the notice and public comment procedures for this rule. 5 U.S.C. 553(b)(B). This final rule only extends the date on which the pilot program will no longer be effective. It makes no substantive changes to our rules. Our current regulations expressly provide that we may extend the expiration date of the pilot program by notice of a final rule in the **Federal Register**. Therefore, we have determined that opportunity for prior comment is unnecessary, and we are issuing this rule as a final rule.

In addition, for the reasons cited above, we find good cause for dispensing with the 30-day delay in the effective date of this final rule. 5 U.S.C. 553(d)(3). We are not making any substantive changes in our rules. Without an extension of the expiration date for the pilot program, we will not have the flexibility we need to ensure the efficiency of our hearing process. Therefore, we find it is in the public interest to make this final rule effective on the publication date.

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. Therefore, OMB did not review the final rule.

Regulatory Flexibility Act

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

Paperwork Reduction Act

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

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

List of Subjects

20 CFR Part 404

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

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Carolyn W. Colvin,

Acting Commissioner of Social Security.

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

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

(1950–)

Subpart J—[Amended]

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

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

■ 2. In § 404.936, revise the second sentence in paragraph (i) to read as follows:

§ 404.936 Time and place for a hearing before an administrative law judge.

* * * * *

(i) *Pilot program.* * * * These provisions will no longer be effective on August 12, 2016, unless we terminate them earlier or extend them beyond that date by notice of a final rule in the **Federal Register**.

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

Subpart N—[Amended]

■ 3. The authority citation for subpart N of part 416 continues to read as follows:

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

■ 4. In § 416.1436, revise the second sentence in paragraph (i) to read as follows:

§ 416.1436 Time and place for a hearing before an administrative law judge.

* * * * *

(i) *Pilot program.* * * * These provisions will no longer be effective on August 12, 2016, unless we terminate them earlier or extend them beyond that date by notice of a final rule in the **Federal Register**.

[FR Doc. 2015–16397 Filed 7–1–15; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 601, 610, and 680

[Docket No. FDA–2014–N–1110]

Revocation of General Safety Test Regulations That Are Duplicative of Requirements in Biologics License Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations by removing the general safety test (GST) requirements for biological products. FDA is finalizing this action because the existing codified GST regulations are duplicative of requirements that are also specified in biologics license applications (BLAs), or are no longer necessary or appropriate to help ensure the safety, purity, and potency of licensed biological products. FDA is taking this action as part of its retrospective review of its regulations to promote improvement and innovation, in response to the Executive order.

DATES: This rule is effective August 3, 2015.

FOR FURTHER INFORMATION CONTACT: Lori J. Churchyard, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose and Coverage of the Final Rule

The final rule removes the codified GST [1] regulations for biological products which will update outdated requirements and accommodate new and evolving technology and testing capabilities without diminishing public health protections. FDA is finalizing

[1] For purposes of this final rule, the terms ''general safety test'' or ''GST'' refer to the requirements found under Title 21 of the Code of Federal Regulations (CFR), subchapter F, parts 600 through 680 (21 CFR parts 600 through 680), specifically 21 CFR 610.11, 610.11a, and 680.3(b).

this action because the existing codified GST regulations are duplicative of requirements that are also specified in BLAs, or are no longer necessary or appropriate to help ensure the safety, purity, and potency of licensed biological products. FDA is taking this action as part of its retrospective review of its regulations to promote improvement and innovation, in response to Executive Order (E.O.) 13563 of January 18, 2011.

Summary of the Major Provisions of the Final Rule

The final rule removes the requirements contained in §§ 610.11, 610.11a, and 680.3(b) (21 CFR 610.11, 610.11a, and 680.3(b)) from the regulations. Section 610.11 requires a GST for the detection of extraneous toxic contaminants in certain biological products intended for administration to humans. Section 610.11a concerns the GST requirements for inactivated influenza vaccine. Section 680.3(b) concerns GST requirements for allergenic products. Removal of these regulations, however, would not remove GST requirements specified in individual BLAs. A biological product manufacturer would continue to be required to follow the GST requirements specified in its BLA unless the manufacturer advised FDA of its elimination or modification of the test by a submission filed in accordance with § 601.12 (21 CFR 601.12). FDA would review proposed changes to a manufacturer's approved biologics license on a case-by-case basis so that FDA can ensure that any such action is appropriate.

Costs and Benefits

FDA is finalizing this action because the existing codified GST regulations are duplicative of requirements that are also specified in BLAs, or are no longer necessary or appropriate to help ensure the safety, purity, and potency of licensed biological products. Because this final rule would impose no additional regulatory burdens, this rule is not anticipated to result in any compliance costs and the economic impact is expected to be minimal.

I. Background

As part of FDA's retrospective review of its regulations to promote improvement and innovation under Executive Order 13563, FDA is removing the codified GST requirements as specified in this rule. We believe this action is appropriate because in many instances, the GST regulations duplicate requirements that are also specified in the BLA requirements for biological products intended for human use under section 351 of the Public Health Service Act (PHS Act) (42 U.S.C. 262), or they are outmoded or otherwise unnecessary to help ensure the continued safety, purity, and potency of biological products. FDA published the proposed rule ''Revocation of General Safety Test Regulations That Are Duplicative of Requirements in Biological License Applications'' in the **Federal Register** of August 22, 2014 (79 FR 49727). FDA corrected the title of that proposed rule to ''Revocation of General Safety Test Regulations That Are Duplicative of Requirements in Biologics License Applications'' in the **Federal Register** of September 10, 2014 (79 FR 53670).

For a number of years, FDA has not codified specific test methods as standards for licensed biological products, in part because codifying specific test methods as standards can diminish the ability of the Agency and industry to respond to technological developments. Instead the Agency has required manufacturers to provide a full description of manufacturing methods, including test methods, in manufacturers' BLAs (§ 601.2(a) (21 CFR 601.2(a))). Since FDA issued the March 2003 final rule ''Revision to the General Safety Requirements for Biological Products'' in the **Federal Register** of March 4, 2003 (68 FR 10157), it has become increasingly clear that the codified GST regulations are too restrictive for certain biological products because alternatives may be available which provide the same or greater level of assurance of safety as the GST. Thus, the Agency believes that the GST regulations may not always reflect the scientific community's assessment of the best current testing procedures, although in certain circumstances the GST may still be appropriate. The Agency believes that a more efficient way of prescribing testing requirements for particular products would be to allow such requirements to be specified in the BLA, which will enhance flexibility to make appropriate changes to testing methods.

II. Summary of the Final Rule

FDA is adopting as final, without material change, the proposed revocation of general safety test requirements that are duplicative of requirements in BLAs.

- The final rule is removing §§ 610.11, 610.11a, and 680.3(b), the regulations that require that manufacturers of biological products perform a specified test for general safety of biological products. FDA is taking this action because the existing codified GST regulations are duplicative, outmoded, or are otherwise unnecessary to help ensure the continued safety, purity, and potency of licensed biological products.
- As set forth in an approved BLA or BLA supplement, for products that present specific safety concerns, manufacturers will be required to perform appropriate safety test(s) to address those concerns. For example, the BLA may require testing for a specific toxicity.
- The appropriate tests will be specified in the manufacturer's BLA or BLA supplement rather than codified as regulations.
- Elimination of the codified GST regulations would encourage the implementation of the principles of the ''3Rs,'' to reduce, refine, and replace animal use in testing. This addresses the need to minimize the use of animals in such testing and promotes more humane, appropriate and specific test methods for assuring the safety of biological products.[2]
- The finalization of this rule does not automatically revise a manufacturer's BLA or BLA supplement.
- Manufacturers would continue to be required to perform the GST unless the manufacturer's BLA were revised through a supplement to eliminate or modify the test in accordance with § 601.12.
- The requirements for a licensed biological product manufacturer to report changes in its product, product labeling, production process, quality controls, equipment, facilities or responsible personnel, as established in its approved BLA, are detailed in § 601.12.
- Under § 601.12, manufacturers must report each change to the Agency in one of several different types of submissions. The applicable submission category depends on the potential for the change(s) at issue to have an adverse effect on the identity, strength, quality, purity, or potency of the particular biological product as it may relate to the safety or effectiveness of the product.
- FDA anticipates that changes involving the discontinuance of the GST or the reliance on a test other than the GST would have a moderate potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as it may relate to the safety

[2] Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) Authorization Act of 2000 (42 U.S.C. 285l–3). Additional information on the Federal Government's implementation of the principles of the 3Rs may be found at the ICCVAM Web site at *http://ntp.niehs.nih.gov/go/iccvam.*

or effectiveness of the product. Such changes must be identified in a supplement submitted under § 601.12(c) (changes requiring supplement submission at least 30 days prior to distribution of the product made using the change).

III. Legal Authority

FDA is issuing this regulation under the biological products and communicable disease provisions of the PHS Act (42 U.S.C. 262 and 264), and the provisions of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 321 *et seq.*) applicable to drugs. Under these provisions of the PHS Act and the FD&C Act, we have the authority to issue and enforce regulations designed to ensure, among other things, that biological products are safe, pure, and potent and manufactured in accordance with current Good Manufacturing Practice, and to prevent the introduction, transmission, or spread of communicable disease.

IV. Comments on the Proposed Rule and FDA Response

The Agency received two letters of comments on the proposed rule. Comments were received from a trade association, and an animal welfare organization.

To make it easier to identify the comments and our responses, the word ''Comment'' and a comment number appear in parentheses before each comment's description, and the word ''Response'' in parentheses precedes each response. We have also numbered each comment to help distinguish between different comments. The number assigned to each comment is purely for organizational purposes and does not signify the comment's value or importance or the order in which it was received. Certain comments were grouped together because the subject matter of the comments was similar.

A. General Comments

(Comment 1) Both letters of comments support the proposed rule.

(Response) FDA acknowledges and appreciates that the comments we received agree with the need for this rulemaking. As stated previously, the rule removes the requirements contained in §§ 610.11, 610.11a, and 680.3(b) from the regulations because the existing codified GST regulations are duplicative of requirements that are also specified in BLAs, or are no longer necessary or appropriate to help ensure the safety, purity, and potency of licensed biological products. Removal of these regulations provides a more efficient way of prescribing testing requirements and enhances flexibility to make appropriate changes to testing methods.

B. Comments on Specific Topics

(Comment 2) One comment requests that FDA encourage manufacturers who have a GST described in their BLAs for their licensed products to submit supplements to their BLAs to eliminate or modify the test and that FDA take additional steps to ensure that the final rule will have the intended effect of eliminating the use of animals in safety testing.

(Response) As stated in the preamble of the proposed rule (79 FR 49727 at 49729), we anticipate that the elimination of the codified GST regulations will encourage the implementation of the principles of the ''3Rs,'' to reduce, refine, and replace animal use in testing. Moreover, on our own initiative, as discussed elsewhere in this document, we have determined that the effective date of the final rule will be 30 days after the date of its publication in the **Federal Register** to give manufacturers the flexibility to submit supplements to their BLAs for their licensed products as soon as possible.

(Comment 3) One comment requests that we add language to § 601.2 or other relevant biologics regulation to clarify our intent to encourage the implementation of the principles of the 3Rs.

(Response) FDA declines to adopt this recommended change because the request to add language to § 601.2 or other relevant biologics regulations is outside the scope of this rulemaking.

(Comment 4) One comment requests that FDA establish user fees with respect to the continued use of the GST after the effective date of this final rule, or that FDA establish other clear policies that will provide economic incentives to discontinue the use of the GST. Further, the comment refers to Executive Order 13563, which encourages Federal Agencies to ''. . . assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees . . . .''

(Response) We decline to adopt these suggested changes because they are beyond the scope of this rule. The proposed rule did not address user fees or economic incentives. This rule allows, but does not require, current BLA holders to submit to FDA supplements to their BLAs to eliminate or modify the GST.

(Comment 5) One comment states that a manufacturer who submits a supplement to eliminate or modify a GST in its BLA will not be able to stop conducting the GST until FDA determines that the manufacturer has appropriately reported this change.

(Response) We disagree in part. As stated in the preamble to the proposed rule (79 FR 49727 at 49730), a manufacturer who desires to discontinue the GST in its approved BLA or utilize an alternative method other than the GST approved in its BLA must submit a BLA supplement reporting the change in accordance with § 601.12. Should a manufacturer wish to discontinue the GST described in the approved BLA, or to utilize an alternative method other than the GST approved in its BLA, FDA anticipates that the change would have a moderate potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as it may relate to the safety or effectiveness of the product. Accordingly, a manufacturer who desires to make such a change must submit a BLA supplement reporting the change in accordance with § 601.12(c). Within 30 days of the date FDA receives the submission, FDA will determine if the change has been reported in the proper category and if any of the required information is missing, and will inform the applicant accordingly. If FDA does not so notify the applicant, distribution of the product made using the change may begin not less than 30 days after receipt of the supplement by FDA.

V. Conforming Amendments

As part of this final rule, we need to make conforming changes when the removed provisions are referenced elsewhere in the CFR. The final rule removes ''§ 610.11'' from § 601.2(c)(1) and 21 CFR 601.22.

VI. Effective Date

We are making this rule effective 30 days after the date of publication in the **Federal Register**. We are making this change in the interest of reducing unnecessary regulatory burden to give manufacturers the flexibility to submit supplements right away, should they wish to do so.

VII. Economic Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct Agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select

regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Agency believes that this final rule is not a significant regulatory action as defined under Executive Order 12866.

The Regulatory Flexibility Act requires Agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because this final rule generally increases flexibility for safety testing and would result in the reduction of certain regulatory burdens and does not add any new regulatory responsibilities, the Agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that Agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $144 million, using the most current (2014) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this final rule to result in any 1-year expenditure that would meet or exceed this amount.

This final rule amends the biologics regulations by removing the GST requirements for biological products found in §§ 610.11, 610.11a and 680.3(b). FDA is finalizing this action because the current codified GST regulations are duplicative of requirements that are also specified in biologics licenses, or are no longer necessary or appropriate to help ensure the safety, purity, and potency of licensed biological products. The removal of the GST regulations for biological products, however, would not remove GST requirements specified in individual BLAs. All manufacturers that currently conduct a GST are already required, as part of the standards specified in their BLAs, to perform the GST and would thus continue to be required to perform the GST unless the BLA were revised to eliminate or modify the test through a supplement in accordance with § 601.12. Because this rule would impose no additional regulatory burdens, this regulation is not anticipated to result in any compliance costs and the economic impact is expected to be minimal.

VIII. The Paperwork Reduction Act of 1995

This final rule refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520). The collections of information in § 601.12 have been approved under OMB control number 0910–0338. Therefore, FDA tentatively concludes that the requirements in this document are not subject to review by OMB because they do not constitute a ''new collection of information'' under the PRA.

IX. Environmental Impact

The Agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

X. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that would 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. Accordingly, the Agency has concluded that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

List of Subjects

21 CFR Part 601

Administrative practice and procedure, Biologics, Confidential business information.

21 CFR Part 610

Biologics, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 680

Biologics, Blood, Reporting and recordkeeping requirements.

Therefore under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 601, 610, and 680 are amended as follows:

PART 601—LICENSING

■ 1. The authority citation for 21 CFR part 601 continues to read as follows:

Authority: 15 U.S.C. 1451–1561; 21 U.S.C. 321, 351, 352, 353, 355, 356b, 360, 360c–360f, 360h–360j, 371, 374, 379e, 381; 42 U.S.C. 216, 241, 262, 263, 264; sec 122, Pub. L. 105–115, 111 Stat. 2322 (21 U.S.C. 355 note).

§ 601.2 [Amended]

■ 2. Section 601.2 is amended in paragraph (c)(1) by removing ''610.11,''.

§ 601.22 [Amended]

■ 3. Section 601.22 is amended in the third sentence by removing ''610.11,''.

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

■ 4. The authority citation for 21 CFR part 610 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 360, 360c, 360d, 360h, 360i, 371, 372, 374, 381; 42 U.S.C. 216, 262, 263, 263a, 264.

§ 610.11 [Removed and Reserved]

■ 5. Remove and reserve § 610.11.

§ 610.11a [Removed and Reserved]

■ 6. Remove and reserve § 610.11a.

PART 680—ADDITIONAL STANDARDS FOR MISCELLANEOUS PRODUCTS

■ 7. The authority citation for 21 CFR part 680 continues to read as follows:

Authority: 21 U.S.C. 321, 351, 352, 353, 355, 360, 371; 42 U.S.C. 216, 262, 263, 263a, 264.

§ 680.3 [Amended]

■ 8. In § 680.3, remove and reserve paragraph (b).

Dated: June 26, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–16366 Filed 7–1–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF STATE

22 CFR Part 121

[Public Notice: 8996]

RIN 1400–AD74

Temporary Modification of Category XI of the United States Munitions List

AGENCY: Department of State.

ACTION: Final rule; notice of temporary modification.

SUMMARY: The Department of State, pursuant to its regulations and in the

interest of the security of the United States, temporarily modifies Category XI of the United States Munitions List (USML).

DATES: Amendatory instructions 1 and 2 are effective July 2, 2015. Amendatory instruction No. 3 is effective December 29, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. C. Edward Peartree, Director, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663–2792; email *DDTCResponseTeam@state.gov.* ATTN: Temporary Modification of Category XI.

SUPPLEMENTARY INFORMATION: On July 1, 2014, the Department published a final rule revising Category XI of the USML, 79 FR 37535, effective December 30, 2014. This final rule, consistent with the two prior proposed rules for USML Category XI (78 FR 45017, July 25, 2013 and 77 FR 70958, November 28, 2012), revised paragraph (b) of Category XI to clarify the extent of the control and maintain the existing scope of control on items described in paragraph (b) and the directly related software described in paragraph (d). The Department has determined that exporters may read the revised control language to exclude certain intelligence analytics software that has been and remains controlled on the USML. Therefore, the Deputy Assistant Secretary of State for Defense Trade Controls determined that it is in the interest of the security of the United States to temporarily revise USML Category XI paragraph (b), pursuant to the provisions of 22 CFR 126.2, while a long term solution is developed. The Department will publish any permanent revision to USML Category XI paragraph (b) addressing this issue as a proposed rule for public comment.

This temporary revision clarifies that the scope of control in existence prior to December 30, 2014 for USML paragraph (b) and directly related software in paragraph (d) remains the same. This clarification is achieved by reinserting the words ''analyze and produce information from'' and by adding software to the description of items controlled. In effect, this rule modifies USML Category XI paragraph (b) until December 29, 2015.

Regulatory Findings

Administrative Procedure Act

The Department is publishing this rule as a final rule based upon good cause, and its determination that delaying the effect of this rule during a period of public comment would be impractical, unnecessary and contrary to public interest. 5 U.S.C. 553(b)(3)(B). In addition, the Department is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States Government and that rules implementing this function are exempt from sections 553 (rulemaking) and 554 (adjudications) of the Administrative Procedure Act (APA).

Regulatory Flexibility Act

Since the Department is of the opinion that this rule is exempt from the provisions of 5 U.S.C. 553, there is no requirement for an analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

The Department does not believe this rulemaking is a major rule under the criteria of 5 U.S.C. 804.

Executive Orders 12372 and 13132

This rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Executive Orders 12866 and 13563

The Department believes that benefits of the rulemaking outweigh any costs, which are estimated to be insignificant. It is the Department's position that this rulemaking is not a significant rule under the criteria of Executive Order 12866, and is consistent with the provisions of Executive Order 13563.

Executive Order 12988

The Department of State has reviewed this rulemaking in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This rulemaking does not impose or revise any information collections subject to 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 121

Arms and munitions, Classified information, Exports.

For reasons stated in the preamble, the State Department amends 22 CFR part 121 as follows:

PART 121—THE UNITED STATES MUNITIONS LIST

■ 1. The authority citation for part 121 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); 22 U.S.C. 2651a; Pub. L. 105–261, 112 Stat. 1920; Section 1261, Pub. L. 112–239; E.O. 13637, 78 FR 16129.

■ 2. In § 121.1, under Category XI, revise paragraph (b), effective July 2, 2015 to read as follows:

§ 121.1 The United States Munitions List.

* * * * *

Category XI—Military Electronics

* * * * *

*(b) Electronic systems, equipment or software, not elsewhere enumerated in this sub-chapter, specially designed for intelligence purposes that collect, survey, monitor, or exploit, or analyze and produce information from, the electromagnetic spectrum (regardless of transmission medium), or for counteracting such activities.

* * * * *

■ 3. In § 121.1, under Category XI, revise paragraph (b), effective December 29, 2015, to read as follows:

§ 121.1 The United States Munitions List.

* * * * *

Category XI—Military Electronics

* * * * *

*(b) Electronic systems or equipment, not elsewhere enumerated in this sub-chapter, specially designed for intelligence purposes that collect, survey, monitor, or exploit the electromagnetic spectrum (regardless of

transmission medium), or for counteracting such activities.

* * * * *

Kenneth B. Handelman,

Deputy Assistant Secretary for Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State.

[FR Doc. 2015–16489 Filed 7–1–15; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0504]

RIN 1625–AA00

Safety Zone; Alexandria Bay Chamber of Commerce Fireworks Display; Saint Lawrence River, Heart Island, Alexandria Bay, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Saint Lawrence River, Heart Island, Alexandria Bay, NY. This safety zone is intended to restrict vessels from a portion of the Saint Lawrence River during the Alexandria Bay Chamber of Commerce fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display.

DATES: This rule is effective on July 5, 2015 from 9:15 p.m. until 10 p.m.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0504]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LTJG Amanda Garcia, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9343, email *SectorBuffaloMarineSafety@uscg.mil.* If you have questions on viewing the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime fireworks display. Therefore, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed above, waiting for a 30 day notice period to run would be impracticable.

B. Basis and Purpose

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

Between 9:15 p.m. and 10 p.m. on July 5, 2015, a fireworks display will be held on the shoreline of the Saint Lawrence River on Heart Island in Alexandria Bay, NY. It is anticipated that numerous vessels will be in the immediate vicinity of the launch point. The Captain of the Port Buffalo has determined that such a launch proximate to a gathering of watercraft pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port Buffalo has determined that this temporary safety zone is necessary to ensure the safety of spectators and vessels during the Alexandria Bay Chamber of Commerce fireworks display. This zone will be enforced from 9:15 p.m. until 10 p.m. on July 5, 2015. This zone will encompass all waters of the Saint Lawrence River, Heart Island, Alexandria Bay, NY within an 800-foot radius of position 44°20′38.5″ N and 075°55′19.1″ W (NAD 83).

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

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow

vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Saint Lawrence River on the evening of July 5, 2015.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: this safety zone would be effective, and thus subject to enforcement, for only 45 minutes late in the day. Traffic may be allowed to pass through the zone with the permission of the Captain of the Port. The Captain of the Port can be reached via VHF channel 16. Before the enforcement of the zone, we would issue local Broadcast Notice to Mariners.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the ''For Further Information Contact'' section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. *§ 165.T09–0504 Safety Zone; Alexandria Bay Chamber of Commerce Fireworks Display; Saint Lawrence River, Heart Island, Alexandria Bay, NY.*

(a) *Location.* This zone will encompass all waters of the Saint Lawrence River, Heart Island, Alexandria Bay, NY within an 800-foot radius of position 44°20′38.5″ N and 075°55′19.1″ W (NAD 83).

(b) *Enforcement period.* This regulation will be enforced on July 5, 2015 from 9:15 p.m. until 10 p.m.

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

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

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

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

Dated: June 15, 2015.

B. W. Roche,

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

[FR Doc. 2015–16345 Filed 7–1–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0500]

RIN 1625–AA00

Safety Zone; Bay Village Independence Day Celebration Fireworks Display; Lake Erie, Bay Village, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Erie, Bay Village, OH. This safety zone is intended to restrict vessels from a portion of Lake Erie during the Bay Village Independence Day Celebration fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display.

DATES: This rule is effective from 9:45 p.m. until 10:35 p.m. on July 4, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0500]. 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 LT Stephanie Pitts, Chief of Waterways Management, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216–937–0128. If you have questions on viewing the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime fireworks display.

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

B. Basis and Purpose

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

Between 9:45 p.m. and 10:35 p.m. on July 4, 2015, a fireworks display will be held on the shoreline of Lake Erie, Bay Village, OH. It is anticipated that numerous vessels will be in the immediate vicinity of the launch point. The Captain of the Port Buffalo has determined that such a launch proximate to a gathering of watercraft pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port Buffalo has determined that this temporary safety zone is necessary to ensure the safety of spectators and vessels during

the Bay Village Independence Day Celebration fireworks display. This zone will be enforced from 9:45 p.m. until 10:35 p.m. on July 4, 2015. This zone will encompass all waters of Lake Erie; Bay Village, OH within a 560-foot radius of position 41°29′23.9″ N. and 081°55′44.5″ W. (NAD 83).

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

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

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

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of Lake Erie on the evening of July 4, 2015.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone would be effective, and thus subject to enforcement, for only 50 minutes late in the day. Traffic may be allowed to pass through the zone with the permission of the Captain of the Port. The Captain of the Port can be reached via VHF channel 16. Before the enforcement of the zone, we would issue local Broadcast Notice to Mariners.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

§ 165.T09–0500 Safety Zone; Bay Village Independence Day Celebration Fireworks Display; Lake Erie, Bay Village, OH.

(a) *Location.* This zone will encompass all waters of Lake Erie; Bay Village, OH within a 560-foot radius of position 41°29′23.9″ N. and 081°55′44.5″ W. (NAD 83).

(b) *Enforcement period.* This regulation will be enforced on July 4, 2015 from 9:45 p.m. until 10:35 p.m.

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

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

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

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

Dated: June 15, 2015.

B.W. Roche,

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

[FR Doc. 2015–16354 Filed 7–1–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0506]

RIN 1625–AA00

Safety Zone; Erie Boom on the Bay Fireworks Display; Presque Isle Bay, Erie, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Erie, Presque Isle Bay, Erie, PA. This safety zone is intended to restrict vessels from a portion of Presque Isle Bay during the Erie Boom on the Bay fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display.

DATES: This rule will be effective from 9:30 p.m. until 10:30 p.m. on July 4, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0506]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LTJG Amanda Garcia, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9343, email *SectorBuffaloMarineSafety@uscg.mil.* If you have questions on viewing the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest because it would inhibit the

Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime fireworks display. Therefore, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed above, waiting for a 30 day notice period to run would be impracticable and contrary to the public interest.

B. Basis and Purpose

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

Between 9:30 p.m. and 10:30 p.m. on July 4, 2015, a fireworks display will be held on the shoreline of Lake Erie, Presque Isle Bay in Erie, PA. It is anticipated that numerous vessels will be in the immediate vicinity of the launch point. The Captain of the Port Buffalo has determined that such a launch proximate to a gathering of watercraft pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port Buffalo has determined that this temporary safety zone is necessary to ensure the safety of spectators and vessels during the Erie Boom on the Bay fireworks display. This zone will be enforced from 9:30 p.m. until 10:30 p.m. on July 4, 2015. This zone will encompass all waters of Lake Erie; Presque Isle Bay, Erie, PA within a 400-foot radius of position 42°8′20″ N. and 080°5′29″ W. (NAD 83).

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

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

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

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of Presque Isle Bay on the evening of July 4, 2015.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone would be effective, and thus subject to enforcement, for only 60 minutes late in the day. Traffic may be allowed to pass through the zone with the permission of the Captain of the Port. The Captain of the Port can be reached via VHF channel 16. Before the enforcement of the zone, we would issue local Broadcast Notice to Mariners.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of

their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

§ 165.T09–0506 Safety Zone; Erie Boom on the Bay Fireworks Display; Presque Isle Bay, Erie, PA.

(a) *Location.* This zone will encompass all waters of Lake Erie, Presque Isle Bay; Erie, PA within a 400-footradius of position 42°8′20″ N. and 080°5′29″ W. (NAD 83).

(b) *Enforcement period.* This regulation will be enforced on July 4, 2015 from 9:30 p.m. until 10:30 p.m.

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

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

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

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

Dated: June 15, 2015.

B.W. Roche,

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

[FR Doc. 2015–16353 Filed 7–1–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0503]

RIN 1625–AA00

Safety Zone; Independence Day Celebration Fireworks Display; Lake Ontario, Oswego, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Ontario, Oswego, NY. This safety zone is intended to restrict vessels from a portion of Lake Ontario during the Independence Day Celebration fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display.

DATES: This rule will be effective on July 5, 2015 from 9:30 p.m. until 10:30 p.m.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0503]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LTJG Amanda Garcia, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9343, email *SectorBuffaloMarineSafety@uscg.mil.* If you have questions on viewing the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime fireworks display. Therefore, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed above, waiting for a 30 day notice period to run would be impracticable and contrary to the public interest.

B. Basis and Purpose

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

Between 9:30 p.m. and 10:30 p.m. on July 5, 2015, a fireworks display will be held on the shoreline of Lake Ontario in Oswego, NY. It is anticipated that numerous vessels will be in the immediate vicinity of the launch point. The Captain of the Port Buffalo has determined that such a launch proximate to a gathering of watercraft pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port Buffalo has determined that this temporary safety zone is necessary to ensure the safety of spectators and vessels during the Independence Day Celebration fireworks display. This zone will be enforced from 9:30 p.m. until 10:30 p.m. on July 5, 2015. This zone will encompass all waters of Lake Ontario, Oswego, NY within a 420-foot radius of position 43°27′56.88″ N. and 076°30′43.96″ W. (NAD 83).

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

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

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

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of Lake Ontario on the evening of July 5, 2015.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone would be effective, and thus subject to enforcement, for only 60 minutes late in the day. Traffic may be allowed to pass through the zone with the permission of the Captain of the Port. The Captain of the Port can be reached via VHF channel 16. Before the enforcement of the zone, we would issue local Broadcast Notice to Mariners.

3. Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions

annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

§ 165.T09–0503 Safety Zone; Independence Day Celebration Fireworks Display; Lake Ontario, Oswego, NY.

(a) *Location.* This zone will encompass all waters of Lake Ontario, Oswego, NY within a 420-foot radius of position 43°27′56.88″ N. and 076°30′43.96″ W. (NAD 83).

(b) *Enforcement Period.* This regulation will be enforced on July 5, 2015 from 9:30 p.m. until 10:30 p.m.

(c) *Regulations.*

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

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

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

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

Dated: June 15, 2015.

B.W. Roche,

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

[FR Doc. 2015–16352 Filed 7–1–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0247; FRL–9929–84–Region 4]

Approval and Promulgation of Implementation Plans; Mississippi; Memphis, TN–MS–AR Emissions Inventory for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve the portion of the state implementation plan (SIP) revision submitted by the State of Mississippi, through the Mississippi Department of Environmental Quality (MDEQ) on January 14, 2015, that addresses the base year emissions inventory requirements for the State's portion of the Memphis, Tennessee-Mississippi-Arkansas (Memphis, TN–MS–AR) 2008 8-hour ozone national ambient air quality standards (NAAQS) nonattainment area (hereafter referred to as the ''Memphis, TN–MS–AR Area'' or ''Area''). A base year emissions inventory is required for all ozone nonattainment areas. The Area is comprised of Shelby County in Tennessee, Crittenden County in Arkansas, and a portion of DeSoto County in Mississippi. EPA will take action on the emissions inventories for the Tennessee and Arkansas portions of the Area in separate actions.

DATES: This direct final rule is effective August 31, 2015 without further notice, unless EPA receives adverse comment by August 3, 2015. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0247, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. Email: *R4–ARMS@epa.gov.*
3. Fax: (404) 562–9019.
4. Mail: ''EPA–R04–OAR–2015–0247,'' Air Regulatory Management Section, (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. Hand Delivery or Courier: Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2015–0247. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Bell can be reached at (404) 562–9088 and via electronic mail at *bell.tiereny@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). *See* 73 FR 16436. Under EPA's regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. *See* 40 CFR 50.15. Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement. The ambient air quality monitoring data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90 percent, and no single year has less than 75 percent data completeness as determined in appendix I of part 50.

Upon promulgation of a new or revised NAAQS, the Clean Air Act (CAA or Act) requires EPA to designate as nonattainment any area that is violating the NAAQS, based on the three most recent years of ambient air quality data at the conclusion of the designation process. The Memphis, TN–MS–AR Area was designated nonattainment for the 2008 8-hour ozone NAAQS on May 21, 2012 (effective July 20, 2012), using 2008–2010 ambient air quality data. *See* 77 FR 30088. At the time of designation, the Memphis, TN–MS–AR Area was classified as a marginal nonattainment

area for the 2008 8-hour ozone NAAQS. On March 6, 2015, EPA finalized a rule entitled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (SIP Requirements Rule) that establishes the requirements that state, tribal, and local air quality management agencies must meet as they develop implementation plans for areas where air quality exceeds the 2008 8-hour ozone NAAQS.[1] *See* 80 FR 12264. This rule establishes nonattainment area attainment dates based on Table 1 of section 181(a) of the CAA, including an attainment date three years after the July 20, 2012, effective date, for areas classified as marginal for the 2008 8-hour ozone NAAQS. Therefore, the attainment date for the Memphis, TN–MS–AR Area is July 20, 2015.

Based on the nonattainment designation, Mississippi was required to develop a nonattainment SIP revision addressing certain CAA requirements. Specifically, pursuant to CAA section 182(a)(1), Mississippi was required to submit a SIP revision addressing emissions inventory requirements.

Ground level ozone is not emitted directly into the air, but is created by chemical reactions between oxides of nitrogen (NO_X) and volatile organic compounds (VOC) in the presence of sunlight. Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of NO_X and VOC. Section 182(a)(1) of the CAA requires states with areas designated nonattainment for the ozone NAAQS to submit a SIP revision providing a comprehensive, accurate, and current inventory of actual emissions from all sources of the relevant pollutant or pollutants in such area. NO_X and VOCs are the relevant pollutants because they are the precursors of ozone.

On January 14, 2015, Mississippi submitted a SIP revision containing a base year emissions inventory for its portion of the Memphis, TN–MS–AR Area. EPA is now taking action to approve the portion of the SIP revision addressing the emissions inventory as meeting the requirements of sections 110 and 182(a)(1) of the CAA. More information on EPA's analysis of Mississippi's emissions inventory is provided below.

II. Analysis of the State's Base Year Emissions Inventory

As discussed above, section 182(a)(1) of the CAA requires states to submit a comprehensive, accurate, and current inventory of actual emissions from all sources of the relevant pollutant or pollutants in each ozone non-attainment area. The section 182(a)(1) base year inventory is defined in the SIP Requirements Rule as ''a comprehensive, accurate, current inventory of actual emissions from sources of VOC and NO_X emitted within the boundaries of the nonattainment area as required by CAA section 182(a)(1).'' *See* 40 CFR 51.1100(bb). The inventory year must be selected consistent with the baseline year for the RFP plan as required by 40 CFR 51.1110(b),[2] and the inventory must include actual ozone season day emissions as defined in 40 CFR 51.1100(cc)[3] and contain data elements consistent with the detail required by 40 CFR part 51, subpart A. *See* 40 CFR 51.1115(a), (c), (e). In addition, the point source emissions included in the inventory must be reported according to the point source emissions thresholds of the Air Emissions Reporting Requirements (AERR) in 40 CFR part 51, subpart A. 40 CFR 51.1115(d).

Mississippi selected 2011 as the base year for the emissions inventory which is the year corresponding with the first triennial inventory under 40 CFR part 51, subpart A. This base year is one of the three years of ambient data used to designate the Area as a nonattainment area and therefore represents emissions associated with nonattainment conditions. The emissions inventory is based on data developed and submitted by MDEQ to EPA's 2011 National Emissions Inventory (NEI), and it contains data elements consistent with the detail required by 40 CFR part 51, subpart A.[4]

Mississippi's emissions inventory for its portion of the Area provides 2011 emissions data for NO_X and VOCs for the following general source categories: point, nonpoint (excluding biogenic sources), nonroad mobile, and onroad mobile. A detailed discussion of the inventory development is located in Appendix V to Mississippi's January 14, 2015, submittal which is provided in the docket for this action. The table below provides a summary of the emissions inventory.

TABLE 1—2011 POINT, NONPOINT, NONROAD MOBILE, AND ONROAD MOBILE EMISSIONS FOR THE MISSISSIPPI PORTION OF THE MEMPHIS, TN–MS–AR AREA

[Tons per summer day]

County	Point		Nonpoint (excluding biogenic sources)		Non-road mobile		On-road mobile		Total	
	NO_X	VOC	NO_X	VOC	NO_X	VOC	NO_X	VOC	NO_X	VOC
DeSoto *	1.533	0.817	1.267	7.062	2.054	1.658	8.969	5.178	13.847	14.734

* Emissions reported for the nonattainment portion of the county.

[1] The SIP Requirements Rule addresses a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology, reasonably available control measures, major new source review, emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. The rule also revokes the 1997 ozone NAAQS and establishes anti-backsliding requirements.

[2] 40 CFR 51.1110(b) states that at the time of designation for the 2008 ozone NAAQS the baseline emissions inventory shall be the emissions inventory for the most recent calendar year for which a complete triennial inventory is required to be submitted to EPA under the provisions of subpart A of the part. States may use an alternative baseline emissions inventory provided the state demonstrates why it is appropriate to use the alternative baseline year, and provided that the year selected is between the years 2008 to 2012.

[3] ''Ozone season day emissions'' is defined as an average day's emissions for a typical ozone season work weekday. The state shall select, subject to EPA approval, the particular month(s) in the ozone season and the day(s) in the work week to be represented, considering the conditions assumed in the development of RFP plans and/or emissions budgets for transportation conformity. *See* 40 CFR 51.1100(cc).

[4] Data downloaded from the EPA EIS from the 2011 NEI was subjected to quality assurance procedures described under quality assurance details under *2011 NEI Version 1 Documentation* located at *http://www.epa.gov/ttn/chief/net/2011inventory.html#inventorydoc.* The quality assurance and quality control procedures and measures associated with this data are outlined in the State's EPA-approved Emission Inventory Quality Assurance Project Plan.

The emissions reported for DeSoto County reflect the emissions for only the nonattainment portion of the county. The inventory contains point source emissions data for facilities located within the Mississippi portion of the Area based on Geographic Information Systems (GIS) mapping. For the remaining emissions categories, emissions for the Mississippi portion of the Area were determined based on the population of the nonattainment portion of DeSoto County. More details on the emissions inventory for individual source categories is provided below and in Appendix V to Mississippi's SIP submittal.

Point sources are large, stationary, identifiable sources of emissions that release pollutants into the atmosphere. The point source emissions inventory for Mississippi's portion of the Memphis, TN–MS–AR Area was reported from the 2011 NEI data. These sources are required to submit inventory data according to the AERR. The point source emissions data meets the point source emissions thresholds of 40 CFR part 51, subpart A.

Nonpoint sources are small emission stationary sources which, due to their large number, collectively have significant emissions (*e.g.,* dry cleaners, service stations). Emissions for these sources were calculated using established factors provided by EPA. These emissions were estimated at the county-level. Mississippi calculated average summer day nonpoint source emissions by summing the nonpoint emissions during the total five summer months (May, June, July, August and September) in 2011 and dividing by the total by the number of 2011 summer days.

On-road mobile sources include vehicles used on roads for transportation of passengers or freight. For on-road mobile sources, Mississippi used the 2011 emissions inventory developed by the Memphis Urban Area Metropolitan Planning Organization with input from MDEQ and others as part of the 2040 DeSoto County Nonattainment Area Moves Air Quality Conformity Demonstration. The inventory was created using EPA's Motor Vehicle Emissions Simulator (MOVES)-2010(b) mobile model to estimate emissions.[5] County level on-road modeling was conducted using county-specific vehicle population, and other local data. Mississippi developed its on-road emissions inventory using the State's MOVES2010b modeling results for each ozone nonattainment county. Mississippi developed its inventory according to the current EPA emissions inventory guidance for on-road mobile sources.[6]

Non-road mobile sources include vehicles, engines, and equipment used for construction, agriculture, recreation, and other purposes that do not use roadways (*e.g.,* lawn mowers, construction equipment, railroad locomotives, and aircraft). The emissions from non-road mobile sources other than rail yards and airports were derived from 2011 NEI. EPA estimated non-road emissions for the 2011 NEI using the NONROAD model. Mississippi developed its inventory according to the current EPA emissions inventory guidance for non-road mobile sources.[7] For the reasons discussed above, EPA has determined that Mississippi's emissions inventory meets the requirements under CAA section 182(a)(1) and the SIP Requirements Rule for the 2008 8-hour ozone NAAQS.

III. Final Action

EPA is approving the portion of the SIP revision submitted by Mississippi on January 14, 2015, that addresses the base year emissions inventory for the Memphis, TN–MS–AR Area. EPA has concluded that this portion of the State's submission meets the requirements of sections 110 and 182 of the CAA. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective August 31, 2015 without further notice unless the Agency receives adverse comments by August 3, 2015.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All adverse comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 31, 2015 and no further action will be taken on the proposed rule.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the Agency may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

[5] Mississippi used EPA's Motor Vehicle Emissions Simulator (MOVES) version 2010b. According to the *Emissions Inventory Guidance for Ozone [& PM] NAAQS Implementation and Regional Haze Regulations,* all states but California, for on-road mobile emissions should be estimated with the latest EPA on-road mobile model, MOVES, following the latest guidance available at *http://www.epa.gov/otaq/models/moves/index.htm#sip.*

[6] This guidance includes: *Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,* EPA–454/R–05–001 (August 2005, updated November 2005); *Policy Guidance on the Use of MOVES2010 for State Implementation Plan Development, Transportation Conformity, and Other Purposes,* EPA–420–B–09–046 (December 2009); and *Technical Guidance on the Use of MOVES2010 for Emission Inventory Preparation in State Implementation Plans and Transportation Conformity,* EPA–420–B–10–023 (April 2010).

[7] This guidance includes: *Procedures for Emission Inventory Preparation, Volume IV: Mobile Sources,* EPA–450/4–81–026d (July 1991).

• 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, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 31, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 18, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

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 Z—Mississippi

■ 2. Section 52.1270(e) is amended by adding a new entry for ''2011 Base Year Emissions Inventory for the Mississippi portion of the Memphis, TN–MS–AR 2008 Ozone NAAQS Nonattainment Area'' at the end of the table to read as follows:

§ 52.1270 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MISSISSIPPI NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA Approval date	Explanation
* *	* *	*	*	*
2011 Base Year Emissions Inventory for the Mississippi portion of the Memphis, TN–MS–AR 2008 Ozone NAAQS Nonattainment Area.	DeSoto County portion of Memphis, TN–AR–MS 2008 8-hour Ozone Nonattainment Area.	1/14/2015	7/02/2015 [Insert citation of publication].	

[FR Doc. 2015–16080 Filed 7–1–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 257

[EPA–HQ–RCRA–2015–0331; FRL–9928–44–OSWER]

RIN–2050–AE81

Technical Amendments to the Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals From Electric Utilities—Correction of the Effective Date

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is taking action to amend the final rule regulating the disposal of coal combustion residuals (CCR) as solid waste under subtitle D of the Resource Conservation and Recovery Act (RCRA). After publication in the **Federal Register**, inconsistencies resulting from typographical errors established two different effective dates in the regulatory text for the final CCR rule. This action corrects these inconsistencies and revises the Code of Federal Regulations (CFR) so that it accurately reflects the statutory effective date of six months

from the publication date of the rule, coinciding with a date of October 19, 2015. Consistent with Federal requirements, the EPA is also correcting dates for certain provisions that fall on January 18, 2016, which is a Federal holiday, to the next succeeding Federal business day, which is January 19, 2016.

DATES: This final rule is effective on October 19, 2015. Effective July 2, 2015, the effective date of the final CCR rule published on April 17, 2015 at 80 FR 21302 is corrected from October 14, 2015 to October 19, 2015.

ADDRESSES: The EPA has established a docket for this regulatory action under Docket ID No. EPA–HQ–RCRA–2015–0331. All documents in this docket are available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, *e.g.,* 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 in *http://www.regulations.gov* or in hard copy at the OSWER Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. 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 OSWER Docket is 202–566–0276.

FOR FURTHER INFORMATION CONTACT: For more information on this rulemaking, contact Steve Souders, Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery (MC 5304 P), U.S. Environmental Protection Agency, telephone number: (703) 308–8431; fax number: (703) 605–0595; email address: *souders.steve@epa.gov.*

For more information on this rulemaking please visit: *http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/index.htm.*

SUPPLEMENTARY INFORMATION:

The Contents of This Preamble Are Listed in the Following Outline

I. General Information
II. Statutory Authority
III. Corrections Made to the Regulatory Text Regarding the Effective Date
IV. Statutory and Executive Order Reviews

I. General Information

A. Does this action apply to me?

This rule applies to all coal combustion residuals (CCR) generated by electric utilities and independent power producers that fall within the North American Industry Classification System (NAICS) code 221112 and may affect the following entities: Electric utility facilities and independent power producers that fall under the NAICS code 221112. The industry sector(s) identified above may not be exhaustive; other types of entities not listed could also be affected. The Agency's aim is to provide a guide for readers regarding those entities that potentially could be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Why are these amendments being issued as a final rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an Agency for good cause finds that notice and public procedures are impracticable, unnecessary or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. Similarly, section 553(d) authorizes an Agency to establish an effective date for a rule that is sooner than 30 days from its publication, ''as otherwise provided by the agency for good cause found and published with the rule.''

This final rule only revises the CFR to be consistent with the requirements in RCRA section 4004(c) and the Office of the Federal Register (OFR) regulation at 1 U.S.C. 18.17(b). The EPA is issuing this rule solely to ensure that the CFR accurately reflects the date by which, under current law, the provisions of the rule become effective. Consequently, the EPA has determined that there is good cause for making the technical amendments in this final rule without prior proposal and opportunity for comment, because notice and public comment would be unnecessary. For the same reasons, the EPA has concluded that good cause exists for making the corrections in this final rule effective July 2, 2015.

1. Different Effective Dates

After publication in the **Federal Register**, inconsistencies resulting from typographical errors established two different effective dates for the final CCR rule, one that accurately reflects the statutory effective date, and a second, inaccurate date (80 FR 21302, April 17, 2015). This action corrects these inconsistencies in the CFR, so that it accurately reflects the effective date under RCRA section 4004(c) of six months from the publication date of the rule, *i.e.,* October 19, 2015.

Section 4004 (c) of RCRA generally establishes a six month effective date for rules issued under subtitle D, providing that ''the prohibition contained in subsection (b) shall take effect on the date six months after the date of promulgation of regulations under subsection (a).'' 42 U.S.C. 6944(c). In other words, RCRA requires that six months after promulgation of a rule under section 4004(a), solid waste can only be managed in a manner that complies with the requirements of the rule.

Under RCRA, promulgation of a rule occurs upon signature and publication in the **Federal Register**. *Horsehead Resource Development Co, Inc.,* v. *EPA,* 130 F.3d 1090, 1094–1095 (D.C. Cir. 1997) (''We hold . . . at least in the absence of a contrary agency regulation, ''promulgation'' as used in section [7006(a)(1) of RCRA] means the date of **Federal Register** publication.''). Thus by operation of law, the requirements in the final CCR rule go into effect six months from the date of its publication in the **Federal Register**, or October 19, 2015. Based on the rule published in the **Federal Register** (80 FR 21302, April 17, 2015), the CFR inaccurately reflects the current date by which facilities must be in compliance with certain requirements. This action merely corrects the CFR to accurately reflect these existing legal obligations; it does not alter or affect them in any way, but merely ensures that the public will not be confused by inaccuracies. The EPA has therefore determined that further public comment on this action is unnecessary and that good cause exists for making the corrections in this final rule without prior publication or public comment.

2. Inconsistency With Other Federal Regulations

The EPA is also correcting dates for certain provisions that fall on January 18, 2016, which is a Federal holiday. According to 1 CFR 18.07(b), ''where the final count would fall on a Saturday, Sunday, or holiday, the date certain will be the next succeeding Federal business day.'' To be consistent with 1 CFR 18.07(b), that date needs to be revised to the next Federal business day, or January 19, 2016. Based on the final CCR rule published in **Federal Register** (80 FR 21302), the CFR inaccurately reflects the current date by which

facilities must be in compliance with these requirements. This action merely corrects the CFR to ensure that the public will not be confused. The EPA has therefore determined that further public comment on this action is unnecessary and that good cause exists for making the corrections in this final rule without prior publication or public comment.

II. Statutory Authority

This regulation is established under the authority of sections 1008(a), 2002(a), 3001, 4004, and 4005(a) of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6906(b), 6907(a), 6912(a), 6944 and 6945(a).

III. Corrections Made to the Regulatory Text Regarding the Effective Date

In drafting the final CCR rule, the Agency used the following two bracketed ''instructions'' when referring to the effective date of the CCR rule: (1) [INSERT DATE 180 DAYS AFTER THE DATE OF PUBLICATION IN THE **Federal Register**]; and (2) [INSERT DATE SIX MONTHS AFTER THE DATE OF PUBLICATION IN THE **Federal Register**]. These ''instructions'' provided direction to the OFR for computing and inserting a specified date, in this case, the effective date of the rule.

On April 17, 2015, the CCR rule was published in the **Federal Register** (80 FR 21302). After publication, the EPA discovered that the two ''instructions'' used to calculate the effective date had resulted in the computing and inserting of two different effective dates, rather than single effective date established under RCRA 4004(c). The first ''instruction'' used in the CCR rule for the effective date exactly mirrored the statutory language, *i.e.,* [INSERT DATE 6 MONTHS AFTER DATE OF PUBLICATION IN THE **Federal Register**], which resulted in a date of October 19, 2015. By contrast, the second ''instruction,'' paraphrased the statute, *i.e.,* [INSERT DATE 180 DAYS AFTER THE DATE OF PUBLICATION IN THE **Federal Register**], which resulted in a date of October 14, 2015. In order to correct this error, the EPA is issuing this final rule to revise the CFR so that it accurately reflects the existing effective date for the CCR rule established by RCRA section 4004 (c), *i.e.,* October 19, 2015, which is consistent with the ''instruction'' of: [INSERT DATE SIX MONTHS AFTER THE DATE OF PUBLICATION IN THE **Federal Register**].

In addition at § 257.83(b)(3) and § 257.84(b)(3)(i) (Inspection requirements for CCR surface impoundments and CCR landfills respectively) the instructions for calculating and inserting dates in these two sections of the CCR rule were: [INSERT DATE NINE MONTHS AFTER THE DATE OF PUBLICATION IN THE **Federal Register**]. After publication, the EPA discovered that the computed and inserted date for these provisions was January 18, 2016, which is a Federal holiday. According to 1 CFR 18.07(b) ''where the final count would fall on a Saturday, Sunday, or holiday, the date certain will be the next succeeding Federal business day when a date falls on a weekend or a Federal holiday, the [Office of Federal Register] uses the next Federal business day.'' To be consistent with 1 CFR 18.07(b), that date needs to be revised to the next Federal business day, or January 19, 2016. Based on the rule published in the **Federal Register**, the CFR inaccurately reflects the current date by which facilities must be in compliance with these requirements.

In order to aid the public, the following table identifies those sections of the rule which contained particular dates that the EPA is correcting in this action, as well as those sections where no correction is needed. The first column of the following table identifies those sections of the CCR rule where the date of October 14, 2015 was inserted. These sections of the rule are being corrected in this final rule to establish the correct date of October 19, 2015. The second column of the table identifies those rule provisions where the date of January 18, 2016, a Federal holiday, was inserted. These sections of the rule are being corrected to establish the correct date of January 19, 2016. The third column of the table identifies those sections of the regulatory text where the correct effective date of October 19, 2015 was inserted. These sections will not be changed.

Rule provisions with an October 14, 2015 effective date that will be changed to October 19, 2015	Rule provisions with a date of January 18, 2016 that will be changed to January 19, 2016	Rule provisions with the correct October 19, 2015 effective date
Regulatory cite	Regulatory cite	Regulatory cite
§ 257.53 (Definitions) ''active facility'' or ''active electric utilities or independent power producers'' ''existing CCR landfill'' ''existing CCR surface impoundment'' ''inactive CCR surface impoundment'' ''lateral expansion'' ''new CCR landfill'' ''new CCR surface impoundment''.	§ 257.83(b)(3) (Inspection requirements for CCR surface impoundments).	§ 257.50(d) and (e) (Scope and purpose).
	§ 257.84(b)(3)(i) (Inspection requirements for CCR landfills).	§ 257.51 (Effective date of this subpart). § 257.80(b)(5) (Air criteria). § 257.83(a)(2) (Inspection requirements for CCR surface impoundments). § 257.84(a)(2) (Inspection requirements for CCR landfills). § 257.91(d)(2) (Multiunit groundwater monitoring systems). § 257.101(a)(1) (Closure of unlined impoundments).

In addition to the inconsistencies in the regulatory text, the preamble to the final CCR rule also contained several incorrect effective dates: (1) 80 FR 21302: The **DATES** section in the preamble states that the effective date of the rule is October 14, 2015 (180 days from the publication date) instead of the correct date of October 19, 2015; and (2) 80 FR 21467: EPA included a sentence in the Congressional Review Act Executive Order stating that the CCR

rule ''will be effective 180 days after publication in the **Federal Register**'' which equates to October 14, 2015, instead of stating that the CCR rule ''will be effective six months after publication in the **Federal Register**'' which equates to October 19, 2015. While the Agency is not correcting the CCR rule preamble language, it is presenting these additional inconsistencies to provide the reader with a complete accounting of the error.

IV. Statutory and Executive Order Reviews

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

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

B. Paperwork Reduction Act (PRA)

This action is not a significant regulatory action and does not impose an information collection burden under the PRA. The changes made to the regulations as a result of this action impose no new or different reporting requirements on regulated parties.

C. Regulatory Flexibility Act

This action does not modify existing legal requirements applicable to any entity. As such, I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This action corrects a typographical error that resulted in the calculation of an incorrect effective date in some sections of the regulation. This action merely corrects that error so that the CFR will reflect the existing effective date for the CCR rule of October 19, 2015, established by section 4004 (c) of RCRA. This action also corrects the dates in two provisions of the CCR rule, which, as published, fall on a Federal holiday. This action corrects the error and revises the CFR to reflect that, consistent with 1 CFR 18.07(b), the correct the date for these two provisions is the next Federal business day after the holiday or January 19, 2016. The impacts on small businesses were already addressed in the rule promulgated on April 17, 2015 (80 FR 21302); and this rule will not impose any requirements on small entities beyond those that have previously been analyzed. We have therefore concluded that this action will have no net regulatory burden for small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action implements mandates specifically and explicitly set forth in the Resource Conservation and Recovery Act without the exercise of any policy discretion by the EPA.

E. Executive Order 13132: Federalism

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

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

This action does not have tribal implications, as specified in Executive Order 13175. This action merely corrects typographical errors that resulted in the calculation of an incorrect effective date in some sections of the CCR rule. Thus Executive Order 13175 does not apply to this action.

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

The EPA interprets E.O. 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because does not establish an environmental standard intended to mitigate health or safety risks. This action merely corrects typographical errors that resulted in the calculation of incorrect effective dates in some sections of the CFR.

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

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

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

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

This rule merely corrects errors in dates and does not concern an environmental health or safety risk. Therefore, Executive Order 12898 does not apply.

K. Congressional Review Act

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

List of Subjects in 40 CFR Part 257

Environmental protection, Beneficial use, Coal combustion products, Coal combustion residuals, Coal combustion waste, Disposal, Hazardous waste, Landfill, Surface impoundment.

Dated: June 16, 2015.

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

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

PART 257—CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES

■ 1. The authority citation for part 257 continues to read as follows:

Authority: 42 U.S.C. 6907(a)(3), 6912(a)(1), 6944(a); 33 U.S.C. 1345(d) and (e).

■ 2. Section 257.53 is amended by revising the definitions of ''Active facility or active electric utilities or independent power producers'', ''Existing CCR landfill'', ''Existing CCR surface impoundment'', ''Inactive CCR surface impoundment'', ''Lateral expansion'', ''New CCR landfill'', and ''New CCR surface impoundment'' to read as follows:

§ 257.53 Definitions.

* * * * *

Active facility or *active electric utilities or independent power producers* means any facility subject to the requirements of this subpart that is in operation on October 19, 2015. An electric utility or independent power producer is in operation if it is generating electricity that is provided to electric power transmission systems or to electric power distribution systems on or after October 19, 2015. An off-site disposal facility is in operation if it is accepting or managing CCR on or after October 19, 2015.

* * * * *

Existing CCR landfill means a CCR landfill that receives CCR both before and after October 19, 2015, or for which construction commenced prior to October 19, 2015 and receives CCR on or after October 19, 2015. A CCR landfill has commenced construction if the owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun prior to October 19, 2015.

Existing CCR surface impoundment means a CCR surface impoundment that receives CCR both before and after October 19, 2015, or for which construction commenced prior to October 19, 2015 and receives CCR on or after October 19, 2015. A CCR surface impoundment has commenced construction if the owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun prior to October 19, 2015.

* * * * *

Inactive CCR surface impoundment means a CCR surface impoundment that no longer receives CCR on or after October 19, 2015 and still contains both CCR and liquids on or after October 19, 2015.

* * * * *

Lateral expansion means a horizontal expansion of the waste boundaries of an existing CCR landfill or existing CCR surface impoundment made after October 19, 2015.

* * * * *

New CCR landfill means a CCR landfill or lateral expansion of a CCR landfill that first receives CCR or commences construction after October 19, 2015. A new CCR landfill has commenced construction if the owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun after October 19, 2015. Overfills are also considered new CCR landfills.

New CCR surface impoundment means a CCR surface impoundment or lateral expansion of an existing or new CCR surface impoundment that first receives CCR or commences construction after October 19, 2015. A new CCR surface impoundment has commenced construction if the owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun after October 19, 2015.

* * * * *

■ 3. Section 257.83 is amended by revising paragraph (b)(3)(i) to read as follows:

§ 257.83 Inspection requirements for CCR surface impoundments.

* * * * *

(b) * * *

(3) * * * (i) *Existing CCR surface impoundments.* The owner or operator of the CCR unit must complete the initial inspection required by paragraphs (b)(1) and (2) of this section no later than January 19, 2016.

* * * * *

■ 4. Section 257.84 is amended by revising paragraph (b)(3)(i) to read as follows:

§ 257.84 Inspection requirements for CCR landfills.

* * * * *

(b) * * *

(3) * * * (i) *Existing CCR landfills.* The owner or operator of the CCR unit must complete the initial inspection required by paragraphs (b)(1) and (2) of this section no later than January 19, 2016.

* * * * *

[FR Doc. 2015–15913 Filed 7–1–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 262

[EPA–HQ–RCRA–2005–0018; FRL–9929–93–OSWER]

Transboundary Shipments of Hazardous Wastes Between OECD Member Countries: Revisions to the List of OECD Member Countries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or the Agency) is amending certain existing regulations that apply to the transboundary movement of hazardous waste among the Organization for Economic Cooperation and Development (OECD) Member countries as promulgated under the hazardous waste provisions of the Resource Conservation and Recovery Act (RCRA). Specifically, EPA is updating the list of OECD member countries to add Estonia, Israel, and Slovenia. This amendment is necessary to accurately reflect the change in OECD Member countries that have implemented OECD Decision C(2001)107 and can trade hazardous wastes for recovery operations with other OECD countries under the procedure set forth in that Decision.

DATES: This final rule is effective on July 2, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–RCRA–2005–0018. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, 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 at the EPA Docket Center, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the RCRA Docket is (202) 566–0270.

FOR FURTHER INFORMATION CONTACT: Karen Swetland, U.S. Environmental Protection Agency, Office of Resource Conservation and Recovery, (MC: 5304P), 1200 Pennsylvania Avenue NW., Washington, DC, 20460, Phone: 703–308–8421; or by email: *swetland.karen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action applies to all persons who export or import hazardous waste, export or import universal waste, or export spent lead-acid batteries destined for recovery operations in OECD Member countries, except for Mexico

and Canada. Any transboundary movement of hazardous wastes between the United States and either Mexico or Canada will continue to be governed (or addressed) by their respective bilateral agreements and applicable regulations. Potentially affected entities may include, but are not limited to:

Industry sector	NAICS Code
Utilities	221100
Petroleum and Coal Products Manufacturing	324
Chemical Manufacturing	325100
Primary Metal Manufacturing	331
Fabricated Metal Product Manufacturing	332
Machinery Manufacturing	333
Computer and Electronic Product Manufacturing	334110
Electrical Equipment, Appliance, and Component Manufacturing	335
Transportation Equipment Manufacturing	336
Miscellaneous Manufacturing	339900
Scrap and Waste Materials	423930
Material Recovery Facilities	562920

This list is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this section could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under the **FOR FURTHER INFORMATION CONTACT** section of this document.

B. How can I get copies of this document and other related information?

The current information is as follows:

- Docket ID No. EPA–HQ–RCRA–2005–0018.
- Federal eRulemaking Portal: *http://www.regulations.gov.*

II. What does this amendment do?

This amendment updates the list of OECD member countries that have implemented OECD Decision C(2001)107 and can trade hazardous wastes for recovery operations with other OECD countries under the procedure set forth in that Decision. On January 8, 2010, EPA published a final rule in the **Federal Register** (75 FR 1236), revising Agency regulations including provisions on the transboundary movement of hazardous waste for recovery operations among OECD Member countries. In that final rule, EPA identified thirty OECD Member countries (including Canada and Mexico). That document was accurate and current at the time of publication; however, Estonia, Israel, and Slovenia have since joined the OECD and implemented OECD Decision C(2001)107. As an OECD Member country, the United States, is legally obligated to implement OECD Decisions with respect to all OECD Member countries. Therefore, EPA is adding Estonia, Israel, and Slovenia to update the list of countries in 40 CFR part 262.58(a)(1).

III. Why is this amendment issued as a final rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. EPA believes notice and an opportunity for comment on this amendment to § 262.58(a)(1) to reflect updates to the list of OECD Member countries would be unnecessary, because the United States, as an OECD Member country, is legally obligated to implement OECD Decision C(2001)107 with respect to all OECD Member countries, which now include the addition of Estonia, Israel and Slovenia. Thus, EPA must amend its OECD regulations to add these three countries, and any public comment would be unnecessary for these particular amendments because EPA does not have any discretion as to which OECD countries its regulations must include. EPA finds that this situation constitutes good cause under 5 U.S.C. 553(b)(3)(B).

IV. Do any of the statutory and executive order reviews apply to this action?

Under Executive Order 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 21, 2011), this action is not a ''significant regulatory action'' and is therefore not subject to OMB review. Because this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or Sections 202 and 205 of the Unfunded Mandates Reform Act of 1999 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments. This action does not create new binding legal requirements that substantially and directly affect Tribes under Executive Order 13175 (65 FR 67249, November 9, 2000). This action does not have significant Federalism implications under Executive Order 13132 (64 FR 43255, August 10, 1999). Because this final rule has been exempted from review under Executive Order 12866, this final rule 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 final rule 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). This action does not involve technical standards; thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

A. Congressional Review Act

This action is subject to the Congressional Review Act (CRA), and the EPA will submit a rule report to each House of Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this rule as discussed in Section III of the preamble, including the basis for that finding.

List of Subjects in 40 CFR Part 262

Environmental protection, Exports, Hazardous materials transportation, Hazardous waste, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

Dated: June 22, 2015.

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

For the reasons stated in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

■ 1. The authority citation for Part 262 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922–6925, 6937, and 6938.

■ 2. Amend § 262.58 by revising paragraph (a)(1) to read as follows:

§ 262.58 International agreements.

(a) * * *

(1) For the purposes of subpart H, the designated OECD Member countries consist of Australia, Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

* * * * *

[FR Doc. 2015–16400 Filed 7–1–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[EPA–HQ–RCRA–2011–0524; FRL_9929–92–OSWER]

Polychlorinated Biphenyls (PCBs): Revisions to Manifesting Regulations; Item Number

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: The U.S. Environmental Protection Agency (EPA or the Agency) is issuing a technical amendment to correct references in the regulations to the item number for the Special Handling Instructions Box on the manifest form (EPA Form 8700–22). This document is being issued to amend the regulations by correcting these references.

DATES: This final rule is effective on July 2, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–RCRA–2011–0524. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, 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 at the EPA Docket Center, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the RCRA Docket is (202) 566–0270.

FOR FURTHER INFORMATION CONTACT: Karen Swetland, U.S. Environmental Protection Agency, Office of Resource Conservation and Recovery, (MC: 5304P), 1200 Pennsylvania Avenue NW., Washington, DC, 20460, Phone: 703–308–8421; or by email: *swetland.karen@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action applies to generators, transporters, and designated facilities (off-site disposal and commercial storage facilities) managing PCB wastes. Potentially affected categories and entities include, but are not necessarily limited to:

NAICS Description	NAICS Code	Examples of potentially affected entities
Electric Power Distribution	221122	Generators of PCB waste.
Transportation and Warehousing	48–49	Transportation of PCB waste.
Waste Management and Remediation Services	562	Facilities that manage PCB waste.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this section could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 Code of Federal Regulations (CFR) part 761. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under the **FOR FURTHER INFORMATION CONTACT** section of this document.

B. How can I get copies of this document and other related information?

The current information is as follows:

- Docket ID No. EPA–HQ–RCRA–2011–0524.
- Federal eRulemaking Portal: *http://www.regulations.gov.*

II. What does this correction do?

This technical amendment is being issued to correct the item number reference for the Special Handling Instructions Box in 40 CFR part 761.207(a)(1), (2), and (3). EPA published a document in the **Federal Register** on September 6, 2012 (77 FR 54818), revising Agency regulations. That document incorrectly referenced Item 15 to identify the Special Handling Instructions box on EPA Form 8700–22. This technical amendment is being issued to amend the final rule by revising § 761.207(a)(1), (2), and (3) to correctly identify the item number as 14.

III. Why is this correction issued as a final rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical amendment final without prior proposal and opportunity for comment, because EPA is merely correcting information that was referenced incorrectly in the previously published final rule. EPA

finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

IV. Do any of the statutory and executive order reviews apply to this action?

Under Executive Order 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 21, 2011), this action is not a ''significant regulatory action'' and is therefore not subject to OMB review. Because this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or Sections 202 and 205 of the Unfunded Mandates Reform Act (2 U.S.C. 1531–1538). In addition, this action does not significantly or uniquely affect small governments. This action does not create new binding legal requirements that substantially and directly affect Tribes under Executive Order 13175 (65 FR 67249, November 9, 2000). This action does not have significant Federalism implications under Executive Order 13132 (64 FR 43255, August 10, 1999). Because this final rule has been exempted from review under Executive Order 12866, this final rule 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 final rule 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). This action does not involve technical standards; thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. Because this final action does not contain legally binding requirements, it is not subject to the Congressional Review Act

List of Subjects in 40 CFR Part 761

Environmental protection, Manifest, Polychlorinated biphenyls.

Dated: June 22, 2015.

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

For the reasons stated in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 761—POLYCHLORINATED BIPHENYLS (PCBs) MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS

■ 1. The authority citation for part 761 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2611, 2614, and 2616.

■ 2. Amend § 761.207 by revising paragraphs (a)(1), (a)(2) and (a)(3) to read as follows:

§ 761.207 The manifest—general requirements.

(a) * * *

(1) For each bulk load of PCBs, the identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste. (Item 14—Special Handling Instructions box)

(2) For each PCB Article Container or PCB Container, the unique identifying number, type of PCB waste (*e.g.,* soil, debris, small capacitors), earliest date of removal from service for disposal, and weight in kilograms of the PCB waste contained. (Item 14—Special Handling Instructions box)

(3) For each PCB Article not in a PCB Container or PCB Article Container, the serial number if available, or other identification if there is no serial number, the date of removal from service for disposal, and weight in kilograms of the PCB waste in each PCB Article. (Item 14—Special Handling Instructions box)

* * * * *

[FR Doc. 2015–16395 Filed 7–1–15; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 301–10

[FTR 2015–04; FTR Case 2010–307; Docket No. 2010–0020, Sequence No. 1]

Federal Travel Regulation (FTR); Removal of Privately Owned Vehicle Rates; Privately Owned Automobile Mileage Reimbursement When Government Furnished Automobiles Are Authorized; Correction

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Correcting amendment.

SUMMARY: This document makes an amendment to the Federal Travel Regulation (FTR) in order to make an editorial change.

DATES: *Effective:* July 2, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Cy Greenidge, Program Analyst, Office of Government-wide Policy, at 202–219–2349 or email at *cy.greenidge@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FTR Amendment 2015–04; FTR case 2010–307; Correction.

SUPPLEMENTARY INFORMATION: GSA published a final rule in the **Federal Register** at 75 FR 72965 on November 29, 2010, to update the FTR by removing the Privately Owned Vehicle (POV) rates from the text of the FTR and instead directing travelers to a Web site (at *http://www.gsa.gov/ftr)* with these rates. Inadvertently, the URL was not for the correct Web page. Therefore, GSA is issuing this amendment correction to the final rule to further amend the FTR by inserting the correct URL.

List of Subjects in 41 CFR Part 301–10

Administrative practices and procedures, Government employees, Travel and transportation expenses.

Dated: June 24, 2015.

Giancarlo Brizzi,

Acting Associate Administrator.

For the reasons set forth in the preamble, pursuant to 5 U.S.C. 5701–5707, GSA amends 41 CFR part 301–10 as set forth below:

PART 301–10—TRANSPORTATION EXPENSES

■ 1. The authority citation for 41 CFR part 301–10 continues to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); 49 U.S.C. 40118; OMB Circular No. A–126, revised May 22, 1992.

■ 2. Amend § 301–10.310 by removing ''*http://www.gsa.gov/ftr*'' and adding ''*http://www.gsa.gov/ftrbulletins*'' in its place.

[FR Doc. 2015–16394 Filed 7–1–15; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–8389]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm*.

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Bret Gates, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4133.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region III				
Virginia:				
Augusta County, Unincorporated Areas	510013	July 24, 1974, Emerg; May 17, 1990, Reg; August 3, 2015, Susp.	August 3, 2015	August 3, 2015.
Dumfries, Town of, Prince William County.	510120	August 15, 1973, Emerg; May 15, 1980, Reg; August 3, 2015, Susp.	.....do	Do.
New Kent County, Unincorporated Areas.	510306	August 19, 1975, Emerg; December 5, 1990, Reg; August 3, 2015, Susp.	.....do	Do.
Portsmouth, City of, Independent City ..	515529	May 15, 1970, Emerg; July 2, 1971, Reg; August 3, 2015, Susp.	.....do	Do.
Prince William County, Unincorporated Areas.	510119	December 15, 1972, Emerg; December 1, 1981, Reg; August 3, 2015, Susp.	.....do	Do.
Quantico, Town of, Prince William County.	510232	March 19, 1975, Emerg; August 15, 1978, Reg; August 3, 2015, Susp.	.....do	Do.
Suffolk, City of, Independent City	510156	January 22, 1975, Emerg; November 16, 1990, Reg; August 3, 2015, Susp.	.....do	Do.
Waynesboro, City of, Independent City	515532	June 19, 1970, Emerg; July 2, 1971, Reg; August 3, 2015, Susp.	.....do	Do.
Region VII				
Missouri:				
Avondale, City of, Clay County	290087	September 29, 1972, Emerg; October 26, 1976, Reg; August 3, 2015, Susp.	.....do	Do.
Clay County, Unincorporated Areas	290086	September 6, 1974, Emerg; March 18, 1980, Reg; August 3, 2015, Susp.	.....do	Do.
Claycomo, Village of, Clay County	290089	September 6, 1974, Emerg; August 1, 1977, Reg; August 3, 2015, Susp.	.....do	Do.
Excelsior Springs, City of, Clay and Ray Counties.	290090	November 12, 1971, Emerg; March 15, 1977, Reg; August 3, 2015, Susp.	.....do	Do.
Gladstone, City of, Clay County	290091	February 9, 1973, Emerg; January 5, 1978, Reg; August 3, 2015, Susp.	.....do	Do.
Glenaire, City of, Clay County	290092	September 12, 1975, Emerg; September 15, 1977, Reg; August 3, 2015, Susp.	.....do	Do.
Holt, City of, Clay and Clinton County ..	290093	April 17, 1980, Emerg; April 17, 1980, Reg; August 3, 2015, Susp.	.....do	Do.
Lawson, City of, Clay County	290705	October 19, 1989, Emerg; December 5, 1996, Reg; August 3, 2015, Susp.	.....do	Do.
Liberty, City of, Clay County	290096	May 29, 1973, Emerg; March 15, 1978, Reg; August 3, 2015, Susp.	.....do	Do.
Missouri City, City of, Clay County	290097	January 13, 1976, Emerg; August 15, 1979, Reg; August 3, 2015, Susp.	.....do	Do.
North Kansas City, City of, Clay County	290099	October 29, 1971, Emerg; March 5, 1976, Reg; August 3, 2015, Susp.	.....do	Do.
Pleasant Valley, City of, Clay County ...	290100	September 9, 1974, Emerg; July 18, 1977, Reg; August 3, 2015, Susp.	.....do	Do.
Prathersville, Village of, Clay County	290101	June 6, 1978, Emerg; November 15, 1978, Reg; August 3, 2015, Susp.	.....do	Do.
Randolph, Village of, Clay County	290102	March 17, 1976, Emerg; July 18, 1977, Reg; August 3, 2015, Susp.	.....do	Do.
Smithville, City of, Clay County	295271	June 5, 1970, Emerg; May 21, 1971, Reg; August 3, 2015, Susp.	.....do	Do.

.....do = Ditto.
Code for reading third column: Emerg. —Emergency; Reg. —Regular; Susp. —Suspension.

Dated: June 22, 2015.

Roy E. Wright,

Deputy Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2015–16399 Filed 7–1–15; 8:45 pm]

BILLING CODE 9110–12–P

FEDERAL MARITIME COMMISSION

46 CFR Part 503

[Docket No. 15–05]

[RIN 3072–AC60]

Amendments to Regulations Governing Access to Commission Information and Records; Freedom of Information Act

AGENCY: Federal Maritime Commission.

ACTION: Direct final rule; and request for comments.

SUMMARY: The Federal Maritime Commission amends its regulations governing access to Commission information and records and its regulations implementing the Freedom of Information Act (FOIA). The revisions update and consolidate the provisions identifying records available without the need for a FOIA request, including records available on the Commission's public Web site; revise

response time procedures for processing FOIA requests; affirmatively indicate that the Commission uses a multitrack system for processing FOIA requests; and modify the criteria for a FOIA request to qualify for expedited processing.

DATES: This rule is effective without further action on September 1, 2015, unless significant adverse comment is received by August 3, 2015. If significant adverse comment is received, the Federal Maritime Commission will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by the docket number in the heading of this document, by any of the following methods:

- *Email: secretary@fmc.gov.* Include in the subject line: ''Docket No. 15–05, Comments on Amendments to Regulations Governing Access to Commission Information and Records; Freedom of Information Act.'' Comments should be attached to the email as a Microsoft Word or text-searchable PDF document. Comments containing confidential information should not be submitted by email.
- *Mail:* Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001.
- *Docket:* For access to the docket to read background documents or comments received, go to: *http://www.fmc.gov/15-05/.*

FOR FURTHER INFORMATION CONTACT: Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001. Phone: (202) 523–5725. Email: *secretary@fmc.gov.*

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission amends its regulations governing access to Commission information and records and its regulations implementing the Freedom of Information Act, 5 U.S.C. 552, found in part 503 of title 46 of the Code of Federal Regulations. The provisions in part 503 are designed to facilitate public availability of information; thereby furthering the spirit of FOIA in ensuring an informed citizenry. The Commission last revised part 503 in 1998 to reflect requirements of the Electronic Freedom of Information Act Amendments of 1996 (Pub. L. 04–231). On December 31, 2007, the OPEN Government Act of 2007 (Pub. L. 110–175) amended procedural aspects of FOIA and established new agency requirements for processing FOIA requests. On October 28, 2009, the OPEN FOIA Act of 2009 (Pub. L. 110–175) further amended FOIA.

The amendments to part 503 update the Commission's regulations to reflect its practices and provisions of the OPEN Government Act of 2007 and the OPEN FOIA Act of 2009.

The Commission is making the following revisions to the subparts of part 503: revise Subpart A—*General, Statement of Policy* to repurpose this subpart to state the purpose and scope of the rules contained in part 503; update Subpart B—*Publication in the* ***Federal Register*** to recognize that in addition to publishing records in the **Federal Register**, the Commission also posts records listed in this Subpart on its Web site (*www.fmc.gov*); revise Subpart C—*Records, Information and Materials Generally Available to the Public Without Resort to Freedom of Information Act Procedures* to describe records available to the public without the need for a FOIA request, including records available on the Commission's public Web site; amend Subpart D—*Requests for Records under the Freedom of Information Act* to include procedures for tolling response times, processing FOIA requests under the multitracking system, and expedited processing of FOIA requests; and revise Subpart H—*Public Observation of Federal Maritime Commission Meetings and Public Access to Information Pertaining to Commission Meetings* to amend a subpart reference.

Subpart A—General

The Commission revises the heading and language in § 503.1 to use this section to describe the scope and purpose of the provisions contained in part 503. Specifically, the Commission changes the section heading from ''Statement of Policy'' to ''Scope and Purpose.'' The Commission also amends this section to include a list of the subparts contained in part 503.

Subpart B—Publication in the Federal Register

To promote greater access to information and records, the Commission amends and updates § 503.11 to inform the public that the Commission posts records listed in this subpart on its Web site (*www.fmc.gov*), in addition to publishing these records in the **Federal Register**.

Subpart C—Records, Information and Materials Generally Available to the Public Without Resort to Freedom of Information Act Procedures

Sections 503.21 to 503.24 describe records available to the public without the need for a FOIA request. The Commission last revised these sections in 1998 and further revises these sections to reflect the availability of information on the Commission's Web site, eliminate outdated information, and remove duplicative language.

Subpart D—Requests for Records Under the Freedom of Information Act

Section 503.31 provides information on the process for requesting records. The Commission is adding a new paragraph encouraging requesters to review the records on the Commission's public Web site prior to initiating a FOIA request. In addition, the Commission amends this section to include requirements for submitting FOIA requests electronically.

Tolling

FOIA, as amended, allows an agency to make one reasonable request for information from the FOIA requester and stop, or toll, the 20-day clock for responding to a FOIA requester while the agency is waiting for the requested information from the FOIA requester. 5 U.S.C. 552(a)(6)(A)(ii)(I). Agencies may also toll the 20-day response clock as many times as necessary in order to clarify any issues with fee assessment. 5 U.S.C. 552(a)(6)(A)(ii)(II).

Section 503.32 sets forth procedures for responding to requests made under FOIA. This section does not currently include a provision for tolling the statutory 20-day FOIA response period should the Commission need to contact the FOIA requestor to clarify or narrow the scope of the FOIA request. The Commission is adding language that would allow for tolling of response times to implement the Commission's authority to stop the 20-day clock should the Commission need information from the requestor or to clarify issues with fee assessment.

The Commission is adding two new paragraphs, (b)(4) and (5) to § 503.32 to reflect Commission processes used to work with a requestor to clarify or narrow the scope of a FOIA request, and to confirm that the requestor understands and authorizes the assessment of fees. The new paragraphs require the Commission to submit its request to clarify the scope of records requested or fee assessments in writing to the requestor.

Multitrack Processing of Requests

FOIA expressly authorizes agencies to promulgate regulations providing for ''multitrack processing'' of FOIA requests and allows agencies to process requests on a first-in, first-out basis within each track. 5 U.S.C. 552(a)(6)(D). During FY 2012, the Commission

initiated a multitrack processing system for FOIA requests to better manage and more efficiently respond to FOIA requests. The Commission revises § 503.32(d) to reflect the Commission's current practices regarding multitrack processing of FOIA requests in which the Commission labels requests as either ''simple'' or ''complex''. The rephrasing of the section clarifies the Commission's current practices and provides that a request may be considered ''simple'' if the type of records being requested are routinely requested and readily available. Initiating a simple track process has permitted the Commission to respond to relatively simple requests more quickly than requests involving complex and/or voluminous records.

Expedited Processing of Requests

Section 503.32(e) currently provides for expedited processing of a FOIA request when (1) the person requesting the records can demonstrate a compelling need; or (2) in other cases, in the Secretary's discretion. The Commission deletes paragraph (2) from § 503.32(e). This revision simplifies the Commission's criteria for determining which FOIA requests qualify for expedited processing and establish a practice consistent with other Federal agencies that only provide expedited processing when a ''compelling need'' can be demonstrated.

To ensure timely responses to requests for expedited processing, the Commission revises § 503.32(e)(4) to change ''working days'' to ''calendar days'' to coincide with FOIA.

Annual Report

The Commission must submit an annual report on its FOIA related activities to the Attorney General. The Commission revises § 502.23 to reference the activities cited in FOIA, 5 U.S.C. 552(e), rather than list out all activities reported upon.

Subpart I—Public Observation of Federal Maritime Commission Meetings and Public Access to Information Pertaining to Commission Meetings

A technical revision and update of § 503.87(b) accounts for a recent redesignation of subparts with the addition of new subpart E.

Regulatory Analysis and Notices

Regulatory Flexibility Act

This direct final rule is not a ''major rule'' under 5 U.S.C. 804(2). No notice of proposed rulemaking is required; therefore, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* do not apply.

The Regulatory Flexibility Act, 5 U.S.C. 601–612, requires an agency to review regulations to assess their impact on small entities and prepare an initial regulatory flexibility analysis (IRFA), unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. This rulemaking will affect only persons who file FOIA requests, and therefore, the Chairman certifies that this rulemaking will not have a significant or negative economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521, requires an agency to seek and receive approval from the Office of Management and Budget (OMB) before making most requests for information if the agency is requesting information from more than ten persons. 44 U.S.C. 3507. The agency must submit collections of information in rules to OMB in conjunction with the publication of the rulemaking. 5 CFR 1320.11. The Commission is not proposing any collections of information, as defined by 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), as part of this rule.

Regulation Identifier Number

The Commission assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda, available at: *http://www.reginfo.gov/public/do/eAgendaMain.*

Direct Final Rule Justification

The Commission expects the amendments to be noncontroversial. Therefore, pursuant to 5 U.S.C. 553, notice and comment are not required and this rule may become effective after publication in the **Federal Register** unless the Commission receives significant adverse comments within the specified period. The Commission recognizes that parties may have information that could impact the Commission's views and intentions with respect to the revised regulations, and the Commission intends to consider any comments filed. The Commission will withdraw the rule if it receives significant adverse comments. Filed comments that are not adverse may be considered for modifications to part 503 at a future date. If no significant adverse comment is received, the rule will become effective without additional action.

List of Subjects in 46 CFR Part 503

Administrative practices and procedures, Archives and records, Classified information, Confidential business information, Freedom of information, Information, Privacy, Records, Reporting and recordkeeping requirements, Sunshine Act.

For the reasons set forth in the preamble, the Federal Maritime Commission amends 46 CFR part 503 as follows:

PART 503—PUBLIC INFORMATION

■ 1. The authority citation for part 503 is revised to read:

Authority: 5 U.S.C. 552, 552a, 552b, 553; 31 U.S.C. 9701; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298.

Subpart A—General

■ 2. Revise § 503.1 to read as follows:

§ 503.1 Scope and purpose.

This part implements the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, the Privacy Act of 1974, 5 U.S.C. 552a, and the Government in the Sunshine Act (1976), 5 U.S.C. 552b; and sets forth the Commission's regulations governing:

(a) Public availability of Commission information and records at its Office of the Secretary, published in the **Federal Register,** or posted on the Commission's public Web site (*www.fmc.gov*);

(b) Procedures for requests for testimony by current or former FMC employees relating to official information and production of official Commission records in litigation;

(c) The type of services and amount of fees charged for certain Commission services; and

(d) The Commission's Information Security Program.

Subpart B—Publication in the Federal Register

■ 3. Amend § 503.11 by revising the introductory text to read as follows:

§ 503.11 Materials to be published.

The Commission shall separately state and concurrently publish the following materials in the **Federal Register** or on its public Web site (*www.fmc.gov*) for the guidance of the public:

* * * * *

Subpart C—Records, Information and Materials Generally Available to the Public Without Resort to Freedom of Information Act Procedures

■ 4. Amend § 503.21 by revising paragraphs (a) introductory text and (c) to read as follows:

§ 503.21 Mandatory public records.

(a) The Commission, as required by the Freedom of Information Act, 5 U.S.C. 552, makes the following materials available for public inspection and copying in its Office of the Secretary, or on its Web site at *www.fmc.gov:*

* * * * *

(c) The Commission maintains and makes available for public inspection at the Office of the Secretary, Federal Maritime Commission, Washington, DC 20573, or on its public Web site at *www.fmc.gov,* a current log or index providing identifying information for the public as to any matter which is issued, adopted, or promulgated, and which is required by paragraph (a) of this section to be made available or published.

(1) No final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects any member of the public will be relied upon, used, or cited as precedent by the Commission against any private party unless:

(i) It has been logged or indexed and either made available or published on its public Web site as provided by this subpart; or

(ii) That private party shall have actual and timely notice of the terms thereof.

(2) [Reserved]

* * * * *

■ 5. Revise § 503.22 to read as follows:

§ 503.22 Records available through the Commission's Web site or at the Office of the Secretary.

The following records are also available without the requirement of a FOIA request on the Commission's Web site or by contacting the Office of the Secretary, Federal Maritime Commission, 800 North Capitol St., NW., Washington, DC 20573, *secretary@fmc.gov.* Access to requested records may be delayed if they have been sent to archives. Certain fees may be assessed for duplication of records made available by this section as prescribed in subpart F of this part.

(a) Proposed and final rules and regulations of the Commission including general substantive rules, statements of policy and interpretations, and rules of practice and procedure.

(b) Federal Maritime Commission reports.

(c) Official docket files in all formal proceedings including, but not limited to, orders, final decisions, notices, pertinent correspondence, transcripts, exhibits, and briefs, except for materials which are the subject of a protective order.

(d) News releases, consumer alerts, Commissioner statements, and speeches.

(e) Approved summary minutes of Commission actions showing final votes, except for minutes of closed Commission meetings which are not available until the Commission publicly announces the results of such deliberations.

(f) Annual reports of the Commission.

(g) Agreements filed or in effect pursuant to section 5 (46 U.S.C. 40301(d)–(e), 40302–40303, 40305) and section 6 (46 U.S.C. 40304, 40306, 41307(b)–(d)) of the Shipping Act of 1984.

(h) List of FMC-licensed and bonded ocean transportation intermediaries.

(i) Notification of ocean transportation intermediaries license applications, revocations, and suspensions.

(j) General descriptions of the functions, bureaus, and offices of the Commission, phone numbers and email addresses, as well as locations of Area Representatives.

(k) Information about how to file a complaint alleging violations of the Shipping Act, and how to seek mediation or alternative dispute resolution services.

(l) Commonly used forms.

(m) Final and pending proposed rules.

(n) Access to statements of policy and interpretations as published in part 545 of this chapter.

(o) Lists of the location of all common carrier and conference tariffs and publically available terminal schedules of marine terminal operators.

§§ 503.23 and 503.24 [Removed and Reserved]

■ 6. Remove and reserve §§ 503.23 and 503.24.

■ 7. Revise subpart D heading to read as follows:

Subpart D—Requests for Records Under the Freedom of Information Act

* * * * *

■ 8. Amend § 503.31 by revising paragraphs (a) and (d) to read as follows:

§ 503.31 Records available upon written request under the Freedom of Information Act.

(a) *Generally.* Many documents are available on the Commission's public Web site and the Commission encourages requesters visit the Web site before making a request for records under FOIA.

(1) *Electronic or written requests.* A member of the public may request permission to inspect, copy or be provided with any Commission record not described in subpart C of this part or posted on the Commission's Web site at *www.fmc.gov.* Such a request must:

(i) Reasonably describe the record or records sought;

(ii) Be submitted electronically to *FOIA@fmc.gov* or in writing to the Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573.

(iii) Be clearly marked on the subject line of an email or on the exterior of the envelope with the term ''FOIA.''

(2) [Reserved]

* * * * *

(d) Certain fees may be assessed for processing requests under this subpart as prescribed in subpart F of this part.

■ 9. Amend § 503.32 by revising paragraphs (a)(1), (a)(3)(i)(B), (a)(3)(ii), (d), and (e)(1) and (4) and adding paragraphs (b)(4) and (5) to read as follows:

§ 503.32 Procedures for responding to requests made under the Freedom of Information Act.

(a) * * *

(1) Such determination shall be made by the Secretary within twenty (20) business days after receipt of such request, except as provided in paragraphs (b) and (e)(4) of this section.

* * * * *

(3)(i) * * *

(B) Be filed not later than ten (10) business days following receipt of notification of full or partial denial of records requested.

(ii) The Chairman or the Chairman's specific delegate, in his or her absence, shall make a determination with respect to that appeal within twenty (20) business days after receipt of such appeal, except as provided in paragraph (b) of this section.

* * * * *

(b) * * *

(4) The Secretary may make an initial written request to the requestor for information to clarify the request which will toll the 20-day processing period until such information has been received. The 20-day processing period will recommence after receipt of the requested information.

(5) The Secretary may also make written requests to clarify issues regarding fee assessments. Such written requests will toll the 20-day processing

period until such information has been received from the requestor. The 20-day processing period will recommence after receipt of the requested information.

* * * * *

(d) *Multitrack processing of requests.* The Secretary uses multitrack processing of FOIA requests. Requests which seek and are granted expedited processing are put on the expedited track. All other requests are designated either simple or complex requests based on the amount of time and/or complexity needed to process the request. A request may be considered simple if it involves records that are routinely requested and readily available.

(e) *Expedited processing of requests.* (1) The Secretary will provide for expedited processing of requests for records when the person requesting the records can demonstrate a compelling need.

* * * * *

(4) The Secretary shall determine whether to provide expedited processing, and provide notice of the determination to the person making the request, within ten (10) calendar days after the receipt date of the request.

* * * * *

■ 10. Amend § 503.34 by revising paragraph (a) to read as follows:

§ 503.34 Annual report of public information request activity.

(a) On or before February 1 of each year, the Commission must submit to the Attorney General of the United States, in the format required by the Attorney General, a report on FOIA activities which shall cover the preceding fiscal year pursuant to 5 U.S.C. 552(e).

* * * * *

Subpart I—Public Observation of Federal Maritime Commission Meetings and Public Access to Information Pertaining to Commission Meetings

■ 11. Amend § 503.87 by revising paragraph (b) to read as follows:

§ 503.87 Effect of provisions of this subpart on other subparts.

* * * * *

(b) Nothing in this subpart shall permit the withholding from any individual to whom a record pertains any record required by this subpart to be maintained by the agency which record is otherwise available to such an individual under the provisions of subpart H of this part.

By the Commission.

Karen V. Gregory,

Secretary.

[FR Doc. 2015–16101 Filed 7–1–15; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MB Docket No. 15–53; FCC 15–62]

Concerning Effective Competition; Implementation of Section 111 of the STELA Reauthorization Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission improves and expedites the Effective Competition process by adopting a rebuttable presumption that cable operators are subject to Competing Provider Effective Competition. This action implements section 111 of the STELA Reauthorization Act of 2014, which directs the Commission to adopt a streamlined Effective Competition process for small cable operators.

DATES: The FCC will publish a document in the **Federal Register** announcing the effective date of this final rule after OMB approval.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Diana Sokolow, *Diana.Sokolow@fcc.gov*, of the Policy Division, Media Bureau, (202) 418–2120.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Effective Competition Order, FCC 15–62, adopted on June 2, 2015 and released on June 3, 2015. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., Room CY–A257, Washington, DC 20554. This document will also be available via ECFS at *http://fjallfoss.fcc.gov/ecfs/*. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. Copies of the materials can be obtained from the FCC's Reference Information Center at (202) 418–0270. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Summary of the Order

I. Introduction

1. In this Report and Order (''Order''), we improve and expedite the effective competition process by adopting a rebuttable presumption that cable operators are subject to ''Effective Competition.'' [1] Specifically, we presume that cable operators are subject to what is commonly referred to as ''Competing Provider Effective Competition.'' As a result, each franchising authority [2] will be prohibited from regulating basic cable rates unless it successfully demonstrates that the cable system is not subject to Competing Provider Effective Competition. This change is justified by the fact that Direct Broadcast Satellite (''DBS'') service is ubiquitous today and that DBS providers have captured almost 34 percent of multichannel video programming distributor (''MVPD'') subscribers. This Order also implements section 111 of the STELA Reauthorization Act of 2014 (''STELAR''), which directs the Commission to adopt a streamlined Effective Competition process for small cable operators.[3] By adopting a rebuttable presumption of Competing Provider Effective Competition, we update our Effective Competition rules, for the first time in over 20 years, to reflect the current MVPD marketplace, reduce the regulatory burdens on all cable operators, especially small operators,[4] and more efficiently allocate the Commission's resources.

II. Background

2. In the Cable Television Consumer Protection and Competition Act of 1992 (''1992 Cable Act''), Congress adopted a ''preference for competition,'' pursuant to which a franchising authority may regulate basic cable service tier rates

[1] Effective Competition is a term of art that the statute defines by application of specific tests.

[2] A ''franchising authority'' is ''any governmental entity empowered by Federal, State, or local law to grant a franchise.'' *See* 47 U.S.C. 522(10).

[3] *See* Public Law 113–200, section 111, 128 Stat. 2059 (2014); 47 U.S.C. 543(o)(1) (''Not later than 180 days after December 4, 2014, the Commission shall complete a rulemaking to establish a streamlined process for filing of an effective competition petition pursuant to this section for small cable operators, particularly those who serve primarily rural areas.''). Accordingly, this rulemaking must be completed by June 2, 2015.

[4] Congress applied the definition of ''small cable operator'' as set forth in section 623(m)(2) of the Communications Act of 1934, as amended (the ''Act''), which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' *See* 47 U.S.C. 543(m)(2), (o)(3).

and equipment only if the Commission finds that the cable system is not subject to Effective Competition.[5] Section 623(l)(1) of the Act defines the four types of Effective Competition, as follows:

- Low Penetration Effective Competition, which is present if fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system;
- Competing Provider Effective Competition, which is present if the franchise area is (i) served by at least two unaffiliated MVPDs each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and (ii) the number of households subscribing to programming services offered by MVPDs other than the largest MVPD exceeds 15 percent of the households in the franchise area;
- Municipal Provider Effective Competition, which is present if an MVPD operated by the franchising authority for that franchise area offers video programming to at least 50 percent of the households in that franchise area; and
- Local Exchange Carrier (LEC) Effective Competition, which is present if a local exchange carrier or its affiliate (or any MVPD using the facilities of such carrier or its affiliate) offers video programming services directly to subscribers by any means (other than direct-to-home satellite services) in the franchise area of an unaffiliated cable operator which is providing cable service in that franchise area, but only if the video programming services so offered in that area are comparable to the video programming services provided by the unaffiliated cable operator in that area.

Section 623 of the Act does not permit franchising authorities to regulate any cable service rates other than the basic service tier rate and equipment used to receive the signal.

3. In 1993, when the Commission implemented the statute's Effective Competition provisions, the existence of Effective Competition was the exception rather than the rule. Incumbent cable operators had captured approximately 95 percent of MVPD subscribers. In the vast majority of franchise areas only a single cable operator provided service and those operators had ''substantial market power at the local distribution level.''[6] DBS service had not yet entered the market, and local exchange carriers (''LECs''), such as Verizon and AT&T, had not yet entered the MVPD business in any significant way. Against this backdrop, the Commission adopted a presumption that cable systems are not subject to Effective Competition, and it provided that a franchising authority that wanted to regulate a cable operator's basic service tier rates must be certified by filing FCC Form 328 with the Commission. A cable operator that wishes to challenge the franchising authority's right to regulate its basic service tier rate bears the burden of rebutting the presumption and demonstrating that it is in fact subject to Effective Competition.

4. As described in the Notice of Proposed Rulemaking (''NPRM'') in this proceeding, the MVPD marketplace has changed in ways that substantially impact the test for Competing Provider Effective Competition. After the NPRM was released, the Commission adopted its most recent video competition report containing many of the same statistics cited in the NPRM. Specifically, the video competition report reached the following conclusions, among others:

- Slight increase in DBS subscribership. The number of DBS subscribers increased from year-end 2012 (34.1 million, or 33.8 percent of MVPD subscribers) to year-end 2013 (34.2 million, or 33.9 percent of MVPD subscribers).
- Significant increase in telephone MVPD subscribership. The number of telephone MVPD subscribers increased from year-end 2012 (9.9 million, or 9.8 percent of MVPD subscribers) to year-end 2013 (11.3 million, or 11.2 percent of MVPD subscribers).
- Widespread availability of DBS video service. DIRECTV provides local broadcast channels to 197 markets representing over 99 percent of U.S. homes, and DISH Network provides local broadcast channels to all 210 markets.
- Consumer access to multiple MVPDs. Approximately 99.7 percent of homes in the U.S. have access to at least three MVPDs, and nearly 35 percent have access to at least four MVPDs.

As described in the NPRM, the Commission has found Effective Competition in more than 99.5 percent of the communities evaluated since the start of 2013. As stated in the NPRM, the Commission has issued affirmative findings of Effective Competition in the country's largest cities, in its suburban areas, and in its rural areas where subscription to DBS is particularly high.

5. The Commission released the NPRM in this proceeding seeking comment on adopting a presumption of Competing Provider Effective Competition. The Commission sought to establish a streamlined Effective Competition process for small cable operators and to adopt policies that would reduce unnecessary regulatory burdens on the industry as a whole while ensuring the most efficient use of Commission resources.

III. Discussion

A. Rebuttable Presumption That Cable Systems are Subject to Effective Competition

6. We adopt a rebuttable presumption that cable operators are subject to Competing Provider Effective Competition, finding that such an approach is warranted by market changes since the Commission adopted the presumption of no Effective Competition over 20 years ago. When the Commission adopted the presumption of no Effective Competition, incumbent cable operators had approximately a 95 percent market share of MVPD subscribers and only a single cable operator served the local franchise area in the vast majority of franchise areas, which is very different from today's marketplace. As explained above, the two-pronged test for a finding of Competing Provider Effective Competition requires that (1) the franchise area is ''served by at least two unaffiliated [MVPDs] each of which offers comparable video programming to at least 50 percent of the households in the franchise area;'' and (2) ''the number of households subscribing to programming services offered by [MVPDs] other than the largest [MVPD] exceeds 15 percent of the households in the franchise area.''[7] Below we explain

[5] Cable Television Consumer Protection and Competition Act of 1992, Public Law 102–385, 106 Stat. 1460 (1992); 47 U.S.C. 543(a)(2)(A). This Order contains references to the Commission's role in the franchising authority certification process. Although our rules refer to the Commission as having these responsibilities, the Media Bureau has delegated authority to act on certification matters pursuant to the rules established by the Commission, and in practice the Media Bureau evaluates certifications and related pleadings on behalf of the Commission. *See* 47 CFR 0.61.

[6] *Implementation of section 19 of the Cable Television Consumer Protection & Competition Act of 1992*, First Report, 9 FCC Rcd 7442, 7449, paragraph 13 (1994).

[7] 47 U.S.C. 543(l)(1)(B). The statute establishes the applicable test for each type of Effective Competition, and we thus cannot modify the tests, as some commenters request, nor can we base an Effective Competition decision on vague allegations of large cable operators' dominance. In addition, while some commenters state that the basic service tier rate increases more rapidly in communities with a finding of Effective Competition than in those without such a finding, we emphasize that the average rate for basic service is actually lower in communities with a finding of Effective Competition than in those without a finding, demonstrating that basic service tier rates remain reasonable where there is a Commission finding of Effective Competition. *See Implementation of*

how the current state of competition in the MVPD marketplace, particularly with regard to DBS, supports a rebuttable presumption that the two-part test is met.

7. At the outset, we note that out of the 1,440 Community Unit Identification Numbers (''CUIDs'') [8] for which the Commission has made an Effective Competition determination since the start of 2013, it found that 1,433 CUIDs (or more than 99.5 percent of the CUIDs evaluated) have satisfied one of the statutory Effective Competition tests.[9] For the vast majority of the CUIDs evaluated (1,150, or approximately 80 percent), this decision was based on Competing Provider Effective Competition.[10] Franchising authorities filed oppositions to only 18 (or less than 8 percent) of the total of 228 Effective Competition petitions considered during this timeframe.[11] Some commenters object to an analysis of data based on filed Effective Competition petitions, asserting that cable operators do not file petitions where they know the filings would be denied based on a lack of Effective Competition. However, given data that indicates a ubiquitous DBS presence nationwide, we have no reason to believe that the number of Effective Competition petitions granted in recent years is not representative of the marketplace on the whole. Marketplace realities cause us to believe that in nearly all communities where cable operators have declined to file Effective Competition petitions, Effective Competition is present but the cable operator has not found it worthwhile to undertake the expense of filing an Effective Competition petition, perhaps because the vast majority of franchising authorities have chosen not to regulate rates despite the existing presumption of no Effective Competition.

8. With regard to the first prong of the Competing Provider Effective Competition test as related to the new presumption, we find that the ubiquitous nationwide presence of DBS providers, DIRECTV and DISH Network, presumptively satisfies the requirement that the franchise area be served by two unaffiliated MVPDs each of which offers comparable programming to at least 50 percent of the households in the franchise area. Neither DIRECTV nor DISH Network is affiliated with each other.[12] To offer comparable programming, the Commission's rules provide that a competing MVPD must offer at least 12 channels of video programming, including at least one channel of non-broadcast service programming.[13] The programming lineups of DIRECTV and DISH Network satisfy this requirement. In addition, the widespread presence of DIRECTV and DISH Network justifies a rebuttable presumption that they each offer MVPD service to at least 50 percent of households in all franchise areas. As stated above, DIRECTV provides local broadcast channels to 197 markets representing over 99 percent of U.S. homes, and DISH Network provides local broadcast channels to all 210 markets.[14] In the most recent video competition report, the Commission assumed that DBS MVPDs are available to all homes in the U.S., while recognizing that this slightly overstates the actual availability of DBS. Further, the Commission has held in hundreds of Competing Provider Effective Competition decisions that the presence of DIRECTV and DISH Network satisfies the first prong of the test. Notably, the Commission has never determined that the presence of DIRECTV and DISH Network failed to satisfy the first prong of the competing provider test.

9. With regard to the second prong of the test, we will presume that more than 15 percent of the households in a franchise area subscribe to programming services offered by MVPDs other than the largest MVPD. Based on the data presented above, on a nationwide basis competitors to incumbent cable operators have captured approximately 34 percent of U.S. households, or more than double the percentage needed to satisfy the second prong of the competing provider test.[15] Nationally, DBS service alone has close to twice the necessary subscribership.[16] Further, NCTA has found that competing MVPDs have a penetration rate of more than 15 percent in each of the 210 Designated Market Areas (''DMAs'') in the United States, and most DMAs have a DBS penetration rate above 20 percent. NAB argues that a presumption based on national market share data lacks a

Section 3 of the Cable Television Consumer Protection and Competition Act of 1992: Statistical Report on Average Rates for Basic Service, Cable Programming Service, and Equipment, Report on Cable Industry Prices, 29 FCC Rcd 14895, 14902, paragraph 15 (2014). In addition, contrary to NAB's assertion, there is no evidence in the record that a finding of Effective Competition causes cable operators to increase their other fees or equipment rental charges. We also clarify that while commenters characterize their statistics as a comparison between communities with Effective Competition and communities without Effective Competition, the statistics in fact involve communities where the Commission has made a finding of Effective Competition and communities where the Commission has yet to make such a finding even though Effective Competition may be present.

[8] A CUID is a unique identification code that the Commission assigns a single cable operator within a community to represent an area that the cable operator services. A CUID often includes a single franchise area, but it sometimes includes a larger or smaller area. CUID data is the available data that most closely approximates franchise areas.

[9] The IAC's suggestion that the Commission has made incorrect Effective Competition findings is unsubstantiated. Intergovernmental Advisory Committee to the FCC, Advisory Recommendation No. 2015–7, at 2–3 (filed May 15, 2015) (''IAC Recommendation''). We clarify that any Commission grant of an Effective Competition petition, including an unopposed petition, is based on satisfaction of the statutory Effective Competition tests. *Id.* at 3.

[10] Of the total number of CUIDs in which the Commission granted a request for a finding of Effective Competition during this timeframe, 229 (nearly 16 percent) were granted due to Low Penetration Effective Competition, and 54 (nearly 4 percent) were granted due to LEC Effective Competition. None of the requests granted during this timeframe was based on Municipal Provider Effective Competition. Where a finding of Effective Competition was based on one of the other types of Effective Competition besides Competing Provider Effective Competition, it does not necessarily mean that Competing Provider Effective Competition was not present. Rather, it means that the pleadings raised one of the other types of Effective Competition, and the Commission thus evaluated Effective Competition in that context. In fact, cable operators often file Effective Competition petitions arguing that they are subject to more than one type of Effective Competition within a single franchise area. In such cases, if the Bureau finds that a cable operator has met its burden under one of the statutory tests, it forgoes making a finding under the alternate tests for Effective Competition.

[11] The IAC argues that a franchising authority may not oppose an Effective Competition petition for various reasons, including administrative delays. We emphasize, however, that the exceedingly small number of opposed petitions is just one of many factors that support a rebuttable presumption of Competing Provider Effective Competition, as detailed above.

[12] We recognize that DIRECTV and AT&T Inc. have filed applications for consent to assign or transfer control of licenses and authorizations. *See* MB Docket No. 14–90. That proceeding remains pending. Even if the DIRECTV and AT&T applications are granted, DIRECTV and DISH Network still will not be affiliated with each other and both of them may be considered as competing providers for purposes of the Competing Provider Effective Competition test.

[13] The NPRM did not seek comment on revisiting the meaning of ''comparable'' programming in this context, and thus we reject commenters' requests that we do so here.

[14] Even in the 13 markets where DIRECTV does not provide local broadcast channels, its channel lineup still satisfies the comparable programming requirement because its channel lineup contains substantially more than 12 channels including at least one channel of non-broadcast service programming.

[15] At year-end 2013 there were 34.2 million DBS subscribers and 11.3 million telephone MVPD subscribers, which yields a total of 45.5 million subscribers to competitors to incumbent cable operators. SNL Kagan estimates that there were 133.8 million households in this country in 2013. *See http://www.snl.com/interactivex/MultichannelIndustryBenchmarks.aspx?startYear=2012&endYear=2013* (visited Mar. 31, 2014). If we divide 45.5 million by 133.8 million, the data shows that competitors to incumbent cable operators have captured approximately 34 percent of U.S. households.

[16] If we divide 34.2 million by 133.8 million, the data shows that DBS operators have captured approximately 25.6 percent of U.S. households.

rational nexus to the question of whether more than 15 percent of the households in a specific franchise area actually subscribe to programming services offered by MVPDs other than the largest MVPD. We disagree, finding instead that, as NCTA states, ''an average figure is not conclusive evidence of the specific penetration in every community'' but ''it undeniably supports the Commission's proposed rebuttable presumption'' and ''is a strong predictor that competitors have garnered far in excess of the market share Congress deemed necessary to free cable operators from the vestiges of rate regulation.'' The level of competing MVPD penetration in all of the DMAs, along with their ubiquitous service availability, justifies placing the burden on franchising authorities to show a lack of Effective Competition. Under the rebuttable presumption adopted in this Order, local franchising authorities will be able to attempt to demonstrate that the Competing Provider Effective Competition test is not met in a given area. Thus, we will not be basing our finding on the nationwide statistics alone.

10. For all of the above reasons, we conclude that adopting a rebuttable presumption of Competing Provider Effective Competition is consistent with the current state of the video marketplace. We do not, however, find that market changes since the adoption of the original presumption would support a presumption that any of the other Effective Competition tests (low penetration, municipal provider, or LEC) is met. Although some commenters have asked that we also establish a rebuttable presumption of LEC Effective Competition in any franchise area where an LEC MVPD offers video service, we decline to do so at this time. The record lacks evidence to support a presumption that the service area of an LEC MVPD substantially overlaps that of the incumbent cable operator in a sufficient number of franchise areas where an LEC MVPD offers video service to make such a presumption supportable. Accordingly, our presumption of Effective Competition is limited to Competing Provider Effective Competition. Absent a demonstration to the contrary, we will continue to presume that cable systems are not subject to Low Penetration, Municipal Provider, or LEC Effective Competition.

11. Adoption of the presumption of Competing Provider Effective Competition is consistent with section 623 of the Act, which prohibits a franchising authority from regulating basic cable rates ''[i]f the Commission finds that a cable system is subject to effective competition.'' Contrary to the suggestion of some commenters, we see no statutory bar to applying a nationwide rebuttable presumption of Competing Provider Effective Competition in making this finding. In fact, the NPRM in the proceeding implementing section 623 of the Act initially proposed to require franchising authorities to demonstrate that Effective Competition was not present in the franchise area, explaining that such an approach would be reasonable because the Act ''makes the absence of effective competition a prerequisite to regulators' legal authority over basic rates.'' Specifically, the statute provides that ''[i]f the Commission finds that a cable system is not subject to effective competition, the rates for the provision of basic cable service shall be subject to regulation by a franchising authority, or by the Commission . . . .'' Although the Commission ultimately took a different course, that decision was based on what was most efficient given the state of the marketplace at the time the presumption was adopted and it was not mandated by statute. Given the state of the video marketplace today, we find that it is appropriate to presume the presence of Competing Provider Effective Competition on a nationwide basis, provided that franchising authorities have an opportunity to rebut that presumption and demonstrate that the Competing Provider Effective Competition test is not met in a specific area. The franchising authority's ability to file a revised Form 328 pursuant to the procedures discussed below will ensure that the Commission will continue to receive evidence regarding a specific franchise area where the franchising authority deems it relevant. The fact that Effective Competition decisions apply to specific franchise areas does not preclude the Commission from adopting a rebuttable presumption of Competing Provider Effective Competition today based on the pervasive competition to cable from other MVPDs, just as it did not prevent the Commission from adopting a rebuttable presumption of no Effective Competition based on cable's national 95 percent share of the MVPD marketplace in 1993. In the NPRM, we sought comment on whether there were certain geographic areas in which we should not adopt a presumption of Competing Provider Effective Competition. No commenter addressed this issue, and thus we will not adopt different rules for any specific geographic areas.

12. We are not persuaded by commenters who argue that we should not adopt a rebuttable presumption of Competing Provider Effective Competition because of the potential impact of findings of Effective Competition on the basic service tier requirement found in section 623 of the Act. Several commenters argue that our action would enable cable operators to move broadcast stations that elect retransmission consent and public, educational, and governmental access (''PEG'') channels to a higher tier, leading to higher consumer prices. If a finding of Effective Competition results in elimination of the basic service tier requirement—a statutory interpretation issue that we do not address here—that conclusion would apply not only in communities where the new presumption of Effective Competition is not successfully rebutted but also in the thousands of communities in which we have already issued findings of Effective Competition. Despite these widespread findings of Effective Competition, commenters have not pointed to a single instance in which cable operators have even attempted to move broadcast stations or PEG channels off the basic service tier.[17] NAB argues that cable operators may not have moved broadcast stations or PEG channels to a higher tier in communities with a finding of Effective Competition at least in part because they do not wish to do so on a fragmented ''patchwork'' basis but they have provided no support for this assertion. Moreover, a patchwork of communities with and without Effective Competition will continue to exist after the adoption of this Order if any franchising authorities are able to rebut the new presumption and remain certified. We thus find that the concerns

[17] Similarly, while the IAC contends that consumers will be harmed because the uniform pricing provision and the tier buy-through provision do not apply following a finding of Effective Competition, they have not pointed to any instances of cable operators in the thousands of communities with Effective Competition findings using this flexibility to the detriment of subscribers in these communities. The IAC also claims that ''use of public rights of ways by [Satellite Master Antenna Television (''SMATV'')] operators serving individual properties may be allowed if there is a finding of effective competition.'' IAC Recommendation at 3; 47 CFR 76.501. IAC has failed to explain the significance of this or why such a possibility would be a reason to refrain from updating our processes to reflect market realities. Further, a SMATV issue has not manifested itself in the thousands of communities that the Commission has already determined are subject to Effective Competition. We also emphasize that both the prohibition against negative option billing and cable customer service standards, as a general matter, survive a finding of Effective Competition, per *Time Warner Entertainment Co., L.P.*, v. *FCC*, 56 F.3d 151, 192–196 (D.C. Cir. 1995). *See* IAC Recommendation at 3; 47 CFR 76.981, 76.309.

expressed by commenters in this regard are unpersuasive. Moreover, they do not speak to the key issue in this proceeding: whether maintaining a presumption of no Effective Competition is consistent with the current state of the MVPD marketplace. Accordingly, we do not believe that they provide a sound basis to retain rules that are no longer justified by marketplace realities and that place unwarranted burdens on cable operators and the Commission.

B. Implementation of Section 111 of STELAR

13. For the reasons stated above, section 623 of the Act provides the Commission with ample authority to adopt a rebuttable presumption of Competing Provider Effective Competition for both large and small cable operators. However, additional support for our decision today is found in STELAR. Specifically, we conclude that adopting a rebuttable presumption of Competing Provider Effective Competition fully effectuates the Commission's responsibilities under section 111 of STELAR. Section 111 directs the Commission ''to establish a streamlined process for filing of an effective competition petition pursuant to this section for small cable operators, particularly those who serve primarily rural areas.'' The new presumption of Competing Provider Effective Competition will establish a streamlined process for all cable operators, including small operators, by reallocating the burden of providing evidence of Effective Competition in a manner that better comports with the current state of the marketplace. The existing presumption of no Effective Competition requires cable operators to produce information about competing providers' service areas and numbers of subscribers, and to petition the Commission for an affirmative finding of the requisite competition in particular franchise areas. Changing the presumption—which is merely a procedural device—will streamline the process by shifting the burden of producing evidence with respect to Effective Competition. Under our modified rule, franchising authorities remain free to rebut the presumption by presenting community-specific evidence, which the cable operator would then have the burden to overcome based on its own evidence. The new process is streamlined for cable operators because they will be required to file only in response to a showing by a franchising authority that an operator does not face Competing Provider Effective Competition in the franchise area. The burden would then shift to the cable operator to prove Effective Competition. As ACA states:

> Despite widespread and obvious competition, many cable operators, particularly small operators, have not availed themselves of effective competition relief because of the burdens of overcoming the current presumption against effective competition. These burdens include the costs of purchasing the required zip code and competing provider penetration information, preparing a formal legal filing for submission to the Commission, paying a filing fee, and then waiting an uncertain amount of time for a decision. Congress recognized these burdens when it enacted Section 111 of STELAR and adoption of the Commission's proposal is the most effective and rational way to reduce these burdens and ensure that cable operators of all sizes that face effective competition obtain the relief to which they are entitled.

14. We agree with commenters that there is no statutory restriction on extending the same revised rebuttable presumption of Competing Provider Effective Competition to all cable systems. Section 111 of STELAR directs the Commission to establish streamlined measures for small cable operators within a certain deadline, but it ''neither expands nor restricts the scope of the Commission's authority to administer the effective competition process.'' [18] As commenters observe, ''reducing regulatory burdens on all cable operators, large and small,'' will ensure that Commission procedures ''reflect marketplace realities and allow for a more efficient allocation of Commission and industry resources.'' [19]

15. We recognize that STELAR provides that ''[n]othing in this subsection shall be construed to have any effect on the duty of a small cable operator to prove the existence of effective competition under this section.'' NAB argues that this provision ratifies the Commission's placement of the burden of proving Effective Competition on the cable operators, and prevents the Commission from shifting the burden. We do not read this language as limiting the Commission's authority to eliminate or modify the presumption for cable operators, large or small. The Commission adopted the presumption of no Effective Competition as a procedural mechanism, based in large part on the premise that ''the vast majority of cable systems'' in 1993 were ''not subject to effective competition.'' [20] The presumption was never mandated by Congress, and there is nothing in STELAR's provisions that suggests that Congress intended to withdraw the Commission's general rulemaking power to revisit its rules and modify or repeal them if it finds such action is warranted. In the clause that NAB relies on, Congress merely disavows any intent to alter or interfere with the Commission rule requiring proof of the existence of Effective Competition, as applied to small cable operators. It does not require the Commission to maintain the presumption of no Effective Competition. Rather, Congress only requires the Commission to streamline the process for ''small cable operators.'' Thus, Congress did not ''ratify'' or lock in place the current presumption. Indeed, if this provision were read to restrict the Commission from changing the presumption for small operators, as NAB urges, it would have the perverse effect of permitting the Commission to reduce burdens on larger operators but not on smaller ones, contrary to the clear intent and narrow focus of section 111. Thus, we find unpersuasive NAB's argument that section 111 of STELAR prohibits the rule modifications adopted in this Order.

16. In the NPRM, the Commission sought comment on alternate streamlined procedures that it could adopt for small cable operators pursuant to section 111. Some commenters proposed that we could implement section 111 through small cable operator Effective Competition reforms other than reversing the presumption, for example, by eliminating filing fees, automatically granting certain petitions, adopting a time limit for Commission review, or otherwise streamlining existing Effective Competition procedures. We have evaluated all of the alternate proposals set forth in the record and we conclude that, while some are already implemented, others would not have a sufficient impact on the costs that burden cable operators, particularly small cable operators, under the existing Effective Competition regime, including the costs of purchasing data indicating what zip codes make up the local franchising area, using the resulting list of zip codes to purchase penetration data, and preparing a formal legal filing. Accordingly, we have concluded that

[18] *See* NCTA Reply at 8.

[19] *See* ITTA Comments at 7.

[20] *See Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation,* Report and Order and Further Notice of Proposed Rulemaking, 8 FCC Rcd 5631, 5670, paragraph 43 (1993) (''*1993 Rate Order*''). *See also id.* at 5640, paragraph 10 (''We anticipate that the regulations we adopt today will change over time. In accordance with the statute, we will review and monitor the effect of our initial rate regulations on the cable industry and consumers, and refine and improve our rules as necessary.'').

adopting a rebuttable presumption of Competing Provider Effective Competition is the best approach to streamline the process for small cable operators.

C. Procedures To Implement the New Presumption

17. In this section, we adopt new procedures to implement the rebuttable presumption of Competing Provider Effective Competition. With certain exceptions discussed below, we adopt procedures largely comparable to those discussed in the NPRM. In short, a franchising authority will obtain certification to regulate a cable operator's basic service tier and associated equipment by filing a revised Form 328, which will include a demonstration rebutting the presumption of Competing Provider Effective Competition. A cable operator may continue to oppose a Form 328 by filing a petition for reconsideration of the form.

18. Specifically, as under our existing procedures, a franchising authority that seeks certification to regulate a cable operator's basic service tier and associated equipment will file Form 328. We will revise Question 6 of that form to include a new Question 6a, which will state the new presumption of Competing Provider Effective Competition. Question 6a will ask a franchising authority to provide an attachment containing evidence adequate to satisfy its burden of rebutting the presumption with specific evidence. A franchising authority may continue to rely on the current presumption that Low Penetration, Municipal Provider, and LEC Effective Competition are not present unless it has actual knowledge to the contrary. Hence, a franchising authority need not submit evidence regarding a lack of Effective Competition under those three tests; it need only submit evidence regarding the lack of Competing Provider Effective Competition. Question 6b of the revised form will state the presumption that cable systems are not subject to any other type of Effective Competition excluding Competing Provider Effective Competition, and it will retain the question in the current form asking the franchising authority to indicate whether it has reason to believe that this presumption is correct. We will revise the instructions for completing Form 328 to reflect the changes to Question 6. In addition, we note that instruction number 2 to the form was not previously updated to reference LEC Effective Competition, even though the form itself contains such an update. For accuracy and completeness, we will revise instruction number 2 to reference LEC Effective Competition.

19. Except as otherwise discussed, we will retain the existing provisions in section 76.910 of our rules governing franchising authority certifications. As stated in current section 76.910, the certification will become effective 30 days after the franchising authority files Form 328 unless the Commission notifies the franchising authority otherwise.[21] We find that this approach is consistent with a presumption of Competing Provider Effective Competition, because the franchising authority is required to submit a rebuttal of that presumption with Form 328. This approach also is consistent with the statutory requirement that in general, a franchising authority's certification must become effective 30 days after the date filed.[22] Once a franchising authority files revised Form 328, the Commission may deny a certification based on failure to meet the applicable burden, consistent with the Commission's authority to dismiss a pleading that fails on its face to satisfy applicable requirements. Accordingly, if a franchising authority files a revised Form 328 that fails to meet the required standards to regulate rates, we will promptly deny the filing and it thus will not become effective 30 days after filing. We see no need to require a franchising authority to wait one year before filing a new Form 328 after one is denied, as ACA requests; we believe that franchising authorities should remain able to file a new Form 328 at any time if circumstances change such that they can submit new data rebutting the presumption of Competing Provider Effective Competition.

20. We also find that deeming a certification effective 30 days after it is filed is consistent with STELAR's requirement that we streamline the Effective Competition process for small cable operators. We expect that few franchising authorities will file the revised Form 328 because they will be unable to produce the necessary evidence to rebut the presumption of Competing Provider Effective Competition in most franchise areas, due to the ubiquity of DBS service. Cable operators thus will likely need to address only a small number of filed Form 328s. In fact, if the Commission finds that the attachment accompanying a franchising authority's Form 328 fails to show the evidence required to rebut the presumption, and the Commission thus dismisses the form based on failure to meet the applicable burden, then the cable operator will not need to take any affirmative action. The new approach adopted herein thus will streamline the Effective Competition process for all cable operators, including small ones. The NPRM sought comment on whether a cable operator should have an opportunity before the 30-day period expires to respond to a franchising authority's showing. Commenters did not address this issue and we find it unnecessary to do so, given that a cable operator may file a petition for reconsideration that would automatically stay the imposition of rate regulation, as discussed below.

21. As discussed in the NPRM, under our current rules a cable operator may oppose a certification by filing a petition for reconsideration pursuant to section 76.911 of our rules, demonstrating that it satisfies any of the four tests for Effective Competition.[23] Similarly, under the new rules, the cable operator may file a petition for reconsideration in which it either (a) disagrees with a franchising authority's rebuttal of the presumption of Competing Provider Effective Competition, or (b) attempts to demonstrate the presence of one of the other types of Effective Competition (low penetration, municipal provider, or LEC). We see no need to make any revisions to existing section 76.911. The procedures set forth in section 1.106 of our rules for the filing of petitions for reconsideration will continue to govern petitions for reconsideration of Form 328 and responsive pleadings.[24] In addition, a cable operator's filing of a

[21] *See* 47 CFR 76.910(e). The franchising authority may not, however, regulate a cable system's rates unless it meets certain procedural requirements. *See id.* (''Unless the Commission notifies the franchising authority otherwise, the certification will become effective 30 days after the date filed, *provided, however,* That the franchising authority may not regulate the rates of a cable system unless it: (1) Adopts regulations: (i) Consistent with the Commission's regulations governing the basic tier; and (ii) Providing a reasonable opportunity for consideration of the views of interested parties, within 120 days of the effective date of certification; and (2) Notifies the cable operator that the authority has been certified and has adopted the regulations required by paragraph (e)(1) of this section.''). *See also* 47 U.S.C. 543(a)(4).

[22] *See id.* Given this statutory provision, we cannot grant ACA's request that we provide cable operators with 30 days to oppose a revised Form 328 and franchising authorities with 15 days to respond, or that we automatically deny a Form 328 not acted on within 180 days.

[23] We see no benefit to eliminating the distinctions between petitions for reconsideration, petitions for revocation, petitions for recertification, and petitions for a determination of Effective Competition, as ACA advocates.

[24] 47 CFR 1.106(f), 76.911(a). Accordingly, the 30-day period for a cable operator to file its petition for reconsideration begins to run from the 30th day after the Form 328 is filed with the Commission. *1993 Rate Order,* 8 FCC Rcd at 5693, paragraph 88. *See also* 47 CFR 1.106(f).

petition for reconsideration alleging that Effective Competition exists will continue to automatically stay the imposition of rate regulation pending the outcome of the reconsideration proceeding. Although the NPRM sought comment on whether we should deem a petition for reconsideration granted if the Commission does not act on it within six months, we find that such an approach is unnecessary given the automatic rate regulation stay.

22. Our rules currently permit cable operators to request information from a competitor about the competitor's reach and number of subscribers, if the evidence necessary to establish Effective Competition is not otherwise available. We will retain that provision, while adding a similar provision to benefit franchising authorities now that they will bear the burden of demonstrating the lack of Competing Provider Effective Competition. Specifically, we will amend our rules to provide that, if a franchising authority filing Form 328 wishes to demonstrate a lack of Competing Provider Effective Competition and necessary evidence is not otherwise available, the franchising authority may request directly from an MVPD information regarding the MVPD's reach and number of subscribers in a particular franchise area. As currently required for such requests by cable operators, we will require the MVPD to respond to such a request within 15 days, and we will permit such responses to be limited to numerical totals related to subscribership and reach. Third-party MVPDs must timely respond to these requests, and the Commission may use its enforcement power to ensure compliance. We understand that currently, third-party MVPDs or their agents sometimes charge cable operators for access to this data. We will revisit the issue of the cost of the data if we receive complaints that the cost of such data makes the filing of Form 328 cost-prohibitive to franchising authorities.

23. Even under the new approach to Effective Competition adopted herein, we expect that cable operators still on occasion may wish to file petitions for a determination of Effective Competition pursuant to section 76.907 of our rules. In particular, if a franchising authority is certified under the new rules and procedures, a cable operator may at a later date wish to file a petition demonstrating that circumstances have changed and one of the four types of Effective Competition exists. Accordingly, we will retain existing section 76.907, but we will revise section 76.907(b) to reflect the new presumption. Once a franchising authority is certified under the new rules adopted herein, after having demonstrated a lack of Competing Provider Effective Competition, we agree with ACA that it would not make sense for a cable operator filing a decertification petition to benefit from the presumption of Effective Competition; rather, in this instance the cable operator must demonstrate that circumstances have changed and Effective Competition is now present in the franchise area.[25] We will clarify in revised section 76.907(b) that the new presumption of Competing Provider Effective Competition does not apply in this instance.

24. All of the new rules and procedures for Effective Competition will go into effect once the Commission announces approval by the Office of Management and Budget (''OMB'') of the rules that require such approval and of revised Form 328. Although some of the rules, such as the new rebuttable presumption of Competing Provider Effective Competition itself, do not require OMB approval, we conclude that none of the rules should go into effect until the OMB approval is obtained. Although some commenters have argued that cable operators generally should benefit from the new presumption as soon as it is adopted, we find that tying the effective date to the OMB approval is appropriate where, as here, all of the rules are so closely tied to the submission of a revised form that requires OMB approval.

25. Overall, we find that the new rules and procedures discussed above will create an Effective Competition process that is more efficient for cable operators, especially small cable operators, than the current approach. Cable operators will not be required to file petitions for a determination of Effective Competition in the first instance; instead, franchising authorities will have to rebut the presumption of Competing Provider Effective Competition in those limited locations in which the statutory test is not met. The record demonstrates that filing Effective Competition petitions has forced cable operators to incur significant costs, such as the cost of purchasing zip code and competing provider penetration data and preparing formal legal filings, merely to confirm what the marketplace data already suggests about the likely application of the statutory Effective Competition tests in almost all communities. According to ACA, only one cable operator with fewer than 1,000,000 total subscribers has filed an Effective Competition petition since December 30, 2011, even though such operators are likely subject to Effective Competition to the same degree as other, larger operators. Given the ubiquitous nationwide presence and penetration levels of DBS, we find that it no longer makes sense to burden cable operators with the costs of filing an Effective Competition petition in the first instance. It is far more efficient to require franchising authorities to rebut the presumption in those relatively rare instances where there may not be Effective Competition. Contrary to NAB's suggestion, the burdens imposed on cable operators under the current presumption, which is no longer supportable by marketplace data, justify adoption of the new presumption as the most efficient approach. The fact that cable operators benefit from a finding of Effective Competition does not alter this analysis. We expect that the volume of new Form 328s filed by franchising authorities will be far less than the volume of cable operator Effective Competition petitions currently filed, which will conserve resources of cable operators as well as the Commission. Contrary to the suggestion of some commenters, we do not expect franchising authorities in thousands of communities to file new Form 328s. Rather, we anticipate that few franchising authorities will be able to present data to rebut the presumption of Competing Provider Effective Competition, given the ubiquity and penetration of DBS. In this regard, we agree with NCTA that, ''[g]iven competitive conditions throughout the country and the relatively few [franchising authorities] that currently rate regulate, shifting the presumption is extraordinarily unlikely to unleash an avalanche of [franchising authority] filings.''

26. We recognize that franchising authorities, including small franchising authorities, will face additional burdens in preparing revised Form 328 with an attachment rebutting the presumption of Competing Provider Effective Competition, and we also recognize that some franchising authorities have limited resources. We conclude that any such burdens are justified by the efficiency gained by conforming the presumption to marketplace realities. In 1993, the Commission stated that it was ''mindful of franchising authorities' concern that they do not have access to

[25] Thus, it would be inappropriate to automatically grant cable operator petitions for decertification that are not acted on within a certain timeframe, as ACA suggests, given that the franchising authority would have previously put forth evidence of a lack of Competing Provider Effective Competition in order to become certified in the first place.

the information or the resources necessary to show the absence of effective competition as a threshold matter of jurisdiction.'' [26] Today, in contrast, Effective Competition exists in the vast majority of franchise areas and we anticipate few franchising authorities will have a basis for filing a revised Form 328 demonstrating a lack of Competing Provider Effective Competition. In addition, we have ensured that franchising authorities will have access to the information needed to demonstrate a lack of Competing Provider Effective Competition by implementing procedures pursuant to which a franchising authority may request directly from an MVPD information regarding the MVPD's reach and number of subscribers in a particular franchise area. With regard to the burden on the franchising authorities, ACA explains that unlike cable operators, governmental entities can receive zip code data from the post office free of charge, and governmental entities likely know all of the zip codes within their jurisdiction in any event. Overall, the costs to franchising authorities will be outweighed by the significant cost-saving benefits of a presumption that is consistent with market data showing that the vast majority of communities would satisfy the Competing Provider Effective Competition standard. We will monitor the marketplace to determine whether the burdens of filing a revised Form 328 are dissuading franchising authorities from filing, and if so, we will reconsider whether changes should be made to reduce their costs.

D. Current Certifications and Pending Effective Competition Proceedings

27. Many franchising authorities were certified over 20 years ago to regulate the basic service tier rates and equipment based on the existing presumption of no Effective Competition. Based on the changes in the marketplace that have occurred in the last 20 years, discussed above, we believe that the factual foundation for those findings is no longer valid in most cases. Therefore, all franchising authorities with existing certifications that wish to remain certified must file revised Form 328, including the attachment rebutting the presumption of Competing Provider Effective Competition, within 90 days of the effective date of the new rules.[27] If a franchising authority with an existing certification does not file a new certification (Form 328) during the 90-day timeframe, its existing certification will expire at the end of that timeframe as long as there is not pending for the franchise area an opposed Effective Competition petition or an opposed or unopposed petition for reconsideration of certification, petition for reconsideration of an Effective Competition decision, or application for review of an Effective Competition decision.[28] The Media Bureau will issue a public notice at the conclusion of the 90-day timeframe identifying all franchising authorities that filed a revised Form 328 as well as those franchising authorities that are party to one of the above-listed pending proceedings, and stating its finding of Competing Provider Effective Competition applicable to all other currently certified franchising authorities. This public notice will address commenters' concerns that the Act requires the Commission to make a franchise area-specific finding of Effective Competition before revoking existing certifications. The Media Bureau's finding of Competing Provider Effective Competition will be based on the new presumption coupled with the franchising authority's failure to attempt to retain its certification by resubmitting Form 328 accompanied by the requisite showing of no Competing Provider Effective Competition. We thus find that the approach adopted herein, which the NPRM sought comment on in the alternative, is preferable to administratively revoking *all* existing certifications since it will afford franchising authorities an opportunity to rebut the new presumption while their existing certification is still in effect and requires a Commission finding of Effective Competition for each franchise area.

28. Where currently certified franchising authorities file revised Form 328, their certifications will remain valid unless and until the Media Bureau issues a decision denying the new certification request.[29] We will not automatically deny a Form 328 that we do not act on within a certain timeframe, finding that doing so would be inconsistent with the statutory requirement that franchising authority certifications become effective 30 days after the date filed and with the procedures adopted above. If a currently certified franchising authority files revised Form 328 and there is a pending cable operator Effective Competition petition, petition for reconsideration of certification, petition for reconsideration of an Effective Competition decision, or application for review of an Effective Competition decision applicable to the franchise area, the Media Bureau will consider the record from that filing along with the new certification in making its determination regarding whether the franchising authority has overcome the presumption of Competing Provider Effective Competition.[30] If a currently certified franchising authority files revised Form 328 but there is no applicable pending proceeding, the Media Bureau may consider the form itself as well as other relevant data available to the Bureau in making its determination.

29. Where existing franchising authority certifications expire pursuant to the procedures discussed above, the Commission itself will not regulate rates. Section 76.913(a) of the Commission's rules, which generally directs the Commission to regulate rates upon revocation of a franchising authority's certification, will not apply upon the expiration of existing certifications discussed above. The Act precludes a franchising authority or the Commission from regulating rates where Effective Competition is present, and the expirations will be based on just

[26] *1993 Rate Order*, 8 FCC Rcd at 5668, paragraph 41.

[27] ACA and NCTA support a comparable procedure. ACA claims that with regard to small cable operators the procedure should only apply to ''active'' franchising authorities, meaning those that have adopted a rate order in the previous 12 months. We find that such a limitation would be difficult for the Commission to administer and would not provide an offsetting benefit to small cable operators. We find further that the approach adopted here is preferable to the approach advocated by some commenters, in which all previously adjudicated Effective Competition decisions would remain valid until either the franchising authority or the cable operator affirmatively demonstrates a change. The approach adopted here will enable us to ensure more promptly that franchising authority certifications correspond to the current marketplace.

[28] We recognize that, while the franchising authority remains certified, it is possible that the Commission's rate regulation rules may require a rate filing in the normal course of business. Unless the franchising authority and cable operator reach an agreement to the contrary, the cable operator should continue to make any such required filing.

[29] Accordingly, a currently certified franchising authority that wishes to remain certified and to make use of its basic service tier rate regulation authority may do so pursuant to these procedures. The franchising authority's ability to regulate rates, however, would be automatically stayed if the filing of revised Form 328 impels the cable operator to file a petition for reconsideration of certification alleging the presence of Effective Competition. The Media Bureau will promptly dismiss cable operator petitions for reconsideration that do not rebut a franchising authority's demonstration that Competing Provider Effective Competition is not present in the franchise area.

[30] Prior to the effective date of the rules adopted herein, we note that the Media Bureau has authority to continue processing pending petitions for a determination of Effective Competition, petitions for reconsideration of certification, and petitions for reconsideration of an Effective Competition decision in the normal course of business pursuant to existing rules.

such a finding. Section 623(a)(6) of the Act does not apply to this situation because it requires the Commission to ''exercise the franchising authority's regulatory jurisdiction'' over cable basic service tier rates if the Commission either (1) ''disapproves a franchising authority'' due to specified legal or procedural infirmities, or (2) revokes the franchising authority's jurisdiction to regulate rates following petition by a cable operator or other interested party based upon a finding ''that the State and local laws and regulations are not in conformance with'' the Commission's basic service tier rate regulations. The expiration of existing franchising authority certifications based on a rebuttable presumption of Competing Provider Effective Competition combined with the franchising authority's subsequent failure to attempt to retain its certification is distinguishable from a Commission finding of legal or procedural infirmities following an initial certification submission. Contrary to NAB's suggestions, the expiration of existing franchising authority certifications is justified for the reasons discussed above, and it does not matter that the expirations will be unrelated to a petition by a cable operator or other interested party.

30. There are currently 58 pending cable operator petitions seeking a finding of Effective Competition, and a total of 17 pending petitions for reconsideration of certification, petitions for reconsideration of an Effective Competition decision, and applications for review of an Effective Competition decision. As explained above, if one of these pending proceedings involves a currently certified franchising authority that files revised Form 328, the record from the pending proceeding will be considered along with the revised Form 328 submission when the Media Bureau makes its certification determination. If, however, the pending proceeding involves a franchising authority that does not file revised Form 328 during the 90-day timeframe but either (i) the proceeding is an opposed cable operator Effective Competition petition, or (ii) the proceeding is a petition for reconsideration of certification, petition for reconsideration of an Effective Competition decision, or application for review of an Effective Competition decision, then the Media Bureau or the Commission will adjudicate the pending proceeding based on the record before it. With regard to pending *unopposed* cable operator Effective Competition petitions where the franchising authority does not file revised Form 328, the Media Bureau will grant such petitions based on a finding that the new presumption of Competing Provider Effective Competition applies and the franchising authority has not attempted to rebut it. The Media Bureau will issue a public notice at the conclusion of the 90-day timeframe for filing revised Form 328, granting all pending unopposed cable operator Effective Competition petitions where the franchising authority has not filed revised Form 328, with the grant based on a finding of Competing Provider Effective Competition. That finding will be premised on the new presumption of Competing Provider Effective Competition, as well as the franchising authority's failure to oppose the cable operator Effective Competition petition in the first instance.

IV. Procedural Matters

A. Final Regulatory Flexibility Analysis

31. As required by the Regulatory Flexibility Act of 1980, as amended (''RFA''), an Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated in the Notice of Proposed Rulemaking in this proceeding. The Federal Communications Commission (''Commission'') sought written public comment on the proposals in the NPRM, including comment on the IRFA. The Commission received no comments on the IRFA, although some commenters discussed the effect of the proposals on smaller entities, as discussed below. This present Final Regulatory Flexibility Analysis (''FRFA'') conforms to the RFA.

1. Need for, and Objectives of, the Report and Order

32. In the Report and Order (''Order''), the Commission improves and expedites the effective competition process by adopting a rebuttable presumption that cable operators are subject to ''Effective Competition.'' [31] Specifically, we presume that cable operators are subject to what is commonly referred to as ''Competing Provider Effective Competition.'' As a result, each franchising authority [32] will be prohibited from regulating basic cable rates unless it successfully demonstrates that the cable system is not subject to Competing Provider Effective Competition. This change is justified by the fact that Direct Broadcast Satellite (''DBS'') service is ubiquitous today and that DBS providers have captured almost 34 percent of multichannel video programming distributor (''MVPD'') subscribers. The Order also implements section 111 of the STELA Reauthorization Act of 2014 (''STELAR''), which directs the Commission to adopt a streamlined Effective Competition process for small cable operators.[33] By adopting a rebuttable presumption of Competing Provider Effective Competition, we update our Effective Competition rules, for the first time in over 20 years, to reflect the current MVPD marketplace, reduce the regulatory burdens on all cable operators, especially small operators,[34] and more efficiently allocate the Commission's resources.

2. Summary of Significant Issues Raised By Public Comments in Response to the IRFA

33. No comments were filed in response to the IRFA. In response to the NPRM, some commenters discussed the effect of the proposals on smaller entities. Specifically, while some commenters advocated the benefits that a presumption of Competing Provider Effective Competition would have on cable operators, including small cable operators, other commenters expressed concern about the burdens that would be imposed on franchising authorities, including small franchising authorities. In addition, as explained above, section 111 of STELAR directs the Commission to adopt a streamlined Effective Competition process for small cable operators. While some commenters expressed their view that adopting a presumption of Competing Provider Effective Competition would best fulfill section 111, others advocated alternate ways to reform the Effective Competition process for small cable operators.

[31] Effective Competition is a term of art that the statute defines by application of specific tests.

[32] A ''franchising authority'' is ''any governmental entity empowered by Federal, State, or local law to grant a franchise.'' *See* 47 U.S.C. 522(10).

[33] *See* Public Law 113–200, section 111, 128 Stat. 2059 (2014); 47 U.S.C. 543(o)(1) (''Not later than 180 days after December 4, 2014, the Commission shall complete a rulemaking to establish a streamlined process for filing of an effective competition petition pursuant to this section for small cable operators, particularly those who serve primarily rural areas.''). Accordingly, this rulemaking must be completed by June 2, 2015.

[34] Congress applied the definition of ''small cable operator'' as set forth in section 623(m)(2) of the Communications Act of 1934, as amended (the ''Act''), which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' *See* 47 U.S.C. 543(m)(2), (o)(3).

3. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

34. The RFA directs the Commission to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted in the Order. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. Below, we provide a description of such small entities, as well as an estimate of the number of such small entities, where feasible.

35. *Small Governmental Jurisdictions.* The term ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2011 indicate that there were 89,476 local governmental jurisdictions in the United States. We estimate that, of this total, a substantial majority may qualify as ''small governmental jurisdictions.'' Thus, we estimate that most governmental jurisdictions are small.

36. *Wired Telecommunications Carriers.* The 2007 North American Industry Classification System (''NAICS'') defines ''Wired Telecommunications Carriers'' as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' The SBA has developed a small business size standard for wireline firms within the broad economic census category, ''Wired Telecommunications Carriers.'' Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees. Census data for 2007 shows that there were 3,188 firms that operated for the entire year. Of this total, 2,940 firms had fewer than 100 employees, and 248 firms had 100 or more employees. Therefore, under this size standard, we estimate that the majority of businesses can be considered small entities.

37. *Cable Companies and Systems.* The Commission has developed its own small business size standards, for the purpose of cable rate regulation. Under the Commission's rate regulation rules, a ''small cable company'' is one serving 400,000 or fewer subscribers, nationwide. According to SNL Kagan, there are 1,258 cable operators. Of this total, all but 10 incumbent cable companies are small under this size standard. In addition, under the Commission's rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Current Commission records show 4,584 cable systems nationwide. Of this total, 4,012 cable systems have fewer than 20,000 subscribers, and 572 systems have 20,000 subscribers or more, based on the same records. Thus, under this standard, we estimate that most cable systems are small.

38. *Direct Broadcast Satellite (''DBS'') Service.* DBS service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic ''dish'' antenna at the subscriber's location. DBS, by exception, is now included in the SBA's broad economic census category, ''Wired Telecommunications Carriers,'' which was developed for small wireline firms. Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees. Census data for 2007 shows that there were 3,188 firms that operated for the entire year. Of this total, 2,940 firms had fewer than 100 employees, and 248 firms had 100 or more employees. Therefore, under this size standard, the majority of such businesses can be considered small. However, the data we have available as a basis for estimating the number of such small entities were gathered under a superseded SBA small business size standard formerly titled ''Cable and Other Program Distribution.'' The 2002 definition of Cable and Other Program Distribution provided that a small entity is one with $12.5 million or less in annual receipts. Currently, only two entities provide DBS service, which requires a great investment of capital for operation: DIRECTV and DISH Network. Each currently offers subscription services. DIRECTV and DISH Network each report annual revenues that are in excess of the threshold for a small business. Because DBS service requires significant capital, we believe it is unlikely that a small entity as defined by the SBA would have the financial wherewithal to become a DBS service provider.

39. *Open Video Systems.* The open video system (''OVS'') framework was established in 1996, and is one of four statutorily recognized options for the provision of video programming services by local exchange carriers. The OVS framework provides opportunities for the distribution of video programming other than through cable systems. Because OVS operators provide subscription services, OVS falls within the SBA small business size standard covering cable services, which is ''Wired Telecommunications Carriers.'' The SBA has developed a small business size standard for this category, which is: all such firms having 1,500 or fewer employees. Census data for 2007 shows that there were 3,188 firms that operated for the entire year. Of this total, 2,940 firms had fewer than 100 employees, and 248 firms had 100 or more employees. Therefore, under this size standard, the majority of such businesses can be considered small. In addition, we note that the Commission has certified some OVS operators, with some now providing service. Broadband service providers (''BSPs'') are currently the only significant holders of OVS certifications or local OVS franchises. The Commission does not have financial or employment information regarding the entities authorized to provide OVS, some of which may not yet be operational. Thus, at least some of the OVS operators may qualify as small entities.

40. *Small Incumbent Local Exchange Carriers.* We have included small incumbent local exchange carriers in this present RFA analysis. A ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent local exchange carriers in this RFA analysis, although we

emphasize that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

41. *Incumbent Local Exchange Carriers (''ILECs'').* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2007 shows that there were 3,188 firms that operated for the entire year. Of this total, 2,940 firms had fewer than 100 employees, and 248 firms had 100 or more employees. Therefore, under this size standard, the majority of such businesses can be considered small entities.

4. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

42. Certain rule changes adopted in the Order will affect reporting, recordkeeping, or other compliance requirements. Pursuant to the rules and policies adopted in the Order, the Commission will presume that cable operators are subject to Competing Provider Effective Competition, with the burden of rebutting this presumption falling on the franchising authority. A franchising authority seeking certification to regulate a cable operator's basic service tier and associated equipment will file revised FCC Form 328, including an attachment containing evidence adequate to satisfy its burden of rebutting the presumption with specific evidence. Franchising authorities are already required to file Form 328 to obtain certification to regulate a cable system's basic service tier, but the attachment rebutting the presumption of Competing Provider Effective Competition will be a new requirement. Cable operators, including small cable operators, will retain the burden of demonstrating the presence of any other type of Effective Competition, which a cable operator may seek to demonstrate if a franchising authority rebuts the presumption of Competing Provider Effective Competition. A cable operator opposing a certification will be permitted to file a petition for reconsideration pursuant to section 76.911 of our rules, as is currently the case, demonstrating that it satisfies any of the four tests for Effective Competition. The procedures set forth in section 1.106 of our rules for the filing of petitions for reconsideration will continue to govern petitions for reconsideration of Form 328 and responsive pleadings. While a certification will become effective 30 days after the date filed unless the Commission notifies the franchising authority otherwise, the filing of a petition for reconsideration based on the presence of Effective Competition will automatically stay the imposition of rate regulation pending the outcome of the reconsideration proceeding. All of the new rules and procedures will go into effect once the Commission announces approval by the Office of Management and Budget (''OMB'') of the rules that require such approval and of revised Form 328.

43. All franchising authorities with existing certifications that wish to remain certified must file revised Form 328, including the attachment rebutting the presumption of Competing Provider Effective Competition, within 90 days of the effective date of the new rules. At the conclusion of the 90-day timeframe, the Media Bureau will issue a public notice identifying all franchising authorities that filed a revised Form 328 as well as those franchising authorities that are party to a pending opposed Effective Competition petition or a pending opposed or unopposed petition for reconsideration of certification, petition for reconsideration of an Effective Competition decision, or application for review of an Effective Competition decision. The public notice will state the Media Bureau's finding of Competing Provider Effective Competition applicable to all other currently certified franchising authorities. Where currently certified franchising authorities file revised Form 328, their certifications will remain valid unless and until the Media Bureau issues a decision denying the new certification request. If a currently certified franchising authority files revised Form 328 and there is a pending cable operator Effective Competition petition, petition for reconsideration of certification, petition for reconsideration of an Effective Competition decision, or application for review of an Effective Competition decision applicable to the franchise area, the Media Bureau will consider the record from that filing along with the new certification in making its determination regarding whether the franchising authority has overcome the presumption of Competing Provider Effective Competition.[35] If a pending proceeding involves a franchising authority that does not file revised Form 328 during the 90-day timeframe but either (i) the proceeding is an opposed cable operator Effective Competition petition, or (ii) the proceeding is a petition for reconsideration of certification, petition for reconsideration of an Effective Competition decision, or application for review of an Effective Competition decision, then the Media Bureau or the Commission will adjudicate the pending proceeding based on the record before it. With regard to pending *unopposed* cable operator Effective Competition petitions where the franchising authority does not file revised Form 328, the Media Bureau will issue a public notice granting the petitions based on a finding of Competing Provider Effective Competition.

5. Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

44. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance, rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.'' The NPRM invited comment on the benefits and burdens of the approach we adopt herein on all entities, including small entities.

45. Overall, we expect that the approach the Commission adopts today will lessen the number of Effective Competition determinations addressed by the Commission and thus will reduce regulatory burdens on cable operators, and will more efficiently allocate the Commission's resources. In paragraph 25 of the Order, the Commission finds that the new rules and procedures will create an Effective Competition process that is more efficient for cable operators, especially small cable operators, since they will not be required to file petitions for a determination of Effective Competition in the first instance. The Commission explains the significant costs imposed on cable operators by the current Effective Competition process,

[35] Prior to the effective date of the rules adopted in the Order, we note that the Media Bureau has authority to continue processing pending petitions for a determination of Effective Competition, petitions for reconsideration of certification, and petitions for reconsideration of an Effective Competition decision in the normal course of business pursuant to existing rules.

and it explains how the new presumption will alleviate those costs.

46. In paragraph 26 of the Order, the Commission discusses the impact of the new rules and procedures on franchising authorities, including small franchising authorities. The Commission concludes that the burdens of filing revised Form 328 are justified by the efficiency gained by conforming the presumption to marketplace realities. The Commission also anticipates that few franchising authorities will have a basis for filing a revised Form 328 demonstrating a lack of Competing Provider Effective Competition as a result of the presence of Effective Competition in the vast majority of franchise areas. In addition, the Commission states that it has ensured that franchising authorities will have access to the information needed to demonstrate a lack of Competing Provider Effective Competition.[36] Overall, the costs to franchising authorities will be outweighed by the significant cost-saving benefits of a presumption that is consistent with market data showing that the vast majority of communities would satisfy the Competing Provider Effective Competition standard. The Commission states that it will monitor the marketplace to determine whether the burdens of filing a revised Form 328 are dissuading franchising authorities from filing, and if so, it will reconsider whether changes should be made to reduce their costs.

47. Finally, we note that the Commission considered alternate means to implement section 111 of STELAR. After evaluating all of the alternate proposals set forth in the record, in paragraph 16 the Commission concludes that while some proposals are already implemented, others would not have a sufficient impact on the costs that burden cable operators, particularly small cable operators, under the existing Effective Competition regime. Accordingly, the Commission has concluded that adopting a rebuttable presumption of Competing Provider Effective Competition is the best approach to streamline the process for small cable operators.

6. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

48. None.

7. Report to Congress

49. The Commission will send a copy of the Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.[37] In addition, the Commission will send a copy of the Order, including this FRFA, to the Chief Counsel for Advocacy of the SBA. The Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.[38]

B. Final Paperwork Reduction Act of 1995 Analysis

50. We analyzed this Order with respect to the Paperwork Reduction Act of 1995 (''PRA''),[39] and it contains modified information collection requirements.[40] It will be submitted to the Office of Management and Budget (''OMB'') for review under section 3507(d) of the PRA.[41] The Commission, as part of its continuing effort to reduce paperwork burdens, will invite OMB, the general public, and other interested parties to comment on the information collection requirements contained in this document in a separate published **Federal Register** notice. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002,[42] we previously sought specific comment on how the Commission might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

C. Congressional Review Act

51. The Commission will send a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

D. Additional Information

52. For additional information on this proceeding, contact Diana Sokolow, *Diana.Sokolow@fcc.gov,* of the Policy Division, Media Bureau, (202) 418–2120.

V. Ordering Clauses

53. Accordingly, *it is ordered* that, pursuant to the authority found in sections 4(i), 4(j), 303(r), and 623 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), and 543, and section 111 of the STELA Reauthorization Act of 2014, Public Law 113–200, section 111, this Order *is adopted,* effective upon announcement in the **Federal Register** of OMB approval and the effective date of the rules.

54. *It is ordered* that, pursuant to the authority found in sections 4(i), 4(j), 303(r), and 623 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), and 543, and section 111 of the STELA Reauthorization Act of 2014, Public Law 113–200, section 111, the Commission's rules *are hereby amended* as set forth in Appendix A.

55. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

56. *It is further ordered* that the Commission *shall send* a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 76

Administrative practice and procedure, Cable television, Reporting ad recordkeeping requirements.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 76 as follows:

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 2. Revise § 76.906 to read as follows:

[36] In addition, in paragraph 22 of the Order, the Commission explains that third-party MVPDs or their agents sometimes charge cable operators for access to subscribership and reach data. The Commission states that it will revisit the issue of the cost of the data if it receives complaints that the cost of such data makes the filing of Form 328 cost-prohibitive to franchising authorities.

[37] *See* 5 U.S.C. 801(a)(1)(A).

[38] *See id.* 604(b).

[39] The Paperwork Reduction Act of 1995 (''PRA''), Public Law 104–13, 109 Stat. 163 (1995) (codified in Chapter 35 of title 44 U.S.C.).

[40] Relevant information collections include those pertaining to Form 328 and the franchising authority certification (OMB Control No. 3060–0550), and to petitions for reconsideration of certifications (OMB Control No. 3060–0560).

[41] 44 U.S.C. 3507(d).

[42] The Small Business Paperwork Relief Act of 2002 (''SBPRA''), Public Law 107–198, 116 Stat. 729 (2002) (codified in Chapter 35 of title 44 U.S.C.); *see* 44 U.S.C. 3506(c)(4).

§ 76.906 Presumption of effective competition.

In the absence of a demonstration to the contrary cable systems are presumed: (a) To be subject to effective competition pursuant to section 76.905(b)(2); and (b) Not to be subject to effective competition pursuant to section 76.905(b)(1), (3) or (4).

■ 3. Amend § 76.907 by revising paragraph (b) to read as follows:

§ 76.907 Petition for a determination of effective competition.

* * * * *

(b) If the cable operator seeks to demonstrate that effective competition as defined in § 76.905(b)(1), (3), or (4) exists in the franchise area, it bears the burden of demonstrating the presence of such effective competition. Effective competition as defined in § 76.905(b)(2) is governed by the presumption in § 76.906, except that where a franchising authority has rebutted the presumption of competing provider effective competition as defined in § 76.905(b)(2) and is certified, the cable operator must demonstrate that circumstances have changed and effective competition is present in the franchise area.

Note to paragraph (b): The criteria for determining effective competition pursuant to § 76.905(b)(4) are described in Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996, Report and Order in CS Docket No. 96–85, FCC 99–57 (released March 29, 1999).

* * * * *

■ 4. Amend § 76.910 by revising paragraph (b)(4) to read as follows:

§ 76.910 Franchising authority certification.

* * * * *

(b) * * *

(4) The cable system in question is not subject to effective competition. The franchising authority must submit specific evidence demonstrating its rebuttal of the presumption in § 76.906 that the cable operator is subject to effective competition pursuant to section 76.905(b)(2). Unless a franchising authority has actual knowledge to the contrary, the franchising authority may rely on the presumption in § 76.906 that the cable operator is not subject to effective competition pursuant to section 76.905(b)(1), (3), or (4). The franchising authority bears the burden of submitting evidence rebutting the presumption that competing provider effective competition, as defined in § 76.905(b)(2), exists in the franchise area. If the evidence establishing the lack of effective competition is not otherwise available, franchising authorities may request from a multichannel video programming distributor information regarding the multichannel video programming distributor's reach and number of subscribers. A multichannel video programming distributor must respond to such request within 15 days. Such responses may be limited to numerical totals.

* * * * *

[FR Doc. 2015–15806 Filed 7–1–15; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 21

[Docket No. FWS–HQ–MB–2015–0032; FF09M21200–156–FXMB1231099BPP0]

RIN 1018–BA90

Migratory Bird Permits; Update of Falconry Permitting Reporting Address

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The State of California has implemented an online permitting and reporting system compatible with the system that we, the U.S. Fish and Wildlife Service (Service), use for reporting take of raptors from the wild for falconry. We change the Web address for falconers in California to report takes, acquisitions, transfers, and losses of falconry birds.

DATES: This rule is effective January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Ron Kokel at 703–358–1967.

SUPPLEMENTARY INFORMATION:

Background

We published a final rule in the **Federal Register** on October 8, 2008 (73 FR 59448), to revise our regulations governing falconry in the United States, found in title 50 of the Code of Federal Regulations (CFR) at § 21.29. In 2013, we added the State of California to the list of States to which we delegate permitting for falconry to the State, as provided under the regulations (78 FR 72830, December 4, 2013).

This Rule

In the falconry regulations at 50 CFR 21.29, we offer two methods to submit required reports or other information: (1) Electronically, by entering the required information in our electronic database at *http://permits.fws.gov/186A*; and (2) by hard copy, by submitting a paper form 3–186A to the falconer's State, tribal, or territorial agency that governs falconry. The State of California has developed and implemented an online permitting and reporting system that is compatible with the system we use for reporting take of raptors from the wild for falconry (our electronic database at *http://permits.fws.gov/186A*). Allowing California residents to use that State's reporting system should result in a small savings of resources for both the State and the Service. Therefore, with this rule, we change the web address for falconers in California to report takes, acquisitions, transfers, and losses of falconry birds.

Administrative Procedure

This action is administrative in nature. We are providing regulated entities and the general public with an accurate web address to report take, loss, or transfers of raptors by falconers in California. We delegated the State of California permitting authority for falconry under the regulations at 50 CFR 21.29 (see 78 FR 72830, December 4, 2013). This rule facilitates that State's permitting and reporting requirements, and will enable reporting with our system for reporting take, acquisition, loss, or transfer of any bird for falconry. The change should slightly reduce administration costs for both the State and the Service. The delegation of permitting authority to the State of California has already been subject to public notice-and-comment procedures, and this change simply adds an Internet address to the regulations at 50 CFR 21.29 to allow full use of California's permitting and reporting system. Under 5 U.S.C. 553(b), rules of agency organization, procedure, or practice may be made final without previous notice to the public. This is a final rule.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

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

Executive Order (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. The

executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives.

E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

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

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

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

We have examined this rule's potential effects on small entities as required by the Regulatory Flexibility Act, and have determined that this action will not have a significant economic impact on a substantial number of small entities. This rule simplifies reporting required by 50 CFR 21.29 for residents of California. This rule does not change falconers' costs for practicing their sport, nor does it affect businesses that provide equipment or supplies for falconry. This rule may result in a small savings of time and other resources by the State of California and by the Service, but neither of these is a small entity. Consequently, we certify that, because this rule will not have a significant economic effect on a substantial number of small entities, a regulatory flexibility analysis is not required.

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

a. This rule does not have an annual effect on the economy of $100 million or more. There are no costs to permittees or any other part of the economy associated with this change to the regulations.

b. This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. This rule simplifies reporting required by 50 CFR 21.29 for residents of California.

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

Unfunded Mandates Reform Act

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

a. This rule will not ''significantly or uniquely'' affect small governments in a negative way. A small government agency plan is not required. The State of California requested that we make this change to the regulations to simply falconry reporting for that State's residents.

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

Takings

In accordance with E.O. 12630, the rule does not have significant takings implications. A takings implication assessment is not required. This rule does not contain a provision for taking of private property.

Federalism

This rule does not have sufficient Federalism effects to warrant preparation of a federalism summary impact statement under E.O. 13132. The State of California requested that we make this change to the regulations to simplify falconry reporting for that State's residents.

Civil Justice Reform

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

Paperwork Reduction Act

We examined this rule under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), and it does not contain any new collections of information that require Office of Management and Budget (OMB) approval. OMB has approved the information collection requirements of the Migratory Bird Permits Program and assigned OMB control number 1018–0022, which expires May 31, 2017. Information from the collection is used to document take of raptors from the wild for use in falconry and to document transfers of raptors held for falconry between permittees. A Federal agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

We evaluated the environmental impacts of the changes to the regulations, and determined that this rule does not have any environmental impacts.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated potential effects on Federally recognized Indian Tribes and have determined that this rule will not interfere with Tribes' ability to manage themselves or their funds or to regulate falconry on Tribal lands.

Energy Supply, Distribution, or Use

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not a significant regulatory action under E.O. 12866, and will not significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Environmental Consequences of the Action

Socioeconomic. This action will not have discernible socioeconomic impacts.

Raptor populations. This rule will not change the effects of falconry on raptor populations. We are simply adding to our regulations at 50 CFR 21.29 a falconry reporting method for residents of California.

Endangered and threatened species. This rule does not change protections for endangered and threatened species.

Compliance With Endangered Species Act Requirements

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

List of Subjects in 50 CFR Part 21

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

Regulation Promulgation

For the reasons stated in the preamble, we amend subpart C of part 21, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 21—MIGRATORY BIRD PERMITS

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

Authority: 16 U.S.C. 703–12.

■ 2. Amend § 21.29 by:
■ a. Revising paragraph (b)(2);
■ b. Revising the fifth sentence of paragraph (c)(6)(i);
■ c. Revising the third sentence of paragraph (c)(6)(ii);
■ d. Revising the second sentence of paragraph (c)(6)(iii)(A);
■ e. Revising paragraph (c)(6)(iii)(B);
■ f. Revising the first sentence of paragraph (e)(2)(iv);
■ g. Revising the second sentence of paragraph (e)(5)(i);
■ h. Revising paragraph (e)(6)(i);
■ i. Revising paragraph (e)(7)(i);
■ j. Revising the third sentence of paragraph (e)(9)(ii);
■ k. Revising the second sentence of paragraph (e)(9)(iii); and
■ l. Revising the second sentence after the heading of paragraph (f)(6).

The revisions read as follows:

§ 21.29 Falconry standards and falconry permitting.

* * * * *

(b) * * *

(2) *Reporting.* (i) The State, tribe, or territory must work with us to ensure that the electronic 3–186A reporting system (*http://permits.fws.gov/186A*) for reporting take, transfers, and loss of falconry birds is fully operational for residents of that jurisdiction.

(ii) If you are required to submit a report or other information under this section, you must either enter the required information in the electronic database at *http://permits.fws.gov/186A*, or at *http://www.wildlife.ca.gov/FalconryReporting* if you are a resident of California, or submit a paper form 3–186A to your State, tribal, or territorial agency that governs falconry.

* * * * *

(c) * * *

(6) * * *

(i) * * * Within 10 days from the day on which you take the raptor from the wild, you must report take of the bird by submitting the required information (including the band number) using one of the methods listed in paragraph (b)(2)(ii) of this section. * * *

(ii) * * * You must submit the required information using one of the methods listed in paragraph (b)(2)(ii) of this section. * * *

(iii) * * *

(A) * * * You must submit the required information within 10 days of rebanding the raptor using one of the methods listed in paragraph (b)(2)(ii) of this section.

(B) Purchase and implant an ISO-compliant (134.2 kHz) microchip in the bird and report the microchip information using one of the methods listed in paragraph (b)(2)(ii) of this section.

* * * * *

(e) * * *

(2) * * *

(iv) If you are responsible for reporting take of a raptor from the wild, use one of the methods listed in paragraph (b)(2)(ii) of this section. * * *

* * * * *

(5) * * *

(i) * * * You must report take of the bird using one of the methods listed in paragraph (b)(2)(ii) of this section at your first opportunity to do so, but no more than 10 days after capture of the bird. * * *

* * * * *

(6) * * *

(i) If you acquire a raptor; transfer, reband, or microchip a raptor; if a raptor you possess is stolen; if you lose a raptor to the wild and you do not recover it within 30 days; or if a bird you possess for falconry dies; you must report the change within 10 days using one of the methods listed in paragraph (b)(2)(ii) of this section.

* * * * *

(7) * * *

(i) If you acquire a bird from a rehabilitator, within 10 days of the transaction you must report it using one of the methods listed in paragraph (b)(2)(ii) of this section.

* * * * *

(9) * * *

(ii) * * * You must remove its falconry band (if it has one) and report release of the bird by submitting the required information using one of the methods listed in paragraph (b)(2)(ii) of this section.

(iii) * * * You must remove its falconry band and report release of the bird by submitting the required information using one of the methods listed in paragraph (b)(2)(ii) of this section.

* * * * *

(f) * * *

(6) * * * Within 10 days, you must report the transfer by submitting the required information using one of the methods listed in paragraph (b)(2)(ii) of this section.

* * * * *

Dated: June 15, 2015.

Michael J. Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2015–16371 Filed 7–1–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 0907271173–0629–03]

RIN 0648–XE014

Snapper-Grouper Fishery of the South Atlantic; 2015 Recreational Accountability Measures and Closure for South Atlantic Snowy Grouper

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the recreational sector for snowy grouper in the South Atlantic for the 2015 fishing year through this temporary rule. Average recreational landings from 2012–2014 exceeded the recreational annual catch limit (ACL) for snowy grouper. To account for this overage, this rule reduces the length of the 2015 recreational fishing season. Therefore,

NMFS closes the recreational sector for snowy grouper in the South Atlantic exclusive economic zone (EEZ) on July 6, 2015. This closure is necessary to protect the snowy grouper resource.

DATES: This rule is effective 12:01 a.m., local time, July 6, 2015, until 12:01 a.m., local time, January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *catherine.hayslip@noaa.gov*.

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

The recreational ACL for snowy grouper is 523 fish. In accordance with regulations at 50 CFR 622.193(b)(2), if the recreational ACL is exceeded, the Assistant Administrator, NOAA (AA), will file a notification with the Office of the Federal Register to reduce the length of the following fishing season by the amount necessary to ensure landings do not exceed the recreational ACL in the following fishing year. NMFS evaluates annual recreational landings with the recreational ACL for snowy grouper based on a 3-year running average of landings. For the 2015 fishing year, the most recent 3-year running average of recreational landings is the average of 2012–2014. Average landings from 2012–2014 exceeded the 2014 recreational ACL by 1,253 fish. Therefore, this temporary rule implements the post-season AM to reduce the fishing season for the recreational snowy grouper component of the snapper-grouper fishery by the amount necessary to ensure recreational landings do not exceed the recreational ACL in 2015. As a result, the recreational sector for snowy grouper will be closed effective 12:01 a.m., local time, July 6, 2015.

During the closure, the bag and possession limits for snowy grouper in or from the South Atlantic EEZ are zero. These limits apply in the South Atlantic for a person on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued regardless of whether the fish are harvested in state or Federal waters, as specified in 50 CFR 622.193(b)(2). The recreational sector for snowy grouper will reopen on January 1, 2016, the beginning of the 2016 recreational fishing season.

Classification

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

This action is taken under 50 CFR 622.193(b)(2) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the recreational sector for snowy grouper constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the AMs established by Amendment 17B to the FMP (75 FR 82280, December 30, 2010) and located at 50 CFR 622.193(b)(2) has already been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect the snowy grouper resource, since time for notice and public comment will allow for continued recreational harvest and exceedance of the recreational ACL. Additionally, there is a need to immediately notify the public of the reduced recreational fishing season for snowy grouper for the 2015 fishing year. Prior notice and opportunity for public comment would be contrary to the public interest because many of those affected by the length of the recreational fishing season, particularly charter vessel and headboat operations, book trips for clients in advance and, therefore, need as much time as possible to adjust business plans to account for the reduced recreational fishing season.

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

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

Dated: June 29, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–16379 Filed 6–29–15; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 140429387–4971–02]

RIN 0648–XD954

Gulf of Mexico Highly Migratory Species; Commercial Blacknose Sharks and Non-Blacknose Small Coastal Sharks in the Gulf of Mexico Region

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the fisheries for commercial non-blacknose small coastal sharks (SCS) and blacknose sharks in the Gulf of Mexico region. This action is necessary because the commercial landings of Gulf of Mexico non-blacknose SCS for the 2015 fishing season have exceeded 80 percent of the available commercial quota as of June 26, 2015, and the blacknose shark and non-blacknose SCS fisheries are quota-linked under current regulations.

DATES: The commercial fisheries for blacknose sharks and non-blacknose SCS in the Gulf of Mexico region are closed effective 11:30 p.m. local time July 4, 2015, until the end of the 2015 fishing season on December 31, 2015, or until and if NMFS announces via notification in the **Federal Register** that additional quota is available and the season is reopened.

FOR FURTHER INFORMATION CONTACT: Guy DuBeck or Karyl Brewster-Geisz 301–427–8503; fax 301–713–1917.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico shark fisheries are managed under the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP), its amendments, and its implementing regulations (50 CFR part 635) issued under authority of the Magnuson-Stevens Fishery Conservation and

Management Act (16 U.S.C. 1801 *et seq.*).

Under § 635.5(b)(1), dealers must electronically submit reports on sharks that are first received from a vessel on a weekly basis through a NMFS-approved electronic reporting system. Reports must be received by no later than midnight, local time, of the first Tuesday following the end of the reporting week unless the dealer is otherwise notified by NMFS. Under § 635.28(b)(2), the quotas of certain species and/or management groups are linked. The quotas for non-blacknose SCS and the blacknose shark management group in the Gulf of Mexico region are linked (§ 635.28(b)(3)(iv)). Under § 635.28(b)(2), when NMFS calculates that the landings for any species and/or management group of a linked group has reached or is projected to reach 80 percent of the available quota, NMFS will file for publication with the Office of the Federal Register a notice of closure for all of the species and/or management groups in a linked group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until and if NMFS announces, via notification in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for all linked species and/or management groups are closed, even across fishing years.

On December 2, 2014 (79 FR 71331), NMFS announced that the 2015 commercial Gulf of Mexico non-blacknose SCS quota is 45.5 metric tons (mt) dressed weight (dw) (100,317 lb dw) and the blacknose shark quota is 1.8 mt dw (4,076 lb dw).

Dealer reports recently received through June 26, 2015, indicated that 36.9 mt dw or 81 percent of the available Gulf of Mexico non-blacknose SCS quota had been landed and 1.0 mt dw or 52 percent of the available Gulf of Mexico blacknose shark quota had been landed. Based on these dealer reports, landings of non-blacknose SCS have exceeded 80 percent of the quota by June 26, 2015. Accordingly, NMFS is closing both the commercial blacknose shark fishery and non-blacknose SCS management group in the Gulf of Mexico region as of 11:30 p.m. local time July 4, 2015. The only shark species or management groups that remain open in the Gulf of Mexico region are the research large coastal sharks, sandbar sharks within the shark research fishery, the blue shark, and pelagic sharks other than porbeagle or blue shark management groups.

At § 635.27(b)(1), the boundary between the Gulf of Mexico region and the Atlantic region is defined as a line beginning on the East Coast of Florida at the mainland at 25°20.4′ N. lat, proceeding due east. Any water and land to the south and west of that boundary is considered, for the purposes of monitoring and setting quotas, to be within the Gulf of Mexico region.

During the closure, retention of blacknose sharks and non-blacknose SCS in the Gulf of Mexico region is prohibited for persons fishing aboard vessels issued a commercial shark limited access permit (LAP) under § 635.4. However, persons aboard a commercially permitted vessel that is also properly permitted to operate as a charter vessel or headboat for HMS and is engaged in a for-hire trip could fish under the recreational retention limits for sharks and ''no sale'' provisions (§ 635.22(a) and (c)).

During this closure, a shark dealer issued a permit pursuant to § 635.4 may not purchase or receive blacknose sharks or non-blacknose SCS in the Gulf of Mexico region from a vessel issued a shark LAP, except that a permitted shark dealer or processor may possess blacknose sharks and/or non-blacknose SCS in the Gulf of Mexico region that were harvested, off-loaded, and sold, traded, or bartered prior to the effective date of the closure and were held in storage consistent with § 635.28(b)(5). Similarly, a shark dealer issued a permit pursuant to § 635.4 may, in accordance with relevant state regulations, purchase or receive blacknose sharks and/or non-blacknose SCS in the Gulf of Mexico region if the sharks were harvested, off-loaded, and sold, traded, or bartered from a vessel that fishes only in state waters and that has not been issued a shark LAP, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (AA), finds that providing prior notice and public comment for this action is impracticable and contrary to the public interest because the fisheries are currently underway and any delay in this action would result in overharvest of the Gulf of Mexico non-blacknose SCS quota and be inconsistent with management requirements and objectives. Similarly, affording prior notice and opportunity for public comment on this action is contrary to the public interest because if the quota is exceeded, the stock may be negatively affected and fishermen ultimately could experience reductions in the available quota and a lack of fishing opportunities in future seasons. For these reasons, the AA also finds good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553(d)(3). This action is required under § 635.28(b)(2) and is exempt from review under Executive Order 12866.

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

Dated: June 29, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–16355 Filed 6–29–15; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 141021887–5172–02]

RIN 0648–XE023

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

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is exchanging unused Community Development Quota (CDQ) for CDQ acceptable biological catch (ABC) reserves. This action is necessary to allow the 2015 total allowable catch of flathead sole, rock sole, and yellowfin sole in the Bering Sea and Aleutian Islands management area to be harvested.

DATES: Effective July 2, 2015 through 2400 hours, Alaska local time (A.l.t.), December 31, 2015.

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

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

The 2015 flathead sole, rock sole and yellowfin sole CDQ reserves specified in

the BSAI are 2,595, 7,410, and 15,943 metric tons (mt) as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015). The 2015 flathead sole, rock sole, and yellowfin sole CDQ ABC reserves are 4,481, 12,032, and 10,679 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015).

The Yukon Delta Fisheries Development Association has requested that NMFS exchange 50 mt of flathead sole and 250 mt of yellowfin sole CDQ reserves for 300 mt of rock sole CDQ ABC reserves under § 679.31(d). Therefore, in accordance with § 679.31(d), NMFS exchanges 50 mt of flathead sole and 250 mt of yellowfin sole CDQ reserves for 300 mt of rock sole CDQ ABC reserves in the BSAI. This action also decreases and increases the TACs and CDQ ABC reserves by the corresponding amounts. Tables 11 and 13 of the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) are revised as follows:

TABLE 11—FINAL 2015 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian district	Central Aleutian district	Western Aleutian district	BSAI	BSAI	BSAI
TAC	8,000	7,000	9,000	24,200	69,550	148,750
CDQ	856	749	963	2,545	7,710	15,693
ICA	100	75	10	5,000	8,000	5,000
BSAI trawl limited access	704	618	161	0	0	16,165
Amendment 80	6,340	5,558	7,866	16,655	53,840	111,892
Alaska Groundfish Cooperative	3,362	2,947	4,171	1,708	13,318	44,455
Alaska Seafood Cooperative	2,978	2,611	3,695	14,947	40,522	67,437

Note: Sector apportionments may not total precisely due to rounding.

TABLE 13—FINAL 2015 AND 2016 ABC SURPLUS, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

Sector	2015 Flathead sole	2015 Rock sole	2015 Yellowfin sole	2016 Flathead sole	2016 Rock sole	2016 Yellowfin sole
ABC	66,130	181,700	248,800	63,711	164,800	245,500
TAC	24,200	69,550	148,750	24,250	69,250	149,000
ABC surplus	41,930	112,150	100,050	39,461	95,550	96,500
ABC reserve	41,930	112,150	100,050	39,461	95,550	96,500
CDQ ABC reserve	4,531	11,732	10,929	4,222	10,224	10,326
Amendment 80 ABC reserve	37,399	100,418	89,121	35,239	85,326	86,175
Alaska Groundfish Cooperative for 2015 [1]	3,836	24,840	35,408	n/a	n/a	n/a
Alaska Seafood Cooperative for 2015 [1]	33,563	75,578	53,713	n/a	n/a	n/a

[1] The 2016 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2015.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the flatfish exchange by the Yukon Delta Fisheries Development Association in the BSAI. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of June 23, 2015.

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

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

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

Dated: June 29, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–16377 Filed 6–29–15; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 127
Thursday, July 2, 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 ENERGY

5 CFR Chapter XXII

10 CFR Chapters II, III, and X

Reducing Regulatory Burden

AGENCY: Office of the General Counsel, Department of Energy.

ACTION: Request for information (RFI).

SUMMARY: As part of its implementation of Executive Order 13563, ''Improving Regulation and Regulatory Review,'' issued by the President on January 18, 2011, the Department of Energy (Department or DOE) is seeking comments and information from interested parties to assist DOE in reviewing its existing regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed. The purpose of DOE's review is to make the agency's regulatory program more effective and less burdensome in achieving its regulatory objectives. In this request for information, DOE also highlights its regulatory review and reform efforts conducted to date in light of comments from interested parties.

DATES: Written comments and information are requested on or before July 17, 2015.

ADDRESSES: Interested persons are encouraged to submit comments, identified by ''Regulatory Burden RFI,'' by any of the following methods:

White House Web site: http://www.whitehouse.gov/advise

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: Regulatory.Review@hq.doe.gov. Include ''Regulatory Burden RFI'' in the subject line of the message.

Mail: U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue SW., Room 6A245, Washington, DC 20585.

Docket: For access to the docket to read background documents, or comments received, go to the Federal eRulemaking Portal at *http://www.regulations.gov.*

That Department's plan for retrospective review of its regulations and its subsequent update reports can be accessed at *http://energy.gov/gc/services/open-government/restrospective-regulatory-review.*

FOR FURTHER INFORMATION CONTACT: Aaron Stevenson, Office of the Assistant General Counsel for Legislation, Regulation, and Energy Efficiency, U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue SW., Washington, DC 20585, 202–586–5000. Email: *Regulatory.Review@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On January 18, 2011, the President issued Executive Order 13563, ''Improving Regulation and Regulatory Review,'' to ensure that Federal regulations seek more affordable, less intrusive means to achieve policy goals, and that agencies give careful consideration to the benefits and costs of those regulations. To that end, the Executive Order requires, among other things, that:

- Agencies propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; and that agencies tailor regulations to impose the least burden on society, consistent with obtaining the regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; and that, consistent with applicable law, agencies select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity).
- The regulatory process encourages public participation and an open exchange of views, with an opportunity for the public to comment.
- Agencies coordinate, simplify, and harmonize regulations to reduce costs and promote certainty for businesses and the public.
- Agencies consider low-cost approaches that reduce burdens and maintain flexibility.
- Regulations be guided by objective scientific evidence.

Additionally, the Executive Order directs agencies to consider how best to promote retrospective analyses of existing rules. Specifically, agencies were required to develop a plan under which the agency will periodically review existing regulations to determine which should be maintained, modified, strengthened, or repealed to increase the effectiveness and decrease the burdens of the agency's regulatory program. DOE's plan and its subsequent update reports can be accessed at *http://energy.gov/gc/services/open-government/restrospective-regulatory-review.*

The Department is committed to maintaining a consistent culture of retrospective review and analysis. DOE will continually engage in review of its rules to determine whether there are burdens on the public that can be avoided by amending or rescinding existing requirements. To that end, DOE is publishing this RFI to again explicitly solicit public input. In addition, DOE is always open to receiving information about the impact of its regulations. To facilitate both this RFI and the ongoing submission of comments, interested parties can identify regulations that may be in need of review at the following recently established White House Web site: *http://www.whitehouse.gov/advise.* DOE has also created a link on the Web page of DOE's Office of the General Counsel to an email in-box for the submission of comments, *Regulatory.Review@hq.doe.gov.*

While the Department promulgates rules in accordance with the law and to the best of its analytic capability, it is difficult to be certain of the consequences of a rule, including its costs and benefits, until it has been tested. Because knowledge about the full effects of a rule is widely dispersed in society, members of the public are likely to have useful information and perspectives on the benefits and burdens of existing requirements and how regulatory obligations may be updated, streamlined, revised, or repealed to better achieve regulatory objectives, while minimizing regulatory burdens. Interested parties may also be well-positioned to identify those rules that are most in need of review and, thus, assist the Department in prioritizing and properly tailoring its retrospective review process. In short, engaging the public in an open, transparent process is a crucial step in DOE's review of its existing regulations.

The Department's dedication to involve the public in the regulatory process has manifested itself in the development of a draft public engagement plan. As part of this plan, the Department will continue already successful public engagement efforts. The ongoing efforts will include seeking public input on the retrospective review process, posting comments on our Web page to encourage the public to share their thoughts on the comments of others, and the existence of a dedicated retrospective review email address. These efforts encourage public engagement in the retrospective review process, and provide the ability for the public to comment and engage in a dialog on the improvement of DOE regulations.

The draft public engagement plan also contains new, innovative ways of engaging the public in the regulatory review process. In particular, the Department has tasked the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) to assist DOE in the retrospective review process. ASRAC was created as an advisory committee to provide advice and recommendations on the development of standards and test procedures for residential appliances and commercial equipment, certification and enforcement of standards, and product labeling. ASRAC is comprised of representatives from industry, utilities, energy efficiency/environmental advocacy groups, and consumer groups. As a part of the retrospective regulatory review process, the Department has tasked ASRAC to identify particular rules for which revision would have the most positive impact and potential improvement to the regulatory process. ASRAC meetings are also open to the public and notice of ASRAC meetings are published in the **Federal Register**. ASRAC has also been tasked with writing a report that details their recommendations for the regulatory review process. The Department will review this report and, as appropriate, incorporate the recommendations as a part of its retrospective regulatory review process. ASRAC has already held two meetings at which retrospective regulatory review was on the agenda. Involving ASRAC in the regulatory review process will provide the public with another means to help the Department determine the regulations that could benefit the most from retrospective review.

Department of Energy Retrospective Review Successes

The Department highlights the examples below as retrospective review successes resulting from public engagement in the regulatory process. For further details and additional examples, the public is invited to review DOE's February 2015 update report, available at *http://www.energy.gov/gc/services/open-government/restrospective-regulatory-review*.

(1) DOE waived the R-Value Door Requirement for Walk-in Cooler/Freezer(s) (WICF) for a small business manufacturer. Due to an existing statutory standard, a small business was not going to be able to manufacturer the product that was subject to the DOE energy conservation standard. The Department used a flexible approach that facilitated innovation and prevented substantial hardship from falling on the company while preserving the Department's goal of increasing energy efficiency. As a result of the waiver, the company was able to retain over 100 employees.

(2) DOE promulgated a rule to extend the test procedure compliance date for walk-in coolers and freezers and metal halide lamp fixtures. The Department published the final rule to clarify the compliance date by which manufacturers must use portions of the test procedure that was published in the past and to adopt an extension to the compliance date for which the manufacturers need to certify compliance to the Department of metal halide lamp ballasts and fixtures. The Department was responding to concerns raised by manufacturers in the promulgation of the rule and the extension of compliance dates. Moving forward, the Department will continue to consider feedback in determining whether the testing procedures are warranted. In working with interested parties to develop the rule and the extension of the compliance dates the manufacturers were benefitted with extra guidance on the rule and additional time in the certification process.

(3) The Department also worked with the public to avoid further economic hardship resulting from its certification and enforcement regulations. The Department received feedback from manufacturers who voiced their concerns that the testing requirements under the rule would take several years to complete and the compliance date associated with this program could undermine their research and development efforts. As a result of this, the Department published an extension of compliance dates for a number of other types of commercial equipment subject to the final energy efficiency certification and enforcement rule. The Department will continue to work with the public and interested parties in determining whether future adjustments to its certification and enforcement procedures are warranted.The Department also updated the Federal Building Standards Rule as part of its retrospective review process. The Energy Conservation and Production Act requires DOE to update the baseline federal energy efficiency performance standards for the construction of new federal buildings. These federal buildings include commercial and multi-family high-rise residential buildings. When developing the rule, the Department considered comments and information received from interested parties. The result of this process is a rule intended to establish baseline energy standards while providing flexibility in how these requirements are achieved.

(4) DOE has also made it easier for companies to report information by analyzing the Procurement Reporting and Record-keeping Burdens. The Department initiated the use of asset management software to ease the reporting of property inventories that is required by the Department of Energy Acquisition Regulation Act. This software streamlines the requirements for submitting information to the Department, and the Department will continues, as part of its retrospective review efforts to consider any additional feedback received regarding paperwork collection. This initiative is estimated to reduce the reporting burden by 225,166 hours for the Department's property management and operating contractors.

List of Questions for Commenters

The following list of questions is intended to assist in the formulation of comments and not to restrict the issues that may be addressed. In addressing these questions or others, DOE requests that commenters identify with specificity the regulation or reporting requirement at issue, providing legal citation where available. The Department also requests that the submitter provide, in as much detail as possible, an explanation why a regulation or reporting requirement should be modified, streamlined, expanded, or repealed, as well as specific suggestions of ways the Department can better achieve its regulatory objectives.

(1) How can the Department best promote meaningful periodic reviews of its existing rules and how can it best identify those rules that might be modified, streamlined, expanded, or repealed?

(2) What factors should the agency consider in selecting and prioritizing rules and reporting requirements for review?

(3) Are there regulations that are or have become unnecessary, ineffective, or ill advised and, if so, what are they? Are there rules that can simply be repealed without impairing the Department's regulatory programs and, if so, what are they?

(4) Are there rules or reporting requirements that have become outdated and, if so, how can they be modernized to accomplish their regulatory objectives better?

(5) Are there rules that are still necessary, but have not operated as well as expected such that a modified, stronger, or slightly different approach is justified?

(6) Does the Department currently collect information that it does not need or use effectively to achieve regulatory objectives?

(7) Are there regulations, reporting requirements, or regulatory processes that are unnecessarily complicated or could be streamlined to achieve regulatory objectives in more efficient ways?

(8) Are there rules or reporting requirements that have been overtaken by technological developments? Can new technologies be leveraged to modify, streamline, or do away with existing regulatory or reporting requirements?

(9) How can the Department best obtain and consider accurate, objective information and data about the costs, burdens, and benefits of existing regulations? Are there existing sources of data the Department can use to evaluate the post-promulgation effects of regulations over time? We invite interested parties to provide data that may be in their possession that documents the costs, burdens, and benefits of existing requirements.

(10) Are there regulations that are working well that can be expanded or used as a model to fill gaps in other DOE regulatory programs?

The Department notes that this RFI is issued solely for information and program-planning purposes. Responses to this RFI do not bind DOE to any further actions related to the response. All submissions will be made publically available on. *http://www.regulations.gov.*

Issued in Washington, DC, on June 24, 2015.

Steven P. Croley,

General Counsel.

[FR Doc. 2015–16383 Filed 7–1–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 986

[Docket No. AMS–FV–15–0023; FV15–986–1]

Pecans Grown in the States of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas; Hearing on Proposed Marketing Agreement and Order No. 986

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed marketing agreement and order.

SUMMARY: Notice is hereby given of a public hearing to consider a proposed marketing agreement and order under the Agricultural Marketing Agreement Act of 1937 to cover pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas. The proposal was submitted on behalf of the pecan industry by the American Pecan Board, the proponent group which is comprised of pecan growers and handlers from across the proposed production area. The proposed order would provide authority to collect industry data and to conduct research and promotion activities. In addition, the order would provide authority for the industry to recommend grade, quality and size regulation, as well as pack and container regulation, subject to approval by the Department of Agriculture (USDA). The program would be financed by assessments on pecan handlers and would be locally administered, under USDA oversight, by a council of seventeen growers and shellers (handlers) nominated by the industry and appointed by USDA.

DATES: The hearing dates are:

1. July 20 through July 21, 2015, Las Cruces, New Mexico. If an additional hearing session is necessary at this location, the hearing will continue on July 22.

2. July 23 through July 24, 2015, Dallas, Texas. If an additional hearing session is necessary at this location, the hearing will continue on July 25.

3. July 27 through July 29, 2015, Tifton, Georgia. If an additional hearing session is necessary at this location, the hearing will continue on July 30, 2015.

All hearing sessions are scheduled to begin at 8:00 a.m. and will conclude at 5:00 p.m., or any other time as determined by the presiding administrative law judge with the exception of the hearing session potentially held on July 22 and 25, which will conclude at noon.

ADDRESSES: The hearing locations are: 1. New Mexico Farm and Ranch Heritage Museum, Rio Hondo Room and Auditorium, 4100 Dripping Springs Road, Las Cruces, New Mexico, 88011.

2. Hilton Double Tree, Azalea Room, 1981 North Central Expressway, Richardson, Texas 75080.

3. Hilton Garden Inn, Magnolia Room, 201 Boo Drive, Tifton, Georgia, 31793.

FOR FURTHER INFORMATION CONTACT: Melissa Schmaedick, Marketing Order and Agreement Division, Rulemaking Branch, Fruit and Vegetable Program, Agricultural Marketing Service (AMS), USDA, Post Office Box 1035, Moab, UT 84532, telephone: (202) 557–4783, fax: (435) 259–1502; or Michelle P. Sharrow, Marketing Order and Agreement Division, Rulemaking Branch, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, fax: (202) 720–8938. Small businesses may request information on this proceeding by contacting Jeff Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, fax: (202) 720–8938.

SUPPLEMENTARY INFORMATION: This administrative action is instituted pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The proposed marketing order is authorized under section 8(c) of the Act. This action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) seeks to ensure that within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. Interested persons are invited to present evidence at the hearing on the possible regulatory and informational impacts of the proposal on small businesses.

The marketing agreement and order proposed herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Background

The hearing is called pursuant to the provisions of the Act and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900).

A request for public hearing on the proposed program was submitted to USDA on May 22, 2015, by the American Pecan Board (Board), a proponent group established in 2013 to represent the interests of growers and handlers throughout the proposed fifteen-state production area. A subsequent, modified draft of the proposed regulatory text was submitted June 10, 2015.

The Board was established as a result of industry interest in establishing a Federal program to assist the industry in addressing a number of challenges, namely: A lack of organized representation of industry-wide interests in a single organization; a lack of accurate data to assist the industry in its analysis of production, demand and prices; a lack of coordinated domestic promotion or research; and a forecasted increase in production as a result of new plantings. The Board believes that these factors combined have resulted in the under-performance of the pecan industry vis a vis other nut industries.

According to the Board, pecans are grown for-profit in fifteen states. A 2012 Census of Agriculture by the U.S. Department of Agriculture, National Agricultural Statistics Service indicates a total of 543,486 pecan acres in the U.S. While accurate data for the pecan industry is limited, the Board believes that the majority of these represent commercial production within the proposed production area. Industry grower organizations estimate that there are approximately 2,500 commercial growers, where ''commercial'' is defined by a minimum number of acres or product harvested for the business to be commercially viable. Therefore, the estimate of commercial growers does not include backyard production or ''hobby farmers.''

The number of handlers is estimated to be 250. Shellers, a sub-category of handlers, handle the majority of product sold into the domestic market. There are an estimated 50 commercial shellers currently operating, with 36 meeting the Small Business Administration's definition of small business entity. According to USDA, U.S. pecan production accounts for 80 percent of worldwide production. Pecans rank third in tree-nut consumption in the United States.

Proposed Marketing Order

The proposed marketing order would authorize data collection, research and promotion activities, and grade, size, quality, pack and container regulation. According to the request, the proposed program would increase demand, stabilize grower prices, create sustainable handler margins, and provide a consistent supply of quality pecans for consumers.

If implemented, an administrative council of 17 grower and handler industry representatives, including designated representation for small businesses, would be established. The program would be financed with assessments collected from handlers handling pecans grown within the proposed production area.

Presently, there is no single organization that represents both pecan grower and handler interests industry-wide. There are two state pecan commissions (Georgia and Texas), ten state producer organizations, one national grower association, and one national shellers' association. Promotion and research activities are currently conducted as funding is available by the independent organizations mentioned above, with little coordination among projects. U.S. grade standards are currently in effect on a voluntary basis. These include, ''United States Standards for Grades of Pecans in the Shell'' (1976) and ''United States Standards for Grades of Shelled Pecans'' (1969).

The proposal for an order has been widely discussed within the fifteen-state pecan production area for roughly two years. Since May of 2013, the Board has undertaken extensive outreach efforts to build industry support for the proposed program. According to the Board, 38 presentations have been given at grower and sheller conferences and board meetings, state conventions, and industry field days. In addition, the Board has participated in local pecan meetings throughout the rural areas of the proposed production area to increase awareness, seek input and gather support for the program. Five regional information sessions were held in 2014 with pecan stakeholders including the Southeastern Pecan Growers Association, National Pecan Shellers Association, Western Pecan Growers Association, Georgia Pecan Growers Association, and Texas Pecan Growers Association.

None of the recommendations or proposals discussed herein have received approval by the Secretary of Agriculture.

Testimony is invited at the hearing on the proposed marketing agreement and order (hereinafter referred to as the order) and all of its provisions, as well as any appropriate modifications or alternatives. USDA will make such changes as may be necessary to ensure that all provisions of any potential marketing agreement and marketing order that may result from this hearing conform with each other.

The public hearing is held for the purpose of:

(a) Receiving evidence about the economic and marketing conditions that relate to the proposed order and to appropriate modifications thereof;

(b) Determining whether the handling of pecans produced in the production area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce and foreign commerce;

(c) Determining whether there is a need for a marketing agreement and order for pecans;

(d) Determining the economic impact of the proposed order on the industry in the proposed production area and on the public affected by such program; and

(e) Determining whether the proposed order or any appropriate modification thereof would tend to effectuate the declared policy of the Act.

All persons wishing to submit written material as evidence at the hearing should be prepared to submit four copies of such material at the hearing. Four copies of prepared testimony for presentation at the hearing should also be made available. To the extent practicable, eight additional copies of evidentiary exhibits and testimony prepared as an exhibit should be made available to USDA representatives on the day of appearance at the hearing. Any requests for preparation of USDA data for this rulemaking hearing should be made at least 10 days prior to the beginning of the hearing.

From the time the notice of hearing is issued and until the issuance of a Secretary's decision in this proceeding, USDA employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex-parte basis with any person having an interest in the proceeding. The prohibition applies to employees in the following organizational units: Office of the Secretary of Agriculture; Office of the Administrator, AMS; Office of the General Counsel; and the Fruit and Vegetable Program, AMS.

Procedural Matters Are Not Subject to the Above Prohibition and May Be Discussed at Any Time

Provisions of the proposed marketing agreement and order follow. Those sections identified with an asterisk (*) apply only to the proposed marketing agreement and are proposed by the USDA.

List of Subjects in 7 CFR Part 986

Marketing agreements, Pecans, Reporting and recordkeeping requirements.

The marketing agreement and order proposed by the American Pecan Board for a Federal Marketing Order for Pecans Grown in Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas would add a new part 986 to read as follows:

PART 986—PECANS GROWN IN THE STATES OF ALABAMA, ARKANSAS, ARIZONA, CALIFORNIA, FLORIDA, GEORGIA, KANSAS, LOUISIANA, MISSOURI, MISSISSIPPI, NORTH CAROLINA, NEW MEXICO, OKLAHOMA, SOUTH CAROLINA, AND TEXAS

Subpart A—Order Regulating Handling of Pecans

Definitions

Sec.
986.1 Accumulator.
986.2 Act.
986.3 Affiliation.
986.4 Blowouts.
986.5 To certify.
986.6 Confidential data or information.
986.7 Container.
986.8 Council.
986.9 Crack or cracks.
986.10 Custom harvester.
986.11 Department or USDA.
986.12 Disappearance.
986.13 Farm Service Agency.
986.14 Fiscal year.
986.15 Grade and size.
986.16 Grower.
986.17 Grower-cleaned production.
986.18 Handler.
986.19 To handle.
986.20 Handler inventory.
986.21 Handler-cleaned production.
986.22 Hican.
986.23 Inshell pecans.
986.24 Inspection service.
986.25 Inter-handler transfer.
986.26 Merchantable pecans.
986.27 Pack.
986.28 Pecans.
986.29 Person.
986.30 Production area.
986.31 Proprietary capacity.
986.32 Regions.
986.33 Representative period.
986.34 Secretary.
986.35 Sheller.
986.36 Shelled pecans.
986.37 Stick-tights.
986.38 Trade supply.
986.39 Unassessed inventory.
986.40 Varieties.
986.41 Warehousing.
986.42 Weight.

Administrative Body

986.45 American Pecan Council.
986.46 Council nominations and voting.
986.47 Alternate members.
986.48 Eligibility.
986.49 Acceptance.
986.50 Term of office.
986.51 Vacancy.
986.52 Council expenses.
986.53 Powers.
986.54 Duties.
986.55 Procedure.
986.56 Right of the Secretary.
986.57 Funds and other property.
986.58 Reapportionment and redistricting.

Expenses, Assessments and Marketing Policy

986.60 Budget.
986.61 Assessments.
986.62 Inter-handler transfers.
986.63 Contributions.
986.64 Accounting.
986.65 Marketing policy.

Authorities Relating to Research, Promotion, Data Gathering, Packaging, Grading, Compliance and Reporting

986.67 Recommendations for regulations.
986.68 Authority for research and promotion activities.
986.69 Authorities regulating handling.
986.70 Handling for special purposes.
986.71 Safeguards.
986.72 Notification of regulation.

Reports, Books and Other Records

986.75 Reports of handler inventory.
986.76 Reports of merchantable pecans handled.
986.77 Reports of pecans received by handlers.
986.78 Other handler reports.
986.79 Verification of reports.
986.80 Certification of reports.
986.81 Confidential information.
986.82 Books and other records.

Administrative Provisions

986.86 Exemptions.
986.87 Compliance.
986.88 Duration of immunities.
986.89 Separability.
986.90 Derogation.
986.91 Liability.
986.92 Agents.
986.93 Effective time.
986.94 Termination.
986.95 Proceedings after termination.
986.96 Amendments.
*986.97 Counterparts.
*986.98 Additional participants.
*986.99 Order with marketing agreement.

Subpart B—[Reserved]

Authority: 7 U.S.C. 601–674

Subpart A—Order Regulating Handling of Pecans

Definitions

§ 986.1 Accumulator.

Accumulator means a person who compiles inshell pecans from other persons for the purpose of resale or transfer.

§ 986.2 Act.

Act means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*).

§ 986.3 Affiliation.

Affiliation. This term normally appears as ''affiliate of'', or ''affiliated with,'' and means a person such as a grower or sheller who is: A grower or handler that directly, or indirectly through one or more intermediaries, owns or controls, or is controlled by, or is under common control with the grower or handler specified; or a grower or handler that directly, or indirectly through one or more intermediaries, is connected in a proprietary capacity, or shares the ownership or control of the specified grower or handler with one or more other growers or handlers. As used in this part, the term ''control'' (including the terms ''controlling,'' ''controlled by,'' and ''under the common control with'') means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a handler or a grower, whether through voting securities, membership in a cooperative, by contract or otherwise.

§ 986.4 Blowouts.

Blowouts mean lightweight or underdeveloped inshell pecan nuts that are considered of lesser quality and market value.

§ 986.5 To certify.

To certify means the issuance of a certification of inspection of pecans by the inspection service.

§ 986.6 Confidential data or information.

Confidential data or information submitted to the Council consists of data or information constituting a trade secret or disclosure of the trade position, financial condition, or business operations of a particular entity or its customers.

§ 986.7 Container.

Container means a box, bag, crate, carton, package (including retail packaging), or any other type of receptacle used in the packaging or handling of pecans.

§ 986.8 Council.

Council means the American Pecan Council established pursuant to § 986.45, American Pecan Council.

§ 986.9 Crack or cracks.

Crack means to break, crack, or otherwise compromise the outer shell of a pecan so as to expose the kernel inside to air outside the shell. *Cracks* refer to an accumulated group or container of pecans that have been cracked in harvesting or handling.

§ 986.10 Custom harvester.

Custom harvester means a person who harvests inshell pecans for a fee.

§ 986.11 Department or USDA.

Department or *USDA* means the United States Department of Agriculture.

§ 986.12 Disappearance.

Disappearance means the difference between the sum of grower-cleaned production and handler-cleaned production (whether from improved orchards or native and seedling groves) and the sum of available supply of merchantable pecans and merchantable equivalent of shelled pecans.

§ 986.13 Farm Service Agency.

The Farm Service Agency or FSA means that agency of the U.S. Department of Agriculture.

§ 986.14 Fiscal year.

Fiscal year means the twelve months from October 1st to September 30th, both inclusive, or any other such period deemed appropriate by the Council and approved by the Secretary.

§ 986.15 Grade and size.

Grade and size means any of the officially established grades of pecans and any of the officially established sizes of pecans as set forth in the United States standards for inshell and shelled pecans or amendments thereto, or modifications thereof, or other variations of grade and size based thereon recommended by the Council and approved by the Secretary.

§ 986.16 Grower.

Grower is synonymous with producer and means any person engaged within the production area in a proprietary capacity in the production of pecans if such person: Owns an orchard and harvests its pecans for sale (even if a custom harvester is used); or is a lessee of a pecan orchard and has the right to sell the harvest (even if the lessee must remit a percentage of the crop or rent to a lessor); *Provided,* That the term grower shall only include those who produce a minimum of 50,000 pounds of inshell pecans during a representative period (average of four years) or who own a minimum of 30 pecan acres according to the FSA, including acres calculated by the FSA based on pecan tree density. In the absence of any FSA delineation of pecan acreage, the regular definition of an acre will apply. The Council may recommend changes to this definition subject to the approval of the Secretary.

§ 986.17 Grower-cleaned production.

Grower-cleaned production means production harvested and processed through a cleaning plant to determine volumes of improved pecans, native and seedling pecans, and substandard pecans to transfer to a handler for sale.

§ 986.18 Handler.

Handler means any person who handles inshell or shelled pecans in any manner described in § 986.19.

§ 986.19 To handle.

To handle means to receive, shell, crack, accumulate, warehouse, roast, pack, sell, consign, transport, export, or ship (except as a common or contract carrier of pecans owned by another person), or in any other way to put inshell or shelled pecans into any and all markets in the stream of commerce either within the area of production or from such area to any point outside thereof. The term ''to handle'' shall not include: Sales and deliveries within the area of production by growers to handlers; grower warehousing; custom handling (except for selling, consigning or exporting) or other similar activities paid for on a fee-for-service basis by a grower who retains the ownership of the pecans; or transfers between handlers.

§ 986.20 Handler inventory.

Handler inventory means all pecans, shelled or inshell, as of any date and wherever located within the production area, then held by a handler for their account.

§ 986.21 Handler-cleaned production.

Handler-cleaned production is production that is received, purchased or consigned from the grower by a handler prior to processing through a cleaning plant, and then subsequently processed through a cleaning plant so as to determine volumes of improved pecans, native and seedling pecans, and substandard pecans.

§ 986.22 Hican.

Hican means a tree resulting from a cross between a pecan and some other type of hickory (members of the genus Carya) or the nut from such a hybrid tree.

§ 986.23 Inshell pecans.

Inshell pecans are nuts whose kernel is maintained inside the shell.

§ 986.24 Inspection service.

Inspection service means the Federal-State Inspection Service or any other inspection service authorized by the Secretary.

§ 986.25 Inter-handler transfer.

Inter-handler transfer means the movement of inshell pecans from one handler to another inside the production area for the purposes of additional handling. Any assessments or requirements under this part with respect to inshell pecans so transferred may be assumed by the receiving handler.

§ 986.26 Merchantable pecans.

(a) *Inshell. Merchantable inshell* pecans mean all inshell pecans meeting the minimum grade regulations that may be effective pursuant to § 986.69, Authorities regulating handling.

(b) *Shelled. Merchantable shelled* pecans means all shelled pecans meeting the minimum grade regulations that may be effective pursuant to § 986.69, Authorities regulating handling.

§ 986.27 Pack.

Pack means to clean, grade, or otherwise prepare pecans for market as inshell or shelled pecans.

§ 986.28 Pecans.

(a) *Pecans* means and includes any and all varieties or subvarieties of Genus: *Carya,* Species: *illinoensis,* expressed also as *Carya illinoinensis (syn. C. illinoenses)* including all varieties thereof, excluding hicans, that are produced in the production area and are classified as:

(1) *Native or seedling* pecans harvested from non-grafted or naturally propagated tree varieties;

(2) *Improved pecans* harvested from grafted tree varieties bred or selected for superior traits of nut size, ease of shelling, production characteristics, and resistance to certain insects and diseases, including but not limited to: Desirable, Elliot, Forkert, Sumner, Creek, Excel, Gloria Grande, Kiowa, Moreland, Sioux, Mahan, Mandan, Moneymaker, Morrill, Cunard, Zinner, Byrd, McMillan, Stuart, Pawnee, Eastern and Western Schley, Wichita, Success, Cape Fear, Choctaw, Cheyenne, Lakota, Kanza, Caddo, and Oconee; and

(3) *Substandard pecans* that are blowouts, cracks, stick-tights, and other inferior quality pecans, whether native or improved, that, with further handling, can be cleaned and eventually sold into the stream of commerce.

(b) The Council, with the approval of the Secretary, may recognize new or delete obsolete varieties or sub-varieties for each category.

§ 986.29 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

§ 986.30 Production area.

Production area means the following fifteen pecan-producing states within the United States: Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas.

§ 986.31 Proprietary capacity.

Proprietary capacity means the capacity or interest of a grower or handler that, either directly or through one or more intermediaries or affiliates, is a property owner together with all the appurtenant rights of an owner including the right to vote the interest in that capacity as an individual, a shareholder, member of a cooperative, partner, trustee or in any other capacity with respect to any other business unit.

§ 986.32 Regions.

(a) *Regions* within the production area shall consist of the following:

(1) *Eastern Region,* consisting of: Alabama, Florida, Georgia, North Carolina, South Carolina

(2) *Central Region,* consisting of: Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Texas

(3) *Western Region,* consisting of: Arizona, California, New Mexico

(b) With the approval of the Secretary, the boundaries of any district may be changed pursuant to § 986.58, Reapportionment and redistricting.

§ 986.33 Representative period.

Representative period is the previous four fiscal years for which a grower's annual average production is calculated, or any other period recommended by the Council and approved by the Secretary.

§ 986.34 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 986.35 Sheller.

Sheller refers to any person who converts inshell pecans to shelled pecans and sells the output in any and all markets in the stream of commerce, both within and outside of the production area; *Provided,* That the term sheller shall only include those who shell more than 1 million pounds of inshell pecans in a fiscal year. The Council may recommend changes to this definition subject to the approval of the Secretary.

§ 986.36 Shelled pecans.

Shelled pecans are pecans whose shells have been removed leaving only edible kernels, kernel pieces or pecan meal. *Shelled pecans* are synonymous with *pecan meats.*

§ 986.37 Stick-tights.

Stick-tights means pecans whose outer shuck has adhered to the shell causing their value to decrease or be discounted.

§ 986.38 Trade supply.

Trade supply means the quantity of merchantable inshell or shelled pecans that growers will supply to handlers during a fiscal year for sale in the United States and abroad.

§ 986.39 Unassessed inventory.

Unassessed inventory means inshell pecans held by growers or handlers for which no assessment has been paid to the Council.

§ 986.40 Varieties.

Varieties mean and include all cultivars, classifications, or subdivisions of pecans.

§ 986.41 Warehousing.

Warehousing means to hold unassessed inventory.

§ 986.42 Weight.

Weight means pounds of inshell pecans, received by handler within each fiscal year; *Provided,* That for shelled pecans the actual weight shall be multiplied by two to obtain an inshell weight.

Administrative Body

§ 986.45 American Pecan Council.

The American Pecan Council is hereby established consisting of 17 members selected by the Secretary, each of whom shall have an alternate member nominated and selected in the same way and with the same qualifications as the member. The 17 members shall include nine (9) grower seats, six (6) sheller seats, and two (2) at-large seats allocated to one accumulator and one public member. The grower and sheller nominees and their alternates shall be growers and shellers at the time of their nomination and for the duration of their tenure. Grower and sheller members and their alternates shall be selected by the Secretary from nominees submitted by the Council. The two at-large seats shall be nominated by the Council and appointed by the Secretary.

(a) Each region shall be allocated the following member seats:

(1) *Eastern Region:* three (3) growers and two (2) shellers

(2) *Central Region:* three (3) growers and two (2) shellers

(3) *Western Region:* three (3) growers and two (2) shellers

(b) Within each region, the grower and sheller seats shall be defined as follows:

(1) *Grower seats:* Each region shall have a grower Seat 1 and Seat 2 allocated to growers whose acreage is equal to or exceeds 176 pecan acres. Each region shall also have a grower Seat 3 allocated to a grower whose acreage does not exceed 175 pecan acres.

(2) *Sheller seats:* Each region shall have a sheller Seat 1 allocated to a sheller who handles more than 12.5 million pounds of inshell pecans in the fiscal year preceding nomination, and a sheller Seat 2 allocated to a sheller who handles less than or equal to 12.5 million pounds of inshell pecans in the fiscal year preceding nomination.

(c) The Council may recommend, subject to the approval of the Secretary, revisions to the above requirements for grower and sheller seats to accommodate changes within the industry.

§ 986.46 Council nominations and voting.

Nomination of Council members and alternate members shall follow the procedure set forth in this section, or as may be changed as recommended by the Council and approved by the Secretary. All nominees must meet the requirements set forth in §§ 986.45,

American Pecan Council, and 986.48, Eligibility, or as otherwise identified by the Secretary, to serve on the Council.

(a) *Initial members.* Nominations for initial Council members and alternate members shall be conducted by the Secretary by either holding meetings of shellers and growers, by mail, or by email, and shall be submitted on approved nomination forms. Eligibility to cast nomination ballots, accounting of nomination ballot results, and identification of member and alternate nominees shall follow the procedures set forth in this section, or by any other criteria deemed necessary by the Secretary. The Secretary shall select and appoint the initial members and alternate members of the Council.

(b) *Successor members.* Subsequent nominations of Council members and alternate members shall be conducted as follows:

(1) *Call for nominations.* (i) Nominations for the grower member seats for each region shall be received from growers in that region on approved forms containing the information stipulated in this section.

(ii) If a grower is engaged in producing pecans in more than one region, such grower shall nominate in the region in which they grow the largest volume of their production.

(iii) Nominations for the sheller member seats for each region shall be received from shellers in that region on approved forms containing the information stipulated in this section.

(iv) If a sheller is engaged in handling in more than one region, such sheller shall nominate in the region in which they shelled the largest volume in the preceding fiscal year.

(2) *Voting for nominees.* (i) Only growers, through duly authorized officers or employees of growers, if applicable, may participate in the nomination of grower member nominees and their alternates. Each grower shall be entitled to cast only one nomination ballot for each of the three grower seats in their region.

(ii) If a grower is engaged in producing pecans in more than one region, such grower shall cast their nomination ballot in the region in which they grow the largest volume of their production. Notwithstanding this stipulation, such grower may vote their volume produced in any or all of the three regions.

(iii) Only shellers, through duly authorized officers or employees of shellers, if applicable, may participate in the nomination of the sheller member nominees and their alternates. Each sheller shall be entitled to cast only one nomination ballot for each of the two sheller seats in their region.

(iv) If a sheller is engaged in handling in more than one region, such sheller shall cast their nomination ballot in the region in which they shelled the largest volume in the preceding fiscal year. Notwithstanding this stipulation, such sheller may vote their volume handled in all three regions.

(v) If a person is both a grower and a sheller of pecans, such person may not participate in both grower and sheller nominations. Such person must elect to participate either as a grower or a sheller.

(3) *Nomination procedure for grower seats.* (i) The Council shall mail to all growers who are on record with the Council within the respective regions a grower nomination ballot indicating the nominees for each of the three grower member seats, along with voting instructions. Growers may cast ballots on the proper ballot form either at meetings of growers, by mail, or by email as designated by the Council. For ballots to be considered, they must be submitted on the proper forms with all required information, including signatures.

(ii) On the ballot, growers shall indicate their nomination for the grower seats and also indicate their average annual volume of inshell pecan production for the preceding four fiscal years.

(iii) *Seat 1* (growers with equal to or more than 176 acres of pecans). The nominee for this seat in each region shall be the grower receiving the highest volume of production votes from the respective region, and the grower receiving the second highest volume of production votes shall be the alternate member nominee for this seat. In case of a tie vote, the nominee shall be selected by a drawing.

(iv) *Seat 2* (growers with equal to or more than 176 acres of pecans). The nominee for this seat in each region shall be the grower receiving the highest number of votes from their respective region, and the grower receiving the second highest number of votes shall be the alternate member nominee for this seat. In case of a tie vote, the nominee shall be selected by a drawing.

(v) *Seat 3* (grower with 175 or fewer acres of pecans). The nominee for this seat in each region shall be the grower receiving the highest number of votes from the respective region, and the grower receiving the second highest number of votes shall be the alternate member nominee for this seat. In case of a tie vote, the nominee shall be selected by a drawing.

(4) *Nomination procedure for sheller seats.* (i) The Council shall mail to all shellers who are on record with the Council within the respective regions the sheller ballot indicating the nominees for each of the two sheller member seats in their respective regions, along with voting instructions. Shellers may cast ballots on approved ballot forms either at meetings of shellers, by mail, or by email as designated by the Council. For ballots to be considered, they must be submitted on the approved forms with all required information, including signatures.

(ii) *Seat 1* (shellers handling more than 12.5 million lbs. of inshell pecans in the preceding fiscal year). The nominee for this seat in each region shall be assigned to the sheller receiving the highest number of votes from the respective region, and the sheller receiving the second highest number of votes shall be the alternate member nominee for this seat. In case of a tie vote, the nominee shall be selected by a drawing.

(iii) *Seat 2* (shellers handling equal to or less than 12.5 million lbs. of inshell pecans in the preceding fiscal year). The nominee for this seat in each region shall be assigned to the sheller receiving the highest number of votes from the respective region, and the sheller receiving the second highest number of votes shall be the alternate member nominee for this seat. In case of a tie vote, the nominee shall be selected by a drawing.

(5) *Reports to the Secretary.* Nominations in the foregoing manner received by the Council shall be reported to the Secretary on or before 15 of each July of any year in which nominations are held, together with a certified summary of the results of the nominations and other information deemed by the Council to be pertinent or requested by the Secretary. From those nominations, the Secretary shall select the fifteen grower and sheller members of the Council and an alternate for each member. If the Council fails to report nominations to the Secretary in the manner herein specified, the Secretary may select the members without nomination. If nominations for the public and accumulator at-large members are not submitted by September 15th of any year in which their nomination is due, the Secretary may select such members without nomination.

(6) *At-large members.* The grower and sheller members of the Council shall select one public member and one accumulator member and respective alternates for consideration, selection and appointment by the Secretary. The

public member and alternate public member may not have any financial interest, individually or corporately, or affiliation with persons vested in the pecan industry. The accumulator member and alternate accumulator member must meet the criteria set forth in § 986.1, Accumulator, and may reside or maintain a place of business in any region.

(7) *Nomination forms.* The Council may distribute nomination forms at meetings, by mail, by email, or by any other form of distribution recommended by the Council and approved by the Secretary.

(i) *Grower nomination forms.* Each nomination form submitted by a grower shall include the following information:

(A) The name of the nominated grower

(B) The name and signature of the nominating grower

(C) Two additional names and respective signatures of growers in support of the nomination

(D) Any other such information recommended by the Council and approved by the Secretary

(ii) *Sheller nomination forms.* Each nomination form submitted by a sheller shall include the following:

(A) The name of the nominated sheller

(B) The name and signature of the nominating sheller

(C) One additional name and signature of a sheller in support of the nomination

(D) Any other such information recommended by the Council and approved by the Secretary

(8) *Changes to the nomination and voting procedures.* The Council may recommend, subject to the approval of the Secretary, a change to these procedures should the Council determine that a revision is necessary.

§ 986.47 Alternate members.

(a) Each member of the Council shall have an alternate member to be nominated in the same manner as the member.

(b) An alternate for a member of the Council shall act in the place and stead of such member in their absence or in the event of their death, removal, resignation, or disqualification, until the next nomination and elections take place for the Council or the vacancy has been filled pursuant to § 986.48, Eligibility.

(c) In the event any member of the Council and their alternate are both unable to attend a meeting of the Council, any alternate for any other member representing the same group as the absent member may serve in the place of the absent member.

§ 986.48 Eligibility.

(a) Each grower member and alternate shall be, at the time of selection and during the term of office, a grower or an officer, or employee, of a grower in the region and in the classification for which nominated.

(b) Each sheller member and alternate shall be, at the time of selection and during the term of office, a sheller or an officer or employee of a sheller in the region and in the classification for which nominated.

(c) A grower can be a nominee for only one grower member seat. If a grower is nominated for two grower member seats, he or she shall select the seat in which he or she desires to run, and the grower ballot shall reflect that selection.

(d) Any member or alternate member who at the time of selection was employed by or affiliated with the person who is nominated shall, upon termination of that relationship, become disqualified to serve further as a member and that position shall be deemed vacant.

(e) No person nominated to serve as a public member or alternate public member shall have a financial interest in any pecan grower or handling operation.

§ 986.49 Acceptance.

Each person to be selected by the Secretary as a member or as an alternate member of the Council shall, prior to such selection, qualify by advising the Secretary that if selected, such person agrees to serve in the position for which that nomination has been made.

§ 986.50 Term of office.

(a) Selected members and alternate members of the Council shall serve for terms of four years: *Provided,* That at the end of the first four (4) year term and in the nomination and selection of the second Council only, four of grower member and alternate seats and three of the sheller member and alternate seats shall be seated for terms of two years so that approximately half of the memberships' and alternates' terms expire every two years thereafter. Member and alternate seats assigned two-year terms for the seating of the second Council only shall be as follows:

(1) Grower member Seat 2 in all regions shall be assigned a two-year term;

(2) Grower member Seat 3 in all regions shall, by drawing, identify one member seat to be assigned a two-year term; and,

(3) Sheller Seat 2 in all regions shall be assigned a two-year term.

(b) Council members and alternates may serve up to two consecutive, four-year terms of office. Subject to paragraph (c) of this section, in no event shall any member or alternate serve more than eight consecutive years on the Council as either a member or an alternate. However, if selected, an alternate having served up to two consecutive terms may immediately serve as a member for two consecutive terms without any interruption in service. The same is true for a member who, after serving for up to two consecutive terms, may serve as an alternate if nominated without any interruption in service. A person having served the maximum number of terms as set forth above may not serve again as a member or an alternate for at least twelve consecutive months. For purposes of determining when a member or alternate has served two consecutive terms, the accrual of terms shall begin following any period of at least twelve consecutive months out of office.

(c) Each member and alternate member shall continue to serve until a successor is selected and has qualified.

(d) A term of office shall begin as set forth in the by-laws or as directed by the Secretary each year for all members.

(e) The Council may recommend, subject to approval of the Secretary, revisions to the start day for the term of office, the number of years in a term, and the number of terms a member or an alternate can serve.

§ 986.51 Vacancy.

Any vacancy on the Council occurring by the failure of any person selected to the Council to qualify as a member or alternate member due to a change in status making the member ineligible to serve, or due to death, removal, or resignation, shall be filled, by a majority vote of the Council for the unexpired portion of the term. However, that person shall fulfill all the qualifications set forth in this part as required for the member whose office that person is to fill. The qualifications of any person to fill a vacancy on the Council shall be certified in writing to the Secretary. The Secretary shall notify the Council if the Secretary determines that any such person is not qualified.

§ 986.52 Council expenses.

The members and their alternates of the Council shall serve without compensation, but shall be reimbursed for the reasonable and necessary expenses incurred by them in the performance of their duties under this part.

§ 986.53 Powers.

The Council shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make bylaws, rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 986.54 Duties.

The duties of the Council shall be as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary a complete report of all meetings and such other available information as he or she may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties, and fix the bonds of such employees;

(e) To cause the books of the Council to be audited by one or more competent public accountants at least once for each fiscal year and at such other times as the Council deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made;

(f) To investigate the growing, shipping and marketing conditions with respect to pecans and to assemble data in connection therewith;

(g) To investigate compliance with the provisions of this part; and,

(h) To recommend by-laws, rules and regulations for the purpose of administering this part.

§ 986.55 Procedure.

(a) The members of the Council shall select a chairman from their membership, and shall select such other officers and adopt such rules for the conduct of Council business as they deem advisable.

(b) The Council may provide for meetings by telephone, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing. The Council shall give the Secretary the same notice of its meetings as is given to members of the Council.

(c) *Quorum.* A quorum of the Council shall be any twelve voting Council members. The vote of a majority of members present at a meeting at which there is a quorum shall constitute the act of the Council; *Provided,* That:

(1) Actions of the Council with respect to the following issues shall require a two-thirds (12 members) concurring vote of the Council members and must be approved at an in-person meeting:

(i) Establishment of or changes to by-laws;

(ii) Appointment or administrative issues relating to the program's manager or chief executive officer;

(iii) Budget;

(iv) Assessments;

(v) Compliance and audits;

(vi) Redistricting of region and reapportionment or reallocation of Council membership;

(vii) Modifying definitions of grower and sheller.

(viii) Research or promotion activities under § 986.68;

(ix) Grade, quality and size regulation under §§ 986.69(a)(1) and (2);

(x) Pack and container regulation under § 986.69(a)(3); and,

(2) Actions of the Council with respect to the securing of commercial bank loans for the purpose of financing start-up costs of the Council and its activities or securing financial assistance in emergency situations shall require a unanimous vote of all members present at an in-person meeting; *Provided,* That in the event of an emergency that warrants immediate attention sooner than a face-to-face meeting is possible, a vote for financing may be taken. In such event, the Council's first preference is a videoconference and second preference is phone conference, both followed by written confirmation of the members attending the meeting.

§ 986.56 Right of the Secretary.

The members and alternates for members and any agent or employee appointed or employed by the Council shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 986.57 Funds and other property.

(a) All funds received pursuant to any of the provisions of this part shall be used solely for the purposes specified in this part, and the Secretary may require the Council and its members to account for all receipts and disbursements.

(b) Upon the death, resignation, removal, disqualification, or expiration of the term of office of any member or employee, all books, records, funds, and other property in their possession belonging to the Council shall be delivered to their successor in office or to the Council, and such assignments and other instruments shall be executed as may be necessary to vest in such successor or in the Council full title to all the books, records, funds, and other property in the possession or under the control of such member or employee pursuant to this subpart.

§ 986.58 Reapportionment and redistricting.

The Council may recommend, subject to approval of the Secretary, reestablishment of regions, reapportionment of members among regions, and may revise the groups eligible for representation on the Council. In recommending any such changes, the following shall be considered:

(a) Shifts in acreage within regions and within the production area during recent years;

(b) The importance of new production in its relation to existing regions;

(c) The equitable relationship between Council apportionment and regions;

(d) Changes in industry structure and/or the percentage of crop represented by various industry entities; and,

(e) Other relevant factors.

Expenses, Assessments and Marketing Policy

§ 986.60 Budget.

As soon as practicable before the beginning of each fiscal year, and as may be necessary thereafter, the Council shall prepare a budget of income and expenditures necessary for the administration of this part. The Council may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The Council shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 986.61 Assessments.

(a) Each handler who first handles inshell pecans shall pay assessments to the Council. Assessments collected each fiscal year shall defray expenses which the Secretary finds reasonable and likely to be incurred by the Council during that fiscal year. Each handler's share of assessments paid to the Council shall be equal to the ratio between the total quantity of inshell pecans handled by them as the first handler thereof during the applicable fiscal year, and the total quantity of inshell pecans handled by

all regulated handlers in the production area during the same fiscal year. The payment of assessments for the maintenance and functioning of the Council may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative. Handlers may avail themselves of an inter-handler transfer, as provided for in § 986.62, Inter-handler transfers.

(b) Based upon a recommendation of the Council or other available data, the Secretary shall fix three base rates of assessment for inshell pecans handled during each fiscal year. Such base rates shall include one rate of assessment for any or all varieties of pecans classified as native and seedling; one rate of assessment for any or all varieties of pecans classified as improved; and one rate of assessment for any pecans classified as substandard.

(c) Upon implementation of this part and subject to the approval of the Secretary, initial assessment rates per classification shall be set within the following prescribed ranges: Native and seedling classified pecans shall be assessed at one-cent to two-cents per pound; improved classified pecans shall be assessed at two-cents to three-cents per pound; and, substandard classified pecans shall be assessed at one-cent to two-cents per pound. These assessment ranges shall be in effect for the initial four years of the order.

(d) Subsequent assessment rates shall not exceed two percent of the aggregate of all prices in each classification across the production area based on Council data, or the average of USDA reported average price received by growers for each classification, in the preceding fiscal year as recommended by the Council and approved by the Secretary. After four years from the implementation of this part, the Council may recommend, subject to the approval of the Secretary, revisions to this calculation or assessment ranges.

(e) The Council, with the approval of the Secretary, may revise the assessment rates if it determines, based on information including crop size and value, that the action is necessary, and if the revision does not exceed the assessment limitation specified in this section and is made prior to the final billing of the assessment.

(f) In order to provide funds for the administration of the provisions of this part during the first part of a fiscal year, before sufficient operating income is available from assessments, the Council may accept the payment of assessments in advance and may also borrow money for such purposes; *Provided,* That no loan may amount to more than 50% of projected assessment revenue projected for the year in which the loan is secured and the loan must be repaid within five years.

(g) If a handler does not pay assessments within the time prescribed by the Council, the assessment may be increased by a late payment charge and/or an interest rate charge at amounts prescribed by the Council with approval of the Secretary.

(h) On August 31st of each year, every handler warehousing inshell pecans shall be identified as the first handler of those pecans and shall be required to pay the assessed rate on the category of pecans in their possession on that date. The terms of this paragraph may be revised subject to the recommendation of the Council and approval by the Secretary.

(i) On August 31st of each year, all inventories warehoused by growers from the current fiscal year shall cease to be eligible for inter-handler transfer treatment. Instead, such inventory will require the first handler that handles such inventory to pay the assessment thereon in accordance with the prevailing assessment rates at the time of transfer from the grower to the said handler. The terms of this paragraph may be revised subject to the recommendation of the Council and approval by the Secretary.

§ 986.62 Inter-handler transfers.

Any handler inside the production area, except as provided for in § 986.61(i), Assessments, may transfer inshell pecans to another handler inside the production area for additional handling, and any assessments or other marketing order requirements with respect to pecans so transferred may be assumed by the receiving handler. The Council, with the approval of the Secretary, may establish methods and procedures, including necessary reports, to maintain accurate records for such transfers. All inter-handler transfers will be documented by forms or electronic transfer receipts approved by the Council, and all forms or electronic transfer receipts used for inter-handler transfers shall require that copies be sent to the selling party, the receiving party, and the Council. Such forms must state which handler has the assessment responsibilities.

§ 986.63 Contributions.

The Council may accept voluntary contributions. Such contributions may only be accepted if they are free from any encumbrances or restrictions on their use and the Council shall retain complete control of their use. The Council may receive contributions from both within and outside of the production area.

§ 986.64 Accounting.

(a) Assessments collected in excess of expenses incurred shall be accounted for in accordance with one of the following:

(1) Excess funds not retained in a reserve, as provided in paragraph (a)(2) of this section shall be refunded proportionately to the persons from whom they were collected; or

(2) The Council, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided,* That funds already in reserves do not equal approximately three fiscal years' expenses. Such reserve funds may be used:

(i) To defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses;

(ii) To cover deficits incurred during any fiscal period when assessment income is less than expenses;

(iii) To defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative; and,

(iv) To cover necessary expenses of liquidation in the event of termination of this part.

(b) Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(c) All funds received by the Council pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the Council and its members to account for all receipts and disbursements.

(d) Upon the removal or expiration of the term of office of any member of the Council, such member shall account for all receipts and disbursements and deliver all property and funds in their possession to the Council, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the Council full title to all of the property, funds, and claims vested in such member pursuant to this part.

(e) The Council may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for

holding records, funds, or any other Council property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he or she may direct that such person or persons shall act as trustee or trustees for the Council.

§ 986.65 Marketing policy.

By the end of each fiscal year, the Council shall make a report and recommendation to the Secretary on the Council's proposed marketing policy for the next fiscal year. Each year such report and recommendation shall be adopted by the affirmative vote of at least two-thirds (2/3) of the members of the Council and shall include the following and, where applicable, on an inshell basis:

(a) Estimate of the grower-cleaned production and handler-cleaned production in the area of production for the fiscal year;

(b) Estimate of disappearance;

(c) Estimate of the improved, native, and substandard pecans;

(d) Estimate of the handler inventory on August 31, of inshell and shelled pecans;

(e) Estimate of unassessed inventory;

(f) Estimate of the trade supply, taking into consideration trade inventory, imports, and other factors;

(g) Preferable handler inventory of inshell and shelled pecans on August 31 of the following year;

(h) Projected prices in the new fiscal year;

(i) Competing nut supplies; and,

(j) Any other relevant factors.

Authorities Relating to Research, Promotion, Data Gathering, Packaging, Grading, Compliance and Reporting

§ 986.67 Recommendations for regulations.

Upon complying with § 986.65, Marketing Policy, the Council may propose regulations to the Secretary whenever it finds that such proposed regulations may assist in effectuating the declared policy of the Act.

§ 986.68 Authority for research and promotion activities.

The Council, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects, and marketing promotion, including paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of pecans including product development, nutritional research, and container development. The expenses of such projects shall be paid from funds collected pursuant to this part.

§ 986.69 Authorities regulating handling.

(a) The Council may recommend, subject to the approval of the Secretary, regulations that:

(1) Establish handling requirements or minimum tolerances for particular grades, sizes, or qualities, or any combination thereof, of any or all varieties of pecans during any period;

(2) Establish different handling requirements or minimum tolerances for particular grades, sizes, or qualities, or any combination thereof for different varieties, for different containers, for different portions of the production area, or any combination of the foregoing, during any period;

(3) Fix the size, capacity, weight, dimensions, or pack of the container or containers, which may be used in the packaging, transportation, sale, preparation for market, shipment, or other handling of pecans; and

(4) Establish inspection and certification requirements for the purposes of paragraphs (a)(1) through (a)(3) of this section.

(b) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

(1) That such action is warranted upon recommendation of the Council or other available information; or,

(2) That regulations issued hereunder no longer tend to effectuate the declared policy of the Act.

(c) The authority to regulate as put forward in this section shall not in any way constitute authority for the Council to recommend volume regulation, such as reserve pools, producer allotments, or handler withholding requirements which limit the flow of product to market for the purpose of reducing market supply.

(d) The Council may recommend, subject to the approval of the Secretary, rules and regulations to effectuate this subpart.

§ 986.70 Handling for special purposes.

Regulations in effect pursuant to § 986.69, Authorities regulating handling, may be modified, suspended, or terminated to facilitate handling of pecans for:

(a) Relief or charity;

(b) Experimental purposes; and,

(c) Other purposes which may be recommended by the Council and approved by the Secretary.

§ 986.71 Safeguards.

The Council, with the approval of the Secretary, may establish through rules such requirements as may be necessary to establish that shipments made pursuant to § 986.70, Handling for special purposes, were handled and used for the purpose stated.

§ 986.72 Notification of regulation.

The Secretary shall promptly notify the Council of regulations issued or of any modification, suspension, or termination thereof. The Council shall give reasonable notice thereof to industry participants.

Reports, Books and Other Records

§ 986.75 Reports of handler inventory.

Each handler shall submit to the Council in such form and on such dates as the Council may prescribe, reports showing their inventory of inshell and shelled pecans.

§ 986.76 Reports of merchantable pecans handled.

Each handler who handles merchantable pecans at any time during a fiscal year shall submit to the Council in such form and at such intervals as the Council may prescribe, reports showing the quantity so handled and such other information pertinent thereto as the Council may specify.

§ 986.77 Reports of pecans received by handlers.

Each handler shall file such reports of their pecan receipts from growers, handlers, or others in such form and at such times as may be required by the Council with the approval of the Secretary.

§ 986.78 Other handler reports.

Upon request of the Council made with the approval of the Secretary each handler shall furnish such other reports and information as are needed to enable the Council to perform its duties and exercise its powers under this part.

§ 986.79 Verification of reports.

For the purpose of verifying and checking reports filed by handlers on their operations, the Secretary and the Council, through their duly authorized representatives, shall have access to any premises where pecans and pecan records are held. Such access shall be available at any time during reasonable business hours. Authorized representatives of the Council or the Secretary shall be permitted to inspect any pecans held and any and all records of the handler with respect to matters within the purview of this part. Each handler shall maintain complete records on the receiving, holding, and disposition of all pecans. Each handler shall furnish all labor necessary to facilitate such inspections at no expense

to the Council or the Secretary. Each handler shall store all pecans held by him in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to inspection certificates of respective lots and of all such pecans held or disposed of theretofore. The Council, with the approval of the Secretary, may establish any methods and procedures needed to verify reports.

§ 986.80 Certification of reports.

All reports submitted to the Council as required in this part shall be certified to the Secretary and the Council as to the completeness and correctness of the information contained therein.

§ 986.81 Confidential information.

All reports and records submitted by handlers to the Council, which include data or information constituting a trade secret or disclosing the trade position, or financial condition or business operations of the handler shall be kept in the custody of one or more employees of the Council and shall be disclosed to no person except the Secretary.

§ 986.82 Books and other records.

Each handler shall maintain such records of pecans received, held and disposed of by them as may be prescribed by the Council for the purpose of performing its duties under this part. Such books and records shall be retained and be available for examination by authorized representatives of the Council and the Secretary for the current fiscal year and the preceding three (3) fiscal years.

Additional Provisions

§ 986.86 Exemptions.

(a) Any handler may handle inshell pecans within the production area free of the requirements of this part if such pecans are handled in quantities not exceeding 1,000 inshell pounds during any fiscal year.

(b) Any handler may handle shelled pecans within the production area free of the requirements of this part if such pecans are handled in quantities not exceeding 500 shelled pounds during any fiscal year.

(c) Mail order sales are not exempt sales under this part.

(d) The Council, with the approval of the Secretary, may establish such rules, regulations, and safeguards, and require such reports, certifications, and other conditions, as are necessary to ensure compliance with this part.

§ 986.87 Compliance.

Except as provided in this subpart, no handler shall handle pecans, the handling of which has been prohibited by the Secretary in accordance with provisions of this part, or the rules and regulations thereunder.

§ 986.88 Duration of immunities.

The benefits, privileges, and immunities conferred by virtue of this part shall cease upon termination hereof, except with respect to acts done under and during the existence of this part.

§ 986.89 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remaining provisions and the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 986.90 Derogation.

Nothing contained in this part is or shall be construed to be in derogation of, or in modification of, the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 986.91 Liability.

No member or alternate of the Council nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any party under this part or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent or employee, except for acts of dishonesty, willful misconduct, or gross negligence. The Council may purchase liability insurance for its members and officers.

§ 986.92 Agents.

The Secretary may name, by designation in writing, any person, including any officer or employee of the USDA or the United States to act as their agent or representative in connection with any of the provisions of this part.

§ 986.93 Effective time.

The provisions of this part and of any amendment thereto shall become effective at such time as the Secretary may declare, and shall continue in force until terminated in one of the ways specified in § 986.94.

§ 986.94 Termination.

(a) The Secretary may at any time terminate this part.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this part whenever he or she finds that such operation obstructs or does not tend to effectuate the declared policy of the Act.

(c) The Secretary shall terminate the provisions of this part applicable to pecans for market or pecans for handling at the end of any fiscal year whenever the Secretary finds, by referendum or otherwise, that such termination is favored by a majority of growers; *Provided,* That such majority of growers has produced more than 50 percent of the volume of pecans in the production area during such fiscal year. Such termination shall be effective only if announced on or before the last day of the then current fiscal year.

(d) The Secretary shall conduct a referendum within every five-year period beginning from the implementation of this part, to ascertain whether continuance of the provisions of this part applicable to pecans are favored by two-thirds by number or volume of growers voting in the referendum. The Secretary may terminate the provisions of this part at the end of any fiscal year in which the Secretary has found that continuance of this part is not favored by growers who, during a representative period determined by the Secretary, have been engaged in the production of pecans in the production area: *Provided,* That termination of this part shall be effective only if announced on or before the last day of the then current fiscal year.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ 986.95 Proceedings after termination.

(a) Upon the termination of this part, the Council members serving shall continue as joint trustees for the purpose of liquidating all funds and property then in the possession or under the control of the Council, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The joint trustees shall continue in such capacity until discharged by the Secretary; from time to time accounting for all receipts and disbursements; delivering all funds and property on hand, together with all books and records of the Council and of the joint trustees to such person as the Secretary shall direct; and, upon the request of the Secretary, executing such assignments or other instruments necessary and

appropriate to vest in such person full title and right to all of the funds, property, or claims vested in the Council or in said joint trustees.

(c) Any funds collected pursuant to this part and held by such joint trustees or such person over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the joint trustees or such other person in the performance of their duties under this subpart, as soon as practicable after the termination hereof, shall be returned to the handlers pro rata in proportion to their contributions thereto.

(d) Any person to whom funds, property, or claims have been transferred or delivered by the Council, upon direction of the Secretary, as provided in this part, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are imposed upon said joint trustees.

§ 986.96 Amendments.

Amendments to this part may be proposed from time to time by the Council or by the Secretary.

***§ 986.97 Counterparts.**

Handlers may sign an agreement with the Secretary indicating their support for this marketing order. This agreement may be executed in multiple counterparts by each handler. If more than fifty percent of the handlers, weighted by the volume of pecans handled during a representative period, enter into such an agreement, then a marketing agreement shall exist for the pecans marketing order. This marketing agreement shall not alter the terms of this part. Upon the termination of this part, the marketing agreement has no further force or effect.

***§ 986.98 Additional parties.**

After this part becomes effective, any handler may become a party to the marketing agreement if a counterpart is executed by the handler and delivered to the Secretary.

***§ 986.99 Order with marketing agreement.**

Each signatory handler hereby requests the Secretary to issue, pursuant to the Act, an order for regulating the handling of pecans in the same manner as is provided for in this agreement.

Subpart B—[Reserved]

Dated: June 26, 2015.

Rex Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–16259 Filed 7–1–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket No. EERE–2015–BT–STD–0008]

RIN 1904–AD52

Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards for Dedicated-Purpose Pool Pumps

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

ACTION: Reopening of public comment period.

SUMMARY: On May 8, 2015, the U.S. Department of Energy (DOE) published in the **Federal Register** (80 FR 26475) a Request for Information (RFI) that requests information regarding potential energy efficiency standards for pool pumps established under the Energy Policy and Conservation Act. DOE published the RFI to solicit information to help DOE determine the feasibility of developing energy conservation standards and an appropriate test procedure for this equipment. The RFI outlines the potential scope that could be involved in regulating dedicated-purpose pool pumps, possible industry-based testing methods that could be used to evaluate the efficiency of this equipment, and the types of information that would be needed in analyzing the potential for setting standards for this equipment. It also solicits the public for information to help inform DOE's efforts in evaluating the prospect of regulating this equipment. The comment period for the RFI pertaining to the subject dedicated-purpose pool pumps was scheduled to end June 22, 2015. After receiving a request for additional time to comment, DOE has decided to reopen the comment period for the RFI pertaining to the potential energy efficiency standards for pool pumps until August 17, 2015.

DATES: DOE will accept comments, data, and information regarding the notice of proposed rulemaking no later than August 17, 2015.

ADDRESSES: *Instructions:* All comments submitted must identify the RFI for Energy Conservation Standards for Dedicated-Purpose Pool Pumps, and provide docket number EERE–2015–BT–STD–0008 and/or regulatory information number (RIN) number 1904–AD52. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: PoolPumps2015STD0008@ee.doe.gov.* Include the docket number and/or RIN in the subject line of the message. Submit electronic comments in Word Perfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form on encryption.

3. *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

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

A link to the docket Web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2015-BT-STD-0008.* This Web page contains a link to the docket for this notice on the *www.regulations.gov* site. The *www.regulations.gov* Web page contains simple instructions on how to access all documents, including public comments, in the docket.

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

FOR FURTHER INFORMATION CONTACT: Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1692. Email: *pumps@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121.

Telephone: (202) 586–8145. Email: *michael.kido@hq.doe.gov.*

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

SUPPLEMENTARY INFORMATION: DOE published an RFI in the **Federal Register** to solicit information to help DOE determine the feasibility of developing energy conservation standards and an appropriate test procedure for this equipment. The RFI also solicited the public for information to help inform DOE's efforts in evaluating the prospect of regulating this equipment. The comment deadline had been set for June 22, 2015.

The Association of Pool & Spa Professionals requested a 90-day extension of the comment period to sufficiently prepare and submit comments. After careful consideration of the request, DOE has determined that reopening the comment period to allow additional time for interested parties to submit comments is appropriate based on the foregoing reason. Specifically, DOE believes that reopening the comment period by 45 days will provide the public with sufficient time to submit comments responding to DOE's RFI. Accordingly, DOE is reopening the comment period and will deem any comments received (or postmarked) to be timely submitted.

Issued in Washington, DC, on June 25, 2015.

Kathleen B. Hogan,

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

[FR Doc. 2015–16344 Filed 7–1–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1990; Directorate Identifier 2015–NM–027–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 737–400 series airplanes, as modified by a certain supplemental type certificate. This proposed AD was prompted by the discovery of a design drawing error regarding placards that identified incorrect squibs and pressure switches for certain fire extinguisher bottles. This proposed AD would require a detailed inspection of certain cargo placards to determine if they are the correct placards and in the correct location, a detailed inspection of the harnesses to verify that they are marked and installed correctly, and corrective action if necessary. We are proposing this AD to detect and correct incorrectly installed harnesses for the cargo fire suppression system bottles, which could result in an incorrect activation sequence of the bottles, the inability to suppress a cargo fire quickly, and a possible uncontrollable fire.

DATES: We must receive comments on this proposed AD by August 17, 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 Advanced Aircraft Extinguishers, 1052 SW Luttrell, Blue Springs, MO 64015; telephone: 816–228–3322; Internet *www.aae-ltd.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–2015–1990; 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: Paul DeVore, Aerospace Engineer, Systems and Propulsion Branch, ACE–116W, FAA, Wichita ACO, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, KS 67209; phone: 316–946–4142; fax: 316–946–4107; email: *paul.devore@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–2015–1990; Directorate Identifier 2015–NM–027–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We have received a report of a design drawing error regarding the placement of placards that identify the squibs and pressure switches for halon fire extinguisher bottles Number 1 and Number 2. Electrical harnesses for the cargo fire suppression system bottles may consequently be reversed, which would cause an incorrect activation sequence of the bottles, *i.e.,* the initial high-rate ''knockdown'' agent discharge will not be released until after a 5-minute time delay rather than immediately as intended. This condition, if not corrected, could result in an incorrect activation sequence of the bottles, the inability to suppress a cargo fire quickly, and a possible uncontrollable fire.

Related Service Information Under 1 CFR Part 51

We reviewed Advanced Aircraft Extinguishers Service Bulletin TFA10–26–0020, Revision IR, dated January 12, 2015. The service information describes procedures for a detailed inspection of Advanced Aircraft Extinguishers (AAE) cargo fire protection system (FPS) placards to determine if they are the correct placards and in the correct location, and a detailed inspection of

the harnesses to verify that they are marked and installed correctly. The service information also describes corrective actions such as removing the existing AAE cargo FPS placards, destroying/discarding them, and installing AAE-provided cargo FPS placards on the mounting plate. 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.

Clarification of Service Information Procedures

Step C.(3) of the ''SERVICE BULLETIN INSTRUCTIONS'' of Advanced Aircraft Extinguishers Service Bulletin TFA10–26–0020, Revision IR, dated January 12, 2015, does not clearly state the corrective action for the inspection of the harnesses. Therefore, paragraph (h) of this proposed AD specifies the steps in the service information that would be required if any harness is not marked correctly or not installed correctly.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.''

Differences Between This Proposed AD and the Service Information

While Advanced Aircraft Extinguishers Service Bulletin TFA10–26–0020, Revision IR, dated January 12, 2015, specifies a compliance time of 30 days, this proposed AD would require a compliance time of 6 months. In developing an appropriate compliance time for this AD, we considered the degree of urgency associated with the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the inspection. In light of all of these factors, we find that 6 months represents an appropriate interval of time for affected airplanes to continue to operate without compromising safety. This difference has been coordinated with Boeing and AAE.

The ''EFFECTIVITY'' section of Advanced Aircraft Extinguishers Service Bulletin TFA10–26–0020, Revision IR, dated January 12, 2015, lists serial number (S/N) 24132 in the ''Purchased for Installation on Aircraft Serial Number'' column. This is a typographical error in the service information. The Applicability section of this proposed AD correctly identifies S/N 24231.

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.

Costs of Compliance

We estimate that this proposed AD affects 3 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
Detailed inspection	2 work-hours × $85 per hour = $170	N/A	$170	$510

We estimate the following costs to do any necessary corrective actions 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 corrective actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Corrective actions	2 work-hours × $85 per hour = $170	$900	$1,070

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–2015–1990; Directorate Identifier 2015–NM–027–AD.

(a) Comments Due Date

We must receive comments by August 17, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–400 series airplanes, certificated in any category, having serial numbers 23865, 24231, 24706, 24474, 25417, 27003, 27149, 25375, 26281, 28661, and 28881, as modified by Supplemental Type Certificate ST01114WI (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/f9490633c04cbc8286257301006ed621/$FILE/ST01114WI.pdf*).

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire Protection.

(e) Unsafe Condition

This AD was prompted by the discovery of a design drawing error regarding placards that identified incorrect squibs and pressure switches for certain fire extinguisher bottles. We are issuing this AD to detect and correct incorrectly installed harnesses for the cargo fire suppression system bottles, which could result in an incorrect activation sequence of the bottles, the inability to suppress a cargo fire quickly, and a possible uncontrollable fire.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Placard Inspection

Within 6 months after effective date of this AD, do a detailed inspection of Advanced Aircraft Extinguishers cargo fire protection system (FPS) placards to determine if they are the correct placards and in the correct location, and do all applicable corrective actions, in accordance with the ''SERVICE BULLETIN INSTRUCTIONS'' of Advanced Aircraft Extinguishers Service Bulletin TFA10–26–0020, Revision IR, dated January 12, 2015. Do all applicable corrective actions before further flight.

(h) Harness Inspection

Within 6 months after the effective date of this AD, do a detailed inspection of the harnesses to verify that they are correctly marked and installed, in accordance with the ''SERVICE BULLETIN INSTRUCTIONS'' of Advanced Aircraft Extinguishers Service Bulletin TFA10–26–0020, Revision IR, dated January 12, 2015. If any harness is not marked or installed correctly, before further flight, do steps C.(5) through C.(11) specified in and in accordance with the ''SERVICE BULLETIN INSTRUCTIONS'' of Advanced Aircraft Extinguishers Service Bulletin TFA10–26–0020, Revision IR, dated January 12, 2015, except as required by paragraph (i) of this AD.

(i) Exception to the Service Information Specification

Where Advanced Aircraft Extinguishers Service Bulletin TFA10–26–0020, Revision IR, dated January 12, 2015, specifies contacting the manufacturer for appropriate action: Before further flight, repair in accordance with a method approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA.

(j) Special Flight Permit

Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane, provided the airplane does not carry cargo in the lower cargo bay.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita 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.

(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) Except as required by paragraph (i) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(3)(i) and (k)(3)(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 Paul C. DeVore, Aerospace Engineer, Systems and Propulsion Branch, ACE–116W, FAA, Wichita ACO, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, KS 67209; phone: 316–946–4142; fax: 316–946–4107; email: *paul.devore@faa.gov.*

(2) For service information identified in this AD, contact Advanced Aircraft Extinguishers, 1052 SW Luttrell, Blue Springs, MO 64015; telephone: 816–228–3322; Internet *www.aae-ltd.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 24, 2015.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–16155 Filed 7–1–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1991; Directorate Identifier 2014–NM–251–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 all Airbus Model A318–111 and –112 airplanes; Model A319–111, –112, and –115 airplanes; Model A320–214 airplanes; and Model A321–111, –112, –211, –212, and –213 airplanes. This proposed AD was prompted by reports of cracked cadmium-plated lock nuts that attach the hinge to the fan cowl door. This proposed AD would require inspecting to determine the serial number of each engine fan cowl door, inspecting for cracking of the hinge lock nuts of any affected door, and replacing the lock nuts if necessary. We are proposing this AD to detect and correct cracking of the hinge lock nuts, which could result in separation of the hinge from the fan cowl door, in-flight loss of the door, and consequent damage to the airplane.

DATES: We must receive comments on this proposed AD by August 17, 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 the following:

For Airbus service information 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.*

For Goodrich service information contact Goodrich Aerostructures, 850 Lagoon Drive, Chula Vista, California, 91910–2098; telephone: 619–691–2719; email: *jan.lewis@goodrich.com;* Internet: *http://www.goodrich.com/TechPubs.*

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–2015–1991; 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–2015–1991; Directorate Identifier 2014–NM–251–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 2014–0276, dated December 19, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A318–111 and –112 airplanes; Model A319–111, –112, and –115 airplanes; Model A320–214 airplanes; and Model A321–111, –112, –211, –212, and –213 airplanes. The MCAI states:

> In-service findings have been reported of cracked cadmium plated lock nuts. This cracking occurs shortly after installation. Investigation results attribute the cause to an improper manufacturing procedure of the nuts. It was determined that the affected batch of lock nuts was used on the fan cowl to attach hinges to the cowl doors on CFM56–5B engines only.
>
> This condition, if not corrected, could lead to separation of the hinge from the fan cowl door, possibly resulting in in-flight loss of a fan cowl door, with consequent damage to the aeroplane and/or injury to persons on the ground.
>
> For the reasons describes above, this [EASA] AD required identification of the affected fan cowl doors, a one-time inspection of the fan cowl door hinge nuts and, depending on findings, replacement of the affected nuts.

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–2015–1991.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–71–1062, including Appendix 01, dated July 28, 2014. Goodrich Aerostructures has issued Service Bulletin RA32071–151, dated June 11, 2014. The service information describes procedures for inspection of the hinge nuts of the fan cowl door, and replacement if necessary. 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 437 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. Required parts would cost about $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $74,290, or $170 per product.

We have received no definitive data that would enable us to provide a cost estimate for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Airbus: Docket No. FAA–2015–1991; Directorate Identifier 2014–NM–251–AD.

(a) Comments Due Date

We must receive comments by August 17, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus Model A318–111 and –112 airplanes.

(2) Airbus Model A319–111, –112, and –115 airplanes.

(3) Airbus Model A320–214 airplanes.

(4) Airbus Model A321–111, –112, –211, 212, and –213 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Reason

This AD was prompted by reports of cracked cadmium-plated lock nuts that attach the hinge to the fan cowl door. We are issuing this AD to detect and correct cracking of the hinge lock nuts, which could result in separation of the hinge from the fan cowl door, the in-flight loss of the door, and consequent damage to the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspect To Determine Serial Number

Within 24 months after the effective date of this AD: Inspect to determine if any fan cowl door has a serial number 10029001 through 11092003 inclusive, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–71–1062, dated July 28, 2014; or Goodrich Aerostructures Service Bulletin RA32071–151, dated June 11, 2014. A review of airplane maintenance records is acceptable in lieu of the inspection required by this paragraph, provided those records can be relied upon for that purpose and the serial number can be positively identified by that review.

(h) Inspection and Replacement

For any fan cowl door having any serial number identified in paragraph (g) of this AD: Within 24 months after the effective date of this AD, do a detailed inspection for cracking of the hinge lock nuts of the door, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–71–1062, dated July 28, 2014; or Goodrich Aerostructures Service Bulletin RA32071–151, dated June 11, 2014. If any crack is found, before further flight, replace each cracked hinge lock nut, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–71–1062, dated July 28, 2014; or Goodrich Aerostructures Service Bulletin RA32071–151, dated June 11, 2014.

(i) Special Flight Permits

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

(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: 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 European Aviation Safety Agency (EASA); or Airbus'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 2014–0276, dated December 19, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1991.

(2) For Airbus service information 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.*

(3) For Goodrich service information contact Goodrich Aerostructures, 850 Lagoon Drive, Chula Vista, California, 91910–2098; telephone: 619–691–2719; email: *jan.lewis@goodrich.com;* Internet: *http://www.goodrich.com/TechPubs.*

(4) 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 24, 2015.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–16165 Filed 7–1–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2455; Directorate Identifier 2014–NM–180–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 supersede Airworthiness Directive (AD) 2008–26–07, which applies to all McDonnell Douglas Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 airplanes; Model DC–8–50 series airplanes; Model DC–8F–54 and DC–8F–55 airplanes; Model DC–8–60 series airplanes; Model DC–8–60F series airplanes; Model DC–8–70 series airplanes; and Model DC–8–70F series airplanes. AD 2008–26–07 currently requires repetitive inspections of the lower skin and stringers at certain stations, and corrective actions if necessary. This proposed AD is intended to complete certain mandated programs intended to support the airplane reaching its limit of validity (LOV) of the engineering data that support the established structural maintenance program. This proposed AD would also require an eddy current high frequency (ETHF) inspection for cracks of the fastener open holes common to the lower skins, stringers, and splice fittings at a certain station; installation of external doublers and fasteners and repetitive eddy current low frequency (ETLF) inspections around the fasteners for any crack; and corrective actions if necessary. We are proposing this AD to detect and correct cracks in the lower skins, stringers, and fastener holes of the splice fittings, which could result in the loss of structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by August 17, 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, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; 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–2015–2455.

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–2015–2455; 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: Chandra Ramdoss, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; telephone: 562–627–5239; fax: 562–627–5210; email: *Chandraduth.Ramdoss@faa.gov.*

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–2015–2455; Directorate Identifier 2014–NM–180–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

On December 12, 2008, we issued AD 2008–26–07, Amendment 39–15773 (73 FR 78946, December 24, 2008), for all McDonnell Douglas Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 airplanes; Model DC–8–50 series airplanes; Model DC–8F–54 and DC–8F–55 airplanes; Model DC–8–60 series airplanes; Model DC–8–60F series airplanes; Model DC–8–70 series airplanes; and Model DC–8–70F series airplanes. AD 2008–26–07 requires repetitive inspections of the lower skin and stringers at stations Xw=408 and Xw=-408, and corrective actions if

necessary. AD 2008–26–07 resulted from reports of cracks in the skins and stringers at the end fasteners common to the stringer end fittings at stations Xw=408 and Xw=-408 wing splice joints. We issued AD 2008–26–07 to detect and correct fatigue cracking in the skins and stringers at the end fasteners common to the stringer end fittings at certain station and wing splice joints, which could result in wing structure that might not sustain limit load, and consequent loss of structural integrity of the wing.

Widespread Fatigue Damage

As described in FAA Advisory Circular 120–104 (*http://www.faa.gov/documentLibrary/media/Advisory_Circular/120-104.pdf*), several programs have been developed to support initiatives that will ensure the continued airworthiness of aging airplane structure. The last element of those initiatives is the requirement to establish a limit of validity (LOV) of the engineering data that support the structural maintenance program under 14 CFR 26.21. This proposed AD is the result of an assessment of the previously established programs by Boeing during the process of establishing the LOV for The Boeing Company Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 airplanes; Model DC–8–50 series airplanes; Model DC–8F–54 and DC–8F–55 airplanes; Model DC–8–60 series airplanes; Model DC–8–60F series airplanes; Model DC–8–70 series airplanes; and Model DC–8–70F series airplanes. The actions specified in this proposed AD are necessary to complete certain programs to ensure the continued airworthiness of aging airplane structure and to support an airplane reaching its LOV.

We are proposing this AD to detect and correct cracks in the lower skins, stringers, and fastener holes of the splice fittings, which could result in the loss of structural integrity of the airplane.

Actions Since AD 2008–26–07, Amendment 39–15773 (73 FR 78946, December 24, 2008) Was Issued

Since we issued AD 2008–26–07, Amendment 39–15773 (73 FR 78946, December 24, 2008), we have received new service information to ensure the continued airworthiness of aging airplane structure and to support an airplane reaching its LOV. The new inspection and modification of the left and right lower wing skin, stringers, and splice fittings will support operation up to the DC–8 LOV.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Service Bulletin DC8–57–104, dated August 18, 2014. The service information describes procedures for certain airplanes for an ETHF inspection for cracks of the fastener open holes common to the lower skins, stringers, and splice fittings at a certain station; installation of external doublers and fasteners and repetitive ETLF inspections around the fasteners for any crack; 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 the same type design.

Proposed AD Requirements

This proposed AD would retain all requirements of AD 2008–26–07, Amendment 39–15773 (73 FR 78946, December 24, 2008). This proposed AD would also require an ETHF inspection for cracks of the fastener open holes common to the lower skins, stringers, and splice fittings at a certain station; installation of external doublers and fasteners and repetitive ETLF inspections around the fasteners for any crack if necessary; and corrective actions.

Clarification of Actions for Groups 1–3, Configuration 1 Airplanes

Where the Accomplishment Instructions of Boeing Service Bulletin DC8–57–104, dated August 18, 2014, specifies repair, this AD also requires an inspection and possible other actions.

Change to AD 2008–26–07, Amendment 39–15773 (73 FR 78946, December 24, 2008)

Since AD 2008–26–07, Amendment 39–15773 (73 FR 78946, December 24, 2008), was issued, the AD format has been revised, and certain paragraphs have been rearranged with new title headers. As a result, the corresponding paragraph identifiers have been redesignated in this proposed AD, as listed in the following table:

REVISED PARAGRAPH IDENTIFIERS

Requirement in AD 2008–26–07	Corresponding requirement in this proposed AD
paragraph (e)	paragraph (f)
paragraph (f)	paragraph (g)
paragraph (g)	paragraph (h)
paragraph (h)	paragraph (i)

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.

Costs of Compliance

We estimate that this proposed AD affects 12 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
Inspection [retained actions from AD 2008-26-07, Amendment 39–15773 (73 FR 78946, December 24, 2008)].	6 work-hours × $85 per hour = $510 per inspection cycle.	$0	$510	$6,120 per inspection cycle
ETHF Inspection [new proposed action]	8 work-hours × $85 per hour = $680 per inspection cycle.	$0	$680	$8,160 per inspection cycle

We estimate the following costs to do any necessary certain follow-on actions 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
Installation of External Doubler	5 work-hour × $85 per hour = $425	$20,000	$20,425
Repetitive ETLF inspection	8 work-hour × $85 per hour = $680 per inspection cycle.	$0	$680 per inspection cycle

For all actions and repairs on Groups 1–3, Configuration 1 Airplanes, we have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have 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 that the proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2008–26–07, Amendment 39–15773 (73 FR 78946, December 24, 2008), and adding the following new AD:

The Boeing Company: Docket No. FAA–2015–2455; Directorate Identifier 2014–NM–180–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by August 17, 2015.

(b) Affected ADs

This AD replaces AD 2008–26–07, Amendment 39–15773 (73 FR 78946, December 24, 2008).

(c) Applicability

This AD applies to all The Boeing Company Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, DC–8–43, DC–8–51, DC–8–52, DC–8–53, DC–8–55, DC–8F–54, DC–8F–55, DC–8–61, DC–8–62, DC–8–63, DC–8–61F, DC–8–62F, DC–8–63F, DC–8–71, DC–8–72, DC–8–73, DC–8–71F, DC–8–72F, and DC–8–73F airplanes; certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) 57, Wings.

(e) Unsafe Condition

This AD was prompted by certain mandated programs intended to support the airplane reaching its limit of validity of the engineering data that support the established structural maintenance program. We are issuing this AD to detect and correct cracks in the lower skins, stringers, and fastener holes of the splice fittings, which could result in the loss of structural integrity of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Repetitive Inspections

This paragraph restates the requirements of paragraph (f) of AD 2008–26–07, Amendment 39–15773 (73 FR 78946, December 24, 2008). At the times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin DC8–57A102, dated February 12, 2008, except as provided by paragraph (h) of this AD, do the applicable inspections for fatigue cracking of the lower skin and stringers at stations Xw=408 and Xw=−408, and do all applicable corrective actions, by accomplishing all applicable actions

specified in the Accomplishment Instructions of Boeing Alert Service Bulletin DC8–57A102, dated February 12, 2008. Do all corrective actions before further flight. Thereafter, repeat the inspections at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin DC8–57A102, dated February 12, 2008, until paragraph (j) of this AD is done.

(h) Retained Exception for Compliance Time

This paragraph restates the exception specified in paragraph (g) of AD 2008–26–07, Amendment 39–15773 (73 FR 78946, December 24, 2008). Where Boeing Alert Service Bulletin DC8–57A102, dated February 12, 2008, specifies a compliance time ''after the date on this service bulletin,'' this AD requires compliance within the specified compliance time after January 28, 2009 (the effective date of AD 2008–26–07).

(i) Retained Exception for Corrective Action

This paragraph restates the exception specified in paragraph (h) of AD 2008–26–07, Amendment 39–15773 (73 FR 78946, December 24, 2008): If any cracking is found during any inspection required by paragraph (g) of this AD, and Boeing Alert Service Bulletin DC8–57A102, dated February 12, 2008, specifies to contact Boeing for appropriate action: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(j) New Inspections and Corrective Action

(1) For Groups 1–3, Configuration 1 Airplanes: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin DC8–57–104, dated August 18, 2014, except as required in paragraph (l) of this AD, do an inspection for any cracking, and do all applicable corrective actions using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(2) For Groups 1–3, Configuration 2 Airplanes: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin DC8–57–104, dated August 18, 2014, except as required in paragraph (l) of this AD, do an eddy current high frequency (ETHF) inspection for any cracking of the fastener open holes common to the lower skins, stringers, and splice fittings at station Xw=408 and Xw=−408 from stringer 51 to stringer 65, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC8–57–104, dated August 18, 2014. If any cracking is found, before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(k) New Doubler and Fastener Installation and Eddy Current Low Frequency (ETLF) Inspection of the External Doubler and Corrective Action

If no crack is found during the inspection required by paragraph (j)(2) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin DC8–57–104, dated August 18, 2014, install external doublers and fasteners, and do an external doubler ETLF inspection around the fasteners for any cracking. Repeat the external ETLF inspection at the applicable intervals specified in 1.E., ''Compliance,'' of Boeing Service Bulletin DC8–57–104, dated August 18, 2014. If any cracking is found during any ETLF inspection required by this paragraph, before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(l) Exception to the Compliance Time

Where Boeing Service Bulletin DC8–57–104, dated August 18, 2014, 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.

(m) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles 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 (n)(1) of this AD. Information may be emailed to *9-ANM-LAACO-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, Los Angeles 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) AMOCs approved for AD 2008–26–07, Amendment 39–15773 (73 FR 78946, December 24, 2008), are approved as AMOCs for the corresponding provisions of this AD.

(5) Except as required by paragraphs (j) and (k) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (m)(5)(i) and (m)(5)(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.

(n) Related Information

(1) For more information about this AD, contact Chandra Ramdoss, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; telephone: 562–627–5239; fax: 562–627–5210; email: *Chandraduth.Ramdos@faa.gov.*

(2) For service information identified in this AD, Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; 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 24, 2015.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–16154 Filed 7–1–15; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1112 and 1233

[Docket No. CPSC–2015–0016]

Safety Standard for Portable Hook-On Chairs

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Danny Keysar Child Product Safety Notification Act, section 104 of the Consumer Product Safety Improvement Act of 2008 (''CPSIA''), requires the United States Consumer Product Safety Commission (''Commission'' or ''CPSC'') to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. The Commission is proposing a safety standard for portable hook-on chairs (''hook-on chairs'') in response to the direction under section 104(b) of the CPSIA. In addition, the Commission is proposing an amendment to include an additional CFR part in the list of notice of requirements (''NORs'') issued by the Commission.

DATES: Submit comments by September 15, 2015.

ADDRESSES: Comments related to the Paperwork Reduction Act aspects of the marking, labeling, and instructional literature requirements of the proposed

mandatory standard for hook-on chairs should be directed to the Office of Information and Regulatory Affairs, the Office of Management and Budget, Attn: CPSC Desk Officer, FAX: 202–395–6974, or emailed to *oira_submission@omb.eop.gov.*

Other comments, identified by Docket No. CPSC–2015–0016, may be submitted electronically or in writing:

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

Written Submissions: Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this proposed rulemaking. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov,* and insert the docket number, CPSC–2015–0016, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Patricia L. Edwards, Project Manager, Directorate for Engineering Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: 301–987–2224; email: *pedwards@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

The CPSIA was enacted on August 14, 2008. Section 104(b) of the CPSIA, part of the Danny Keysar Child Product Safety Notification Act, requires the Commission to: (1) Examine and assess the effectiveness of voluntary consumer product safety standards for durable infant or toddler products, in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts; and (2) promulgate consumer product safety standards for durable infant and toddler products. Standards issued under section 104 are to be ''substantially the same as'' the applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product.

The term ''durable infant or toddler product'' is defined in section 104(f)(1) of the CPSIA as ''a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years.'' Section 104(f)(2)(C) of the CPSIA specifically identifies ''hook-on chairs'' as a durable infant or toddler product.

Pursuant to section 104(b)(1)(A) of the CPSIA, the Commission consulted with manufacturers, retailers, trade organizations, laboratories, consumer advocacy groups, consultants, and members of the public in the development of this notice of proposed rulemaking (''NPR''), largely through the ASTM process. The NPR is based on the most recent voluntary standard developed by ASTM International (formerly the American Society for Testing and Materials), ASTM F1235–15, *Standard Consumer Safety Specification for Portable Hook-On Chairs* (''ASTM F1235–15''), and contains no modifications to the ASTM standard.

The testing and certification requirements of section 14(a) of the Consumer Product Safety Act (''CPSA'') apply to the standards promulgated under section 104 of the CPSIA. Section 14(a)(3) of the CPSA requires the Commission to publish an NOR for the accreditation of third party conformity assessment bodies (test laboratories) to assess conformity with a children's product safety rule to which a children's product is subject. The proposed rule for hook-on chairs, if issued as a final rule, would be a children's product safety rule that requires the issuance of an NOR. To meet the requirement that the Commission issue an NOR for the hook-on chairs standard, this NPR also proposes to amend 16 CFR part 1112 to include 16 CFR part 1233, the CFR section where the hook-on chair standard will be codified, if the standard becomes final.

II. Product Description

A. Definition of ''Hook-On Chair''

The scope section of ASTM F1235–15 defines a ''portable hook-on chair'' as ''[u]sually a legless seat constructed to locate the occupant at a table in such a position and elevation so that the surface of the table can be used as the feeding surface for the occupant * * * [s]upported solely by the table on which it is mounted.'' The ASTM standard specifies the appropriate ages and weights for children using portable hook-on chairs as ''between the ages of six months and three years and who weigh no more than 37 lb (16.8 kg) (95th percentile male at three years).''

Typical hook-on chairs consist of fabric over a lightweight frame, with a device to mount the seat to a support surface, such as a table or counter. Some hook-on chairs fold for easy storage or transport, and some include a removable tray that can be used in conjunction with a table.

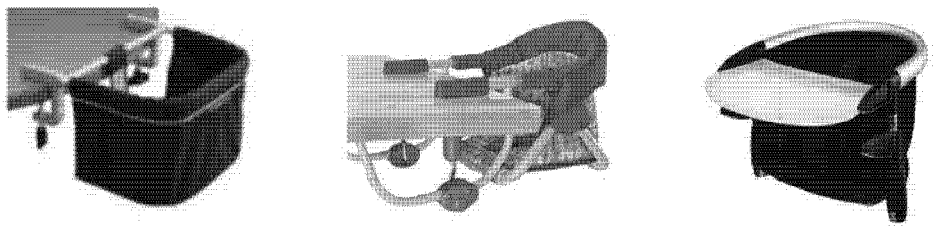

Figure 1. Examples of Hook-On Chairs

B. Market Description

CPSC staff has identified 10 firms supplying hook-on chairs to the U.S. market, typically priced at $40 to $80 each. These 10 firms specialize in the manufacture and/or distribution of durable nursery products and represent only a small segment of the juvenile products industry. Nine of the 10 known firms are domestic (including 3 manufacturers and 6 importers). The remaining firm is a foreign manufacturer. Hook-on chairs represent only a small proportion of each firm's overall product line; on average, each firm supplies one hook-on chair model to the U.S. market annually.

III. Incident Data

CPSC's Directorate for Epidemiology, Division of Hazard Analysis, is aware of a total of 89 portable hook-on chair-related incidents reported to the CPSC that occurred between January 1, 2000 and October 31, 2014. These reports include 50 incidents involving injury, 38 non-injury incidents, and one fatality. Thirty-one of the incident reports were received through the National Electronic Injury Surveillance System (''NEISS''). Only one of the injured children (age 5 months) was outside the ASTM recommended user age range of 6 months to 3 years. One injured adult is included among the 50 nonfatal injuries.

A. Fatalities

The only known fatality occurred in 2002 when a 12-month-old child slid down in his portable hook-on chair so that his head and neck became wedged between the seat and the table edge, and the child was strangled. No restraints were attached to the chair at the time of the incident.

B. Nonfatalities

No hospitalizations occurred among the 50 reported nonfatal injuries. Thirty-five of the incidents were classified as ''treated and released'' from hospital emergency rooms, and the remaining 15 incidents involved no medical treatment. The reported injuries included skull fractures, concussions, broken or fractured bones, and fingertips.

Five of the 50 nonfatal injuries involved head or neck entrapment. None of these entrapments resulted in death because in each instance the child was quickly released from the entrapment by the caregiver. Most of the injury cases involved some sort of fall, namely a hook-on chair falling from the counter or table to which it was attached, or a child falling from or slipping out of the hook-on chair.

C. Hazard Pattern Identification

CPSC staff reviewed all 89 reported incidents (1 fatality, 50 with injuries, and 38 without injuries) to identify hazard patterns associated with portable hook-on chairs. Subsequently, CPSC staff considered the hazard patterns when reviewing the adequacy of ASTM F1235.

Because the level of detail in the analyzed NEISS data is sufficient only for macro-level hazard assessment, staff first grouped NEISS injury data and non-NEISS data separately. Within NEISS injury data, staff grouped the incidents into three broad categories:

- Compromised attachment;
- child fall or slip out of the hook-on chair; and
- fall of unknown type.

For non-NEISS incidents, staff grouped the incidents into six broad categories:

- Compromised attachment;
- restraint or containment issues;
- unintended release of seat fabric fastenings;
- seat fabric separation due to breaking or tearing components;
- broken structural components; and
- other.

Staff then further classified the incidents within each category, as indicated in Table 1 below.

In order of frequency of incident reports within NEISS injury data and non-NEISS data, the hazard patterns are described below and summarized in Table 1:

1. NEISS Injury Incidents (31 Incidents)

Compromised Attachment (45%): Fourteen of the 31 incidents involved a hook-on chair falling from the table or counter to which it was attached. In these incidents, the attachment to the counter or table became compromised in some manner.

Child Fall or Slip from hook-on Chair (35%): Eleven of the 31 incidents involved a child falling or slipping out of the chair partially or completely. These incidents most likely involved issues with the restraints or other means of containment. However, given the limited information available, CPSC staff cannot be sure that the chairs remained securely attached to the table or that other product-related issues did not play a role. The only case in which the fall was determined to be partial rather than complete involved a child who was found hanging by his neck, caught in the chair.

Fall of Unknown Type (19%): Six of the 31 incidents involved falls of an unknown type. Although each of these cases appears to be related to some kind of fall affecting the child, the descriptions are not sufficiently clear to allow staff to determine the type of fall that occurred.

TABLE 1—SUSPECTED NEISS HAZARD PATTERNS ASSOCIATED WITH PORTABLE HOOK-ON CHAIRS

[Date of Treatment: January 1, 2000–October 2014]

Suspected hazard pattern	NEISS injury cases	
	Count	Percentage
Chair detached and fell with child	14	45
Child fell or slipped out of chair	11	35
Fall of unknown type	6	19
Total	31	100

Source: Consumer Product Safety Commission's NEISS epidemiological database.

Note: The percentages have been rounded to the nearest integer and may not add up exactly to 100 percent.

2. Non-NEISS Incidents (58 Incidents)

Compromised Attachment (53%): Thirty-one of the incidents involved scenarios where the security of the hook-on chair's attachment to the table was compromised in some way. In a majority of these cases (17 out of 31), the chair did not completely separate from the table, either because the chair remained partially secured to the table, or because a parent took action before the chair fully detached. In some of the incidents in which the chair partially detached, the seat may have rotated, swung, pitched, or otherwise deviated from its intended position. Four injury incidents are included among the 17 incidents in which the chair did not detach completely. The two most severe of these injuries involved crushed or severed fingertips caught between a part of the chair and the clamp that was still engaged with the table. Five injuries are included among the 14 incidents in which the chair fell completely from the table, including one broken collarbone. In total, attachment issues resulted in 9 injuries (47% of the 19 nonfatal injuries reported by non-NEISS sources).

Restraint or Containment Issues (19%): Eleven incidents involved chair restraints or other containment issues. These incidents include one fatality, five nonfatal injury incidents, and five non-injury incidents. The most common scenario among these incidents was children slipping and becoming entrapped by the neck in the leg well or between the table and the chair, as occurred in seven incidents (1 fatal, 3

injuries, and 3 non-injuries). In another incident, the child slipped partially, but was caught by the shoulder by waist straps. The remaining three incidents all involved the child getting up or out over the sides of the chair. In one such incident, the child was able to escape from his three-point harness and stand up in the chair before being removed entirely from the chair by his mother. In the other two incidents, the children got themselves up over the sides of the chair and fell out. Only one of the two was injured; a parent of the uninjured child was able to catch the child's legs, preventing impact with the floor.

Unintended Release of Seat Fabric Fastenings (10%): Six incidents involved the chair seat fabric separating from the chair due to the unintended release of snaps or Velcro straps. These chairs, assembled by consumers, relied on snaps (1 incident) or Velcro straps (5 incidents) to hold the seat fabric onto the attachment arms or chair frame. Unintended release of these fastenings allowed the seat fabric to deviate from its intended position and therefore not support the child as intended. Impacts with the supporting table were the cause of two of the injuries. The third injury resulted when the child started to fall, but his neck became caught against the restraints.

Seat Fabric Separation Due to Breaking or Tearing Components (5%): Three incidents involved issues with seat fabric separating from the chair, including one injury. The injury occurred when a child fell completely out of the chair after the fabric ripped at the seams.

Breaking Structural Components (10%): Six incidents involved broken chair components affecting the structural integrity of the chair. Four of the incidents involved locking pins reported to have separated from the chair; one of these locking pin incidents involved injury, which resulted from an adult scratching her knee on the sharp protrusion of a locking pin. Two other incidents were associated with a broken release mechanism and a broken chair base, respectively, neither resulting in injuries.

Other (2%): One incident involved a child creating enough motion to tip over a small pedestal table to which the parent had secured the chair.

TABLE 2—DISTRIBUTION OF NON-NEISS REPORTED PORTABLE HOOK-ON CHAIR INCIDENTS BY PRODUCT-RELATED ISSUES OR HAZARD PATTERNS

[Date of Incident: January 1, 2000–October 2014]

Product-related issues or hazard patterns	Total reports		Reported injuries		Reported deaths	
	Count	Percentage	Count	Percentage	Count	Percentage
Attachment to Table Compromised	31	53	9	47		
(chair did not fall from table)	*(17)*		*(4)*			
(chair fell from table)	*(14)*		*(5)*			
Restraints or Containment	11	19	5	26	1	100
(child slipped down, entrapping neck)	*(7)*		*(3)*		*(1)*	
(child slipped partially, but shoulder caught by waist straps)	*(1)*		*(1)*			
(child able to get up and possibly fall out of chair)	*(3)*		*(1)*			
Seat Fabric Separation Due to Unintended Release of Snaps or Straps	6	10	3	16		
(child slipped forward and head struck table after metal snaps opened)	*(1)*		*(1)*			
(child slipped and neck became trapped after Velcro opened)	*(1)*		*(1)*			
(child fell entirely out of chair after Velcro opened)	*(2)*		*(1)*			
(child remained seated despite Velcro opening)	*(2)*					
Seat Fabric Separation Due to Torn or Broken Components	3	5	1	5		
(child fell entirely out of chair after fabric seam ripped)	*(1)*		*(1)*			
(child remained seated despite broken clip or fabric)	*(2)*					
Miscellaneous Broken Components	6	10	1	5		
(locking pin)	*(4)*		*(1)*			
(release mechanism)	*(1)*					
(base of chair)	*(1)*					
Other	1	2	0	0		
(tip over of table hooked upon)	*(1)*					
Total	58	100	19	100	1	100

Source: Consumer Product Safety Commission's epidemiological databases CPSRMS, IPII, INDP, and DTHS.

Note: The percentages have been rounded to the nearest integer and shown for totals and subtotals only. Subtotals do not necessarily add to heading totals.

D. Product Recalls

Since January 1, 2000, two hook-on chair recalls occurred involving two different firms. The first recall was in June 2001, and involved Inglesina USA hook-on chairs. The product was recalled after one report of a child who fell from the chair because that model chair did not incorporate a seat belt. The recall involved 780 units.

The second recall was in August 2011, and involved phil&teds USA, Inc., ''metoo'' clip-on chairs. This recall involved multiple hazards. The first hazard was related to missing or worn clamp pads that allowed the chairs to detach from a variety of different table surfaces, posing a fall hazard. A second hazard occurred when the chair detached; children's fingers were able to be caught between the bar and clamping mechanism, posing an amputation hazard. In addition, user instructions for the chairs were inadequate, increasing the likelihood of consumer misuse. CPSC is aware of 19 reports of the chairs falling from different table surfaces, including five reports of injuries. Two of the five reports of injuries involved children's fingers being severely pinched, lacerated, crushed or amputated. The three other reports of injury involved bruising after a chair detached suddenly and the child fell with the chair, striking the table or floor.

IV. International Standards for Hook-On Chairs and the ASTM Voluntary Standard

CPSC is aware of one international standard, *EN1272–1998, Child Care Articles—Table Mounted Chairs—Safety Requirements and Test Methods,* which addresses hook-on chairs in a fashion similar to ASTM F1235–15. CPSC staff compared ASTM F1235–15 requirements that address chair-to-table attachments and restraints and containment features to the equivalent EN1272–1998 provisions. The EN1272–1998 standard has requirements for:

- Chemical and flammability material properties;
- General construction, such as small parts, sharp edges and openings;
- Structural integrity, including static and dynamic tests;
- Restraints; and
- Labeling.

Although there are differences between the two standards, based on this comparison CPSC believes ASTM F1235–15 to be a more stringent standard, which will more completely address the hazard patterns seen in CPSC incident data. For example, ASTM F1235–15 contains a number of requirements that do not have an equivalent in the European standard, including the seat and seat back disengagement test, the passive crotch restraint requirement, and the scissoring, shearing, and pinching disengagement test. Additionally, in instances where there is an equivalent requirement in the European standard (*e.g.,* static load test and chair pull/push test), ASTM requirements are as stringent as or more stringent than the comparable European standard requirement.

V. Voluntary Standard—ASTM F1235

A. History of ASTM F1235

The voluntary standard for hook-on chairs was first approved and published in 1989, as ASTM 1235–89, *Standard Consumer Safety Specification for Portable Hook-On Chairs.* ASTM has revised the voluntary standard seven times since then. The current version, ASTM F1235–15, was approved on May 1, 2015.

B. Description of the Current Voluntary Standard—ASTM F1235–15

ASTM F1235–15 was published in June 2015. Revisions include modified and new requirements developed by CPSC staff, in conjunction with stakeholders on the ASTM subcommittee task group, to address the hazards associated with hook-on chairs. ASTM F1235–15 includes the following key provisions: scope, terminology, general requirements, performance requirements, test methods, marking and labeling, and instructional literature.

Scope. This section states the scope of the standard, detailing what constitutes a hook-on chair. As stated in section II.A. of this preamble, the Scope section defines a hook-on chair to be ''[u]sually a legless seat constructed to locate the occupant at a table in such a position and elevation so that the surface of the table can be used as the feeding surface for the occupant . . . [s]upported solely by the table on which it is mounted.'' The Scope section further specifies the appropriate ages and weights for children using portable hook-on chairs as ''between the ages of six months and three years and who weigh no more than 37 lb (16.8 kg) (95th percentile male at three years).''

Terminology. This section provides definitions of terms specific to this standard.

General Requirements. This section addresses numerous hazards with several general requirements, most of which are also found in the other ASTM juvenile product standards. The following are the general requirements contained in this section:

- Sharp points;
- Small parts;
- Lead in paint;
- Wood parts;
- Latching and locking mechanisms;
- Scissoring, shearing, and pinching (including during detachment from table support surface);
- Exposed coil springs;
- Openings;
- Labeling; and
- Protective components.

Performance Requirements and Test Methods. These sections contain performance requirements specific to hook-on chairs, as well as test methods that must be used to assess conformity with such requirements. Below is a discussion of each.

- Chair Drop Test: The hook-on chair is dropped twice from a height of 36 inches on each of six different planes. The purpose of this performance requirement is to test that the hook-on chair does not exhibit any mechanical hazards (sharp points, sharp edges, or small parts) after a drop test has been performed.
- Static Load Test: The hook-on chair must support a weight of 100 pounds on both the maximum and minimum thickness test surfaces. The purpose of this performance requirement is to test that the hook-on chair is strong enough to support approximately three times the weight of a child expected to be in the seat.
- Seat and Seat Back Disengagement Test: The seat and seat back must remain fully attached to the frame of the chair when various forces are applied. The purpose of this performance requirement is to test that the seat and seat back are strong enough to withstand the forces they will be subject to during use.
- Chair Bounce Test: The chair must remain attached to the standard test surface and allow no movement greater than 1 in (25 mm) when a force is applied to the seat back and a weight is dropped onto the seat 50 times. The purpose of this test is to simulate a child bouncing up and down in the hook-on chair.
- Chair Pull/Push Test: A variety of forces and weights are used to verify that the hook-on chair does not detach from the test surface. The purpose of this test is to simulate a child's actions that might cause the chair to disengage from the table.
- Restraint System Performance Requirements and Tests: The standard requires that an active restraint system, such as a belt, be provided to secure a child in the seated position in each of the manufacturer-recommended use positions. In addition, the restraint system must include both a waist and a crotch restraint designed to require the crotch restraint to be used when the active restraint system is used. The restraint system must be attached to the chair before shipment so the system does not release during normal use. The purpose of this performance requirement is to test that the restraint system and its closing means do not break, separate, or permit removal of the occupant when various forces are applied.
- Openings and Passive Crotch Restraint System: This section requires the chair to be supplied with a passive crotch restraint. In addition, to prevent consumer mis-installation or non-installation, the standard requires the passive crotch restraint be installed on the product at the time of shipment. The leg openings must be tested, using a wedge block, to assess whether the passive crotch restraint is effective under the load. The hook-on chair is attached to a test surface and then the tapered end of the wedge block is inserted, and a 25 lb. (111 N) force is applied to the wedge block to push (or pull) the wedge block through the opening. The wedge block is modeled from the hip/torso dimensions of the youngest expected user. In addition to the leg openings, any side openings of the seat, and openings in front of the occupant (between the chair and the supporting table structure), are also

tested in a similar manner. To comply with the requirement, the wedge block must not pass completely through any opening. The purpose of these provisions is to reduce the likelihood of children getting injured or dying as a result of sliding through or becoming entrapped in an opening.

• Scissoring, Shearing, and Pinching Disengagement Test: This test is intended to reduce the likelihood of children becoming injured due to motion caused by the rotation of a hook-on chair when one side (clamp) detaches from the table. One recall was conducted in cooperation with the CPSC for this issue. The firm reported that two incidents resulted in a finger amputation of the occupant in the hook-on chair. In this test, the hook-on chair is partially attached to the minimum test surface with only one of the attachment-fastening devices firmly attached to the test surface; the other fastening device is left loose. A CAMI infant dummy is placed in the hook-on chair with the restraints fastened. A force is then applied to the chair/arm frame in line with the loose fastening device in a direction that results in the rotation of the product on a horizontal plane around the other (fully tightened) attachment point. When the loose attachment point is no longer supported by the test surface, the force is discontinued, and the product is allowed to rotate vertically downward from the test surface. Scissoring, shearing, or pinching that may result in injury is not permissible during the entire test, including when the chair is rotating downward.

Marking and Labeling. This section contains various requirements relating to warnings, labeling, and required markings for hook-on chairs. This section prescribes various substance, format, and prominence requirements for such information.

Instructional Literature. This sections requires that instructions be provided with hook-on chairs and be easy to read and understand. Additionally, the section contains requirements relating to instructional literature contents and format, as well as prominence of certain language.

VI. Assessment of the Voluntary Standard ASTM F1235–15

CPSC believes that the current voluntary standard, ASTM F1235–15, addresses the primary hazard patterns identified in the incident data. The following section discusses how each of the identified product-related issues or hazard patterns listed in section III.C. of this preamble is addressed by the current voluntary standard, ASTM F1235–15:

A. Chair's Attachment

CPSC is aware of 45 incidents in which the attachment of the hook-on chair to the table was compromised. ASTM F1235–15 contains two separate requirements with the intended purpose of reducing the likelihood of a hook-on chair becoming detached from its supporting surface: the chair bounce test and the chair pull/push test. Additionally, in response to CPSC staff's request, ASTM formed a task group to address hazards associated with partial detachment of a chair, which can result in scissoring or shearing hazards. CPSC staff worked with ASTM to develop performance requirements to address this hazard. Accordingly, the standard includes a requirement (first introduced in ASTM F1235–14a) to reduce injuries in the event that a hook-on chair partially detaches from the table support surface: the scissoring, shearing, and pinching test. CPSC believes these requirements adequately address this hazard pattern.

B. Restraint or Containment

CPSC is aware of 22 incidents involving or likely involving issues with the hook-on chair restraints or other means of containment. In these instances, children slipped and became entrapped by the neck, or children were able to stand up and fall out over the sides of the chair. The only known fatality in the incident data occurred when a child's head and neck became wedged between the seat and table edge. Similar non-fatal incidents were also reported. Additionally, CPSC received reports of children standing and then slipping and becoming trapped between the table and the hook-on chair.

In response to reported incidents, CPSC staff worked with an ASTM task group to create a provision that hook-on chairs must contain a passive crotch restraint—a ''component that separates the openings for the legs of the occupant into two separate bounded openings and requires no action on the part of the caregiver to use except to position one leg into each opening created by the component.'' Before the 2014 version of the standard, ASTM F1235 did not contain a passive crotch restraint requirement.

Additionally, CPSC's work with the ASTM task group led to a related leg openings performance requirement and test method. Consequently, the current standard contains an openings requirement and associated test methodologies that cover leg openings and side openings. This requirement also applies to completely bounded openings in front of the occupant, addressing entrapment between the leading edge of the chair and the supporting table surface.

ASTM F1235–15 requires that all hook-on chairs contain a crotch and waist belt restraint system. In addition, the restraint system undergoes testing to check that the system restrains the child as intended. The leg openings, openings around the side and in front of the seat, and the area between the chair and the supporting table are all tested to check that an occupant cannot slide through or become entrapped in the openings. CPSC believes these recent additions to the standard adequately address this hazard pattern.

C. Fabric- and Component-Related Incidents

CPSC is aware of 15 incidents in which seat fabric, seat fabric fasteners, or other chair components failed. ASTM F1235–15 includes three different performance tests to help address this hazard pattern: the chair drop test, the static load test, and the seat/seat back disengagement test. Additionally, warning and instructional literature improvements included in the last revision of the standard will help prevent snaps or Velcro from unintentionally detaching due to foreseeable misuse and abuse. CPSC believes that ASTM F1235–15 adequately addresses this hazard pattern.

D. Other

ASTM F1235–15 includes revised requirements for marking and labeling and instructional literature. These improvements are intended to help reduce incidents of misuse, such as attaching a hook-on chair to a table for which it was not intended. CPSC believes that the standard contains adequate and clear warnings related to known hazards associated with hook-on chairs.

VII. Proposed CPSC Standard for Hook-On Chairs

As explained in the previous section of this preamble, the Commission concludes that ASTM F1235–15 adequately addresses the hazards associated with hook-on chairs. Thus, the Commission proposes to incorporate by reference ASTM F1235–15 without any modifications.

VIII. Amendment to 16 CFR Part 1112 To Include NOR for Hook-On Chairs Standard

The CPSA establishes certain requirements for product certification

and testing. Products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard or regulation under any other act enforced by the Commission, must be certified as complying with all applicable CPSC-enforced requirements. 15 U.S.C. 2063(a). Certification of children's products subject to a children's product safety rule must be based on testing conducted by a CPSC-accepted third party conformity assessment body. *Id.* 2063(a)(2). The Commission must publish an NOR for the accreditation of third party conformity assessment bodies to assess conformity with a children's product safety rule to which a children's product is subject. *Id.* 2063(a)(3). Thus, the proposed rule for 16 CFR part 1233, *Safety Standard for Portable Hook-On Chairs,* if issued as a final rule, would be a children's product safety rule that requires the issuance of an NOR.

The Commission published a final rule, *Requirements Pertaining to Third Party Conformity Assessment Bodies,* 78 FR 15836 (March 12, 2013), codified at 16 CFR part 1112 (''part 1112'') and effective on June 10, 2013, which establishes requirements for accreditation of third party conformity assessment bodies to test for conformity with a children's product safety rule in accordance with section 14(a)(2) of the CPSA. Part 1112 also codifies all of the NORs issued previously by the Commission.

All new NORs for new children's product safety rules, such as the hook-on chair standard, require an amendment to part 1112. To meet the requirement that the Commission issue an NOR for the proposed hook-on chair standard, as part of this NPR, the Commission proposes to amend the existing rule that codifies the list of all NORs issued by the Commission to add hook-on chairs to the list of children's product safety rules for which the CPSC has issued an NOR.

Test laboratories applying for acceptance as a CPSC-accepted third party conformity assessment body to test to the new standard for hook-on chairs would be required to meet the third party conformity assessment body accreditation requirements in part 1112. When a laboratory meets the requirements as a CPSC-accepted third party conformity assessment body, the laboratory can apply to the CPSC to have 16 CFR part 1233, *Safety Standard for Portable Hook-On Chairs,* included in the laboratory's scope of accreditation of CPSC safety rules listed for the laboratory on the CPSC Web site at: *www.cpsc.gov/labsearch.*

IX. Incorporation by Reference

Section 1233.2(a) of the proposed rule incorporates by reference ASTM F1235–15. The Office of the Federal Register (''OFR'') has regulations concerning incorporation by reference. 1 CFR part 51. The OFR recently revised these regulations to require that, for a proposed rule, agencies must discuss in the preamble of the NPR ways that the materials the agency proposes to incorporate by reference are reasonably available to interested persons or how the agency worked to make the materials reasonably available. In addition, the preamble of the proposed rule must summarize the material. 1 CFR 51.5(a).

In accordance with the OFR's requirements, section V.B. of this preamble summarizes the provisions of ASTM F1235–15 that the Commission proposes to incorporate by reference. ASTM F1235–15 is copyrighted. By permission of ASTM, the standard can be viewed as a read-only document during the comment period on this NPR, at: *http://www.astm.org/cpsc.htm.* Interested persons may also purchase a copy of ASTM F1235–15 from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org/cpsc.htm.* One may also inspect a copy at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923.

X. Effective Date

The Administrative Procedure Act (''APA'') generally requires that the effective date of a rule be at least 30 days after publication of the final rule. 5 U.S.C. 553(d). The Commission is proposing an effective date of six months after publication of the final rule in the **Federal Register**. Without evidence to the contrary, CPSC generally considers six months to be sufficient time for suppliers to come into compliance with a new standard, and a six-month effective date is typical for other CPSIA section 104 rules. Six months is also the period that the Juvenile Products Manufacturers Association (''JPMA'') typically allows for products in the JPMA certification program to transition to a new standard once that standard is published.

We also propose a six-month effective date for the amendment to part 1112. We ask for comments on the proposed six-month effective date.

XI. Regulatory Flexibility Act

A. Introduction

The Regulatory Flexibility Act (''RFA'') requires that agencies review a proposed rule for the rule's potential economic impact on small entities, including small businesses. Section 603 of the RFA generally requires that agencies prepare an initial regulatory flexibility analysis (''IRFA'') and make the analysis available to the public for comment when the agency publishes an NPR. 5 U.S.C. 603. Section 605 of the RFA provides that an IRFA is not required if the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. As explained in this section, the Commission concludes that the standard for hook-on chairs, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b).

B. Market Description

The Commission has identified 10 firms supplying hook-on chairs to the U.S. market, typically priced at $40 to $80 each. These firms specialize in the manufacture and/or distribution of durable nursery products and represent only a small segment of the juvenile products industry. All but two of these firms are represented by the JPMA which, according to its Web site, represents 95 percent of the North American industry or about 250 companies. Nine of the 10 known firms are domestic (including 3 manufacturers and 6 importers). The remaining firm is a foreign manufacturer.

Hook-on chairs represent only a small proportion of each firm's overall product line; on average, each firm supplies one hook-on chair model to the U.S. market annually. This reflects hook-on chairs' relative lack of popularity when compared with substitute products such as high chairs and booster chairs. In 2013, the CPSC conducted a Durable Nursery Product Exposure Survey (''DNPES'') of U.S. households with children under age 6. Data from the DNPES indicate that there are an estimated 2.04 million hook-on chairs in U.S. households with children under the age of 6. The number of high chairs and booster chairs was each more than four times higher with an estimated 9.74 million and 8.91 million in U.S. households with children under age 6, respectively.

C. Impact of Proposed 16 CFR Part 1233 on Small Businesses

We are aware of approximately 10 firms currently marketing portable hook-on chairs in the United States, 9 of which are domestic firms. Under U.S. Small Business Administration (''SBA'') guidelines, a manufacturer of hook-on chairs is small if it has 500 or fewer employees, and importers and wholesalers are considered small if they have 100 or fewer employees. We limit our analysis to domestic firms because SBA guidelines and definitions pertain to U.S.-based entities. Based on these guidelines, six of the nine domestic suppliers are small—two domestic manufacturers and four domestic importers. Staff expects that the hook-on chairs of nine of the 10 firms are compliant with ASTM F1235 because they are either: (1) Certified by the JPMA (three firms); or (2) the supplier claims compliance with the voluntary standard (six firms). It is unknown at this time whether the hook-on chairs supplied by the remaining firm, the foreign manufacturer, comply with the ASTM voluntary standard.

The costs of compliance with the proposed standard, if any, are expected to be negligible for all known small firms, all of which have hook-on chairs compliant with the ASTM voluntary standard currently in effect for testing purposes (F1235–14). These firms are expected to remain compliant with the voluntary standard as it evolves, because they follow (and most of these firms actively participate in) the standard development process. Therefore, compliance with the voluntary standard is part of an established business practice. ASTM F1235–15, the version of the voluntary standard that the Commission proposes to adopt without modification as the mandatory hook-on chair standard, will be in effect for testing purposes by the time the mandatory standard becomes final. These firms are likely to be in compliance by the rule's effective date, based on their history.

Under section 14 of the CPSA, once the new hook-on chair requirements become effective, all manufacturers will be subject to the third party testing and certification requirements under the testing rule, *Testing and Labeling Pertaining to Product Certification* (16 CFR part 1107) (''1107 rule''). Importers will also be subject to these requirements if their supplying foreign firm(s) does not perform third party testing. Third party testing will include any physical and mechanical test requirements specified in the final hook-on chairs rule. Manufacturers and importers of hook-on chairs should already be conducting required lead or phthalates testing for hook-on chairs. Any costs associated with third party testing are in addition to the direct costs of meeting the hook-on chair standard.

Additional testing costs for manufacturers are expected to be small because all hook-on chairs in the U.S. market are currently tested to verify compliance with the ASTM standard, though not necessarily via third party. According to estimates from suppliers, testing to the ASTM voluntary standard typically costs about $600–$1,000 per model sample. Based on an examination of firm revenues from recent Dun & Bradstreet or ReferenceUSAGov reports, the impact of third party testing to ASTM F1235–15 is unlikely to be economically significant for small manufacturers (*i.e.,* testing costs will be less than 1 percent of gross revenue). Although it is unknown how many samples will be needed to meet the ''high degree of assurance'' criterion required in the 1107 rule, over 35 units per model would be required to make testing costs exceed one percent of gross revenue for the small manufacturer with the lowest gross revenue. Note that this calculation assumes the rule would generate *additional* testing costs in the $600–$1,000 per model sample range. Given that all firms are conducting some testing already, this likely overestimates the impact of the rule on testing costs.

Likewise, we expect the cost of third party testing to the proposed rule to be small for small importers. Again, all hook-on chairs are currently tested to verify compliance with the ASTM standard. Discussions with one importer indicate that this testing is currently conducted by their foreign supplier. Second, as with manufacturers, any costs would be limited to the incremental costs associated with third party testing over the current testing regime, to the extent there are any additional costs.

Both the costs of compliance and the incremental costs of testing due to the 1107 rule are not expected to be economically significant for manufacturers and importers of hook-on chairs. However, even if the costs were significant, the affected firms have diverse product lines, only a minor part consisting of hook-on chairs; an economically feasible option is to discontinue the product line and remain in business.

The analysis above shows that there are only a few small suppliers of hook-on chairs, and these few firms represent only a small segment of the juvenile products industry. Moreover, this product is only one of many in each firm's product line and is unlikely to be of particular importance to a firm's overall market plan. All of the hook-on chairs supplied by these firms comply with the voluntary standard and are expected to continue to do so. Consequently, the costs of compliance, if any, are expected to be negligible. Third party testing costs are expected to be very small and economically insignificant (*i.e.,* less than one percent of gross revenue for affected firms), given that all of the hook-on chairs supplied by these firms are already being tested to the ASTM voluntary standard. For these reasons, the Commission certifies that the proposed hook-on chair rule will not have a significant impact on a substantial number of small entities.

D. Impact of Proposed 16 CFR Part 1112 Amendment on Small Businesses

This proposed rule would also amend part 1112 to add hook-on chairs to the list of children's products for which the Commission has issued an NOR. As required by the RFA, staff conducted a Final Regulatory Flexibility Analysis (''FRFA'') when the Commission issued the part 1112 rule (78 FR 15836, 15855–58). Briefly, the FRFA concluded that the accreditation requirements would not have a significant adverse impact on a substantial number of small test laboratories because no requirements were imposed on test laboratories that did not intend to provide third party testing services. The only test laboratories that were expected to provide such services were those that anticipated receiving sufficient revenue from the mandated testing to justify accepting the requirements as a business decision. Moreover, a test laboratory would only choose to provide such services if it anticipated receiving revenues sufficient to cover the costs of the requirements.

Based on similar reasoning, amending 16 CFR part 1112 to include the NOR for the hook-on chairs standard will not have a significant adverse impact on small test laboratories. Moreover, based upon the number of test laboratories in the United States that have applied for CPSC acceptance of accreditation to test for conformance to other mandatory juvenile product standards, we expect that only a few test laboratories will seek CPSC acceptance of their accreditation to test for conformance with the hook-on chair standard. Most of these test laboratories will have already been accredited to test for conformity to other mandatory juvenile product standards, and the only costs to them would be the cost of adding the hook-on chairs standard to their scope

of accreditation. For these reasons, the Commission certifies that the NOR amending 16 CFR part 1112 to include the hook-on chairs standard will not have a significant impact on a substantial number of small entities.

XII. Environmental Considerations

The Commission's regulations address whether the agency is required to prepare an environmental assessment or an environmental impact statement. Under these regulations, a rule that has ''little or no potential for affecting the human environment,'' is categorically exempt from this requirement. 16 CFR 1021.5(c)(1). The proposed rule falls within the categorical exemption.

XIII. Paperwork Reduction Act

This proposed rule contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). In this document, pursuant to 44 U.S.C. 3507(a)(1)(D), we set forth:

- A title for the collection of information;
- a summary of the collection of information;
- a brief description of the need for the information and the proposed use of the information;
- a description of the likely respondents and proposed frequency of response to the collection of information;
- an estimate of the burden that shall result from the collection of information; and
- notice that comments may be submitted to the OMB.

Title: Safety Standard for Portable Hook-On Chairs

Description: The proposed rule would require each hook-on chair to comply with ASTM F1235–15, *Standard Consumer Safety Specification for Portable Hook-On Chairs.* Sections 8 and 9 of ASTM F1235–15 contain requirements for marking, labeling, and instructional literature. These requirements fall within the definition of ''collection of information,'' as defined in 44 U.S.C. 3502(3).

Description of Respondents: Persons who manufacture or import hook-on chairs.

Estimated Burden: We estimate the burden of this collection of information as follows:

TABLE 3—ESTIMATED ANNUAL REPORTING BURDEN

16 CFR section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
1233.2(a)	10	1	10	1	10

Our estimate is based on the following:

Section 8.1 of ASTM F1235–15 requires that the name and the place of business (city, state, and mailing address, including zip code) or telephone number of the manufacturer, distributor, or seller be marked clearly and legibly on each product and its retail package. Section 8.2 of ASTM F1235–15 requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture.

Ten known entities supply hook-on chairs to the U.S. market may need to make some modifications to their existing labels. We estimate that the time required to make these modifications is about 1 hour per model. Based on an evaluation of supplier product lines, each entity supplies an average of one model of hook-on chairs;[1] therefore, the estimated burden associated with labels is 1 hour per model × 10 entities × 1 models per entity = 10 hours. We estimate the hourly compensation for the time required to create and update labels is $30.09 (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' Dec. 2014, Table 9, total compensation for all sales and office workers in goods-producing private industries: *http://www.bls.gov/ncs/*). Therefore, the estimated annual cost to industry associated with the labeling requirements is $300.90 ($30.09 per hour × 10 hours = $300.90). No operating, maintenance, or capital costs are associated with the collection.

Section 9.1 of ASTM F1235–15 requires instructions to be supplied with the product. Hook-on chairs are complicated products that generally require use and assembly instructions. Under the OMB's regulations (5 CFR 1320.3(b)(2)), the time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the ''normal course of their activities'' are excluded from a burden estimate, where an agency demonstrates that the disclosure activities required to comply are ''usual and customary.'' We are unaware of hook-on chairs that generally require use instructions but lack such instructions. Therefore, we tentatively estimate that no burden hours are associated with section 9.1 of ASTM F1235–15, because any burden associated with supplying instructions with hook-on chairs would be ''usual and customary'' and not within the definition of ''burden'' under the OMB's regulations.

Based on this analysis, the proposed standard for hook-on chairs would impose a burden to industry of 10 hours at a cost of $313.20 annually.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted the information collection requirements of this rule to the OMB for review. Interested persons are requested to submit comments regarding information collection by August 3, 2015, to the Office of Information and Regulatory Affairs, OMB (see the **ADDRESSES** section at the beginning of this notice).

Pursuant to 44 U.S.C. 3506(c)(2)(A), we invite comments on:

- Whether the collection of information is necessary for the proper performance of the CPSC's functions, including whether the information will have practical utility;
- the accuracy of the CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- ways to enhance the quality, utility, and clarity of the information to be collected;
- ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and
- the estimated burden hours associated with label modification, including any alternative estimates.

XIV. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that when a consumer product safety standard is in effect and

[1] This number was derived during the market research phase of the initial regulatory flexibility analysis by dividing the total number of hook-on chairs supplied by all hook-on chair suppliers by the total number of hook-on chair suppliers.

applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA refers to the rules to be issued under that section as ''consumer product safety rules.'' Therefore, the preemption provision of section 26(a) of the CPSA would apply to a rule issued under section 104.

XV. Request for Comments

This NPR begins a rulemaking proceeding under section 104(b) of the CPSIA to issue a consumer product safety standard for hook-on chairs, and to amend part 1112 to add hook-on chairs to the list of children's product safety rules for which the CPSC has issued an NOR. We invite all interested persons to submit comments on any aspect of the proposed mandatory safety standard for hook-on chairs and on the proposed amendment to part 1112. Specifically, the Commission requests comments on the costs of compliance with, and testing to, the proposed hook-on chair safety standard, the proposed six-month effective date for the new mandatory hook-on chair safety standard, and the proposed amendment to part 1112. During the comment period, the ASTM F1235–15, Standard Consumer Safety Specification for Portable Hook-On Chairs, is available as a read-only document at: *http://www.astm.org/cpsc.htm.*

Comments should be submitted in accordance with the instructions in the **ADDRESSES** section at the beginning of this notice.

List of Subjects

16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Reporting and recordkeeping requirements, Third party conformity assessment body.

16 CFR Part 1233

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, and Toys.

For the reasons discussed in the preamble, the Commission proposes to amend Title 16 of the Code of Federal Regulations as follows:

PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

■ 1. The authority citation for part 1112 continues to read as follows:

Authority: 15 U.S.C. 2063; Pub. L. 110–314, section 3, 122 Stat. 3016, 3017 (2008).

■ 2. Amend § 1112.15 by adding paragraph (b)(40) to read as follows:

§ 1112.15 When can a third party conformity assessment body apply for CPSC acceptance for a particular CPSC rule and/or test method?

* * * * *

(b) * * *

(40) 16 CFR part 1233, Safety Standard for Portable Hook-On Chairs.

* * * * *

■ 3. Add part 1233 to read as follows:

PART 1233—SAFETY STANDARD FOR PORTABLE HOOK–ON CHAIRS

Sec.
1233.1 Scope.
1233.2 Requirements for portable hook-on chairs.

Authority: The Consumer Product Safety Improvement Act of 2008, Pub. L. 110–314, § 104, 122 Stat. 3016 (August 14, 2008); Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

§ 1233.1 Scope.

This part establishes a consumer product safety standard for portable hook-on chairs.

§ 1233.2 Requirements for portable hook-on chairs.

Each portable hook-on chair must comply with all applicable provisions of ASTM F1235–15, Standard Consumer Safety Specification for Portable Hook-On Chairs, approved on May 1, 2015. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org/cpsc.htm.* You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal regulations/ibr_locations.html.*

Dated: June 29, 2015.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2015–16330 Filed 7–1–15; 8:45 am]

BILLING CODE 6355–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 275 and 279

[Release No. IA–4091; File No. S7–09–15]

RIN 3235–AL75

Amendments to Form ADV and Investment Advisers Act Rules

Correction

In proposed rule document 2015–12778, appearing on pages 33718–33838 in the issue of Friday, June 12, 2015, make the following corrections:

On page 33728, in the third column, below the last line, the text for footnote 92 should appear as follows:

''[92] The proposed definition of Legal Entity Identifier is: A ''legal entity identifier'' assigned or recognized by the Global LEI Regulatory Oversight Committee (ROC) or the Global LEI Foundation (GLEIF). See Proposed Form ADV: Glossary. In Item 1, we propose removing outdated text referring to the ''legal entity identifier'' as being ''in development'' in the first half of 2011.''

On pages 33745–33838, the forms should appear as follows:

BILLING CODE 1505–01–D

APPENDIX A

FORM ADV (Paper Version)

- **UNIFORM APPLICATION FOR INVESTMENT ADVISER REGISTRATION AND**
- **REPORT FORM BY EXEMPT REPORTING ADVISERS**

Form ADV: General Instructions

Read these instructions carefully before filing Form ADV. Failure to follow these instructions, properly complete the form, or pay all required fees may result in your application or report being delayed or rejected.

In these instructions and in Form ADV, "you" means the investment adviser (i.e., the advisory firm). If you are a "separately identifiable department or division" (SID) of a bank, "you" means the SID, rather than your bank, unless the instructions or the form provide otherwise. If you are a *private fund* adviser filing an *umbrella registration*, "you" means the *filing adviser* and each *relying adviser*, unless the instructions or the form provide otherwise. The information in Items 1, 2, 3 and 10 (including corresponding schedules) should be provided for the *filing adviser* only. Terms that appear in *italics* are defined in the Glossary of Terms to Form ADV.

1. Where can I get more information on Form ADV, electronic filing, and the IARD?

The SEC provides information about its rules and the Advisers Act on its website: <http://www.sec.gov/iard>.

NASAA provides information about state investment adviser laws and state rules, and how to contact a *state securities authority*, on its website: <http://www.nasaa.org>.

FINRA provides information about the IARD and electronic filing on the IARD website: <http://www.iard.com>.

2. What is Form ADV used for?

Investment advisers use Form ADV to:

- Register with the Securities and Exchange Commission
- Register with one or more *state securities authorities*
- Amend those registrations;

- Report to the SEC as an *exempt reporting adviser*
- Report to one or more *state securities authorities* as an *exempt reporting adviser*
- Amend those reports; and
- Submit a final report as an *exempt reporting adviser*

3. How is Form ADV organized?

Form ADV contains four parts:

- Part 1A asks a number of questions about you, your business practices, the *persons* who own and *control* you, and the *persons* who provide investment advice on your behalf.
  - All advisers registering with the SEC or any of the *state securities authorities* must complete Part 1A.
  - *Exempt reporting advisers* (that are not also registering with any *state securities authority*) must complete only the following Items of Part 1A: 1, 2, 3, 6, 7, 10, and 11, as well as corresponding schedules. *Exempt reporting advisers* that are registering with any *state securities authority* must complete all of Form ADV.

  Part 1A also contains several supplemental schedules. The items of Part 1A let you know which schedules you must complete.

  - Schedule A asks for information about your direct owners and executive officers.
  - Schedule B asks for information about your indirect owners.
  - Schedule C is used by paper filers to update the information required by Schedules A and B (see Instruction 18).
  - Schedule D asks for additional information for certain items in Part 1A.
  - Schedule R asks for additional information about *relying advisers*.
  - Disclosure Reporting Pages (or DRPs) are schedules that ask for details about disciplinary events involving you or your *advisory affiliates*.

- Part 1B asks additional questions required by *state securities authorities*. Part 1B contains three additional DRPs. If you are applying for SEC registration or are registered only with the SEC, you do not have to complete Part 1B. (If you are filing electronically and you do not have to complete Part 1B, you will not see Part 1B.)

- Part 2A requires advisers to create narrative *brochures* containing information about the advisory firm. The requirements in Part 2A apply to all investment advisers registered with or applying for registration with the SEC, but do not apply to *exempt reporting advisers*.

- Part 2B requires advisers to create *brochure supplements* containing information about certain *supervised persons*. The requirements in Part 2B apply to all investment advisers registered with or applying for registration with the SEC, but do not apply to *exempt reporting advisers*.

4. When am I required to update my Form ADV?

- <u>SEC- and State-Registered Advisers</u>:

  - <u>Annual updating amendments</u>: You must amend your Form ADV each year by filing an *annual updating amendment* within 90 days after the end of your fiscal

year. When you submit your *annual updating amendment*, you must update your responses to all items, including corresponding sections of Schedules A, B, C, and D and all sections of Schedule R for each *relying adviser*. You must submit your summary of material changes required by Item 2 of Part 2A either in the *brochure* (cover page or the page immediately thereafter) or as an exhibit to your *brochure*.

- Other-than-annual amendments: In addition to your *annual updating amendment*, if you are registered with the SEC or a *state securities authority*, you must amend your Form ADV, including corresponding sections of Schedules A, B, C, D and R, by filing additional amendments (other-than-annual amendments) promptly if:
  - you are adding or removing a *relying adviser* as part of your *umbrella registration*
  - information you provided in response to Items 1 (except 1.O), 3, 9 (except 9.A.(2), 9.B.(2), 9.E., and 9.F.), or 11 of Part 1A or Items 1, 2.A. through 2.F., or 2.I. of Part 1B or Sections 1 or 3 of Schedule R becomes inaccurate in any way;
  - information you provided in response to Items 4, 8, or 10 of Part 1A, or Item 2.G. of Part 1B, or Section 10 of Schedule R becomes materially inaccurate; or
  - information you provided in your *brochure* becomes materially inaccurate (see note below for exceptions)

Notes: Part 1: If you are submitting an other-than-annual amendment, you are not required to update your responses to Items 2, 5, 6, 7, 9.A.(2), 9.B.(2), 9.E., 9.F., or 12 of Part 1A, Items 2.H. or 2.J. of Part 1B, or Section 2 of Schedule R even if your responses to those items have become inaccurate.

Part 2: You must amend your *brochure supplements* (see Form ADV, Part 2B) promptly if any information in them becomes materially inaccurate. If you are submitting an other-than-annual amendment to your *brochure*, you are not required to update your summary of material changes as required by Item 2. You are not required to update your *brochure* between annual amendments solely because the amount of *client* assets you manage has changed or because your fee schedule has changed. However, if you are updating your *brochure* for a separate reason in between annual amendments, and the amount of *client* assets you manage listed in response to Item 4.E or your fee schedule listed in response to Item 5.A has become materially inaccurate, you should update that item(s) as part of the interim amendment.

- If you are an SEC-registered adviser, you are required to file your *brochure* amendments electronically through IARD. You are not required to file amendments to your *brochure supplements* with the SEC, but you must maintain a copy of them in your files.

- If you are a state-registered adviser, you are required to file your *brochure* amendments and *brochure supplement* amendments with the appropriate *state securities authorities* through IARD.

- *Exempt reporting advisers*:

  - Annual Updating Amendments: You must amend your Form ADV each year by filing an *annual updating amendment* within 90 days after the end of your fiscal year. When you submit your *annual updating amendment*, you must update your responses to all required items, including corresponding sections of Schedules A, B, C and D.

  - Other-than-Annual Amendments: In addition to your *annual updating amendment*, you must amend your Form ADV by filing additional amendments (other-than-annual amendments) promptly if:

    - information you provided in response to Items 1, 3, or 11 becomes inaccurate in any way; or
    - information you provided in response to Item 10 becomes materially inaccurate.

Failure to update your Form ADV, as required by this instruction, is a violation of SEC rules or similar state rules and could lead to your registration being revoked.

5. What is SEC *umbrella registration* and how can I satisfy the requirements of filing an *umbrella registration*?

An *umbrella registration* is a single registration by a *filing adviser* and one or more *relying advisers* who advise only *private funds* and certain separately managed account *clients* that are *qualified clients* and collectively conduct a single advisory business. Absent other facts suggesting that the *filing adviser* and *relying adviser(s)* conduct different businesses, *umbrella registration* is available under the following circumstances:

i. The *filing adviser* and each *relying adviser* advise only *private funds* and *clients* in separately managed accounts that are *qualified clients* and are otherwise eligible to invest in the *private funds* advised by the *filing adviser* or a *relying adviser* and whose accounts pursue investment objectives and strategies that are substantially similar or otherwise related to those *private funds*.

ii. The *filing adviser* has its *principal office and place of business* in the United States and, therefore, all of the substantive provisions of the Advisers Act and the rules thereunder apply to the *filing adviser's* and each *relying adviser's* dealings with each of its *clients*, regardless of whether any *client* or the *filing adviser* or *relying adviser* providing the advice is a *United States person*.

iii. Each *relying adviser*, its *employees* and the *persons* acting on its behalf are subject to the *filing adviser's* supervision and *control* and, therefore, each *relying adviser*, its *employees* and the *persons* acting on its behalf are "persons associated with" the *filing adviser* (as defined in section 202(a)(17) of the Advisers Act).

iv. The advisory activities of each *relying adviser* are subject to the Advisers Act and the rules thereunder, and each *relying adviser* is subject to examination by the SEC.

v. The *filing adviser* and each *relying adviser* operate under a single code of ethics adopted in accordance with SEC rule 204A-1 and a single set of written policies and procedures adopted and implemented in accordance with SEC rule 206(4)-(7) and administered by a single chief compliance officer in accordance with that rule.

To satisfy the requirements of Form ADV while using *umbrella registration* the *filing adviser* must sign, file, and update as required, a single Form ADV (Parts 1 and 2) that relates to, and includes all information concerning, the *filing adviser* and each *relying adviser* (e.g., disciplinary information and ownership information), and must include this same information in any other reports or filings it must make under the Advisers Act or the rules thereunder (e.g., Form PF). The *filing adviser* and each *relying adviser* must not be prohibited from registering with the SEC by section 203A of the Advisers Act (i.e. the *filing adviser* and each *relying adviser* must individually qualify for SEC registration).

Unless otherwise specified, references to "you" in Form ADV refer to both the *filing adviser* and each *relying adviser*. The information in Items 1, 2, 3 and 10 (including corresponding schedules) should be provided for the *filing adviser* only. A separate Schedule R should be completed for each *relying adviser*. References to "you" in Schedule R refer to the *relying adviser* only.

A *filing adviser* applying for registration with the SEC should complete a Schedule R for each *relying adviser*. If you are a *filing adviser* registered with the SEC and would like to add or delete *relying advisers* from an *umbrella registration, you* should file an other-than-annual amendment and add or delete Schedule Rs as needed.

Note: *Umbrella registration* is not available to *exempt reporting advisers*.

6. Where do I sign my Form ADV application or amendment?

You must sign the appropriate Execution Page. There are three Execution Pages at the end of the form. Your initial application, your initial report (in the case of an *exempt reporting adviser*), and all amendments to Form ADV must include at least one Execution Page.

- If you are applying for or are amending your SEC registration, or if you are reporting as an *exempt reporting adviser* or amending your report, you must sign and submit either a:
    - Domestic Investment Adviser Execution Page, if you (the advisory firm) are a resident of the United States; or

  - *Non-Resident* Investment Adviser Execution Page, if you (the advisory firm) are not a resident of the United States.

- If you are applying for or are amending your registration with a *state securities authority*, you must sign and submit the State-Registered Investment Adviser Execution Page.

7. Who must sign my Form ADV or amendment?

The individual who signs the form depends upon your form of organization:

- For a sole proprietorship, the sole proprietor.
- For a partnership, a general partner.
- For a corporation, an authorized principal officer.
- For a "separately identifiable department or division" (SID) of a bank, a principal officer of your bank who is directly engaged in the management, direction, or supervision of your investment advisory activities.
- For all others, an authorized individual who participates in managing or directing your affairs.

The signature does not have to be notarized, and in the case of an electronic filing, should be a typed name.

8. How do I file my Form ADV?

Complete Form ADV electronically using the Investment Adviser Registration Depository (IARD) if:

- You are filing with the SEC (and submitting *notice filings* to any of the *state securities authorities*), or

- You are filing with a *state securities authority* that requires or permits advisers to submit Form ADV through the IARD.

  Note: SEC rules require advisers that are registered or applying for registration with the SEC, or that are reporting to the SEC as an *exempt reporting adviser*, to file electronically through the IARD system. See SEC rules 203-1 and 204-4.

To file electronically, go to the IARD website (<www.iard.com>), which contains detailed instructions for advisers to follow when filing through the IARD.

Complete Form ADV (Paper Version) on paper if:

- You are filing with the SEC or a *state securities authority* that requires electronic filing, but you have been granted a continuing hardship exemption. Hardship exemptions are described in Instruction 17.

- You are filing with a *state securities authority* that permits (but does not require) electronic filing and you do not file electronically.

9. How do I get started filing electronically?

First, obtain a copy of the IARD Entitlement Package from the following website: <http://www.iard.com/GetStarted.asp>. Second, request access to the IARD system for your firm by completing and submitting the IARD Entitlement Package. The IARD Entitlement Package must be submitted on paper. Mail the forms to: FINRA Entitlement Group, P.O. Box 9495, Gaithersburg, MD 20898-9495.

When FINRA receives your Entitlement Package, they will assign a *CRD* number (identification number for your firm) and a user I.D. code and password (identification number and system password for the individual(s) who will submit Form ADV filings for your firm). Your firm may request an I.D. code and password for more than one individual. FINRA also will create a financial account for you from which the IARD will deduct filing fees and any state fees you are required to pay. If you already have a *CRD* account with FINRA, it will also serve as your IARD account; a separate account will not be established.

Once you receive your *CRD* number, user I.D. code and password, and you have funded your account, you are ready to file electronically.

Questions regarding the Entitlement Process should be addressed to FINRA at 240.386.4848.

10. If I am applying for registration with the SEC, or amending my SEC registration, how do I make *notice filings* with the *state securities authorities*?

If you are applying for registration with the SEC or are amending your SEC registration, one or more *state securities authorities* may require you to provide them with copies of your SEC filings. We call these filings "*notice filings*." Your *notice filings* will be sent electronically to the states that you check on Item 2.C. of Part 1A. The *state securities authorities* to which you send *notice filings* may charge fees, which will be deducted from the account you establish with FINRA. To determine which *state securities authorities* require SEC-registered advisers to submit *notice filings* and to pay fees, consult the relevant state investment adviser law or *state securities authority*. See General Instruction 1.

If you are granted a continuing hardship exemption to file Form ADV on paper, FINRA will enter your filing into the IARD and your *notice filings* will be sent electronically to the *state securities authorities* that you check on Item 2.C. of Part 1A.

11. I am registered with a state. When must I switch to SEC registration?

If at the time of your *annual updating amendment* you meet at least one of the requirements for SEC registration in Item 2.A.(1) to (12) of Part 1A, you must apply for registration with the SEC within 90 days after you file the *annual updating amendment*. Once you register with the

SEC, you are subject to SEC regulation, regardless of whether you remain registered with one or more states. See SEC rule 203A-1(b)(2). Each of your *investment adviser representatives*, however, may be subject to registration in those states in which the representative has a place of business. See Advisers Act section 203A(b)(1); SEC rule 203A-3(a). For additional information, consult the investment adviser laws or the *state securities authority* for the particular state in which you are "doing business." See General Instruction 1.

12. I am registered with the SEC. When must I switch to registration with a *state securities authority*?

If you check box 13 in Item 2.A. of Part 1A to report on your *annual updating amendment* that you are no longer eligible to register with the SEC, you must withdraw from SEC registration within 180 days after the end of your fiscal year by filing Form ADV-W. See SEC rule 203A-1(b)(2). You should consult state law or the *state securities authority* for the states in which you are "doing business" to determine if you are required to register in these states. See General Instruction 1. Until you file your Form ADV-W with the SEC, you will remain subject to SEC regulation, and you also will be subject to regulation in any states where you register. See SEC rule 203A-1(b)(2).

13. I am an *exempt reporting adviser*. When must I submit my first report on Form ADV?

- All *exempt reporting advisers*:
  You must submit your initial Form ADV filing within 60 days of relying on the exemption from registration under either section 203(l) of the Advisers Act as an adviser solely to one or more venture capital funds or section 203(m) of the Advisers Act because you act solely as an adviser to *private funds* and have assets under management in the United States of less than $150 million.

- Additional instruction for advisers switching from being registered to being *exempt reporting advisers*:
  If you are currently registered as an investment adviser (or have an application for registration pending) with the SEC or with a *state securities authority*, you must file a Form ADV-W to withdraw from registration in the jurisdictions where you are switching. You must submit the Form ADV-W before submitting your first report as an *exempt reporting adviser*.

14. I am an *exempt reporting adviser*. Is it possible that I might be required to also register with or submit a report to a *state securities authority*?

Yes, you may be required to register with or submit a report to one or more *state securities authorities*. If you are required to register with one or more *state securities authorities*, you must complete all of Form ADV. See General Instruction 3. If you are required to submit a report to one or more *state securities authorities*, check the box(es) in Item 2.C. of Part 1A next to the state(s) you would like to receive the report. Each of your *investment adviser representatives* may also be subject to registration requirements. For additional information

about the requirements that may apply to you, consult the investment adviser laws or the *state securities authority* for the particular state in which you are "doing business." See General Instruction 1.

15. What do I do if I no longer meet the definition of an "*exempt reporting adviser*"?

- Advisers Switching to SEC Registration:
  - You may no longer be an *exempt reporting adviser* and may be required to register with the SEC if you wish to continue doing business as an investment adviser. For example, you may be relying on section 203(l) and wish to accept a *client* that is not a venture capital fund as defined in SEC rule 203(l)-1, or you may have been relying on SEC rule 203(m)-1 and reported in Section 2.B. of Schedule D to your *annual updating amendment* that you have *private fund* assets of $150 million or more.
    - If you are relying on section 203(l), unless you qualify for another exemption, you would violate the Advisers Act's registration requirement if you accept a *client* that is not a venture capital fund as defined in SEC rule 203(l)-1 before the SEC approves your application for registration. You must submit your final report as an *exempt reporting adviser* and apply for SEC registration in the same filing.
    - If you were relying on SEC rule 203(m)-1 and you reported in Section 2.B. of Schedule D to your *annual updating amendment* that you have *private fund* assets of $150 million or more, you must register with the SEC unless you qualify for another exemption. If you have complied with all SEC reporting requirements applicable to an *exempt reporting adviser* as such, you have up to 90 days after filing your *annual updating amendment* to apply for SEC registration, and you may continue doing business as a *private fund* adviser during this time. You must submit your final report as an *exempt reporting adviser* and apply for SEC registration in the same filing. Unless you qualify for another exemption, you would violate the Advisers Act's registration requirement if you accept a *client* that is not a *private fund* during this transition period before the SEC approves your application for registration, and you must comply with all SEC reporting requirements applicable to an *exempt reporting adviser* as such during this 90-day transition period. If you have not complied with all SEC reporting requirements applicable to an *exempt reporting adviser* as such, this 90-day transition period is not available to you. Therefore, if the transition period is not available to you, and you do not qualify for another exemption, your application for registration must be approved by the SEC before you meet or exceed SEC rule 203(m)-1's $150 million asset threshold.

- You will be deemed in compliance with the Form ADV filing and reporting requirements until the SEC approves or denies your application. If your application is approved, you will be able to continue business as a registered adviser.

- If you register with the SEC, you may be subject to state *notice filing* requirements. To determine these requirements, consult the investment adviser laws or the *state securities authority* for the particular state in which you are "doing business." See General Instruction 1.

Note: If you are relying on SEC rule 203(m)-1 and you accept a *client* that is not a *private fund*, you will lose the exemption provided by SEC rule 203(m)-1 immediately. To avoid this result, you should apply for SEC registration in advance so that the SEC has approved your registration before you accept a *client* that is not a *private fund*.

The 90-day transition period described above also applies to investment advisers with their *principal offices and places of business* outside of the United States with respect to their *clients* who are *United States persons* (e.g., the adviser would not be eligible for the 90-day transition period if it accepted a *client* that is a *United States person* and is not a *private fund*).

- Advisers Not Switching to SEC Registration:

  - You may no longer be an *exempt reporting adviser* but may not be required to register with the SEC or may be prohibited from doing so. For example, you may cease to do business as an investment adviser, become eligible for an exemption that does not require reporting, or be ineligible for SEC registration. In this case, you must submit a final report as an *exempt reporting adviser* to update only Item 1 of Part 1A of Form ADV.

  - You may be subject to state registration requirements. To determine these requirements, consult the investment adviser laws or the *state securities authority* for the particular state in which you are "doing business." See General Instruction 1.

16. Are there filing fees?

Yes. These fees go to support and maintain the IARD. The IARD filing fees are in addition to any registration or other fee that may be required by state law. You must pay an IARD filing fee for your initial application, your initial report, and each *annual updating amendment*. There is no filing fee for an other-than-annual amendment, a final report as an *exempt reporting adviser*, or Form ADV-W. The IARD filing fee schedule is published at <http://www.sec.gov/iard>; <http://www.nasaa.org>; and <http://www.iard.com>.

If you are submitting a paper filing under a continuing hardship exemption (see Instruction 17), you are required to pay an additional fee. The amount of the additional fee depends on whether you are filing Form ADV or Form ADV-W. (There is no additional fee for filings

made on Form ADV-W.) The hardship filing fee schedule is available by contacting FINRA at 240.386.4848.

17. What if I am not able to file electronically?

If you are required to file electronically but cannot do so, you may be eligible for one of two types of hardship exemptions from the electronic filing requirements.

- A **temporary hardship exemption** is available if you file electronically, but you encounter unexpected difficulties that prevent you from making a timely filing with the IARD, such as a computer malfunction or electrical outage. This exemption does not permit you to file on paper; instead, it extends the deadline for an electronic filing for seven business days. See SEC rules 203-3(a) and 204-4(e).

- A **continuing hardship exemption** may be granted if you are a small business and you can demonstrate that filing electronically would impose an undue hardship. You are a small business, and may be eligible for a continuing hardship exemption, if you are required to answer Item 12 of Part 1A (because you have assets under management of less than $25 million) and you are able to respond "no" to each question in Item 12. See SEC rule 0-7.

  If you have been granted a continuing hardship exemption, you must complete and submit the paper version of Form ADV to FINRA. FINRA will enter your responses into the IARD. As discussed in General Instruction 16, FINRA will charge you a fee to reimburse it for the expense of data entry.

18. I am eligible to file on paper. How do I make a paper filing?

When filing on paper, you must:

- Type all of your responses.
- Include your name (the same name you provide in response to Item 1.A. of Part 1A) and the date on every page.
- If you are amending your Form ADV:
  - complete page 1 and circle the number of any item for which you are changing your response.
  - include your SEC 801-number (if you have one), or your 802-number (if you have one), and your *CRD* number (if you have one) on every page.
  - complete the amended item in full and circle the number of the item for which you are changing your response.
  - to amend Schedule A or Schedule B, complete and submit Schedule C.

Where you submit your paper filing depends on why you are eligible to file on paper:

- If you are filing on paper because you have been granted a continuing hardship exemption, submit one manually signed Form ADV and one copy to: IARD Document Processing, FINRA, P.O. Box 9495, Gaithersburg, MD 20898-9495.

  If you complete Form ADV on paper and submit it to FINRA but you do not have a continuing hardship exemption, the submission will be returned to you.

- If you are filing on paper because a state in which you are registered or in which you are applying for registration allows you to submit paper instead of electronic filings, submit one manually signed Form ADV and one copy to the appropriate *state securities authorities*.

19. Who is required to file Form ADV-NR?

Every *non-resident* general partner and *managing agent* of all SEC-registered advisers and *exempt reporting advisers*, whether or not the adviser is resident in the United States, must file Form ADV-NR in connection with the adviser's initial application or report. A general partner or *managing agent* of an SEC-registered adviser or *exempt reporting adviser* who becomes a *non-resident* after the adviser's initial application or report has been submitted must file Form ADV-NR within 30 days. Form ADV-NR must be filed on paper (it cannot be filed electronically).

Submit Form ADV-NR to the SEC at the following address:

Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549; Attn: Registrations Branch.

Failure to file Form ADV-NR promptly may delay SEC consideration of your initial application.

Federal Information Law and Requirements

Sections 203 and 204 of the Advisers Act [15 U.S.C. §§ 80b-3 and 80b-4] authorize the SEC to collect the information required by Form ADV. The SEC collects the information for regulatory purposes, such as deciding whether to grant registration. Filing Form ADV is mandatory for advisers who are required to register with the SEC and for *exempt reporting advisers*. The SEC maintains the information submitted on this form and makes it publicly available. The SEC may return forms that do not include required information. Intentional misstatements or omissions constitute federal criminal violations under 18 U.S.C. § 1001 and 15 U.S.C. § 80b-17.

SEC's Collection of Information

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. The Advisers Act authorizes the SEC to collect the information on Form ADV from investment advisers. See 15 U.S.C. §§ 80b-3 and 80b-4. Filing the form is mandatory.

The form enables the SEC to register investment advisers and to obtain information from and about *exempt reporting advisers*. Every applicant for registration with the SEC as an adviser, and every *exempt reporting adviser*, must file the form. See 17 C.F.R. § 275.203-1 and 204-4. By accepting a form, however, the SEC does not make a finding that it has been completed or submitted correctly. The form is filed annually by every adviser, no later than 90 days after the end of its fiscal year, to amend its registration or its report. It is also filed promptly during the year to reflect material changes. See 17 C.F.R. § 275.204-1. The SEC maintains the information on the form and makes it publicly available through the IARD.

Anyone may send the SEC comments on the accuracy of the burden estimate on page 1 of the form, as well as suggestions for reducing the burden. The Office of Management and Budget has reviewed this collection of information under 44 U.S.C. § 3507.

The information contained in the form is part of a system of records subject to the Privacy Act of 1974, as amended. The SEC has published in the Federal Register the Privacy Act System of Records Notice for these records.

APPENDIX B

FORM ADV (Paper Version)

- **UNIFORM APPLICATION FOR INVESTMENT ADVISER REGISTRATION AND**
- **REPORT BY EXEMPT REPORTING ADVISERS**

Form ADV: Instructions for Part 1A

These instructions explain how to complete certain items in Part 1A of Form ADV.

1. Item 1: Identifying Information

Separately Identifiable Department or Division of a Bank. If you are a "separately identifiable department or division" (SID) of a bank, answer Item 1.A. with the full legal name of your bank, and answer Item 1.B. with your own name (the name of the department or division) and all names under which you conduct your advisory business. In addition, your *principal office and place of business* in Item 1.F. should be the principal office at which you conduct your advisory business. In response to Item 1.I., the website addresses and social media information you list on Schedule D should be those that provide information about your own activities, rather than general information about your bank.

2. Item 2: SEC Registration and SEC Report by *Exempt Reporting Advisers*

If you are registered or applying for registration with the SEC, you must indicate in Item 2.A. why you are eligible to register with the SEC by checking at least one of the boxes.

a. **Item 2.A.(1): Adviser with Regulatory Assets Under Management of $100 Million or More.** You may check box 1 only if your response to Item 5.F.(2)(c) is $100 million or more, or you are filing an *annual updating amendment* with the SEC and your response to Item 5.F.(2)(c) is $90 million or more. While you may register with the SEC if your regulatory assets under management are at least $100 million but less than $110 million, you must apply for registration with the SEC if your regulatory assets under management are $110 million or more. If you are a SEC-registered adviser, you may remain registered with the SEC if your regulatory assets under management are $90 million or more. See SEC rule 203A-1(a). Part 1A Instruction 5.b. explains how to calculate your regulatory assets under management.

   If you are a state-registered adviser and you report on your *annual updating amendment* that your regulatory assets under management increased to $100 million or more, you may register with the SEC. If your regulatory assets under management increased to $110 million or more, you must apply for registration with the SEC within 90 days after you file that *annual updating amendment.* See SEC rule 203A-1(b)(1) and Form ADV General Instruction 11.

b. **Item 2.A.(2): Mid-Sized Adviser.** You may check box 2 only if your response to Item 5.F(2)(c) is $25 million or more but less than $100 million, and you satisfy one of the

requirements below. Part 1A Instruction 5.b. explains how to calculate your regulatory assets under management.

You must register with the SEC if you meet at least one of the following requirements:

- You are not required to be registered as an investment adviser with the *state securities authority* of the state where you maintain your *principal office and place of business* pursuant to that state's investment adviser laws. If you are exempt from registration with that state or are excluded from the definition of investment adviser in that state, you must register with the SEC. You should consult the investment adviser laws or the *state securities authority* for the particular state in which you maintain your *principal office and place of business* to determine if you are required to register in that state. See General Instruction 1.

- You are not subject to examination by the *state securities authority* of the state where you maintain your *principal office and place of business*. To determine whether such *state securities authority* does not conduct such examinations, see: http://www.sec.gov/divisions/investment/midsizedadviserinfo.htm.

See section 203A(a)(2) of the Advisers Act.

c. **Item 2.A.(5): Adviser to an Investment Company.** You may check box 5 only if you currently provide advisory services under an investment advisory contract to an investment company registered under the Investment Company Act of 1940 and the investment company is operational (i.e., has assets and shareholders, other than just the organizing shareholders). See sections 203A(a)(1)(B) and 203A(a)(2)(A) of the Advisers Act. Advising investors about the merits of investing in mutual funds or recommending particular mutual funds does not make you eligible to check this box.

d. **Item 2.A.(6): Adviser to a Business Development Company. You may check box 6 only** if your response to Item 5.F.(2)(c) is $25 million or more of regulatory assets under management, and you currently provide advisory services under an investment advisory contract to a company that has elected to be a business development company pursuant to section 54 of the Investment Company Act of 1940, that has not withdrawn the election, and that is operational (i.e., has assets and shareholders, other than just the organizing shareholders). See section 203A(a)(2)(A) of the Advisers Act. Part 1A Instruction 5.b. explains how to calculate your regulatory assets under management.

e. **Item 2.A.(7): Pension Consultant.** You may check box 7 only if you are eligible for the pension consultant exemption from the prohibition on SEC registration.

- You are eligible for this exemption if you provided investment advice to employee benefit plans, governmental plans, or church plans with respect to assets having an aggregate value of $200 million or more during the 12-month period that ended within 90 days of filing this Form ADV. You are not eligible for this exemption if

you only advise plan participants on allocating their investments within their pension plans. See SEC rule 203A-2(a).

- To calculate the value of assets for purposes of this exemption, aggregate the assets of the plans for which you provided advisory services at the end of the 12-month period. If you provided advisory services to other plans during the 12-month period, but your employment or contract terminated before the end of the 12-month period, you also may include the value of those assets.

f. **Item 2.A.(8): Related Adviser.** You may check box 8 only if you are eligible for the related adviser exemption from the prohibition on SEC registration. See SEC rule 203A-2(b). You are eligible for this exemption if you *control*, are *controlled* by, or are under common *control* with an investment adviser that is registered with the SEC, and you have the same *principal office and place of business* as that other investment adviser. Note that you may not rely on the SEC registration of an Internet adviser under rule 203A-2(e) in establishing eligibility for this exemption. See SEC rule 203A-2(e)(1)(iii). If you check box 8, you also must complete Section 2.A.(8) of Schedule D.

g. **Item 2.A.(9): Adviser Expecting to be Eligible for Registration within 120 Days.** You may check box 9 only if you are eligible for the exemption from the prohibition on SEC registration available to advisers expecting to be eligible for SEC registration within 120 days, such as a newly formed adviser. See SEC rule 203A-2(c). You are eligible for this exemption if immediately before you file your application for registration with the SEC,

- you were not registered or required to be registered with the SEC or a *state securities authority;* and

- you have a reasonable expectation that you would be eligible to register with the SEC within 120 days after the date that your registration with the SEC becomes effective.

If you check box 9, you also must complete Section 2.A.(9) of Schedule D.

You must file an amendment to Part 1A of your Form ADV that updates your response to Item 2.A. within 120 days after the SEC declares your registration effective. You may not check box 9 on your amendment; since this exemption is available only if you are not registered, you may not "re-rely" on this exemption. If you indicate on that amendment (by checking box 13) that you are not eligible to register with the SEC, you also must file a Form ADV-W to withdraw your SEC registration no later than 120 days after your registration was declared effective. You should contact the appropriate *state securities authority* to determine how long it may take to become state-registered sufficiently in advance of when you are required to file Form ADV-W to withdraw from SEC registration.

Note: If you expect to be eligible for SEC registration because of the amount of your regulatory assets under management, that amount must be $100 million or more no later than 120 days after your registration is declared effective.

h. **Item 2.A.(10): Multi-State Adviser.** You may check box 10 only if you are eligible for the multi-state adviser exemption from the prohibition on SEC registration. See SEC rule 203A-2(d). You are eligible for this exemption if you are required to register as an investment adviser with the *state securities authorities* of 15 or more states. If you check box 10, you must complete Section 2.A.(10) of Schedule D. You must complete Section 2.A.(10) of Schedule D in each *annual updating amendment* you submit.

If you check box 10, you also must:

- create and maintain a list of the states in which, but for this exemption, you would be required to register;
- update this list each time you submit an *annual updating amendment* in which you continue to represent that you are eligible for this exemption; and
- maintain the list in an easily accessible place for a period of not less than five years from each date on which you indicate that you are eligible for the exemption.

If, at the time you file your *annual updating amendment*, you are required to register in less than 15 states and you are not otherwise eligible to register with the SEC, you must check box 13 in Item 2.A. You also must file a Form ADV-W to withdraw your SEC registration. See Part 1A Instruction 2.j.

i. **Item 2.A.(11): Internet Adviser**. You may check box 11 only if you are eligible for the Internet adviser exemption from the prohibition on SEC registration. See SEC rule 203A-2(e). You are eligible for this exemption if:

- you provide investment advice to your *clients* through an interactive website. An interactive website means a website in which computer software-based models or applications provide investment advice based on personal information each *client* submits through the website. Other forms of online or Internet investment advice do not qualify for this exemption;

- you provide investment advice to all of your *clients* exclusively through the interactive website, except that you may provide investment advice to fewer than 15 *clients* through other means during the previous 12 months; and

- you maintain a record demonstrating that you provide investment advice to your *clients* exclusively through an interactive website in accordance with these limits.

j. **Item 2.A.(13): Adviser No Longer Eligible to Remain Registered with the SEC.** You must check box 13 if:

- you are registered with the SEC;

- you are filing an *annual updating amendment* to Form ADV in which you indicate in response to Item 5.F.(2)(c) that you have regulatory assets under management of less than $90 million; and
- you are not eligible to check any other box (other than box 13) in Item 2.A. (and are therefore no longer eligible to remain registered with the SEC).

You must withdraw from SEC registration within 180 days after the end of your fiscal year by filing Form ADV-W. Until you file your Form ADV-W, you will remain subject to SEC regulation, and you also will be subject to regulation in the states in which you register. See SEC rule 203A-1(b)(2).

k. **Item 2.B.: Reporting by *Exempt Reporting Advisers*.** You may check box 2.B.(1) only if you qualify for the exemption from SEC registration as an adviser solely to one or more venture capital funds. See SEC rule 203(l)-1. You may check box 2.B.(2) only if you qualify for the exemption from SEC registration because you act solely as an adviser to *private funds* and have assets under management in the United States of less than $150 million. See SEC rule 203(m)-1. You may check both boxes to indicate that you qualify for both exemptions. You should check box 2.B.(3) if you act solely as an adviser to *private funds* but you are no longer eligible to check box 2.B.(2) because you have assets under management in the United States of $150 million or more. If you check box 2.B.(2) or (3), you also must complete Section 2.B. of Schedule D.

3. Item 3: Form of Organization

If you are a "separately identifiable department or division" (SID) of a bank, answer Item 3.A. by checking "other." In the space provided, specify that you are a "SID of" and indicate the form of organization of your bank. Answer Items 3.B. and 3.C. with information about your bank.

4. Item 4: Successions

a. **Succession of an SEC-Registered Adviser.** If you (1) have taken over the business of an investment adviser or (2) have changed your structure or legal status (e.g., form of organization or state of incorporation), a new organization has been created, which has registration obligations under the Advisers Act. There are different ways to fulfill these obligations. You may rely on the registration provisions discussed in the General Instructions, or you may be able to rely on special registration provisions for "successors" to SEC-registered advisers, which may ease the transition to the successor adviser's registration.

To determine if you may rely on these provisions, review "Registration of Successors to Broker-Dealers and Investment Advisers," Investment Advisers Act Release No. 1357 (Dec. 28, 1992). If you have taken over an adviser, follow Part 1A Instruction 4.a(1), Succession by Application. If you have changed your structure or legal status, follow Part 1A Instruction 4.a(2), Succession by Amendment. If either (1) you are a "separately identifiable department or division" (SID) of a bank that is currently registered as an

investment adviser, and you are taking over your bank's advisory business; or (2) you are a SID currently registered as an investment adviser, and your bank is taking over your advisory business, then follow Part 1A Instruction 4.a(1), Succession by Application.

(1) **Succession by Application.** If you are not registered with the SEC as an adviser, and you are acquiring or assuming substantially all of the assets and liabilities of the advisory business of an SEC-registered adviser, file a new application for registration on Form ADV. You will receive new registration numbers. You must file the new application within 30 days after the succession. On the application, make sure you check "yes" to Item 4.A., enter the date of the succession in Item 4.B., and complete Section 4 of Schedule D.

Until the SEC declares your new registration effective, you may rely on the registration of the adviser you are acquiring, but only if the adviser you are acquiring is no longer conducting advisory activities. Once your new registration is effective, a Form ADV-W must be filed with the SEC to withdraw the registration of the acquired adviser.

(2) **Succession by Amendment.** If you are a new investment adviser formed solely as a result of a change in form of organization, a reorganization, or a change in the composition of a partnership, and there has been no practical change in *control* or management, you may amend the registration of the registered investment adviser to reflect these changes rather than file a new application. You will keep the same registration numbers, and you should not file a Form ADV-W. On the amendment, make sure you check "yes" to Item 4.A., enter the date of the succession in Item 4.B., and complete Section 4 of Schedule D. You must submit the amendment within 30 days after the change or reorganization.

b. **Succession of a State-Registered Adviser.** If you (1) have taken over the business of an investment adviser or (2) have changed your structure or legal status (e.g., form of organization or state of incorporation), a new organization has been created, which has registration obligations under state investment adviser laws. There may be different ways to fulfill these obligations. You should contact each state in which you are registered to determine that state's requirements for successor registration. See Form ADV General Instruction 1.

5. Item 5: Information About Your Advisory Business

a. **Newly-Formed Advisers:** Several questions in Item 5 that ask about your advisory business assume that you have been operating your advisory business for some time. Your response to these questions should reflect your current advisory business (i.e., at the time you file your Form ADV), with the following exceptions:

- base your response to Item 5.E. on the types of compensation you expect to accept;
- base your response to Item 5.G. and Item 5.J. on the types of advisory services you expect to provide during the next year; and

- skip Item 5.H.

b. **Item 5.F: Calculating Your Regulatory Assets Under Management.** In determining the amount of your regulatory assets under management, include the securities portfolios for which you provide continuous and regular supervisory or management services as of the date of filing this Form ADV.

(1) **Securities Portfolios**. An account is a securities portfolio if at least 50% of the total value of the account consists of securities. For purposes of this 50% test, you may treat cash and cash equivalents (i.e., bank deposits, certificates of deposit, bankers acceptances, and similar bank instruments) as securities. You must include securities portfolios that are:

(a) your family or proprietary accounts;

(b) accounts for which you receive no compensation for your services; and

(c) accounts of *clients* who are not *United States persons*.

For purposes of this definition, treat all of the assets of a *private fund* as a securities portfolio, regardless of the nature of such assets. For accounts of *private funds*, moreover, include in the securities portfolio any uncalled commitment pursuant to which a *person* is obligated to acquire an interest in, or make a capital contribution to, the *private fund*.

(2) **Value of Portfolio**. Include the entire value of each securities portfolio for which you provide continuous and regular supervisory or management services. If you provide continuous and regular supervisory or management services for only a portion of a securities portfolio, include as regulatory assets under management only that portion of the securities portfolio for which you provide such services. Exclude, for example, the portion of an account:

(a) under management by another *person*; or

(b) that consists of real estate or businesses whose operations you "manage" on behalf of a *client* but not as an investment.

Do not deduct any outstanding indebtedness or other accrued but unpaid liabilities.

(3) **Continuous and Regular Supervisory or Management Services.**

General Criteria. You provide continuous and regular supervisory or management services with respect to an account if:

(a) you have *discretionary authority* over and provide ongoing supervisory or management services with respect to the account; or

(b) you do not have *discretionary authority* over the account, but you have ongoing responsibility to select or make recommendations, based upon the needs of the *client*, as to specific securities or other investments the account may purchase or sell and, if such recommendations are accepted by the *client*, you are responsible for arranging or effecting the purchase or sale.

Factors. You should consider the following factors in evaluating whether you provide continuous and regular supervisory or management services to an account.

(a) **Terms of the advisory contract.** If you agree in an advisory contract to provide ongoing management services, this suggests that you provide these services for the account. Other provisions in the contract, or your actual management practices, however, may suggest otherwise.

(b) **Form of compensation.** If you are compensated based on the average value of the *client's* assets you manage over a specified period of time, that suggests that you provide continuous and regular supervisory or management services for the account. If you receive compensation in a manner similar to either of the following, that suggests you do not provide continuous and regular supervisory or management services for the account --

(i) you are compensated based upon the time spent with a *client* during a *client* visit; or

(ii) you are paid a retainer based on a percentage of assets covered by a financial plan.

(c) **Management practices.** The extent to which you actively manage assets or provide advice bears on whether the services you provide are continuous and regular supervisory or management services. The fact that you make infrequent trades (e.g., based on a "buy and hold" strategy) does not mean your services are not "continuous and regular."

Examples. You may provide continuous and regular supervisory or management services for an account if you:

(a) have *discretionary authority* to allocate *client* assets among various mutual funds;

(b) do not have *discretionary authority*, but provide the same allocation services, and satisfy the criteria set forth in Instruction 5.b.(3);

(c) allocate assets among other managers (a "manager of managers"), but only if you have *discretionary authority* to hire and fire managers and reallocate assets among them; or

(d) you are a broker-dealer and treat the account as a brokerage account, but only if you have *discretionary authority* over the account.

You do not provide continuous and regular supervisory or management services for an account if you:

(a) provide market timing recommendations (i.e., to buy or sell), but have no ongoing management responsibilities;

(b) provide only *impersonal investment advice* (e.g., market newsletters);

(c) make an initial asset allocation, without continuous and regular monitoring and reallocation; or

(d) provide advice on an intermittent or periodic basis (such as upon *client* request, in response to a market event, or on a specific date (e.g., the account is reviewed and adjusted quarterly)).

(4) **Value of Regulatory Assets Under Management**. Determine your regulatory assets under management based on the current market value of the assets as determined within 90 days prior to the date of filing this Form ADV. Determine market value using the same method you used to report account values to *clients* or to calculate fees for investment advisory services.

In the case of a *private fund*, determine the current market value (or fair value) of the *private fund*'s assets and the contractual amount of any uncalled commitment pursuant to which a *person* is obligated to acquire an interest in, or make a capital contribution to, the *private fund*.

(5) **Example.** This is an example of the method of determining whether an account of a *client* other than a *private fund* may be included as regulatory assets under management.

The *client's* portfolio consists of the following:

$ 6,000,000	stocks and bonds
$ 1,000,000	cash and cash equivalents
$ 3,000,000	non-securities (collectibles, commodities, real estate, etc.)
$10,000,000	Total Assets

First, is the account a securities portfolio? The account is a securities portfolio because securities as well as cash and cash equivalents (which you have chosen to include as securities) ($6,000,000 + $1,000,000 = $7,000,000) comprise at least 50% of the value of the account (here, 70%). (See Instruction 5.b(1)).

Second, does the account receive continuous and regular supervisory or management services? The entire account is managed on a *discretionary basis* and is provided ongoing supervisory and management services, and therefore receives continuous and regular supervisory or management services. (See Instruction 5.b.(3)).

Third, what is the entire value of the account? The entire value of the account ($10,000,000) is included in the calculation of the adviser's total regulatory assets under management.

6. Item 7: Financial Industry Affiliations and Private Fund Reporting

Item 7.A. and Section 7.A. of Schedule D ask questions about you and your *related persons*' financial industry affiliation. If you are filing an *umbrella registration*, you should not check Item 7.A.(2) with respect to your *relying advisers*, and you do not have to complete Section 7.A. in Schedule D for your *relying advisers*. You should complete Schedule R with respect to your *relying advisers*. Item 7.B. and Section 7.B. of Schedule D ask questions about the *private funds* that you advise. You are required to complete a Section 7.B.(1) of Schedule D for each *private fund* that you advise, except in certain circumstances described under Item 7.B. and below.

a. If your *principal office and place of business* is outside the United States, for purposes of Item 7 and Section 7.B. of Schedule D you may disregard any *private fund* that, during your last fiscal year, was not a *United States person*, was not offered in the United States, and was not beneficially owned by any *United States person*.

b. When filing Section 7.B.(1) of Schedule D for a *private fund*, you must acquire an identification number for the fund by logging onto the IARD website and using the private fund identification number generator. You must continue to use the same identification number whenever you amend Section 7.B.(1) for that fund. If you file a Section 7.B.(1) for a *private fund* for which an identification number has already been acquired by another adviser, you must not acquire a new identification number, but must instead utilize the existing number. If you choose to complete a single Section 7.B.(1) for a master-feeder arrangement under instruction 6.d. below, you must acquire an identification number also for each feeder fund.

c. If any *private fund* has issued two or more series (or classes) of equity interests whose values are determined with respect to separate portfolios of securities and other assets, then each such series (or class) should be regarded as a separate *private fund*. In Section 7.B.(1) and 7.B.(2) of Schedule D, next to the name of the *private fund*, list the name and identification number of the specific series (or class) for which you are filing the sections. This only applies with respect to series (or classes) that you manage as if they were separate funds and not a fund's side pockets or similar arrangements.

d. In the case of a master-feeder arrangement (see questions 6-7 of Section 7.B.(1) of Schedule D), instead of completing a Section 7.B.(1) for each of the master fund and each feeder fund, you may complete a single Section 7.B.(1) for the master-feeder arrangement under the name of the master fund if the answers to questions 8, 10, 21 and 23 through 28 are the same for all of the feeder funds (or, in the case of questions 24 and 25, if the feeder funds do not use a prime broker or custodian). If you choose to complete a single Section 7.B.(1), you should disregard the feeder funds, except for the following:

   (1) **Question 11**: State the gross assets for the master-feeder arrangement as a whole.

   (2) **Question 12**: List the lowest minimum investment commitment applicable to any of the master fund and the feeder funds.

(3) **Questions 13-16**: Answer by aggregating all investors in the master-feeder arrangement (but do not count the feeder funds themselves as investors).

(4) **Questions 19-20**: For purposes of these questions, the *private fund* means any of the master fund or the feeder funds. In answering the questions, moreover, disregard the feeder funds' investment in the master fund.

(5) **Question 22**: List all of the Form D SEC file numbers of any of the master fund and feeder funds.

e. Additional Instructions:

(1) **Question 9: Investment in Registered Investment Companies:** For purposes of this question, disregard any open-end management investment company regulated as a money market fund under rule 2a-7 under the Investment Company Act if the *private fund* invests in such a company in reliance on rule 12d1-1 under the same Act.

(2) **Question 10: Type of *Private Fund*:** For purposes of this question, the following definitions apply:

"Hedge fund" means any *private fund* (other than a securitized asset fund):

(a) with respect to which one or more investment advisers (or *related persons* of investment advisers) may be paid a performance fee or allocation calculated by taking into account unrealized gains (other than a fee or allocation the calculation of which may take into account unrealized gains solely for the purpose of reducing such fee or allocation to reflect net unrealized losses);

(b) that may borrow an amount in excess of one-half of its net asset value (including any committed capital) or may have gross notional exposure in excess of twice its net asset value (including any committed capital); or

(c) that may sell securities or other assets short or enter into similar transactions (other than for the purpose of hedging currency exposure or managing duration).

A commodity pool is categorized as a hedge fund solely for purposes of this question. For purposes of this definition, do not net long and short positions. Include any borrowings or notional exposure of another *person* that are guaranteed by the *private fund* or that the *private fund* may otherwise be obligated to satisfy.

"Liquidity fund" means any *private fund* that seeks to generate income by investing in a portfolio of short-term obligations in order to maintain a stable net asset value per unit or minimize principal volatility for investors.

"Private equity fund" means any *private fund* that is not a hedge fund, liquidity fund, real estate fund, securitized asset fund, or venture capital fund and does not provide investors with redemption rights in the ordinary course.

"Real estate fund" means any *private fund* that is not a hedge fund, that does not provide investors with redemption rights in the ordinary course, and that invests primarily in real estate and real estate related assets.

"Securitized asset fund" means any *private fund* whose primary purpose is to issue asset backed securities and whose investors are primarily debt-holders.

"Venture capital fund" means any *private fund* meeting the definition of venture capital fund in rule 203(l)-1 under the Advisers Act.

"Other *private fund*" means any *private fund* that is not a hedge fund, liquidity fund, private equity fund, real estate fund, securitized asset fund, or venture capital fund.

(3) **Question 11: Gross Assets.** Report the assets of the *private fund* that you would include in calculating your regulatory assets under management according to instruction 5.b above.

(4) **Questions 19-20: Other clients' investments:** For purposes of these questions, disregard any feeder fund's investment in its master fund. (*See* questions 6-7 for the definition of "master fund" and "feeder fund.")

7. Item 10: *Control Persons*

If you are a "separately identifiable department or division" (SID) of a bank, identify on Schedule A your bank's executive officers who are directly engaged in managing, directing, or supervising your investment advisory activities, and list any other *persons* designated by your bank's board of directors as responsible for the day-to-day conduct of your investment advisory activities, including supervising *employees* performing investment advisory activities.

8. Additional Information.

If you believe your response to an item in Form ADV Part 1A requires further explanation, or if you wish to provide additional information, you may do so on Schedule D, in the Miscellaneous section. Completion of this section is optional.

APPENDIX C

GLOSSARY OF TERMS

1. **Advisory Affiliate:** Your advisory affiliates are (1) all of your officers, partners, or directors (or any ***person*** performing similar functions); (2) all ***persons*** directly or indirectly ***controlling*** or ***controlled*** by you; and (3) all of your current ***employees*** (other than ***employees*** performing only clerical, administrative, support or similar functions).

   If you are a "separately identifiable department or division" (SID) of a bank, your ***advisory affiliates*** are: (1) all of your bank's ***employees*** who perform your investment advisory activities (other than clerical or administrative ***employees***); (2) all ***persons*** designated by your bank's board of directors as responsible for the day-to-day conduct of your investment advisory activities (including supervising the ***employees*** who perform investment advisory activities); (3) all ***persons*** who directly or indirectly ***control*** your bank, and all ***persons*** whom you ***control*** in connection with your investment advisory activities; and (4) all other ***persons*** who directly manage any of your investment advisory activities (including directing, supervising or performing your advisory activities), all ***persons*** who directly or indirectly ***control*** those management functions, and all ***persons*** whom you ***control*** in connection with those management functions. *[Used in: Part 1A, Items 7, 11, DRPs; Part 1B, Item 2]*

2. **Annual Updating Amendment:** Within 90 days after your firm's fiscal year end, your firm must file an "annual updating amendment," which is an amendment to your firm's Form ADV that reaffirms the eligibility information contained in Item 2 of Part 1A and updates the responses to any other item for which the information is no longer accurate. *[Used in: General Instructions; Part 1A Instructions, Introductory Text, Item 2; Part 2A, Instructions, Appendix 1 Instructions; Part 2B, Instructions]*

3. **Borrowings:** Borrowings include secured borrowings and unsecured borrowings, collectively. Secured borrowings are obligations for borrowed money in respect of which the borrower has posted collateral or other credit support and should include any reverse repos (i.e. any sale of securities coupled with an agreement to repurchase the same (or similar) securities at a later date at an agreed price). Unsecured borrowings are obligations for borrowed money in respect of which the borrower has not posted collateral or other credit support. *[Used in: Part 1A, Instructions, Item 5, Schedule D]*

4. **Brochure:** A written disclosure statement that you must provide to ***clients*** and prospective ***clients***. See SEC rule 204-3; Form ADV, Part 2A. *[Used in: General Instructions; Used throughout Part 2]*

5. **Brochure Supplement:** A written disclosure statement containing information about certain of your ***supervised persons*** that your firm is required by Part 2B of Form ADV to provide to ***clients*** and prospective ***clients***. See SEC rule 204-3; Form ADV, Part 2B. *[Used in: General Instructions; Used throughout Part 2]*

6. **Charged:** Being accused of a crime in a formal complaint, information, or indictment (or equivalent formal charge). *[Used in: Part 1A, Item 11; DRPs]*

7. **Client:** Any of your firm's investment advisory clients. This term includes clients from which your firm receives no compensation, such as family members of your *supervised persons*. If your firm also provides other services (e.g., accounting services), this term does not include clients that are not investment advisory clients. *[Used throughout Form ADV and Form ADV-W]*

8. **Commodity Derivative:** Exposures to commodities that you do not hold physically, whether held synthetically or through derivatives (whether cash or physically settled). *[Used in: Part 1A, Schedule D]*

9. **Control:** The power, directly or indirectly, to direct the management or policies of a ***person***, whether through ownership of securities, by contract, or otherwise.

   - Each of your firm's officers, partners, or directors exercising executive responsibility (or ***persons*** having similar status or functions) is presumed to control your firm.

   - A ***person*** is presumed to control a corporation if the ***person***: (i) directly or indirectly has the right to vote 25 percent or more of a class of the corporation's voting securities; or (ii) has the power to sell or direct the sale of 25 percent or more of a class of the corporation's voting securities.

   - A ***person*** is presumed to control a partnership if the ***person*** has the right to receive upon dissolution, or has contributed, 25 percent or more of the capital of the partnership.

   - A ***person*** is presumed to control a limited liability company ("LLC") if the ***person***: (i) directly or indirectly has the right to vote 25 percent or more of a class of the interests of the LLC; (ii) has the right to receive upon dissolution, or has contributed, 25 percent or more of the capital of the LLC; or (iii) is an elected manager of the LLC.

   - A ***person*** is presumed to control a trust if the ***person*** is a trustee or ***managing agent*** of the trust.

   [Used in: General Instructions; Part 1A, Instructions, Items 2, 7, 10, 11, 12, Schedules A, B, C, D, R; DRPs]

10. **Credit Derivative**: Single name credit default swap, including loan credit default swap, credit default swap referencing a standardized basket of credit entities, including credit default swap indices and indices referencing leverage loans, and credit default swap referencing bespoke basket or tranche of collateralized debt obligations and collateralized loan obligations (including cash flow and synthetic) other than mortgage backed securities. *[Used in: Part 1A, Schedule D]*

11. **Custody:** Holding, directly or indirectly, ***client*** funds or securities, or having any authority to obtain possession of them. You have custody if a ***related person*** holds, directly or indirectly, ***client*** funds or securities, or has any authority to obtain possession of them, in connection with advisory services you provide to ***clients***. Custody includes:

    - Possession of ***client*** funds or securities (but not of checks drawn by clients and made payable to third parties) unless you receive them inadvertently and you return them to the sender promptly, but in any case within three business days of receiving them;

    - Any arrangement (including a general power of attorney) under which you are authorized or permitted to withdraw ***client*** funds or securities maintained with a custodian upon your instruction to the custodian; and

    - Any capacity (such as general partner of a limited partnership, managing member of a limited liability company or a comparable position for another type of pooled investment vehicle, or trustee of a trust) that gives you or your ***supervised person*** legal ownership of or access to ***client*** funds or securities.

    [Used in: Part 1A, Item 9; Part 1B, Instructions, Item 2; Part 2A, Items 15, 18]

12. **Discretionary Authority or Discretionary Basis:** Your firm has discretionary authority or manages assets on a discretionary basis if it has the authority to decide which securities to purchase and sell for the ***client***. Your firm also has discretionary authority if it has the authority to decide which investment advisers to retain on behalf of the ***client***. *[Used in: Part 1A, Instructions, Item 8; Part 1B, Instructions; Part 2A, Items 4, 16, 18; Part 2B, Instructions]*

13. **Employee:** This term includes an independent contractor who performs advisory functions on your behalf. *[Used in: Part 1A, Instructions, Items 1, 5, 11; Part 2B, Instructions]*

14. **Enjoined:** This term includes being subject to a mandatory injunction, prohibitory injunction, preliminary injunction, or a temporary restraining ***order***. *[Used in: Part 1A, Item 11; DRPs]*

15. **Equity Derivative:** Includes both listed equity derivative and derivative exposure to unlisted securities. Listed equity derivative includes all synthetic or derivative exposure to equities, including preferred equities, listed on a regular exchange. Listed equity derivative also includes a single stock future, equity index future, dividend swap, total return swap (contract for difference), warrant and right. Derivative exposure to unlisted equities includes all synthetic or derivative exposure to equities, including preferred equities, that are not listed on a regulated exchange. Derivative exposure to unlisted securities also

includes a single stock future, equity index future, dividend swap, total return swap (contract for difference), warrant and right. *[Used in: Part 1A, Schedule D]*

16. **Exempt Reporting Adviser:** An investment adviser that qualifies for the exemption from registration under section 203(l) of the Advisers Act because it is an adviser solely to one or more venture capital funds, or under rule 203(m)-1 of the Advisers Act because it is an adviser solely to ***private funds*** and has assets under management in the United States of less than $150 million. *[Used in: Throughout Part 1A; General Instructions; Form ADV-H; Form ADV-NR]*

17. **Felony:** For jurisdictions that do not differentiate between a felony and a ***misdemeanor***, a felony is an offense punishable by a sentence of at least one year imprisonment and/or a fine of at least $1,000. The term also includes a general court martial. *[Used in: Part 1A, Item 11; DRPs; Part 2A, Item 9; Part 2B, Item 3]*

18. **Filing Adviser:** An investment adviser eligible to register with the SEC that files (and amends) a single ***umbrella registration*** on behalf of itself and each of its ***relying advisers***. *[Used in: General Instructions; Part 1A, Items 1, 2, 3, 10 and 11; Schedule R]*

19. **FINRA CRD** or **CRD:** The Web Central Registration Depository ("CRD") system operated by FINRA for the registration of broker-dealers and broker-dealer representatives. *[Used in: General Instructions, Part 1A, Item 1, Schedules A, B, C, D, R, DRPs; Form ADV-W, Item 1]*

20. **Foreign Exchange Derivative**: Any derivative whose underlying asset is a currency other than U.S. dollars or is an exchange rate. Cross-currency interest rate swaps should be included in foreign exchange derivatives and excluded from ***interest rate derivatives***. *[Used in: Part 1A, Schedule D]*

21. **Foreign Financial Regulatory Authority:** This term includes (1) a foreign securities authority; (2) another governmental body or foreign equivalent of a ***self-regulatory organization*** empowered by a foreign government to administer or enforce its laws relating to the regulation of ***investment-related*** activities; and (3) a foreign membership organization, a function of which is to regulate the participation of its members in the activities listed above. *[Used in: Part 1A, Items 1, 11; DRPs; Part 2A, Item 9; Part 2B, Item 3]*

22. **Found:** This term includes adverse final actions, including consent decrees in which the respondent has neither admitted nor denied the findings, but does not include agreements, deficiency letters, examination reports, memoranda of understanding, letters of caution, admonishments, and similar informal resolutions of matters. *[Used in: Part 1A, Item 11; Part 1B, Item 2; Part 2A, Item 9; Part 2B, Item 3]*

23. **Government Entity:** Any state or political subdivision of a state, including (i) any agency, authority, or instrumentality of the state or political subdivision; (ii) a plan or pool of assets ***controlled*** by the state or political subdivision or any agency, authority, or instrumentality thereof; and (iii) any officer, agent, or employee of the state or political subdivision or any agency, authority, or instrumentality thereof, acting in their official capacity. *[Used in: Part 1A, Item 5]*

24. **Gross Notional Value**: The gross nominal or notional value of all transactions that have been entered into but not yet settled as of the reporting date. For contracts with variable nominal or notional principal amounts, the basis for reporting is the nominal or notional principal amounts as of the reporting date. For options, use delta adjusted notional value. *[Used in: Part 1A, Schedule D]*

25. **High Net Worth Individual:** An individual who is a ***qualified client*** or who is a "qualified purchaser" as defined in section 2(a)(51)(A) of the Investment Company Act of 1940. *[Used in: Part 1A, Item 5; Schedule D]*

26. **Home State:** If your firm is registered with a ***state securities authority***, your firm's "home state" is the state where it maintains its ***principal office and place of business***. *[Used in: Part 1B, Instructions]*

27. **Impersonal Investment Advice:** Investment advisory services that do not purport to meet the objectives or needs of specific individuals or accounts. *[Used in: Part 1A, Instructions; Part 2A, Instructions; Part 2B, Instructions]*

28. **Independent Public Accountant:** A public accountant that meets the standards of independence described in rule 2-01(b) and (c) of Regulation S-X (17 CFR 210.2-01(b) and (c)). *[Used in: Item 9; Schedule D]*

29. **Interest Rate Derivative**: Any derivative whose underlying asset is the obligation to pay or the right to receive a given amount of money accruing interest at a given rate. Cross-currency interest rate swaps should be included in ***foreign exchange derivatives*** and excluded from interest rate derivatives. *[Used in: Part 1A, Schedule D]*

30. **Investment Adviser Representative:** *Any of your firm's* ***supervised persons*** *(except* those that provide only ***impersonal investment advice***) is an investment adviser representative, if

    - the ***supervised person*** regularly solicits, meets with, or otherwise communicates with your firm's ***clients***,

    - the ***supervised person*** has more than five ***clients*** who are natural persons and not ***high net worth individuals***, and

- more than ten percent of the ***supervised person's clients*** are natural persons and not ***high net worth individuals.***

NOTE: If your firm is registered with the ***state securities authorities*** and not the SEC, your firm may be subject to a different state definition of "investment adviser representative." Investment adviser representatives of SEC-registered advisers may be required to register in each state in which they have a place of business.

[Used in: General Instructions; Part 1A, Item 5; Part 2B, Item 1]

31. **Investment Grade**: A security is investment grade if it is sufficiently liquid that it can be sold at or near its carrying value within a reasonably short period of time and is subject to no greater than moderate credit risk. *[Used in: Part 1A, Schedule D]*

32. **Investment-Related:** Activities that pertain to securities, commodities, banking, insurance, or real estate (including, but not limited to, acting as or being associated with an investment adviser, broker-dealer, municipal securities dealer, government securities broker or dealer, issuer, investment company, futures sponsor, bank, or savings association). *[Used in: Part 1A, Items 7, 11, Schedule D, DRPs; Part 1B, Item 2; Part 2A, Items 9 and 19; Part 2B, Items 3, 4 and 7]*

33. **Involved:** Engaging in any act or omission, aiding, abetting, counseling, commanding, inducing, conspiring with or failing reasonably to supervise another in doing an act. *[Used in: Part 1A, Item 11; Part 2A, Items 9 and 19; Part 2B, Items 3 and 7]*

34. **Legal Entity Identifier:** A "legal entity identifier" assigned or recognized by the Global LEI Regulatory Oversight Committee (ROC) or the Global LEI Foundation (GLEIF). *[Used in: Part 1A, Item 1, Schedules D, R]*

35. **Management Persons:** Anyone with the power to exercise, directly or indirectly, a ***controlling*** influence over your firm's management or policies, or to determine the general investment advice given to the ***clients*** of your firm.

    Generally, all of the following are management persons:

    - Your firm's principal executive officers, such as your chief executive officer, chief financial officer, chief operations officer, chief legal officer, and chief compliance officer; your directors, general partners, or trustees; and other individuals with similar status or performing similar functions;

    - The members of your firm's investment committee or group that determines general investment advice to be given to ***clients***; and

- If your firm does not have an investment committee or group, the individuals who determine general investment advice provided to ***clients*** (if there are more than five people, you may limit your firm's response to their supervisors).

[Used in: Part 1B, Item 2; Part 2A, Items 9, 10 and 19]

36. **Managing Agent:** A managing agent of an investment adviser is any ***person***, including a trustee, who directs or manages (or who participates in directing or managing) the affairs of any unincorporated organization or association that is not a partnership. *[Used in: General Instructions; Form ADV-NR; Form ADV-W, Item 8]*

37. **Minor Rule Violation:** A violation of a ***self-regulatory organization*** rule that has been designated as "minor" pursuant to a plan approved by the SEC. A rule violation may be designated as "minor" under a plan if the sanction imposed consists of a fine of $2,500 or less, and if the sanctioned ***person*** does not contest the fine. (Check with the appropriate ***self-regulatory organization*** to determine if a particular rule violation has been designated as "minor" for these purposes.) *[Used in: Part 1A, Item 11]*

38. **Misdemeanor:** For jurisdictions that do not differentiate between a ***felony*** and a misdemeanor, a misdemeanor is an offense punishable by a sentence of less than one year imprisonment and/or a fine of less than $1,000. The term also includes a special court martial. *[Used in: Part 1A, Item 11; DRPs; Part 2A, Item 9; Part 2B, Item 3]*

39. **Net Asset Value**: With respect to any ***client***, the gross assets of the ***client's*** accounts minus any outstanding indebtedness or other accrued but unpaid liabilities. *[Used in: Part 1A, Item 5]*

40. **Non-Investment Grade**: A security is non-investment grade if it is not an ***investment grade*** security. *[Used in: Part 1A, Schedule D]*

41. **Non-Resident:** (a) an individual who resides in any place not subject to the jurisdiction of the United States; (b) a corporation incorporated in or that has its ***principal office and place of business*** in any place not subject to the jurisdiction of the United States; and (c) a partnership or other unincorporated organization or association that is formed in or has its ***principal office and place of business*** in any place not subject to the jurisdiction of the United States. *[Used in: General Instructions; Form ADV-NR]*

42. **Notice Filing:** SEC-registered advisers may have to provide ***state securities authorities*** with copies of documents that are filed with the SEC. These filings are referred to as "notice filings." *[Used in: General Instructions; Part 1A, Item 2; Execution Page(s); Form ADV-W]*

43. **Order:** A written directive issued pursuant to statutory authority and procedures, including an order of denial, exemption, suspension, or revocation. Unless included in an order, this term does not include special stipulations, undertakings, or agreements relating to payments, limitations on activity or other restrictions. *[Used in: Part 1A, Items 2 and 11; Schedules D, R; DRPs; Part 2A, Item 9; Part 2B, Item 3]*

44. **Other derivative:** Any derivative that is not a ***commodity derivative, credit derivative, equity derivative, foreign exchange derivative*** or ***interest rate derivative***. *[Used in: Part 1A, Schedule D]*

45. **Parallel Managed Account:** With respect to any registered investment company or business development company, a parallel managed account is any managed account or other pool of assets that you advise and that pursues substantially the same investment objective and strategy and invests side by side in substantially the same positions as the identified investment company or business development company that you advise. *[Used in: Part 1A, Schedule D]*

46. **Performance-Based Fee:** An investment advisory fee based on a share of capital gains on, or capital appreciation of, ***client*** assets. A fee that is based upon a percentage of assets that you manage is not a performance-based fee. *[Used in: Part 1A, Item 5; Part 2A, Items 6 and 19]*

47. **Person:** A natural person (an individual) or a company. A company includes any partnership, corporation, trust, limited liability company ("LLC"), limited liability partnership ("LLP"), sole proprietorship, or other organization. *[Used throughout Form ADV and Form ADV-W]*

48. **Principal Office and Place of Business:** Your firm's executive office from which your firm's officers, partners, or managers direct, ***control***, and coordinate the activities of your firm. *[Used in: Part 1A, Instructions, Items 1 and 2; Schedules D, R; Form ADV-W, Item 1]*

49. **Private Fund:** An issuer that would be an investment company as defined in section 3 of the Investment Company Act of 1940 but for section 3(c)(1) or 3(c)(7) of that Act. *[Used in: Part 1A, Items 2, 5, 7, and 9; Schedule D; General Instructions; Part 1A, Instructions]*.

50. **Proceeding:** This term includes a formal administrative or civil action initiated by a governmental agency, ***self-regulatory organization*** or ***foreign financial regulatory authority***; a ***felony*** criminal indictment or information (or equivalent formal charge); or a ***misdemeanor*** criminal information (or equivalent formal charge). This term does not include other civil litigation, investigations, or arrests or similar charges effected in the absence of a formal criminal indictment or information (or equivalent formal charge). *[Used in: Part 1A, Item 11; DRPs; Part 1B, Item 2; Part 2A, Item 9; Part 2B, Item 3]*

51. **Qualified Client**: A ***client*** that satisfies the definition of qualified client in SEC rule 205-3. *[Used in: Schedule D ; General Instructions]*

52. **Related Person:** Any ***advisory affiliate*** and any ***person*** that is under common ***control*** with your firm. *[Used in: Part 1A, Items 7, 8, 9; Schedule D; Form ADV-W, Item 3; Part 2A, Items 10, 11, 12, 14; Part 2A, Appendix 1, Item 6]*

53. **Relying Adviser:** An investment adviser eligible to register with the SEC that relies on a ***filing adviser*** to file (and amend) a single ***umbrella registration*** on its behalf. *[Used in: General Instructions; Part 1A, Items 1, 7, 11; Schedule D; Schedule R]*

54. **Self-Regulatory Organization** or **SRO:** Any national securities or commodities exchange, registered securities association, or registered clearing agency. For example, the Chicago Board of Trade ("CBOT"), FINRA and New York Stock Exchange ("NYSE") are self-regulatory organizations. *[Used in: Part 1A, Item 11; DRPs; Part 1B, Item 2; Part 2A, Items 9 and 19; Part 2B, Items 3 and 7]*

55. **Sovereign Bonds**: Any notes, bonds and debentures issued by a national government (including central government, other governments and central banks but excluding U.S. state and local governments), whether denominated in a local or foreign currency. *[Used in: Part 1A, Schedule D]*

56. **Sponsor:** A sponsor of a ***wrap fee program*** sponsors, organizes, or administers the program or selects, or provides advice to ***clients*** regarding the selection of, other investment advisers in the program. *[Used in: Part 1A, Item 5; Schedule D; Part 2A, Instructions, Appendix 1 Instructions]*

57. **State Securities Authority:** The securities commissioner or commission (or any agency, office or officer performing like functions) of any state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or any other possession of the United States. *[Used throughout Form ADV]*

58. **Supervised Person:** Any of your officers, partners, directors (or other ***persons*** occupying a similar status or performing similar functions), or ***employees***, or any other ***person*** who provides investment advice on your behalf and is subject to your supervision or ***control***. *[Used throughout Part 2]*

59. **Umbrella Registration:** A single registration by a ***filing adviser*** and one or more ***relying advisers*** who collectively conduct a single advisory business and that meet the conditions set forth in General Instruction 5. *[Used in: General Instructions; Part 1A, Items 1, 2, 3, 7, 10 and 11; Schedule D; Schedule R]*

60. **United States person:** This term has the same meaning as in rule 203(m)-1 under the Advisers Act, which includes any natural person that is resident in the United States. *[Used in: Part 1A, Instructions; Item 5; Schedule D]*

61. **Wrap Brochure** or **Wrap Fee Program Brochure:** The written disclosure statement that ***sponsors*** of ***wrap fee programs*** must provide to each of their ***wrap fee program clients***. *[Used in: Part 2, General Instructions; Used throughout Part 2A, Appendix 1]*

62. **Wrap Fee Program:** Any advisory program under which a specified fee or fees not based directly upon transactions in a ***client's*** account is charged for investment advisory services (which may include portfolio management or advice concerning the selection of other investment advisers) and the execution of ***client*** transactions. *[Used in: Part 1, Item 5; Schedule D; Part 2A, Instructions, Item 4, used throughout Appendix 1; Part 2B, Instructions]*

APPENDIX D

FORM ADV (Paper Version)

- **UNIFORM APPLICATION FOR INVESTMENT ADVISER REGISTRATION AND**
- **REPORT BY EXEMPT REPORTING ADVISERS**

PART 1A

WARNING: Complete this form truthfully. False statements or omissions may result in denial of your application, revocation of your registration, or criminal prosecution. You must keep this form updated by filing periodic amendments. See Form ADV General Instruction 4.

Check the box that indicates what you would like to do (check all that apply):

SEC or State Registration:
☐ Submit an initial application to register as an investment adviser with the SEC.
☐ Submit an initial application to register as an investment adviser with one or more states.
☐ Submit an *annual updating amendment* to your registration for your fiscal year ended _____.
☐ Submit an other-than-annual amendment to your registration.

SEC or State Report by *Exempt Reporting Advisers*:
☐ Submit an initial report to the SEC.
☐ Submit a report to one or more *state securities authorities*.
☐ Submit an *annual updating amendment* to your report for your fiscal year ended _____.
☐ Submit an other-than-annual amendment to your report.
☐ Submit a final report.

Item 1 Identifying Information

Responses to this Item tell us who you are, where you are doing business, and how we can contact you. If you are filing an *umbrella registration*, the information in Item 1 should be provided for the *filing adviser* only. General Instruction 5 provides information to assist you with filing an *umbrella registration*.

A. Your full legal name (if you are a sole proprietor, your last, first, and middle names):
_____

B. (1) Name under which you primarily conduct your advisory business, if different from Item 1.A.
_____

List on Section 1.B. of Schedule D any additional names under which you conduct your advisory business.

(2) If you are using this Form ADV to register more than one investment adviser under an *umbrella registration*, check this box ☐.

If you check this box, complete a Schedule R for each relying adviser.

C. If this filing is reporting a change in your legal name (Item 1.A.) or primary business name (Item 1.B.), enter the new name and specify whether the name change is of ☐ your legal name or ☐ your primary business name:
_____

D. (1) If you are registered with the SEC as an investment adviser, your SEC file number: 801-_____

(2) If you report to the SEC as an *exempt reporting adviser*, your SEC file number: 802-_____

(3) If you have Central Index Key numbers assigned by the SEC ("CIK Number"), all of your CIK numbers: _____

E. If you have one or more numbers ("*CRD* Numbers") assigned by the *FINRA's CRD* system or by the IARD system, all of your *CRD* numbers: _____

If your firm does not have a CRD number, skip this Item 1.E. Do not provide the CRD number of one of your officers, employees, or affiliates.

F. *Principal Office and Place of Business*

(1) Address (do not use a P.O. Box):

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

If this address is a private residence, check this box: ☐

List on Section 1.F. of Schedule D any office, other than your principal office and place of business, at which you conduct investment advisory business. If you are applying for registration, or are registered, with one or more state securities authorities, you must list all of your offices in the state or states to which you are applying for registration or with whom you are registered. If you are applying for SEC registration, if you are registered only with the SEC, or if you are reporting to the SEC as an exempt reporting adviser, list the largest twenty-five offices in terms of numbers of employees as of the end of your most recently completed fiscal year.

(2) Days of week that you normally conduct business at your *principal office and place of business*:

☐ Monday - Friday ☐ Other: _____

Normal business hours at this location: _____

(3) Telephone number at this location: _____
(area code) (telephone number)

(4) Facsimile number at this location, if any: _____
(area code) (facsimile number)

(5) What is the total number of offices, other than your *principal office and place of business*, at which you conduct investment advisory business as of the end of your most recently completed fiscal year?

_____

FORM ADV Part 1A Page 3 of 21	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

G. Mailing address, if different from your *principal office and place of business* address:

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

If this address is a private residence, check this box: ☐

H. If you are a sole proprietor, state your full residence address, if different from your *principal office and place of business* address in Item 1.F.:

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

I. Do you have one or more websites or websites for social media platforms used by your firm (including, but not limited to, Twitter, Facebook and LinkedIn)?

Yes ☐ No ☐

If "yes," list all firm website addresses on Section 1.I. of Schedule D. If a website address serves as a portal through which to access other information you have published on the web, you may list the portal without listing addresses for all of the other information. Some advisers may need to list more than one portal address. Do not provide individual electronic mail (e-mail) addresses or social media websites of employees in response to this Item.

J. Chief Compliance Officer

(1) Provide the name and contact information of your Chief Compliance Officer: If you are an *exempt reporting adviser*, you must provide the contact information for your Chief Compliance Officer, if you have one. If not, you must complete Item 1.K. below.

_____
(name)

_____
(other titles, if any)

_____ _____
(area code) (telephone number) (area code) (facsimile number, if any)

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

_____
(electronic mail (e-mail) address, if Chief Compliance Officer has one)

(2) If your Chief Compliance Officer is compensated or employed by any *person* other than you or a *related person* for providing chief compliance officer services, provide the *person's* name and IRS Employer Identification Number (if any):_____.

FORM ADV Part 1A Page 4 of 21	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

K. Additional Regulatory Contact Person: If a person other than the Chief Compliance Officer is authorized to receive information and respond to questions about this Form ADV, you may provide that information here.

_____
(name)

_____
(titles)

_____ _____
(area code) (telephone number) (area code) (facsimile number, if any)

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

_____
(electronic mail (e-mail) address, if contact person has one)

L. Do you maintain some or all of the books and records you are required to keep under Section 204 of the Advisers Act, or similar state law, somewhere other than your *principal office and place of business*?

Yes ☐ No ☐

If "yes," complete Section 1.L. of Schedule D.

M. Are you registered with a *foreign financial regulatory authority*? Yes ☐ No ☐

Answer "no" if you are not registered with a foreign financial regulatory authority, even if you have an affiliate that is registered with a foreign financial regulatory authority. If "yes," complete Section 1.M. of Schedule D.

N. Are you a public reporting company under Sections 12 or 15(d) of the Securities Exchange Act of 1934?

Yes ☐ No ☐

O. Did you have $1 billion or more in assets on the last day of your most recent fiscal year?

Yes ☐ No ☐

If yes, what is the approximate amount of your assets:

$1 billion to less than $10 billion ☐

$10 billion to less than $50 billion ☐

$50 billion or more ☐

For purposes of Item 1.O. only, "assets" refers to your total assets, rather than the assets you manage on behalf of clients. Determine your total assets using the total assets shown on the balance sheet for your most recent fiscal year end.

P. Provide your *Legal Entity Identifier* if you have one: _____

A *legal entity identifier* is a unique number that companies use to identify each other in the financial marketplace. You may not have a *legal entity identifier*.

Item 2

SEC Registration

Responses to this Item help us (and you) determine whether you are eligible to register with the SEC. Complete this Item 2.A. only if you are applying for SEC registration or submitting an *annual updating amendment* to your SEC registration. If you are filing an *umbrella registration*, the information in Item 2 should be provided for the *filing adviser* only.

A. To register (or remain registered) with the SEC, you must check **at least one** of the Items 2.A.(1) through 2.A.(12), below. If you are submitting an *annual updating amendment* to your SEC registration and you are no longer eligible to register with the SEC, check Item 2.A.(13). Part 1A Instruction 2 provides information to help you determine whether you may affirmatively respond to each of these items.

You (the adviser):

☐ (1) are a **large advisory firm** that either:

(a) has regulatory assets under management of $100 million (in U.S. dollars) or more, or

(b) has regulatory assets under management of $90 million (in U.S. dollars) or more at the time of filing its most recent *annual updating amendment* and is registered with the SEC;

☐ (2) are a **mid-sized advisory firm** that has regulatory assets under management of $25 million (in U.S. dollars) or more but less than $100 million (in U.S. dollars) and you are either:

(a) not required to be registered as an adviser with the *state securities authority* of the state where you maintain your *principal office and place of business*, or

(b) not subject to examination by the *state securities authority* of the state where you maintain your *principal office and place of business*;

*Click **HERE** for a list of states in which an investment adviser, if registered, would not be subject to examination by the state securities authority.*

☐ (3) have your *principal office and place of business* **in Wyoming** (which does not regulate advisers);

☐ (4) have your *principal office and place of business* **outside the United States**;

☐ (5) are **an investment adviser (or sub-adviser) to an investment company** registered under the Investment Company Act of 1940;

☐ (6) are **an investment adviser to a company which has elected to be a business development company** pursuant to section 54 of the Investment Company Act of 1940 and has not withdrawn the election, and you have at least $25 million of regulatory assets under management;

FORM ADV Part 1A Page 6 of 21	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

☐ (7) are a **pension consultant** with respect to assets of plans having an aggregate value of at least $200,000,000 that qualifies for the exemption in rule 203A-2(a);

☐ (8) are a **related adviser** under rule 203A-2(b) that *controls,* is *controlled* by, or is under common *control* with, an investment adviser that is registered with the SEC, and your *principal office and place of business* is the same as the registered adviser;

If you check this box, complete Section 2.A.(8) of Schedule D.

☐ (9) are an **adviser** relying on rule 203A-2(c) because you **expect to be eligible for SEC registration within 120 days**;

If you check this box, complete Section 2.A.(9) of Schedule D.

☐ (10) are a **multi-state adviser** that is required to register in 15 or more states and is relying on rule 203A-2(d);

If you check this box, complete Section 2.A.(10) of Schedule D.

☐ (11) are an **Internet adviser** relying on rule 203A-2(e);

☐ (12) have **received an SEC *order*** exempting you from the prohibition against registration with the SEC;

If you check this box, complete Section 2.A.(12) of Schedule D.

☐ (13) are **no longer eligible** to remain registered with the SEC.

SEC Reporting by *Exempt Reporting Advisers*

B. Complete this Item 2.B. only if you are reporting to the SEC as an *exempt reporting adviser.* Check all that apply. You:

☐ (1) qualify for the exemption from registration as an adviser solely to one or more venture capital funds;

☐ (2) qualify for the exemption from registration because you act solely as an adviser to *private funds* and have assets under management in the United States of less than $150 million;

☐ (3) act solely as an adviser to *private funds* but you are no longer eligible to check box 2.B.(2) because you have assets under management in the United States of $150 million or more.

If you check box (2) or (3), complete Section 2.B. of Schedule D.

State Securities Authority Notice Filings and State Reporting by *Exempt Reporting Advisers*

C. Under state laws, SEC-registered advisers may be required to provide to *state securities authorities* a copy of the Form ADV and any amendments they file with the SEC. These are called *notice filings.* In addition, *exempt reporting advisers* may be required to provide *state securities authorities* with a copy of reports and any amendments they file with the SEC. If this is an initial application or report, check the box(es) next to the state(s) that you would like to receive notice of this and all subsequent filings or reports you submit to

the SEC. If this is an amendment to direct your *notice filings* or reports to additional state(s), check the box(es) next to the state(s) that you would like to receive notice of this and all subsequent filings or reports you submit to the SEC. If this is an amendment to your registration to stop your *notice filings* or reports from going to state(s) that currently receive them, uncheck the box(es) next to those state(s).

☐ AL	☐ CT	☐ HI	☐ KY	☐ MN	☐ NH	☐ OH	☐ SC	☐ VI
☐ AK	☐ DE	☐ ID	☐ LA	☐ MS	☐ NJ	☐ OK	☐ SD	☐ VA
☐ AZ	☐ DC	☐ IL	☐ ME	☐ MO	☐ NM	☐ OR	☐ TN	☐ WA
☐ AR	☐ FL	☐ IN	☐ MD	☐ MT	☐ NY	☐ PA	☐ TX	☐ WV
☐ CA	☐ GA	☐ IA	☐ MA	☐ NE	☐ NC	☐ PR	☐ UT	☐ WI
☐ CO	☐ GU	☐ KS	☐ MI	☐ NV	☐ ND	☐ RI	☐ VT	

If you are amending your registration to stop your notice filings or reports from going to a state that currently receives them and you do not want to pay that state's notice filing or report filing fee for the coming year, your amendment must be filed before the end of the year (December 31).

Item 3 Form of Organization

If you are filing an *umbrella registration*, the information in Item 3 should be provided for the *filing adviser* only.

A. How are you organized?

☐ Corporation ☐ Sole Proprietorship ☐ Limited Liability Partnership (LLP)
☐ Partnership ☐ Limited Liability Company (LLC) ☐ Limited Partnership (LP)
☐ Other (specify):_____

If you are changing your response to this Item, see Part 1A Instruction 4.

B. In what month does your fiscal year end each year? _____

C. Under the laws of what state or country are you organized? _____

If you are a partnership, provide the name of the state or country under whose laws your partnership was formed. If you are a sole proprietor, provide the name of the state or country where you reside.

If you are changing your response to this Item, see Part 1A Instruction 4.

Item 4 Successions

A. Are you, at the time of this filing, succeeding to the business of a registered investment adviser, including, for example, a change of your structure or legal status (*e.g.*, form of organization or state of incorporation)?

☐ Yes ☐ No

If "yes," complete Item 4.B. and Section 4 of Schedule D.

B. Date of Succession: _____
(mm/dd/yyyy)

If you have already reported this succession on a previous Form ADV filing, do not report the succession again. Instead, check "No." See Part 1A Instruction 4.

Item 5 Information About Your Advisory Business

Responses to this Item help us understand your business, assist us in preparing for on-site examinations, and provide us with data we use when making regulatory policy. Part 1A Instruction 5.a. provides additional guidance to newly formed advisers for completing this Item 5.

Employees

If you are organized as a sole proprietorship, include yourself as an employee in your responses to Item 5.A and Items 5.B.(1), (2), (3), (4), and (5). If an employee performs more than one function, you should count that employee in each of your responses to Items 5.B.(1), (2), (3), (4) and (5).

A. Approximately how many *employees* do you have? Include full- and part-time *employees* but do not include any clerical workers.

_____

B. (1) Approximately how many of the *employees* reported in 5.A. perform investment advisory functions (including research)?

_____

(2) Approximately how many of the *employees* reported in 5.A. are registered representatives of a broker-dealer?

_____

(3) Approximately how many of the *employees* reported in 5.A. are registered with one or more *state securities authorities* as *investment adviser representatives*?

_____

(4) Approximately how many of the *employees* reported in 5.A. are registered with one or more *state securities authorities* as *investment adviser representatives* for an investment adviser other than you?

_____

(5) Approximately how many of the *employees* reported in 5.A. are licensed agents of an insurance company or agency?

_____

(6) Approximately how many firms or other *persons* solicit advisory *clients* on your behalf?

_____

In your response to Item 5.B.(6), do not count any of your employees and count a firm only once – do not count each of the firm's employees that solicit on your behalf.

FORM ADV Part 1A Page 9 of 21	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

Clients

In your responses to Items 5.C. and 5.D. do not include as "clients" the investors in a private fund you advise, unless you have a separate advisory relationship with those investors.

C. (1) To approximately how many *clients* for whom you do not have regulatory assets under management did you provide investment advisory services during your most recently completed fiscal year? _____

(2) Approximately what percentage of your *clients* are non-*United States persons*? _____%

D. *For purposes of this Item 5.D., the category "individuals" includes trusts, estates, and 401(k) plans and IRAs of individuals and their family members, but does not include businesses organized as sole proprietorships.*
The category "business development companies" consists of companies that have made an election pursuant to section 54 of the Investment Company Act of 1940. Unless you provide advisory services pursuant to an investment advisory contract to an investment company registered under the Investment Company Act of 1940, do not answer (d)(1) or (d)(2) below.

Indicate the approximate number of your *clients* and amount of your total regulatory assets under management (reported in Item 5.F. below) attributable to each of the following type of *client*. The aggregate amount of regulatory assets under management reported in Item 5.D.(2) should equal the total amount of regulatory assets under management reported in Item 5.F.(2) below.

Type of *Client*	(1) Number of *Client*(s)	(2) Amount of Regulatory Assets under Management
(a) Individuals (other than *high net worth individuals*)		
(b) *High net worth individuals*		
(c) Banking or thrift institutions		
(d) Investment companies		
(e) Business development companies		
(f) Pooled investment vehicles (other than investment companies)		
(g) Pension and profit sharing plans (but not the plan participants or government pension plans)		
(h) Charitable organizations		
(i) Corporations or other businesses not listed above		
(j) State or municipal *government entities* (including government pension plans)		
(k) Other investment advisers		
(l) Insurance companies		
(m) Sovereign wealth funds and foreign official institutions		
(n) Other: _____		

FORM ADV Part 1A Page 10 of 21	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

Compensation Arrangements

E. You are compensated for your investment advisory services by (check all that apply):

- ☐ (1) A percentage of assets under your management
- ☐ (2) Hourly charges
- ☐ (3) Subscription fees (for a newsletter or periodical)
- ☐ (4) Fixed fees (other than subscription fees)
- ☐ (5) Commissions
- ☐ (6) *Performance-based fees*
- ☐ (7) Other (specify): _____

Regulatory Assets Under Management

F. (1) Do you provide continuous and regular supervisory or management services to securities portfolios? ☐ Yes ☐ No

(2) If yes, what is the amount of your regulatory assets under management and total number of accounts?

	U.S. Dollar Amount	Total Number of Accounts
Discretionary:	(a) $_____.00	(d) _____
Non-Discretionary:	(b) $_____.00	(e) _____
Total:	(c) $_____.00	(f) _____

Part 1A Instruction 5.b. explains how to calculate your regulatory assets under management. You must follow these instructions carefully when completing this Item.

(3) What is the approximate amount of your total regulatory assets under management (reported in Item 5.F.(2)(c) above) attributable to non-U.S. *clients*? _____

Advisory Activities

G. What type(s) of advisory services do you provide? Check all that apply.

- ☐ (1) Financial planning services
- ☐ (2) Portfolio management for individuals and/or small businesses
- ☐ (3) Portfolio management for investment companies (as well as "business development companies" that have made an election pursuant to section 54 of the Investment Company Act of 1940)
- ☐ (4) Portfolio management for pooled investment vehicles (other than investment companies)
- ☐ (5) Portfolio management for businesses (other than small businesses) or institutional *clients* (other than registered investment companies and other pooled investment vehicles)
- ☐ (6) Pension consulting services
- ☐ (7) Selection of other advisers (including *private fund* managers)
- ☐ (8) Publication of periodicals or newsletters
- ☐ (9) Security ratings or pricing services
- ☐ (10) Market timing services
- ☐ (11) Educational seminars/workshops
- ☐ (12) Other (specify): _____

FORM ADV Part 1A Page 11 of 21	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

Do not check Item 5.G.(3) unless you provide advisory services pursuant to an investment advisory contract to an investment company registered under the Investment Company Act of 1940, including as a subadviser. If you check Item 5.G.(3), report the 811 or 814 number of the investment company or investment companies to which you provide advice in Section 5.G.(3) of Schedule D.

H. If you provide financial planning services, to how many *clients* did you provide these services during your last fiscal year?

☐ 0 ☐ 1-10 ☐ 11-25 ☐ 26-50 ☐ 51-100 ☐ 101-250 ☐ 251 – 500
☐ More than 500 If more than 500, how many? _____ (round to the nearest 500)

In your responses to this Item 5.H., do not include as "clients" the investors in a private fund you advise, unless you have a separate advisory relationship with those investors.

I. (1) Do you participate in a *wrap fee program*? ☐ Yes ☐ No.

(2) If you participate in a *wrap fee program*, what is the amount of your regulatory assets under management attributable to acting as:

(a) *sponsor* to a *wrap fee program* $_____

(b) a portfolio manager for a *wrap fee program*? $_____

If you are a portfolio manager for a wrap fee program, list the names of the programs, their sponsors and related information in Section 5.I.(2) of Schedule D.

If your involvement in a wrap fee program is limited to recommending wrap fee programs to your clients, or you advise a mutual fund that is offered through a wrap fee program, do not check Item 5.I.(1) or enter any amounts in response to Item 5.I(2).

J. (1) In response to Item 4.B. of Part 2A of Form ADV, do you indicate that you provide investment advice only with respect to limited types of investments? ☐ Yes ☐ No

(2) Do you report *client* assets in Item 4.E of Part 2A that are computed using a different method than the method used to compute your regulatory assets under management? ☐ Yes ☐ No

K. Separately Managed Account *Client*s

(1) Do you have regulatory assets under management attributable to *clients* other than those listed in Item 5.D.(2)(d)-(f) (separately managed account *clients*)? ☐ Yes ☐ No

If yes, complete Section 5.K.(1) of Schedule D.

(2) Do you engage in *borrowing* transactions on behalf of any of the separately managed account *clients* that you advise? ☐ Yes ☐ No

If yes, complete Section 5.K.(2) of Schedule D.

(3) Do you engage in derivative transactions on behalf of any of the separately managed account *clients* that you advise? ☐ Yes ☐ No

If yes, complete Section 5.K.(2) of Schedule D.

(4) After subtracting the amounts in Item 5.D.(2)(d)-(f) above from your total regulatory assets under management, does any custodian hold ten percent or more of this remaining amount of regulatory assets under management?

☐ Yes ☐ No

If yes, complete Section 5.K.(3) of Schedule D for each custodian.

Item 6 Other Business Activities

In this Item, we request information about your firm's other business activities.

A. You are actively engaged in business as a (check all that apply):

☐ (1) broker-dealer (registered or unregistered)
☐ (2) registered representative of a broker-dealer
☐ (3) commodity pool operator or commodity trading advisor (whether registered or exempt from registration)
☐ (4) futures commission merchant
☐ (5) real estate broker, dealer, or agent
☐ (6) insurance broker or agent
☐ (7) bank (including a separately identifiable department or division of a bank)
☐ (8) trust company
☐ (9) registered municipal advisor
☐ (10) registered security-based swap dealer
☐ (11) major security-based swap participant
☐ (12) accountant or accounting firm
☐ (13) lawyer or law firm
☐ (14) other financial product salesperson (specify): _____

If you engage in other business using a name that is different from the names reported in Items 1.A. or 1.B.(1), complete Section 6.A. of Schedule D.

B. (1) Are you actively engaged in any other business not listed in Item 6.A. (other than giving investment advice)? ☐ Yes ☐ No

(2) If yes, is this other business your primary business? ☐ Yes ☐ No

If "yes," describe this other business on Section 6.B.(2) of Schedule D, and if you engage in this business under a different name, provide that name.

(3) Do you sell products or provide services other than investment advice to your advisory *clients*? ☐ Yes ☐ No

If "yes," describe this other business on Section 6.B.(3) of Schedule D, and if you engage in this business under a different name, provide that name.

Item 7 Financial Industry Affiliations and *Private Fund* Reporting

In this Item, we request information about your financial industry affiliations and activities. This information identifies areas in which conflicts of interest may occur between you and your *clients*.

A. This part of Item 7 requires you to provide information about you and your *related persons*, including foreign affiliates. Your *related persons* are all of your *advisory affiliates* and any *person* that is under common *control* with you.

You have a *related person* that is a (check all that apply):

☐ (1) broker-dealer, municipal securities dealer, or government securities broker or dealer (registered or unregistered)
☐ (2) other investment adviser (including financial planners)
☐ (3) registered municipal advisor
☐ (4) registered security-based swap dealer
☐ (5) major security-based swap participant
☐ (6) commodity pool operator or commodity trading advisor (whether registered or exempt from registration)
☐ (7) futures commission merchant
☐ (8) banking or thrift institution
☐ (9) trust company
☐ (10) accountant or accounting firm
☐ (11) lawyer or law firm
☐ (12) insurance company or agency
☐ (13) pension consultant
☐ (14) real estate broker or dealer
☐ (15) sponsor or syndicator of limited partnerships (or equivalent), excluding pooled investment vehicles
☐ (16) sponsor, general partner, managing member (or equivalent) of pooled investment vehicles

Note that Item 7.A should not be used to disclose that some of your employees perform investment advisory functions or are registered representatives of a broker-dealer. The number of your firm's employees who perform investment advisory functions should be disclosed under Item 5.B(1). The number of your firm's employees who are registered representatives of a broker-dealer should be disclosed under Item 5.B(2).

Note that if you are filing an umbrella registration, you should not check Item 7.A.(2) with respect to your relying advisers, and you do not have to complete Section 7.A. in Schedule D for your relying advisers. You should complete a Schedule R for each relying adviser.

For each related person, including foreign affiliates that may not be registered or required to be registered in the United States, complete Section 7.A. of Schedule D.

You do not need to complete Section 7.A. of Schedule D for any related person if: (1) you have no business dealings with the related person in connection with advisory services you provide to your clients; (2) you do not conduct shared operations with the related person; (3) you do not refer clients or business to the related person, and the related person does not refer prospective clients or business to you; (4) you do not share supervised persons or premises with the related person; and (5) you have no reason to believe that your relationship with the related person otherwise creates a conflict of interest with your clients.

You must complete Section 7.A. of Schedule D for each related person acting as qualified custodian in connection with advisory services you provide to your clients (other than any mutual fund transfer agent

pursuant to rule 206(4)-2(b)(1)), regardless of whether you have determined the related person to be operationally independent under rule 206(4)-2 of the Advisers Act.

B. Are you an adviser to any *private fund*? ☐ Yes ☐ No

If "yes," then for each private fund that you advise, you must complete a Section 7.B.(1) of Schedule D, except in certain circumstances described in the next sentence and in Instruction 6 of the Instructions to Part 1A. If you are registered or applying for registration with the SEC or reporting as an SEC exempt reporting adviser, and another SEC-registered adviser or SEC exempt reporting adviser reports this information with respect to any such private fund in Section 7.B.(1) of Schedule D of its Form ADV (e.g., if you are a subadviser), do not complete Section 7.B.(1) of Schedule D with respect to that private fund. You must, instead, complete Section 7.B.(2) of Schedule D.

In either case, if you seek to preserve the anonymity of a private fund client by maintaining its identity in your books and records in numerical or alphabetical code, or similar designation, pursuant to rule 204-2(d), you may identify the private fund in Section 7.B.(1) or 7.B.(2) of Schedule D using the same code or designation in place of the fund's name.

Item 8 Participation or Interest in *Client* Transactions

In this Item, we request information about your participation and interest in your *clients'* transactions. This information identifies additional areas in which conflicts of interest may occur between you and your *clients*. Your responses to these questions should be based on the types of participation and interest that you expect to engage in during the next year.

Like Item 7, Item 8 requires you to provide information about you and your *related persons*, including foreign affiliates.

Proprietary Interest in *Client* Transactions

A. Do you or any *related person*:	Yes	No
(1) buy securities for yourself from advisory *clients*, or sell securities you own to advisory *clients* (principal transactions)?	☐	☐
(2) buy or sell for yourself securities (other than shares of mutual funds) that you also recommend to advisory *clients*?	☐	☐
(3) recommend securities (or other investment products) to advisory *clients* in which you or any *related person* has some other proprietary (ownership) interest (other than those mentioned in Items 8.A.(1) or (2))?	☐	☐

Sales Interest in *Client* Transactions

B. Do you or any *related person*:	Yes	No
(1) as a broker-dealer or registered representative of a broker-dealer, execute securities trades for brokerage customers in which advisory *client* securities are sold to or bought from the brokerage customer (agency cross transactions)?	☐	☐

(2) recommend to advisory *clients,* or act as a purchaser representative for advisory *clients* with respect to, the purchase of securities for which you or any *related person* serves as underwriter or general or managing partner? ☐ ☐

(3) recommend purchase or sale of securities to advisory *clients* for which you or any *related person* has any other sales interest (other than the receipt of sales commissions as a broker or registered representative of a broker-dealer)? ☐ ☐

Investment or Brokerage Discretion

		Yes	No
C.	Do you or any *related person* have *discretionary authority* to determine the:		
	(1) securities to be bought or sold for a *client's* account?	☐	☐
	(2) amount of securities to be bought or sold for a *client's* account?	☐	☐
	(3) broker or dealer to be used for a purchase or sale of securities for a *client's* account?	☐	☐
	(4) commission rates to be paid to a broker or dealer for a *client's* securities transactions?	☐	☐
		Yes	No
D.	If you answer "yes" to C.(3) above, are any of the brokers or dealers *related persons*?	☐	☐
E.	Do you or any *related person* recommend brokers or dealers to *clients*?	☐	☐
F.	If you answer "yes" to E above, are any of the brokers or dealers *related persons*?	☐	☐
G.	(1) Do you or any *related person* receive research or other products or services other than execution from a broker-dealer or a third party ("soft dollar benefits") in connection with *client* securities transactions?	☐	☐
	(2) If "yes" to G.(1) above, are all the "soft dollar benefits" you or any *related persons* receive eligible "research or brokerage services" under section 28(e) of the Securities Exchange Act of 1934?	☐	☐
H.	(1) Do you or any *related person*, directly or indirectly, compensate any *person* that is not an *employee* for *client* referrals?	☐	☐
	(2) Do you or any *related person*, directly or indirectly, provide any *employee* compensation that is specifically related to obtaining *clients* for the firm (cash or non-cash compensation in addition to the *employee*'s regular salary)?	☐	☐
I.	Do you or any *related person*, including any *employee*, directly or indirectly, receive compensation from any *person* (other than you or any *related* person) for *client* referrals?	☐	☐

In your response to Item 8.I., do not include the regular salary you pay to an employee.

In responding to Items 8.H and 8.I., consider all cash and non-cash compensation that you or a related person gave to (in answering Item 8.H) or received from (in answering Item 8.I) any person in exchange for client referrals, including any bonus that is based, at least in part, on the number or amount of client referrals.

Item 9 Custody

In this Item, we ask you whether you or a *related person* has *custody* of *client* (other than *clients* that are investment companies registered under the Investment Company Act of 1940) assets and about your custodial practices.

A. (1) Do you have *custody* of any advisory *clients'*:

	Yes	No
(a) cash or bank accounts?	☐	☐
(b) securities?	☐	☐

If you are registering or registered with the SEC, answer "No" to Item 9.A.(1)(a) and (b) if you have custody solely because (i) you deduct your advisory fees directly from your clients' accounts, or (ii) a related person has custody of client assets in connection with advisory services you provide to clients, but you have overcome the presumption that you are not operationally independent (pursuant to Advisers Act rule 206(4)-(2)(d)(5)) from the related person.

(2) If you checked "yes" to Item 9.A.(1)(a) or (b), what is the approximate amount of *client* funds and securities and total number of *clients* for which you have *custody*:

U.S. Dollar Amount	Total Number of *Clients*
(a) $_____	(b) _____

If you are registering or registered with the SEC and you have custody solely because you deduct your advisory fees directly from your clients' accounts, do not include the amount of those assets and the number of those clients in your response to Item 9.A.(2). If your related person has custody of client assets in connection with advisory services you provide to clients, do not include the amount of those assets and the number of those clients in your response to Item 9.A.(2). Instead, include that information in your response to Item 9.B.(2).

B. (1) In connection with advisory services you provide to *clients*, do any of your *related persons* have *custody* of any of your advisory *clients'*:

	Yes	No
(a) cash or bank accounts?	☐	☐
(b) securities?	☐	☐

You are required to answer this item regardless of how you answered Item 9.A.(1)(a) or (b).

(2) If you checked "yes" to Item 9.B.(1)(a) or (b), what is the approximate amount of *client* funds and securities and total number of *clients* for which your *related persons* have *custody*:

U.S. Dollar Amount	Total Number of *Clients*
(a) $_____	(b) _____

C. If you or your *related persons* have *custody* of *client* funds or securities in connection with advisory services you provide to *clients*, check all the following that apply:

☐ (1) A qualified custodian(s) sends account statements at least quarterly to the investors in the pooled investment vehicle(s) you manage.

☐ (2) An *independent public accountant* audits annually the pooled investment vehicle(s) that you manage and the audited financial statements are distributed to the investors in the pools.

☐ (3) An *independent public accountant* conducts an annual surprise examination of *client* funds and securities.

☐ (4) An *independent public accountant* prepares an internal control report with respect to custodial services when you or your *related persons* are qualified custodians for *client* funds and securities.

If you checked Item 9.C.(2), C.(3) or C.(4), list in Section 9.C. of Schedule D the accountants that are engaged to perform the audit or examination or prepare an internal control report. (If you checked Item 9.C.(2), you do not have to list auditor information in Section 9.C. of Schedule D if you already provided this information with respect to the private funds you advise in Section 7.B.(1) of Schedule D).

D. Do you or your *related person(s)* act as qualified custodians for your *clients* in connection with advisory services you provide to *clients*?

	Yes	No
(1) you act as a qualified custodian	☐	☐
(2) your *related person(s)* act as qualified custodian(s)	☐	☐

If you checked "yes" to Item 9.D.(2), all related persons that act as qualified custodians (other than any mutual fund transfer agent pursuant to rule 206(4)-2(b)(1)) must be identified in Section 7.A. of Schedule D, regardless of whether you have determined the related person to be operationally independent under rule 206(4)-2 of the Advisers Act.

E. If you are filing your *annual updating amendment* and you were subject to a surprise examination by an *independent public accountant* during your last fiscal year, provide the date (MM/YYYY) the examination commenced: _____

F. If you or your *related persons* have *custody* of *client* funds or securities, how many *persons*, including, but not limited to, you and your *related persons*, act as qualified custodians for your *clients* in connection with advisory services you provide to *clients*? _____

Item 10 Control Persons

In this Item, we ask you to identify every *person* that, directly or indirectly, *controls* you. If you are filing an *umbrella registration*, the information in Item 10 should be provided for the *filing adviser* only.

If you are submitting an initial application or report, you must complete Schedule A and Schedule B. Schedule A asks for information about your direct owners and executive officers. Schedule B asks for information about your indirect owners. If this is an amendment and you are updating information you reported on either Schedule A or Schedule B (or both) that you filed with your initial application or report, you must complete Schedule C.

A. Does any *person* not named in Item 1.A. or Schedules A, B, or C, directly or indirectly, *control* your management or policies? ☐ Yes ☐ No

If yes, complete Section 10.A. of Schedule D.

B. If any *person* named in Schedules A, B, or C or in Section 10.A. of Schedule D is a public reporting company under Sections 12 or 15(d) of the Securities Exchange Act of 1934, please complete Section 10.B. of Schedule D.

Item 11 Disclosure Information

In this Item, we ask for information about your disciplinary history and the disciplinary history of all your *advisory affiliates*. We use this information to determine whether to grant your application for registration, to decide whether to revoke your registration or to place limitations on your activities as an investment adviser, and to identify potential problem areas to focus on during our on-site examinations. One event may result in "yes" answers to more than one of the questions below. In accordance with General Instruction 5 to Form ADV, "you" and "your" includes the *filing adviser* and all *relying advisers* under an *umbrella registration*.

Your *advisory affiliates* are: (1) all of your current *employees* (other than *employees* performing only clerical, administrative, support or similar functions); (2) all of your officers, partners, or directors (or any *person* performing similar functions); and (3) all *persons* directly or indirectly *controlling* you or *controlled* by you. If you are a "separately identifiable department or division" (SID) of a bank, see the Glossary of Terms to determine who your *advisory affiliates* are.

If you are registered or registering with the SEC or if you are an exempt reporting adviser, you may limit your disclosure of any event listed in Item 11 to ten years following the date of the event. If you are registered or registering with a state, you must respond to the questions as posed; you may, therefore, limit your disclosure to ten years following the date of an event only in responding to Items 11.A.(1), 11.A.(2), 11.B.(1), 11.B.(2), 11.D.(4), and 11.H(1)(a). For purposes of calculating this ten-year period, the date of an event is the date the final order, judgment, or decree was entered, or the date any rights of appeal from preliminary orders, judgments, or decrees lapsed.

You must complete the appropriate Disclosure Reporting Page ("DRP") for "yes" answers to the questions in this Item 11.

	Yes	No
Do any of the events below involve you or any of your *supervised persons?*	☐	☐

For "yes" answers to the following questions, complete a Criminal Action DRP:

	Yes	No
A. In the past ten years, have you or any *advisory affiliate*:		
(1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any *felony*?	☐	☐
(2) been *charged* with any *felony*?	☐	☐

If you are registered or registering with the SEC, or if you are reporting as an exempt reporting adviser, you may limit your response to Item 11.A.(2) to charges that are currently pending.

B. In the past ten years, have you or any *advisory affiliate*:

(1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to a *misdemeanor* involving: investments or an *investment-related* business, or any fraud, false statements, or omissions, wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses? ☐ ☐

(2) been *charged* with a *misdemeanor* listed in Item 11.B.(1)? ☐ ☐

If you are registered or registering with the SEC, or if you are reporting as an exempt reporting adviser, you may limit your response to Item 11.B.(2) to charges that are currently pending.

For "yes" answers to the following questions, complete a Regulatory Action DRP:

	Yes	No
C. Has the SEC or the Commodity Futures Trading Commission (CFTC) ever:		
(1) *found* you or any *advisory affiliate* to have made a false statement or omission?	☐	☐
(2) *found* you or any *advisory affiliate* to have been *involved* in a violation of SEC or CFTC regulations or statutes?	☐	☐
(3) *found* you or any *advisory affiliate* to have been a cause of an *investment-related* business having its authorization to do business denied, suspended, revoked, or restricted?	☐	☐
(4) entered an *order* against you or any *advisory affiliate* in connection with *investment-related* activity?	☐	☐
(5) imposed a civil money penalty on you or any *advisory affiliate*, or *ordered* you or any *advisory affiliate* to cease and desist from any activity?	☐	☐
D. Has any other federal regulatory agency, any state regulatory agency, or any *foreign financial regulatory authority*:		
(1) ever *found* you or any *advisory affiliate* to have made a false statement or omission, or been dishonest, unfair, or unethical?	☐	☐
(2) ever *found* you or any *advisory affiliate* to have been *involved* in a violation of *investment-related* regulations or statutes?	☐	☐
	Yes	No
(3) ever *found* you or any *advisory affiliate* to have been a cause of an *investment-related* business having its authorization to do business denied, suspended, revoked, or restricted?	☐	☐
(4) in the past ten years, entered an *order* against you or any *advisory affiliate* in connection with an *investment-related* activity?	☐	☐
(5) ever denied, suspended, or revoked your or any *advisory affiliate's* registration or license, or otherwise prevented you or any *advisory affiliate*, by *order*, from associating with an *investment-related* business or restricted your or any *advisory affiliate's* activity?	☐	☐

E. Has any *self-regulatory organization* or commodities exchange ever:

(1) *found* you or any *advisory affiliate* to have made a false statement or omission? ☐ ☐

(2) *found* you or any *advisory affiliate* to have been *involved* in a violation of its rules (other than a violation designated as a "*minor rule violation*" under a plan approved by the SEC)? ☐ ☐

(3) *found* you or any *advisory affiliate* to have been the cause of an *investment-related* business having its authorization to do business denied, suspended, revoked, or restricted? ☐ ☐

(4) disciplined you or any *advisory affiliate* by expelling or suspending you or the *advisory affiliate* from membership, barring or suspending you or the *advisory affiliate* from association with other members, or otherwise restricting your or the *advisory affiliate's* activities? ☐ ☐

F. Has an authorization to act as an attorney, accountant, or federal contractor granted to you or any *advisory affiliate* ever been revoked or suspended? ☐ ☐

G. Are you or any *advisory affiliate* now the subject of any regulatory *proceeding* that could result in a "yes" answer to any part of Item 11.C., 11.D., or 11.E.? ☐ ☐

For "yes" answers to the following questions, complete a Civil Judicial Action DRP:

	Yes	No
H. (1) Has any domestic or foreign court:		
(a) in the past ten years, *enjoined* you or any *advisory affiliate* in connection with any *investment-related* activity?	☐	☐
(b) ever *found* that you or any *advisory affiliate* were *involved* in a violation of *investment-related* statutes or regulations?	☐	☐
(c) ever dismissed, pursuant to a settlement agreement, an *investment-related* civil action brought against you or any *advisory affiliate* by a state or *foreign financial regulatory authority*?	☐	☐
(2) Are you or any *advisory affiliate* now the subject of any civil *proceeding* that could result in a "yes" answer to any part of Item 11.H(1)?	☐	☐

Item 12 Small Businesses

The SEC is required by the Regulatory Flexibility Act to consider the effect of its regulations on small entities. In order to do this, we need to determine whether you meet the definition of "small business" or "small organization" under rule 0-7.

Answer this Item 12 only if you are registered or registering with the SEC and you indicated in response to Item 5.F.(2)(c) that you have regulatory assets under management of less than $25 million. You are not required to

answer this Item 12 if you are filing for initial registration as a state adviser, amending a current state registration, or switching from SEC to state registration.

For purposes of this Item 12 only:

- Total Assets refers to the total assets of a firm, rather than the assets managed on behalf of *clients*. In determining your or another *person's* total assets, you may use the total assets shown on a current balance sheet (but use total assets reported on a consolidated balance sheet with subsidiaries included, if that amount is larger).

- *Control* means the power to direct or cause the direction of the management or policies of a *person*, whether through ownership of securities, by contract, or otherwise. Any *person* that directly or indirectly has the right to vote 25 percent or more of the voting securities, or is entitled to 25 percent or more of the profits, of another *person* is presumed to *control* the other *person*.

	Yes	No
A. Did you have total assets of $5 million or more on the last day of your most recent fiscal year?	☐	☐
If "yes," you do not need to answer Items 12.B. and 12.C.		
B. Do you:		
(1) *control* another investment adviser that had regulatory assets under management (calculated in response to Item 5.F.(2)(c) of Form ADV) of $25 million or more on the last day of its most recent fiscal year?	☐	☐
(2) *control* another *person* (other than a natural person) that had total assets of $5 million or more on the last day of its most recent fiscal year?	☐	☐
C. Are you:		
(1) *controlled* by or under common *control* with another investment adviser that had regulatory assets under management (calculated in response to Item 5.F.(2)(c) of Form ADV) of $25 million or more on the last day of its most recent fiscal year?	☐	☐
(2) *controlled* by or under common *control* with another *person* (other than a natural person) that had total assets of $5 million or more on the last day of its most recent fiscal year?	☐	☐

FORM ADV Schedule A	Your Name_____ Date_____	SEC File No._____ *CRD* No._____

Direct Owners and Executive Officers

1. Complete Schedule A only if you are submitting an initial application or report. Schedule A asks for information about your direct owners and executive officers. Use Schedule C to amend this information.

2. Direct Owners and Executive Officers. List below the names of:

   (a) each Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Compliance Officer (Chief Compliance Officer is required if you are registered or applying for registration and cannot be more than one individual), director and any other individuals with similar status or functions;

   (b) if you are organized as a corporation, each shareholder that is a direct owner of 5% or more of a class of your voting securities, unless you are a public reporting company (a company subject to Section 12 or 15(d) of the Exchange Act);

   Direct owners include any *person* that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 5% or more of a class of your voting securities. For purposes of this Schedule, a *person* beneficially owns any securities: (i) owned by his/her child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence; or (ii) that he/she has the right to acquire, within 60 days, through the exercise of any option, warrant, or right to purchase the security.

   (c) if you are organized as a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 5% or more of your capital;

   (d) in the case of a trust that directly owns 5% or more of a class of your voting securities, or that has the right to receive upon dissolution, or has contributed, 5% or more of your capital, the trust and each trustee; and

   (e) if you are organized as a limited liability company ("LLC"), (i) those members that have the right to receive upon dissolution, or have contributed, 5% or more of your capital, and (ii) if managed by elected managers, all elected managers.

3. Do you have any indirect owners to be reported on Schedule B? ☐ Yes ☐ No

4. In the DE/FE/I column below, enter "DE" if the owner is a domestic entity, "FE" if the owner is an entity incorporated or domiciled in a foreign country, or "I" if the owner or executive officer is an individual.

5. Complete the Title or Status column by entering board/management titles; status as partner, trustee, sole proprietor, elected manager, shareholder, or member; and for shareholders or members, the class of securities owned (if more than one is issued).

6. Ownership codes are:

NA - less than 5%	B - 10% but less than 25%	D - 50% but less than 75%
A - 5% but less than 10%	C - 25% but less than 50%	E - 75% or more

7. (a) In the *Control Person* column, enter "Yes" if the *person* has *control* as defined in the Glossary of Terms to Form ADV, and enter "No" if the *person* does not have *control*. Note that under this definition, most executive officers and all 25% owners, general partners, elected managers, and trustees are *control persons*.
   (b) In the PR column, enter "PR" if the owner is a public reporting company under Sections 12 or 15(d) of the Exchange Act.
   (c) Complete each column.

FULL LEGAL NAME (Individuals: Last Name, First Name, Middle Name)	DE/FE/I	Title or Status	Date Title or Status Acquired MM	YYYY	Ownership Code	*Control Person*	PR	*CRD* No. If None: S.S. No. and Date of Birth, IRS Tax No. or Employer ID No.

FORM ADV Schedule B	Your Name_____ Date_____	SEC File No._____ *CRD* No._____

Indirect Owners

1. Complete Schedule B only if you are submitting an initial application or report. Schedule B asks for information about your indirect owners; you must first complete Schedule A, which asks for information about your direct owners. Use Schedule C to amend this information.

2. Indirect Owners. With respect to each owner listed on Schedule A (except individual owners), list below:

   (a) in the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25% or more of a class of a voting security of that corporation;

   For purposes of this Schedule, a *person* beneficially owns any securities: (i) owned by his/her child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence; or (ii) that he/she has the right to acquire, within 60 days, through the exercise of any option, warrant, or right to purchase the security.

   (b) in the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25% or more of the partnership's capital;

   (c) in the case of an owner that is a trust, the trust and each trustee; and

   (d) in the case of an owner that is a limited liability company ("LLC"), (i) those members that have the right to receive upon dissolution, or have contributed, 25% or more of the LLC's capital, and (ii) if managed by elected managers, all elected managers.

3. Continue up the chain of ownership listing all 25% owners at each level. Once a public reporting company (a company subject to Sections 12 or 15(d) of the Exchange Act) is reached, no further ownership information need be given.

4. In the DE/FE/I column below, enter "DE" if the owner is a domestic entity, "FE" if the owner is an entity incorporated or domiciled in a foreign country, or "I" if the owner is an individual.

5. Complete the Status column by entering the owner's status as partner, trustee, elected manager, shareholder, or member; and for shareholders or members, the class of securities owned (if more than one is issued).

6. Ownership codes are: C - 25% but less than 50% D - 50% but less than 75% E - 75% or more F - Other (general partner, trustee, or elected manager)

7. (a) In the *Control Person* column, enter "Yes" if the *person* has *control* as defined in the Glossary of Terms to Form ADV, and enter "No" if the *person* does not have *control*. Note that under this definition, most executive officers and all 25% owners, general partners, elected managers, and trustees are *control persons*.
   (b) In the PR column, enter "PR" if the owner is a public reporting company under Sections 12 or 15(d) of the Exchange Act.
   (c) Complete each column.

FULL LEGAL NAME (Individuals: Last Name, First Name, Middle Name)	DE/FE/I	Entity in Which Interest is Owned	Status	Date Status Acquired MM	YYYY	Ownership Code	*Control Person*	PR	*CRD* No. If None: S.S. No. and Date of Birth, IRS Tax No. or Employer ID No.

FORM ADV Schedule C	Your Name_____ Date_____	SEC File No._____ *CRD* No._____

Amendments to Schedules A and B

1. Use Schedule C only to amend information requested on either Schedule A or Schedule B. Refer to Schedule A and Schedule B for specific instructions for completing this Schedule C. Complete each column.

2. In the Type of Amendment column, indicate "A" (addition), "D" (deletion), or "C" (change in information about the same *person*).

3. Ownership codes are:

NA - less than 5%	C - 25% but less than 50%	G - Other (general partner, trustee, or elected member)
A - 5% but less than 10%	D - 50% but less than 75%	
B - 10% but less than 25%	E - 75% or more	

4. List below all changes to Schedule A (Direct Owners and Executive Officers):

FULL LEGAL NAME (Individuals: Last Name, First Name, Middle Name)	DE/FE/I	Type of Amendment	Title or Status	Date Title or Status Acquired MM/YYYY	Ownership Code	*Control Person*	PR	*CRD* No. If None: S.S. No. and Date of Birth, IRS Tax No. or Employer ID No.

5. List below all changes to Schedule B (Indirect Owners):

FULL LEGAL NAME (Individuals: Last Name, First Name, Middle Name)	DE/FE/I	Type of Amendment	Title or Status	Date Title or Status Acquired MM/YYYY	Ownership Code	*Control Person*	PR	*CRD* No. If None: S.S. No. and Date of Birth, IRS Tax No. or Employer ID No.

FORM ADV Schedule D Page 1 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

Certain items in Part 1A of Form ADV require additional information on Schedule D. Use this Schedule D to report details for items listed below. Report only new information or changes/updates to previously submitted information. Do not repeat previously submitted information.

This is an ☐ INITIAL or ☐ AMENDED Schedule D

SECTION 1.B. Other Business Names

List your other business names and the jurisdictions in which you use them. You must complete a separate Schedule D Section 1.B. for each business name.

Check only one box: ☐ Add ☐ Delete ☐ Amend

Name _____ Jurisdictions _____

SECTION 1.F. Other Offices

Complete the following information for each office, other than your *principal office and place of business*, at which you conduct investment advisory business. You must complete a separate Schedule D Section 1.F. for each location. If you are applying for SEC registration, if you are registered only with the SEC, or if you are an *exempt reporting adviser*, list only the largest twenty-five offices (in terms of numbers of *employees*).

Check only one box: ☐ Add ☐ Delete

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

If this address is a private residence, check this box: ☐

_____ _____
(area code) (telephone number) (area code) (facsimile number, if any)

If this office location is also required to be registered with FINRA or a *state securities authority* as a branch office location for a broker-dealer or investment adviser on the Uniform Branch Office Registration Form (Form BR), please provide the *CRD* Branch Number here:

How many *employees* perform investment advisory functions from this office location? _____

Are other business activities conducted at this office location? (check all that apply)

☐ (1) Broker-dealer (registered or unregistered)

☐ (2) Bank (including a separately identifiable department or division of a bank)

☐ (3) Insurance broker or agent

☐ (4) Commodity pool operator or commodity trading advisor (whether registered or exempt from registration)

☐ (5) Registered municipal advisor

☐ (6) Accountant or accounting firm

☐ (7) Lawyer or law firm

Describe any other *investment-related* business activities conducted from this office location:

_____

SECTION 1.I. Website Addresses

List your website addresses, including website addresses for social media platforms (including, but not limited to, Twitter, Facebook and/or LinkedIn). You must complete a separate Schedule D Section 1.I. for each website or social media website address.

FORM ADV Schedule D Page 2 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

Certain items in Part 1A of Form ADV require additional information on Schedule D. Use this Schedule D to report details for items listed below. Report only new information or changes/updates to previously submitted information. Do not repeat previously submitted information.

This is an ☐ INITIAL or ☐ AMENDED Schedule D

Check only one box: ☐ Add ☐ Delete

Website Address/Social Media Website Address: _____

SECTION 1.L. Location of Books and Records

Complete the following information for each location at which you keep your books and records, other than your *principal office and place of business.* You must complete a separate Schedule D Section 1.L. for each location.

Check only one box: ☐ Add ☐ Delete ☐ Amend

Name of entity where books and records are kept: _____

(number and street)

(city) (state/country) (zip+4/postal code)

If this address is a private residence, check this box: ☐

(area code) (telephone number) (area code) (facsimile number, if any)

This is (check one): ☐ one of your branch offices or affiliates.
☐ a third-party unaffiliated recordkeeper.
☐ other.

Briefly describe the books and records kept at this location. _____

SECTION 1.M. Registration with *Foreign Financial Regulatory Authorities*

List the name and country, in English, of each *foreign financial regulatory authority* with which you are registered. You must complete a separate Schedule D Section 1.M. for each *foreign financial regulatory authority* with whom you are registered.

Check only one box: ☐ Add ☐ Delete

Name of *Foreign Financial Regulatory Authority* _____
Name of Country _____

SECTION 2.A.(8) Related Adviser

If you are relying on the exemption in rule 203A-2(b) from the prohibition on registration because you *control,* are *controlled* by, or are under common *control* with an investment adviser that is registered with the SEC and your *principal office and place of business* is the same as that of the registered adviser, provide the following information:

Name of Registered Investment Adviser _____
CRD Number of Registered Investment Adviser _____
SEC Number of Registered Investment Adviser 801-_____

SECTION 2.A.(9) Investment Adviser Expecting to be Eligible for Commission Registration within 120 Days

If you are relying on rule 203A-2(c), the exemption from the prohibition on registration available to an adviser that expects to be eligible for SEC registration within 120 days, you are required to make certain representations about your eligibility for SEC registration. By checking the appropriate boxes, you will be deemed to have made the required representations. You must make both of these representations:

☐ I am not registered or required to be registered with the SEC or a *state securities authority* and I have a reasonable expectation that I will be eligible to register with the SEC within 120 days after the date my registration with the SEC becomes effective.

FORM ADV Schedule D Page 3 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

Certain items in Part 1A of Form ADV require additional information on Schedule D. Use this Schedule D to report details for items listed below. Report only new information or changes/updates to previously submitted information. Do not repeat previously submitted information.

This is an ☐ INITIAL or ☐ AMENDED Schedule D

☐ I undertake to withdraw from SEC registration if, on the 120th day after my registration with the SEC becomes effective, I would be prohibited by Section 203A(a) of the Advisers Act from registering with the SEC.

SECTION 2.A.(10) Multi-State Adviser

If you are relying on rule 203A-2(d), the multi-state adviser exemption from the prohibition on registration, you are required to make certain representations about your eligibility for SEC registration. By checking the appropriate boxes, you will be deemed to have made the required representations.

If you are applying for registration as an investment adviser with the SEC, you must make both of these representations:

☐ I have reviewed the applicable state and federal laws and have concluded that I am required by the laws of 15 or more states to register as an investment adviser with the *state securities authorities* in those states.

☐ I undertake to withdraw from SEC registration if I file an amendment to this registration indicating that I would be required by the laws of fewer than 15 states to register as an investment adviser with the *state securities authorities* of those states.

If you are submitting your *annual updating amendment*, you must make this representation:

☐ Within 90 days prior to the date of filing this amendment, I have reviewed the applicable state and federal laws and have concluded that I am required by the laws of at least 15 states to register as an investment adviser with the *state securities authorities* in those states.

SECTION 2.A.(12) SEC Exemptive *Order*

If you are relying upon an SEC *order* exempting you from the prohibition on registration, provide the following information:

Application Number: 803-_____ Date of *order*: _____
(mm/dd/yyyy)

SECTION 2.B. *Private Fund* Assets

If you check Item 2.B.(2) or (3), what is the amount of the *private fund* assets that you manage? _____.

NOTE: "*Private fund* assets" has the same meaning here as it has under rule 203(m)-1. If you are an investment adviser with its *principal office and place of business* outside of the United States only include *private fund* assets that you manage at a place of business in the United States.

SECTION 4 Successions

Complete the following information if you are succeeding to the business of a currently registered investment adviser, including a change of your structure or legal status (e.g., form of organization or state of incorporation). If you acquired more than one firm in the succession you are reporting on this Form ADV, you must complete a separate Schedule D Section 4 for each acquired firm. See Part 1A Instruction 4.

Name of Acquired Firm _____

Acquired Firm's SEC File No. (if any) 801- _____ Acquired Firm's *CRD* Number _____

SECTION 5.G.(3) Advisers to Registered Investment Companies and Business Development Companies

If you check Item 5.G (3), what is the SEC file number (811 or 814 number) of each of the registered investment companies and business development companies to which you act as an adviser pursuant to an advisory contract? You must complete a separate Schedule D Section 5.G.(3) for each registered investment company and business development company to which you act as an adviser.

Check only one box: ☐ Add ☐ Delete
SEC File Number 811- or 814-_____

FORM ADV Schedule D Page 4 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

Certain items in Part 1A of Form ADV require additional information on Schedule D. Use this Schedule D to report details for items listed below. Report only new information or changes/updates to previously submitted information. Do not repeat previously submitted information.

This is an ☐ INITIAL or ☐ AMENDED Schedule D

Provide the regulatory assets under management of all *parallel managed accounts* related to a registered investment company or business development company that you advise.

$_____

SECTION 5.I.(2) *Wrap Fee Programs*

If you are a portfolio manager for one or more *wrap fee programs*, list the name of each program and its *sponsor*. You must complete a separate Schedule D Section 5.I.(2) for each *wrap fee program* for which you are a portfolio manager.

Check only one box: ☐ Add ☐ Delete ☐ Amend

Name of *Wrap Fee Program* _____

Name of *Sponsor* _____

Sponsor's SEC File Number (if any) (*e.g.*, 801-, 8-, 866-, 802-) _____

Sponsor's CRD Number (if any): _____

SECTION 5.K.(1) Separately Managed Accounts

After subtracting the amounts reported in Item 5.D.(2)(d)-(f) from your total regulatory assets under management, indicate the approximate percentage of this remaining amount attributable to each of the following categories of assets. If the remaining amount is at least $10 billion in regulatory assets under management, complete Question (a). If the remaining amount is less than $10 billion in regulatory assets under management, complete Question (b). End of year refers to the date used to calculate your regulatory assets under management for purposes of your *annual updating amendment*. Mid-year is the date six months before the end of year date. Each column should add up to 100%.

(a)

Asset Type		Mid-year	End of year
(i)	Exchange-Traded Equity Securities	___%	
(ii)	U.S. Government /Agency Bonds		
(iii)	U.S. State and Local Bonds		
(iv)	*Sovereign Bonds*		
(v)	Corporate Bonds – *Investment Grade*		
(vi)	Corporate Bonds – *Non-Investment Grade*		
(vii)	Derivatives		
(viii)	Securities Issued by Registered Investment Companies or Business Development Companies		
(ix)	Securities Issued by Pooled Investment Vehicles (other than Registered Investment Companies)		
(x)	Other		

Generally describe any assets included in "Other":_____

FORM ADV Schedule D Page 5 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

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This is an ☐ INITIAL or ☐ AMENDED Schedule D

(b)

Asset Type		End of year
(i)	Exchange-Traded Equity Securities	___%
(ii)	U.S. Government /Agency Bonds	
(iii)	U.S. State and Local Bonds	
(iv)	*Sovereign Bonds*	
(v)	Corporate Bonds – *Investment Grade*	
(vi)	Corporate Bonds – *Non-Investment Grade*	
(vii)	Derivatives	
(viii)	Securities Issued by Registered Investment Companies or Business Development Companies	
(ix)	Securities Issued by Pooled Investment Vehicles (other than Registered Investment Companies)	
(x)	Other	

Generally describe any assets included in "Other":_____

Section 5.K.(2). Separately Managed Accounts – Use of *Borrowings* and Derivatives. If your regulatory assets under management attributable to separately managed accounts are at least $10 billion, you should complete Question (a). If your regulatory assets under management attributable to separately managed accounts are at least $150 million but less than $10 billion, you should complete Question (b).

(a)

In the table below, provide the following information regarding the separately managed accounts you advise. If you are a subadviser to a separately managed account, you should only provide information with respect to the portion of the account that you subadvise. End of year refers to the date used to calculate your regulatory assets under management for purposes of your *annual updating amendment*. Mid-year is the date six months before the end of year date.

In column 1, indicate the number of separately managed accounts you advise according to *net asset value* and gross notional exposure. For this purpose, the gross notional exposure of an account is the percentage obtained by dividing (i) the sum of (a) the dollar amount of any *borrowings* and (b) the *gross notional value* of all derivatives, by (ii) the *net asset value* of the account.

In column 2, provide the weighted average amount of *borrowings* (as a percentage of net assets) for the accounts included in column 1.

In column 3, provide the weighted average *gross notional value* of derivatives (aggregate *gross notional value* of derivatives divided by the aggregate *net asset value* of the accounts included in column 1) with respect to each category of derivatives specified in 3(a) through (f).

You do not need to complete the table with respect to any separately managed accounts with a *net asset value* of less than $10,000,000.

FORM ADV Schedule D Page 6 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

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(i) Mid-Year

***Net asset value* of account**	**Gross notional exposure**	**1 Number of accounts**	**2 Average *borrowings***	**3 Average Derivative Exposures**					
				(a) *Interest Rate Derivative*	(b) *Foreign Exchange Derivative*	(c) *Credit Derivative*	(d) *Equity Derivative*	(e) *Commodity Derivative*	(f) *Other Derivative*
$10,000,000-249,999,999	**Less than 10%**								
	10-99%								
	100-199%								
	200% or more								
$250,000,000-999,999,999	**Less than 10%**								
	10-99%								
	100-199%								
	200% or more								
$1,000,000,000-or greater	**Less than 10%**								
	10-99%								
	100-199%								
	200% or more								

Optional: Use the space below to provide a narrative description of the strategies and/or manner in which *borrowing*s and derivatives are used in the management of the separately managed accounts that you advise.

_____

_____

_____

(ii) End of Year

***Net asset value* of account**	**Gross notional exposure**	**1 Number of accounts**	**2 Average *borrowings***	**3 Average Derivative Exposures**					
				(a) *Interest Rate Derivative*	(b) *Foreign Exchange Derivative*	(c) *Credit Derivative*	(d) *Equity Derivative*	(e) *Commodity Derivative*	(f) *Other Derivative*
$10,000,000-249,999,999	**Less than 10%**								
	10-99%								
	100-199%								
	200% or more								
$250,000,000-999,999,999	**Less than 10%**								
	10-99%								
	100-199%								
	200% or more								
$1,000,000,000-or greater	**Less than 10%**								
	10-99%								
	100-199%								
	200% or more								

Optional: Use the space below to provide a narrative description of the strategies and/or manner in which *borrowing*s and derivatives are used in the management of the separately managed accounts that you advise.

_____

_____

_____

FORM ADV Schedule D Page 7 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

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(b)

In the table below, provide the following information regarding the separately managed accounts you advise as of the date used to calculate your regulatory assets under management for purposes of your *annual updating amendment*. If you are a subadviser to a separately managed account, you should only provide information with respect to the portion of the account that you subadvise.

In column 1, indicate the number of separately managed accounts you advise according to *net asset value* and gross notional exposure. For purposes of this item, the gross notional exposure of an account is the percentage obtained by dividing (i) the sum of (a) the dollar amount of any *borrowings* and (b) the *gross notional value* of all derivatives, by (ii) the *net asset value* of the account.

In column 2, provide the weighted average amount of *borrowings* (as a percentage of *net asset value*) for the accounts included in column 1.

You do not need to complete the table with respect to any separately managed accounts with a *net asset value* of less than $10,000,000.

Net asset value of account	Gross notional exposure	1 Number of accounts	2 Average *borrowings*
$10,000,000-249,999,999	Less than 10%		
	10-99%		
	100-199%		
	200% or more		
$250,000,000-999,999,999	Less than 10%		
	10-99%		
	100-199%		
	200% or more		
$1,000,000,000-or greater	Less than 10%		
	10-99%		
	100-199%		
	200% or more		

Optional: Use the space below to provide a narrative description of the strategies and/or manner in which *borrowings* and derivatives are used in the management of the separately managed accounts that you advise.

_____

_____

_____

SECTION 5.K.(3) Custodians for Separately Managed Accounts

Complete a separate Schedule D Section 5.K.(3) for each custodian that holds ten percent or more of your separately managed account *client* regulatory assets under management.

(a) Legal name of custodian: _____

(b) Primary business name of custodian: _____

(c) The location(s) of the custodian's office(s) responsible for *custody* of the assets (city, state and country): _____

(d) Is the custodian a *related person* of your firm? ☐ Yes ☐ No

(e) If the custodian is a broker-dealer, provide its SEC registration number (if any) 8-_____

FORM ADV Schedule D Page 8 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

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(f) If the custodian is not a broker-dealer, or is a broker-dealer but does not have an SEC registration number, provide its *legal entity identifier* (if any)_____

(g) What amount of your regulatory assets under management attributable to separately managed accounts is held at the custodian?_____

SECTION 6.A. Names of Your Other Businesses

If you are actively engaged in other business using a different name, provide that name and the other line(s) of business.

☐ Add ☐ Delete ☐ Amend

Other Business Name: _____

Other line(s) of business in which you engage using this name: (check all that apply)

☐ (1) broker-dealer (registered or unregistered)
☐ (2) registered representative of a broker-dealer
☐ (3) commodity pool operator or commodity trading advisor (whether registered or exempt from registration)
☐ (4) futures commission merchant
☐ (5) real estate broker, dealer, or agent
☐ (6) insurance broker or agent
☐ (7) bank (including a separately identifiable department or division of a bank)
☐ (8) trust company
☐ (9) registered municipal advisor
☐ (10) registered security-based swap dealer
☐ (11) major security-based swap participant
☐ (12) accountant or accounting firm
☐ (13) lawyer or law firm
☐ (14) other financial product salesperson (specify): _____

SECTION 6.B.(2) Description of Primary Business

Describe your primary business (not your investment advisory business):

_____
_____
_____

If you engage in that business under a different name, provide that name:

_____
_____
_____

SECTION 6.B.(3) Description of Other Products and Services

Describe other products or services you sell to your *client*. You may omit products and services that you listed in Section 6.B.2. above.

_____
_____
_____

If you engage in that business under a different name, provide that name:

_____
_____

FORM ADV Schedule D Page 9 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

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SECTION 7.A. Financial Industry Affiliations

Complete a separate Schedule D Section 7.A. for each *related person* listed in Item 7.A.

Check only one box: ☐ Add ☐ Delete ☐ Amend

1. Legal Name of *Related Person*: _____
2. Primary Business Name of *Related Person*: _____
3. *Related Person*'s SEC File Number (if any) (*e.g.*, 801-, 8-, 866-, 802-) _____
4. *Related Person's* (a) *CRD* Number (if any): _____ (b) CIK Number(s) (if any): _____
5. *Related Person* is: (check all that apply)

☐ (a) broker-dealer, municipal securities dealer, or government securities broker or dealer
☐ (b) other investment adviser (including financial planners)
☐ (c) registered municipal advisor
☐ (d) registered security-based swap dealer
☐ (e) major security-based swap participant
☐ (f) commodity pool operator or commodity trading advisor (whether registered or exempt from registration)
☐ (g) futures commission merchant
☐ (h) banking or thrift institution
☐ (i) trust company
☐ (j) accountant or accounting firm
☐ (k) lawyer or law firm
☐ (l) insurance company or agency
☐ (m) pension consultant
☐ (n) real estate broker or dealer
☐ (o) sponsor or syndicator of limited partnerships (or equivalent), excluding pooled investment vehicles
☐ (p) sponsor, general partner, managing member (or equivalent) of pooled investment vehicles

6. Do you *control* or are you *controlled* by the *related person*? ☐ Yes ☐ No
7. Are you and the *related person* under common *control*? ☐ Yes ☐ No
8. (a) Does the *related person* act as a qualified custodian for your *clients* in connection with advisory services you provide to *clients*? ☐ Yes ☐ No

   (b) If you are registering or registered with the SEC and you have answered "yes" to question 8.(a) above, have you overcome the presumption that you are not operationally independent (pursuant to rule 206(4)-(2)(d)(5)) from the *related person* and thus are not required to obtain a surprise examination for your *clients'* funds or securities that are maintained at the *related person*? ☐ Yes ☐ No

   (c) If you have answered "yes" to question 8.(a) above, provide the location of the *related person*'s office responsible for *custody* of your *clients'* assets:

   _____
   (number and street)

   _____
   (city) (state/country) (zip+4/postal code)

9. (a) If the *related person* is an investment adviser, is it exempt from registration? ☐ Yes ☐ No

FORM ADV Schedule D Page 10 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

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(b) If the answer is yes, under what exemption? _____

10. (a) Is the *related person* registered with a *foreign financial regulatory authority?* ☐ Yes ☐ No

(b) If the answer is yes, list the name and country, in English, of each *foreign financial regulatory authority* with which the *related person* is registered. _____

11. Do you and the *related person* share any *supervised persons*? ☐ Yes ☐ No

12. Do you and the *related person* share the same physical location? ☐ Yes ☐ No

SECTION 7.B.(1) *Private Fund* Reporting

Check only one box: ☐ Add ☐ Delete ☐ Amend

A. PRIVATE FUND

Information About the *Private Fund*

1. (a) Name of the *private fund*: _____

(b) *Private fund* identification number: _____

2. Under the laws of what state or country is the *private fund* organized: _____

3. Name(s) of General Partner, Manager, Trustee, or Directors (or *persons* serving in a similar capacity):

(a) Check only one box: ☐ Add ☐ Delete ☐ Amend

(b) If filing an *umbrella registration*, identify the *filing adviser* or *relying adviser* that sponsors or manages this *private fund*.
_____

4. The *private fund* (check all that apply; you must check at least one):

☐ (1) qualifies for the exclusion from the definition of investment company under section 3(c)(1) of the Investment Company Act of 1940

☐ (2) qualifies for the exclusion from the definition of investment company under section 3(c)(7) of the Investment Company Act of 1940

5. List the name and country, in English, of each *foreign financial regulatory authority* with which the *private fund* is registered.

Check only one box: ☐ Add ☐ Delete ☐ Amend

English Name of *Foreign Financial Regulatory Authority* _____ Name of Country _____

6. (a) Is this a "master fund" in a master-feeder arrangement? ☐ Yes ☐ No

(b) If yes, what is the name and *private fund* identification number (if any) of the feeder funds investing in this *private fund*?

Check only one box: ☐ Add ☐ Delete ☐ Amend

_____ _____

(c) Is this a "feeder fund" in a master-feeder arrangement? ☐ Yes ☐ No

FORM ADV Schedule D Page 11 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

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(d) If yes, what is the name and *private fund* identification number (if any) of the master fund in which this *private fund* invests?

Check only one box: ☐ Add ☐ Delete ☐ Amend

_____ _____

NOTE: You must complete question 6 for each master-feeder arrangement regardless of whether you are filing a single Schedule D, Section 7.B.(1) for the master-feeder arrangement or reporting on the funds separately.

7. If you are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1), for each of the feeder funds answer the following questions:

Check only one box: ☐ Add ☐ Delete ☐ Amend

(a) Name of the *private fund*: _____

(b) *Private fund* identification number: _____

(c) Under the laws of what state or country is the *private fund* organized: _____

(d) Name(s) of General Partner, Manager, Trustee, or Directors (or *persons* serving in a similar capacity):

(1) Check only one box: ☐ Add ☐ Delete ☐ Amend

_____

(2) If filing an *umbrella registration*, identify the *filing adviser* or *relying adviser* that sponsors or manages this *private fund*.

_____

(e) The *private fund* (check all that apply; you must check at least one):

☐ (1) qualifies for the exclusion from the definition of investment company under section 3(c)(1) of the Investment Company Act of 1940

☐ (2) qualifies for the exclusion from the definition of investment company under section 3(c)(7) of the Investment Company Act of 1940

(f) List the name and country, in English, of each *foreign financial regulatory authority* with which the *private fund* is registered.

Check only one box: ☐ Add ☐ Delete ☐ Amend

English Name of *Foreign Financial Regulatory Authority* _____ Name of Country _____

NOTE: For purposes of questions 6 and 7, in a master-feeder arrangement, one or more funds ("feeder funds") invest all or substantially all of their assets in a single fund ("master fund"). A fund would also be a "feeder fund" investing in a "master fund" for purposes of this question if it issued multiple classes (or series) of shares or interests, and each class (or series) invests substantially all of its assets in a single master fund.

8. (a) Is this *private fund* a "fund of funds"? ☐ Yes ☐ No

NOTE: For purposes of this question only, answer "yes" if the fund invests 10 percent or more of its total assets in other pooled investment vehicles, regardless of whether they are also *private funds* or registered investment companies.

(b) If yes, does the *private fund* invest in funds managed by you or by a *related person?* ☐ Yes ☐ No

FORM ADV Schedule D Page 12 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

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9. During your last fiscal year, did the *private fund* invest in securities issued by investment companies registered under the Investment Company Act of 1940 (other than "money market funds," to the extent provided in Instruction 6.e.)? ☐ Yes ☐ No

10. What type of fund is the *private fund*?

☐ hedge fund ☐ liquidity fund ☐ private equity fund ☐ real estate fund ☐ securitized asset fund ☐ venture capital fund

☐ Other *private fund*: _____

NOTE: For definitions of these fund types, please see Instruction 6 of the Instructions to Part 1A.

11. Current gross asset value of the *private fund*: $_____

Ownership

12. Minimum investment commitment required of an investor in the *private fund*: $_____

NOTE: Report the amount routinely required of investors who are not your *related persons* (even if different from the amount set forth in the organizational documents of the fund).

13. Approximate number of the *private fund*'s beneficial owners: ____

14. What is the approximate percentage of the *private fund* beneficially owned by you and your *related persons*:

_____ %

15. What is the approximate percentage of the *private fund* beneficially owned (in the aggregate) by:

a. Funds of funds:

_____ %

b. Qualified clients

_____ %

16. What is the approximate percentage of the *private fund* beneficially owned by *non-United States persons*:

_____ %

Your Advisory Services

17. (a) Are you a subadviser to this *private fund*? ☐ Yes ☐ No

(b) If the answer to question 17(a) is "yes," provide the name and SEC file number, if any, of the adviser of the *private fund*. If the answer to question 17(a) is "no," leave this question blank. _____

18. (a) Do any other investment advisers advise the *private fund*? ☐ Yes ☐ No

(b) If the answer to question 18(a) is "yes," provide the name and SEC file number, if any, of the other advisers to the *private fund*. If the answer to question 18(a) is "no," leave this question blank.

FORM ADV Schedule D Page 13 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

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Check only one box: ☐ Add ☐ Delete ☐ Amend

_____ _____

19. Are your *clients* solicited to invest in the *private fund*? ☐ Yes ☐ No
NOTE: For purposes of this question, do not consider feeder funds of the private fund.

20. Approximately what percentage of your *clients* has invested in the *private fund*? _____%

Private Offering

21. Has the *private fund* ever relied on an exemption from registration of its securities under Regulation D of the Securities Act of 1933?
☐ Yes ☐ No

22. If yes, provide the *private fund*'s Form D file number (if any):

Check only one box: ☐ Add ☐ Delete ☐ Amend

021-_____

B. SERVICE PROVIDERS

☐ Check this box if you are filing this Form ADV through the IARD system and want the IARD system to create a new Schedule D, Section 7.B.(1) with the same service provider information you have given here in Questions 23 - 28 for a new *private fund* for which you are required to complete Section 7.B.(1) If you check the box, the system will pre-fill those fields for you, but you will be able to manually edit the information after it is pre-filled and before you submit your filing.

Auditors

23. (a) (1) Are the *private fund*'s financial statements subject to an annual audit? ☐ Yes ☐ No

(2) If the answer to 23(a)(1) is yes, are the financial statements prepared in accordance with U.S. GAAP? ☐ Yes ☐ No

If the answer to 23(a)(1) is "yes," respond to questions (b) through (h) below. If the *private fund* uses more than one auditing firm, you must complete questions (b) through (h) separately for each auditing firm.

Check only one box: ☐ Add ☐ Delete ☐ Amend

(b) Name of the auditing firm: _____

(c) The location of the auditing firm's office responsible for the *private fund's* audit (city, state and country): _____

(d) Is the auditing firm an *independent public accountant*? ☐ Yes ☐ No

(e) Is the auditing firm registered with the Public Company Accounting Oversight Board? ☐ Yes ☐ No

If yes, Public Company Accounting Oversight Board Registration Number: _____

(f) If "yes" to (e) above, is the auditing firm subject to regular inspection by the Public Company Accounting Oversight Board in accordance with its rules? ☐ Yes ☐ No

(g) Are the *private fund*'s audited financial statements for the most recently completed fiscal year distributed to the *private fund*'s investors? ☐ Yes ☐ No

(h) Do all of the reports prepared by the auditing firm for the *private fund* since your last *annual updating amendment* contain unqualified opinions? ☐ Yes ☐ No ☐ Report Not

FORM ADV Schedule D Page 14 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

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Yet Received

If you check "Report Not Yet Received," you must promptly file an amendment to your Form ADV to update your response when the report is available.

Prime Broker

24. (a) Does the *private fund* use one or more prime brokers? ☐ Yes ☐ No

If the answer to 24(a) is "yes," respond to questions (b) through (e) below for each prime broker the *private fund* uses. If the *private fund* uses more than one prime broker, you must complete questions (b) through (e) separately for each prime broker.

Check only one box: ☐ Add ☐ Delete ☐ Amend

(b) Name of the prime broker: _____

(c) If the prime broker is registered with the SEC, its registration number: 8-_____

(d) Location of prime broker's office used principally by the *private fund* (city, state and country):

_____

(e) Does this prime broker act as custodian for some or all of the *private fund*'s assets? ☐ Yes ☐ No

Custodian

25. (a) Does the *private fund* use any custodians (including the prime brokers listed above) to hold some or all of its assets? ☐ Yes ☐ No

If the answer to 25(a) is "yes," respond to questions (b) through (f) below for each custodian the *private fund* uses. If the *private fund* uses more than one custodian, you must complete questions (b) through (g) separately for each custodian.

Check only one box: ☐ Add ☐ Delete ☐ Amend

(b) Legal name of custodian: _____

(c) Primary business name of custodian: _____

(d) The location of the custodian's office responsible for *custody* of the *private fund*'s assets (city, state and country): _____

(e) Is the custodian a *related person* of your firm? ☐ Yes ☐ No

(f) If the custodian is a broker-dealer, provide its SEC registration number (if any) 8-_____

(g) If the custodian is not a broker-dealer, or is a broker-dealer but does not have an SEC registration number, provide its *legal entity identifier* (if any)_____

Administrator

26. (a) Does the *private fund* use an administrator other than your firm? ☐ Yes ☐ No

If the answer to 26(a) is "yes," respond to questions (b) through (f) below. If the *private fund* uses more than one administrator, you must complete questions (b) through (f) separately for each administrator.

Check only one box: ☐ Add ☐ Delete ☐ Amend

(b) Name of administrator: _____

(c) Location of administrator (city, state and country): _____

(d) Is the administrator a *related person* of your firm? ☐ Yes ☐ No

FORM ADV Schedule D Page 15 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

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(e) Does the administrator prepare and send investor account statements to the *private fund*'s investors?

☐ Yes (provided to all investors) ☐ Some (provided to some but not all investors) ☐ No (provided to no investors)

(f) If the answer to 26(e) is "no" or "some," who sends the investor account statements to the (rest of the) *private fund*'s investors? If investor account statements are not sent to the (rest of the) *private fund*'s investors, respond "not applicable."

_____.

27. During your last fiscal year, what percentage of the *private fund*'s assets (by value) was valued by a *person*, such as an administrator, that is not your *related person*?

_____%

Include only those assets where (i) such person carried out the valuation procedure established for that asset, if any, including obtaining any relevant quotes, and (ii) the valuation used for purposes of investor subscriptions, redemptions or distributions, and fee calculations (including allocations) was the valuation determined by such person.

Marketers

28. (a) Does the *private fund* use the services of someone other than you or your *employees* for marketing purposes? ☐ Yes ☐ No

You must answer "yes" whether the *person* acts as a placement agent, consultant, finder, introducer, municipal advisor or other solicitor, or similar *person*. If the answer to 28(a) is "yes", respond to questions (b) through (g) below for each such marketer the *private fund* uses. If the *private fund* uses more than one marketer, you must complete questions (b) through (g) separately for each marketer.

Check only one box: ☐ Add ☐ Delete ☐ Amend

(b) Is the marketer a *related person* of your firm? ☐ Yes ☐ No

(c) Name of the marketer: _____

(d) If the marketer is registered with the SEC, its file number (*e.g.*, 801-, 8-, or 866-): _____ and *CRD* Number (if any) _____

(e) Location of the marketer's office used principally by the *private fund* (city, state and country):

_____

(f) Does the marketer market the *private fund* through one or more websites? ☐ Yes ☐ No

(g) If the answer to 28(f) is "yes," list the website address(es): _____

SECTION 7.B.(2) *Private Fund* Reporting

(1) Name of the *private fund* _____

(2) *Private fund* identification number _____

(3) Name and SEC File number of adviser that provides information about this *private fund* in Section 7.B.(1) of Schedule D of its Form ADV filing _____, 801- _____ or 802-_____

(4) Are your *clients* solicited to invest in this *private fund*? ☐ Yes ☐ No

FORM ADV Schedule D Page 16 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

Certain items in Part 1A of Form ADV require additional information on Schedule D. Use this Schedule D to report details for items listed below. Report only new information or changes/updates to previously submitted information. Do not repeat previously submitted information.

This is an ☐ INITIAL or ☐ AMENDED Schedule D

In answering this question, disregard feeder funds' investment in a master fund. For purposes of this question, in a master-feeder arrangement, one or more funds ("feeder funds") invest all or substantially all of their assets in a single fund ("master fund"). A fund would also be a "feeder fund" investing in a "master fund" for purposes of this question if it issued multiple classes (or series) of shares or interests, and each class (or series) invests substantially all of its assets in a single master fund.

SECTION 9.C. *Independent Public Accountant*

You must complete the following information for each *independent public accountant* engaged to perform a surprise examination, perform an audit of a pooled investment vehicle that you manage, or prepare an internal control report. You must complete a separate Schedule D Section 9.C. for each *independent public accountant.*

Check only one box: ☐ Add ☐ Delete ☐ Amend

(1) Name of the *independent public accountant*: _____

(2) The location of the *independent public accountant*'s office responsible for the services provided:

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

(3) Is the *independent public accountant* registered with the Public Company Accounting Oversight Board? ☐ Yes ☐ No

If yes, Public Company Accounting Oversight Board Registration Number: _____

(4) If yes to (3) above, is the *independent public accountant* subject to regular inspection by the Public Company Accounting Oversight Board in accordance with its rules? ☐ Yes ☐ No

(5) The *independent public accountant* is engaged to:

A. ☐ audit a pooled investment vehicle
B. ☐ perform a surprise examination of *clients'* assets
C. ☐ prepare an internal control report

(6) Since your last *annual updating amendments*, did all of the reports prepared by the *independent public accountant* that audited the pooled investment vehicle or that examined internal controls contain unqualified opinions? ☐ Yes ☐ No ☐ Report Not Yet Received

If you check "Report Not Yet Received," you must promptly file an amendment to your Form ADV to update your response when the accountant's report is available.

SECTION 10.A. *Control Persons*

You must complete a separate Schedule D Section 10.A. for each *control person* not named in Item 1.A. or Schedules A, B, or C that directly or indirectly *controls* your management or policies.

Check only one box: ☐ Add ☐ Delete ☐ Amend

(1) Firm or Organization Name

_____

(2) *CRD* Number (if any) _____ Effective Date _____ (mm/dd/yyyy) Termination Date _____ (mm/dd/yyyy)

FORM ADV Schedule D Page 17 of 17	Your Name_____ Date_____	*CRD* Number_____ SEC 801- or 802 Number_____

Certain items in Part 1A of Form ADV require additional information on Schedule D. Use this Schedule D to report details for items listed below. Report only new information or changes/updates to previously submitted information. Do not repeat previously submitted information.

This is an ☐ INITIAL or ☐ AMENDED Schedule D

(3) Business Address:

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

If this address is a private residence, check this box: ☐

(4) Individual Name (if applicable) (Last, First, Middle)

_____

(5) *CRD* Number (if any) _____ Effective Date _____ (mm/dd/yyyy) Termination Date _____ (mm/dd/yyyy)

(6) Business Address:

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

If this address is a private residence, check this box: ☐

(7) Briefly describe the nature of the *control*:

_____

SECTION 10.B. *Control Person* Public Reporting Companies

If any *person* named in Schedules A, B, or C, or in Section 10 A. of Schedule D is a public reporting company under Sections 12 or 15(d) of the Securities Exchange Act of 1934, please provide the following information (you must complete a separate Schedule D Section 10.B. for each public reporting company):

(1) Full legal name of the public reporting company: _____

(2) The public reporting company's CIK number (Central Index Key number that the SEC assigns to each reporting company):

_____

Miscellaneous

You may use the space below to explain a response to an Item or to provide any other information.

_____

FORM ADV Schedule R Page 1 of 7	Your Name_____ Date_____	*CRD* Number_____ SEC 801- Number_____

Check the box that indicates what you would like to do:

Submit a new Schedule R

☐ Submit an initial Schedule R.

Amend a Schedule R

☐ Amend an existing Schedule R

Delete a Schedule R

☐ Delete an existing Schedule R for a *relying adviser* that is no longer eligible for SEC registration

☐ Delete an existing Schedule R for a *relying adviser* that is no longer relying on this *umbrella registration*

SECTION 1 Identifying Information

Responses to this Section 1 tell us who you (the *relying adviser*) are, where you are doing business, and how we can contact you.

A. Your full legal name:

_____

B. Name under which you primarily conduct your advisory business, if different from Section 1.A or Item 1.A of the *filing adviser's* Form ADV Part 1A.

_____

C. List any other business names and the jurisdictions in which you use them. Complete this question for each other business name. ☐ Add ☐ Delete ☐ Amend

Name _____ Jurisdiction _____

You do not have to include the names or jurisdictions of the filing adviser or other relying adviser(s) in response to this Section 1.C.

D. If you have a number ("*CRD* Number") assigned by the *FINRA's CRD* system or by the IARD system (other than the *filing adviser's CRD* number), your *CRD* number: _____

*If you do not have a CRD number, skip this Section 1.D. Do not provide the CRD number of one of your officers, employees, or affiliates (*including *the filing adviser).*

E. *Principal Office and Place of Business*

☐ Same as the *filing adviser*.

(1) Address (do not use a P.O. Box):

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

If this address is a private residence, check this box: ☐

(2) Days of week that you normally conduct business at your *principal office and place of business*:

☐ Monday - Friday ☐ Other: _____

Normal business hours at this location: _____

(3) Telephone number at this location: _____
(area code) (telephone number)

(4) Facsimile number at this location, if any: _____
(area code) (facsimile number)

FORM ADV Schedule R Page 2 of 7	Your Name_____ Date_____	*CRD* Number_____ SEC 801- Number_____

F. Mailing address, if different from your *principal office and place of business* address:

☐ Same as the *filing adviser*.

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

If this address is a private residence, check this box: ☐

G. Provide your *Legal Entity Identifier* if you have one: _____

A *legal entity identifier* is a unique number that companies use to identify each other in the financial marketplace. You may not have a *legal entity identifier*.

H: If you have Central Index Key numbers assigned by the SEC ("CIK Number"), all of your CIK numbers:
_____

SECTION 2

SEC Registration

Responses to this Section help us (and you) determine whether you are eligible to register with the SEC.

A. To be a *relying adviser*, you must be independently eligible to register (or remain registered) with the SEC. You must check **at least one** of the Sections 2.A.(1) through 2.A.(8), below. Part 1A Instruction 2 provides information to help you determine whether you may affirmatively respond to each of these items.

You (the *relying adviser*):

☐ (1) are a **large advisory firm** that either:

(a) has regulatory assets under management of $100 million (in U.S. dollars) or more, or

(b) has regulatory assets under management of $90 million (in U.S. dollars) or more at the time of filing its most recent *annual updating amendment* and is registered with the SEC;

☐ (2) are a **mid-sized advisory firm** that has regulatory assets under management of $25 million (in U.S. dollars) or more but less than $100 million (in U.S. dollars) and you are either:

(a) not required to be registered as an adviser with the *state securities authority* of the state where you maintain your *principal office and place of business*, or

(b) not subject to examination by the *state securities authority* of the state where you maintain your *principal office and place of business*;

☐ (3) have your *principal office and place of business* **in Wyoming** (which does not regulate advisers);

☐ (4) have your *principal office and place of business* **outside the United States**;

☐ (5) are a **related adviser** under rule 203A-2(b) that *controls,* is *controlled* by, or is under common *control* with, an investment adviser that is registered with the SEC, and your *principal office and place of business* is the same as the registered adviser;

☐ (6) are an **adviser** relying on rule 203A-2(c) because you **expect to be eligible for SEC registration within 120 days**;

If you check this box, you must make both of the representations below:

FORM ADV Schedule R Page 3 of 7	Your Name_____ Date_____	*CRD* Number_____ SEC 801- Number_____

☐ I am not registered or required to be registered with the SEC or a *state securities authority* and I have a reasonable expectation that I will be eligible to register with the SEC within 120 days after the date my registration with the SEC becomes effective.

☐ By submitting this Form ADV to the SEC, the *filing adviser* undertakes to file an amendment to this *umbrella registration* to remove this Schedule R if, on the 120th day after this application for *umbrella registration* with the SEC becomes effective, I would be prohibited by Section 203A(a) of the Advisers Act from registering with the SEC.

☐ (7) are a **multi-state adviser** that is required to register in 15 or more states and is relying on rule 203A-2(d);

If this is your initial filing as a *relying adviser*, you must make both of these representations:

☐ I have reviewed the applicable state and federal laws and have concluded that I am required by the laws of 15 or more states to register as an investment adviser with the *state securities authorities* in those states.

☐ The *filing adviser* undertakes to file an amendment to this *umbrella registration* to remove this Schedule R if, at the time of the *annual updating amendment*, I would be required by the laws of fewer than 15 states to register as an investment adviser with the *state securities authorities* of those states.

If you are submitting your *annual updating amendment*, you must make this representation:

☐ Within 90 days prior to the date of filing this amendment, I have reviewed the applicable state and federal laws and have concluded that I am required by the laws of at least 15 states to register as an investment adviser with the *state securities authorities* in those states.

☐ (8) have **received an SEC *order*** exempting you from the prohibition against registration with the SEC; If you check this box, provide the following information:

Application Number: 803-_____ Date of *order*: _____ (mm/dd/yyyy)

☐ (9) are **no longer eligible** to remain registered with the SEC.

SECTION 3 Form of Organization

A. How are you organized?

☐ Corporation ☐ Sole Proprietorship ☐ Limited Liability Partnership (LLP)
☐ Partnership ☐ Limited Liability Company (LLC) ☐ Limited Partnership (LP)
☐ Other (specify):_____

B. In what month does your fiscal year end each year? _____

C. Under the laws of what state or country are you organized? _____

If you are a partnership, provide the name of the state or country under whose laws your partnership was formed.

FORM ADV Schedule R Page 4 of 7	Your Name_____ Date_____	*CRD* Number_____ SEC 801- Number_____

SECTION 4 Control Persons

In this Section 4, we ask you to identify each other *person* that, directly or indirectly, *controls* you.

A. Direct Owners and Executive Officers

(1) Section 4.A asks for information about your direct owners and executive officers.

(2) Direct Owners and Executive Officers. List below the names of:

(a) each Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, director and any other individuals with similar status or functions;

(b) if you are organized as a corporation, each shareholder that is a direct owner of 5% or more of a class of your voting securities, unless you are a public reporting company (a company subject to Section 12 or 15(d) of the Exchange Act);

Direct owners include any *person* that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 5% or more of a class of your voting securities. For purposes of this Section 4.A, a *person* beneficially owns any securities: (i) owned by his/her child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence; or (ii) that he/she has the right to acquire, within 60 days, through the exercise of any option, warrant, or right to purchase the security.

(c) if you are organized as a partnership, <u>all</u> general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 5% or more of your capital;

(d) in the case of a trust that directly owns 5% or more of a class of your voting securities, or that has the right to receive upon dissolution, or has contributed, 5% or more of your capital, the trust and each trustee; and

(e) if you are organized as a limited liability company ("LLC"), (i) those members that have the right to receive upon dissolution, or have contributed, 5% or more of your capital, and (ii) if managed by elected managers, all elected managers.

(3) Do you have any indirect owners to be reported in Section 4.B below? ☐ Yes ☐ No

(4) In the DE/FE/I column below, enter "DE" if the owner is a domestic entity, "FE" if the owner is an entity incorporated or domiciled in a foreign country, or "I" if the owner or executive officer is an individual.

(5) Complete the Title or Status column by entering board/management titles; status as partner, trustee, sole proprietor, elected manager, shareholder, or member; and for shareholders or members, the class of securities owned (if more than one is issued).

(6) Ownership codes are:

NA - less than 5%	B - 10% but less than 25%	D - 50% but less than 75%
A - 5% but less than 10%	C - 25% but less than 50%	E - 75% or more

(7) (a) In the *Control Person* column, enter "Yes" if the *person* has *control* as defined in the Glossary of Terms to Form ADV, and enter "No" if the *person* does not have *control*. Note that under this definition, most executive officers and all 25% owners, general partners, elected managers, and trustees are *control persons*.

(b) In the PR column, enter "PR" if the owner is a public reporting company under Sections 12 or 15(d) of the Exchange Act.

(c) Complete each column.

FORM ADV Schedule R Page 5 of 7	Your Name_____ Date_____	*CRD* Number_____ SEC 801- Number_____

Check this box if you are filing this Form ADV through the IARD system and want the IARD system to pre-fill the chart below with the same direct owners and executive officers you have provided in Schedule A for your *filing adviser*. If you check the box, the system will pre-fill these fields for you, but you will be able to manually edit the information after it is pre-filled and before you submit your filing. ☐

FULL LEGAL NAME (Individuals: Last Name, First Name, Middle Name)	DE/FE/I	Entity in Which Interest is Owned	Status	Date Status Acquired MM YYYY		Ownership Code	*Control Person*	PR	*CRD* No. If None: S.S. No. and Date of Birth, IRS Tax ID No. or Employer ID NO

B. Indirect Owners

(1) Section 4.B asks for information about your indirect owners; you must first complete Section 4.A, which asks for information about your direct owners.

(2) Indirect Owners. With respect to each owner listed in Section 4.A (except individual owners), list below:

(a) in the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25% or more of a class of a voting security of that corporation;

For purposes of this Section, a *person* beneficially owns any securities: (i) owned by his/her child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence; or (ii) that he/she has the right to acquire, within 60 days, through the exercise of any option, warrant, or right to purchase the security.

(b) in the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25% or more of the partnership's capital;

(c) in the case of an owner that is a trust, the trust and each trustee; and

(d) in the case of an owner that is a limited liability company ("LLC"), (i) those members that have the right to receive upon dissolution, or have contributed, 25% or more of the LLC's capital, and (ii) if managed by elected managers, all elected managers.

(3) Continue up the chain of ownership listing all 25% owners at each level. Once a public reporting company (a company subject to Sections 12 or 15(d) of the Exchange Act) is reached, no further ownership information need be given.

(4) In the DE/FE/I column below, enter "DE" if the owner is a domestic entity, "FE" if the owner is an entity incorporated or domiciled in a foreign country, or "I" if the owner is an individual.

(5) Complete the Status column by entering the owner's status as partner, trustee, elected manager, shareholder, or member; and for shareholders or members, the class of securities owned (if more than one is issued).

(6) Ownership codes are: C - 25% but less than 50%, D - 50% but less than 75%, E - 75% or more, F - Other (general partner, trustee, or elected manager)

(7) (a) In the *Control Person* column, enter "Yes" if the *person* has *control* as defined in the Glossary of Terms to Form ADV, and enter "No" if the *person* does not have *control*. Note that under this definition, most executive officers and all 25% owners, general partners, elected managers, and trustees are *control persons*.

FORM ADV Schedule R Page 6 of 7	Your Name_____ Date_____	*CRD* Number_____ SEC 801- Number_____

(b) In the PR column, enter "PR" if the owner is a public reporting company under Sections 12 or 15(d) of the Exchange Act.
(c) Complete each column.

Check this box if you are filing this Form ADV through the IARD system and want the IARD system to pre-fill Schedule B with the same indirect owners you have provided in Schedule B for your *filing adviser*. If you check the box, the system will pre-fill these fields for you, but you will be able to manually edit the information after it is pre-filled and before you submit your filing. ☐

FULL LEGAL NAME (Individuals: Last Name, First Name, Middle Name)	DE/FE/I	Entity in Which Interest is Owned	Status	Date Status Acquired MM YYYY		Ownership Code	*Control Person*	PR	*CRD* No. If None: S.S. No. and Date of Birth, IRS Tax ID No. or Employer ID NO

C. Does any *person* not named in Section 1.A., Section 4.A, or Section 4.B directly or indirectly, *control* your management or policies? ☐ Yes ☐ No

If yes, you must complete the information below for each *control person* not named in Section 1.A., Section 4.A, or Section 4.B that directly or indirectly *controls* your management or policies.

Check only one box: ☐ Add ☐ Delete ☐ Amend

(1) Firm or Organization Name

_____

(2) *CRD* Number (if any) _____ Effective Date _____ (mm/dd/yyyy) Termination Date _____ (mm/dd/yyyy)

(3) Business Address:

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

If this address is a private residence, check this box: ☐

(4) Individual Name (if applicable) (Last, First, Middle)

_____

(5) *CRD* Number (if any) _____ Effective Date _____ (mm/dd/yyyy) Termination Date _____ (mm/dd/yyyy)

(6) Business Address:

_____
(number and street)

_____
(city) (state/country) (zip+4/postal code)

If this address is a private residence, check this box: ☐

FORM ADV Schedule R Page 7 of 7	Your Name_____ Date_____	*CRD* Number_____ SEC 801- Number_____

(7) Briefly describe the nature of the *control*:

_____

_____

_____

D. If any *person* named in Section 4.A, Section 4.B, or Section 4.C is a public reporting company under Sections 12 or 15(d) of the Securities Exchange Act of 1934, complete the information below (you must complete this information for each public reporting company).

Check only one box: ☐ Add ☐ Delete ☐ Amend

(1) Full legal name of the public reporting company: _____

(2) The public reporting company's CIK number (Central Index Key number that the SEC assigns to each reporting company): _____

CRIMINAL DISCLOSURE REPORTING PAGE (ADV)

GENERAL INSTRUCTIONS

This Disclosure Reporting Page (DRP ADV) is an ☐ INITIAL ***OR*** ☐ AMENDED response used to report details for affirmative responses to Items 11.A. or 11.B. of Form ADV.

Check item(s) being responded to: ☐ 11.A(1) ☐ 11.A(2) ☐11.B(1) ☐11.B(2)

Use a separate DRP for each event or *proceeding*. The same event or *proceeding* may be reported for more than one *person* or entity using one DRP. File with a completed Execution Page.

Multiple counts of the same charge arising out of the same event(s) should be reported on the same DRP. Unrelated criminal actions, including separate cases arising out of the same event, must be reported on separate DRPs. Use this DRP to report all charges arising out of the same event. One event may result in more than one affirmative answer to the items listed above.

PART I

A. The *person(s)* or entity(ies) for whom this DRP is being filed is (are):
☐ You (the advisory firm)
☐ You and one or more of your *advisory affiliates*
☐ One or more of your *advisory affiliates*

If this DRP is being filed for an *advisory affiliate*, give the full name of the *advisory affiliate* below (for individuals, Last name, First name, Middle name).

If the *advisory affiliate* has a *CRD* number, provide that number. If not, indicate "non-registered" by checking the appropriate box.

Your Name	Your *CRD* Number

ADV DRP - *ADVISORY AFFILIATE*

CRD Number	This *advisory affiliate* is Registered: ☐a firm ☐an individual ☐Yes ☐No

Name (For individuals, Last, First, Middle)

☐ This DRP should be removed from the ADV record because the *advisory affiliate(s)* is no longer associated with the adviser.

☐ This DRP should be removed from the ADV record because: (1) the event or *proceeding* occurred more than ten years ago or (2) the adviser is registered or applying for registration with the SEC or reporting as an *exempt reporting adviser* with the SEC and the event was resolved in the adviser's or *advisory affiliate's* favor.

☐ This DRP should be removed from the ADV record because it was filed in error, such as due to a clerical or data-entry mistake. Explain the circumstances:

_____
_____
_____

B. If the *advisory affiliate* is registered through the IARD system or *CRD* system, has the *advisory affiliate* submitted a DRP (with Form ADV, BD or U-4) to the IARD or *CRD* for the event? If the answer is "Yes," no other information on this DRP must be provided.
☐ Yes ☐ No

NOTE: The completion of this form does not relieve the *advisory affiliate* of its obligation to update its IARD or *CRD* records.

(continued)

CRIMINAL DISCLOSURE REPORTING PAGE (ADV)
(continuation)

PART II

1. If charge(s) were brought against an organization over which you or an *advisory affiliate* exercise(d) *control*: Enter organization name, whether or not the organization was an *investment-related* business and your or the *advisory affiliate's* position, title, or relationship.

_____

2. Formal Charge(s) were brought in: (include name of Federal, Military, State or Foreign Court, Location of Court - City or County and State or Country, Docket/Case number).

_____

3. Event Disclosure Detail (Use this for both organizational and individual charges.)

   A. Date First *Charged* (MM/DD/YYYY): ☐ ☐ Exact ☐ Explanation

   If not exact, provide explanation: _____

   B. Event Disclosure Detail (include Charge(s)/Charge Description(s), and for each charge provide: (1) number of counts, (2) *felony* or *misdemeanor*, (3) plea for each charge, and (4) product type if charge is *investment-related*).

   _____
   _____
   _____

   C. Did any of the Charge(s) within the Event involve a *felony*? ☐ Yes ☐ No

   D. Current status of the Event? ☐ Pending ☐ On Appeal ☐ Final

   E. Event Status Date (complete unless status is Pending) (MM/DD/YYYY): ☐

   ☐ Exact ☐ Explanation

   If not exact, provide explanation: _____

4. Disposition Disclosure Detail: Include for each charge (a) Disposition Type (e.g., convicted, acquitted, dismissed, pretrial, etc.), (b) Date, (c) Sentence/Penalty, (d) Duration (if sentence-suspension, probation, etc.), (e) Start Date of Penalty, (f) Penalty/Fine Amount, and (g) Date Paid.

   _____
   _____
   _____
   _____
   _____
   _____

(continued)

CRIMINAL DISCLOSURE REPORTING PAGE (ADV)
(continuation)

5. Provide a brief summary of circumstances leading to the charge(s) as well as the disposition. Include the relevant dates when the conduct which was the subject of the charge(s) occurred. (Your response must fit within the space provided.)

REGULATORY ACTION DISCLOSURE REPORTING PAGE (ADV)

GENERAL INSTRUCTIONS

This Disclosure Reporting Page (DRP ADV) is an ☐ INITIAL ***OR*** ☐ AMENDED response used to report details for affirmative responses to Items 11.C., 11.D., 11.E., 11.F. or 11.G. of Form ADV.

Check item(s) being responded to:

☐ 11.C(1)	☐ 11.C(2)	☐ 11.C(3)	☐ 11.C(4)	☐ 11.C(5)
☐ 11.D(1)	☐ 11.D(2)	☐ 11.D(3)	☐ 11.D(4)	☐ 11.D(5)
☐ 11.E(1)	☐ 11.E(2)	☐ 11.E(3)	☐ 11.E(4)	
☐ 11.F.	☐ 11.G.			

Use a separate DRP for each event or *proceeding*. The same event or *proceeding* may be reported for more than one *person* or entity using one DRP. File with a completed Execution Page.

One event may result in more than one affirmative answer to Items 11.C., 11.D., 11.E., 11.F. or 11.G. Use only one DRP to report details related to the same event. If an event gives rise to actions by more than one regulator, provide details for each action on a separate DRP.

PART I

A. The *person(s)* or entity(ies) for whom this DRP is being filed is (are):
☐ You (the advisory firm)
☐ You and one or more of your *advisory affiliates*
☐ One or more of your *advisory affiliates*

If this DRP is being filed for an *advisory affiliate*, give the full name of the *advisory affiliate* below (for individuals, Last name, First name, Middle name).

If the *advisory affiliate* has a *CRD* number, provide that number. If not, indicate "non-registered" by checking the appropriate box.

Your Name	Your *CRD* Number

ADV DRP - *ADVISORY AFFILIATE*

CRD Number	This *advisory affiliate* is ☐ a firm ☐ an individual Registered: ☐ Yes ☐ No

Name (For individuals, Last, First, Middle)

☐ This DRP should be removed from the ADV record because the *advisory affiliate(s)* is no longer associated with the adviser.

☐ This DRP should be removed from the ADV record because: (1) the event or *proceeding* occurred more than ten years ago or (2) the adviser is registered or applying for registration with the SEC or reporting as an *exempt reporting adviser* with the SEC and the event was resolved in the adviser's or *advisory affiliate's* favor.

If you are registered or registering with a *state securities authority*, you may remove a DRP for an event you reported only in response to Item 11.D(4), and only if that event occurred more than ten years ago. If you are registered or registering with the SEC, you may remove a DRP for any event listed in Item 11 that occurred more than ten years ago.

☐ This DRP should be removed from the ADV record because it was filed in error, such as due to a clerical or data-entry mistake. Explain the circumstances:

_____

_____

B. If the *advisory affiliate* is registered through the IARD system or *CRD* system, has the *advisory affiliate* submitted a DRP (with Form ADV, BD or U-4) to the IARD or *CRD* for the event? If the answer is "Yes," no other information on this DRP must be provided.
☐ Yes ☐ No

NOTE: The completion of this form does not relieve the *advisory affiliate* of its obligation to update its IARD or *CRD* records.

(continued)

REGULATORY ACTION DISCLOSURE REPORTING PAGE (ADV)
(continuation)

PART II

1. Regulatory Action initiated by:
   ☐ SEC ☐ Other Federal ☐ State ☐ *SRO* ☐ Foreign

(Full name of regulator, *foreign financial regulatory authority*, federal, state or *SRO*)

_____

2. Principal Sanction (check appropriate item):

☐ Civil and Administrative Penalty(ies)/Fine(s)	☐ Disgorgement	☐ Restitution
☐ Bar	☐ Expulsion	☐ Revocation
☐ Cease and Desist	☐ Injunction	☐ Suspension
☐ Censure	☐ Prohibition	☐ Undertaking
☐ Denial	☐ Reprimand	☐ Other _____

Other Sanctions:

_____
_____
_____

3. Date Initiated (MM/DD/YYYY): ☐ ☐ Exact ☐ Explanation

If not exact, provide explanation: _____

4. Docket/Case Number:

5. *Advisory Affiliate* Employing Firm when activity occurred which led to the regulatory action (if applicable):

6. Principal Product Type (check appropriate item):

☐ Annuity(ies) - Fixed	☐ Derivative(s)	☐ Investment Contract(s)
☐ Annuity(ies) - Variable	☐ Direct Investment(s) - DPP & LP Interest(s)	☐ Money Market Fund(s)
☐ CD(s)	☐ Equity - OTC	☐ Mutual Fund(s)
☐ Commodity Option(s)	☐ Equity Listed (Common & Preferred Stock)	☐ No Product
☐ Debt - Asset Backed	☐ Futures - Commodity	☐ Options
☐ Debt - Corporate	☐ Futures - Financial	☐ Penny Stock(s)
☐ Debt - Government	☐ Index Option(s)	☐ Unit Investment Trust(s)
☐ Debt - Municipal	☐ Insurance	☐ Other _____

Other Product Types:

_____
_____

(continued)

REGULATORY ACTION DISCLOSURE REPORTING PAGE (ADV)
(continuation)

7. Describe the allegations related to this regulatory action (your response must fit within the space provided):

8. Current status? ☐ Pending ☐ On Appeal ☐ Final

9. If on appeal, regulatory action appealed to (SEC, *SRO*, Federal or State Court) and Date Appeal Filed:

If Final or On Appeal, complete all items below. For Pending Actions, complete Item 13 only.

10. How was matter resolved (check appropriate item):

☐ Acceptance, Waiver & Consent (AWC)
☐ Consent
☐ Decision
☐ Decision & *Order* of Offer of Settlement
☐ Dismissed
☐ *Order*
☐ Settled
☐ Stipulation and Consent
☐ Vacated
☐ Withdrawn
☐ Other _____

11. Resolution Date (MM/DD/YYYY): ☐ Exact ☐ Explanation

If not exact, provide explanation: _____

12. Resolution Detail:

A. Were any of the following Sanctions *Ordered* (check all appropriate items)?

☐ Monetary/Fine ☐ Revocation/Expulsion/Denial ☐ Disgorgement/Restitution

Amount: $ ☐ Censure ☐ Cease and Desist/Injunction ☐ Bar ☐ Suspension

B. Other Sanctions *Ordered*:

Sanction detail: if suspended, *enjoined* or barred, provide duration including start date and capacities affected (General Securities Principal, Financial Operations Principal, etc.). If requalification by exam/retraining was a condition of the sanction, provide length of time given to requalify/retrain, type of exam required and whether condition has been satisfied. If disposition resulted in a fine, penalty, restitution, disgorgement or monetary compensation, provide total amount, portion levied against you or an *advisory affiliate*, date paid and if any portion of penalty was waived:

(continued)

REGULATORY ACTION DISCLOSURE REPORTING PAGE (ADV)
(continuation)

13. Provide a brief summary of details related to the action status and (or) disposition and include relevant terms, conditions and dates (your response must fit within the space provided).

CIVIL JUDICIAL ACTION DISCLOSURE REPORTING PAGE (ADV)

GENERAL INSTRUCTIONS

This Disclosure Reporting Page (DRP ADV) is an ☐ INITIAL ***OR*** ☐ AMENDED response used to report details for affirmative responses to Item 11.H. of Part 1A and Item 2.F. of Part 1B of Form ADV.

Check Part 1A item(s) being responded to: ☐ 11.H(1)(a) ☐ 11.H(1)(b) ☐ 11.H(1)(c) ☐ 11.H(2)
Check Part 1B item(s) being responded to: ☐ 2.F(1) ☐ 2.F(2) ☐ 2.F(3) ☐ 2.F(4) ☐ 2.F(5)

Use a separate DRP for each event or *proceeding*. The same event or *proceeding* may be reported for more than one *person* or entity using one DRP. File with a completed Execution Page.

One event may result in more than one affirmative answer to Item 11.H. of Part 1A or Item 2.F. of Part 1B. Use only one DRP to report details related to the same event. Unrelated civil judicial actions must be reported on separate DRPs.

PART I

A. The *person(s)* or entity(ies) for whom this DRP is being filed is (are):
☐ You (the advisory firm)
☐ You and one or more of your *advisory affiliates*
☐ One or more of your *advisory affiliates*

If this DRP is being filed for an *advisory affiliate*, give the full name of the *advisory affiliate* below (for individuals, Last name, First name, Middle name).

If the *advisory affiliate* has a *CRD* number, provide that number. If not, indicate "non-registered" by checking the appropriate box.

Your Name	Your *CRD* Number

ADV DRP - *ADVISORY AFFILIATE*

CRD Number	This *advisory affiliate* is ☐ a firm ☐ an individual Registered: ☐ Yes ☐ No

Name (For individuals, Last, First, Middle)

☐ This DRP should be removed from the ADV record because the *advisory affiliate(s)* is no longer associated with the adviser.

☐ This DRP should be removed from the ADV record because: (1) the event or *proceeding* occurred more than ten years ago or (2) the adviser is registered or applying for registration with the SEC or reporting as an *exempt reporting adviser* with the SEC and the event was resolved in the adviser's or *advisory affiliate's* favor.

If you are registered or registering with a *state securities authority*, you may remove a DRP for an event you reported only in response to Item 11.H.(1)(a), and only if that event occurred more than ten years ago. If you are registered or registering with the SEC, you may remove a DRP for any event listed in Item 11 that occurred more than ten years ago.

☐ This DRP should be removed from the ADV record because it was filed in error, such as due to a clerical or data-entry mistake. Explain the circumstances:

_____
_____
_____

B. If the *advisory affiliate* is registered through the IARD system or *CRD* system, has the *advisory affiliate* submitted a DRP (with Form ADV, BD or U-4) to the IARD or *CRD* for the event? If the answer is "Yes," no other information on this DRP must be provided.
☐ Yes ☐ No

NOTE: The completion of this form does not relieve the *advisory affiliate* of its obligation to update its IARD or *CRD* records.

(continued)

CIVIL JUDICIAL ACTION DISCLOSURE REPORTING PAGE (ADV)
(continuation)

PART II

1. Court Action initiated by: (Name of regulator, *foreign financial regulatory authority, SRO*, commodities exchange, agency, firm, private plaintiff, etc.)

_____

2. Principal Relief Sought (check appropriate item):

☐ Cease and Desist ☐ Disgorgement ☐ Money Damages (Private/Civil Complaint) ☐ Restraining Order
☐ Civil Penalty(ies)/Fine(s) ☐ Injunction ☐ Restitution ☐ Other _____

Other Relief Sought:

_____
_____

3. Filing Date of Court Action (MM/DD/YYYY): ☐ ☐ Exact ☐ Explanation

If not exact, provide explanation: _____

4. Principal Product Type (check appropriate item):

☐ Annuity(ies) - Fixed ☐ Derivative(s) ☐ Investment Contract(s)
☐ Annuity(ies) - Variable ☐ Direct Investment(s) - DPP & LP Interest(s) ☐ Money Market Fund(s)
☐ CD(s) ☐ Equity - OTC ☐ Mutual Fund(s)
☐ Commodity Option(s) ☐ Equity Listed (Common & Preferred Stock) ☐ No Product
☐ Debt - Asset Backed ☐ Futures - Commodity ☐ Options
☐ Debt - Corporate ☐ Futures - Financial ☐ Penny Stock(s)
☐ Debt - Government ☐ Index Option(s) ☐ Unit Investment Trust(s)
☐ Debt - Municipal ☐ Insurance ☐ Other _____

Other Product Types:

_____

5. Formal Action was brought in (include name of Federal, State or Foreign Court, Location of Court - City or County and State or Country, Docket/Case Number):

_____

6. *Advisory Affiliate* Employing Firm when activity occurred which led to the civil judicial action (if applicable):

CIVIL JUDICIAL ACTION DISCLOSURE REPORTING PAGE (ADV)
(continuation)

7. Describe the allegations related to this civil action (your response must fit within the space provided):

8. Current status? ☐ Pending ☐ On Appeal ☐ Final

9. If on appeal, action appealed to (provide name of court) and Date Appeal Filed (MM/DD/YYYY):

10. If pending, date notice/process was served (MM/DD/YYYY): ☐ Exact ☐ Explanation

If not exact, provide explanation:

If Final or On Appeal, complete all items below. For Pending Actions, complete Item 14 only.

11. How was matter resolved (check appropriate item):

☐ Consent ☐ Judgment Rendered ☐ Settled
☐ Dismissed ☐ Opinion ☐ Withdrawn ☐ Other

12. Resolution Date (MM/DD/YYYY): ☐ Exact ☐ Explanation

If not exact, provide explanation:

13. Resolution Detail:

A. Were any of the following Sanctions *Order*ed or Relief Granted (check appropriate items)?

☐ Monetary/Fine ☐ Revocation/Expulsion/Denial ☐ Disgorgement/Restitution

Amount: $ ☐ Censure ☐ Cease and Desist/Injunction ☐ Bar ☐ Suspension

B. Other Sanctions:

CIVIL JUDICIAL ACTION DISCLOSURE REPORTING PAGE (ADV)
(continuation)

C. Sanction detail: if suspended, *enjoined* or barred, provide duration including start date and capacities affected (General Securities Principal, Financial Operations Principal, etc.). If requalification by exam/retraining was a condition of the sanction, provide length of time given to requalify/retrain, type of exam required and whether condition has been satisfied. If disposition resulted in a fine, penalty, restitution, disgorgement or monetary compensation, provide total amount, portion levied against you or an *advisory affiliate*, date paid and if any portion of penalty was waived:

14. Provide a brief summary of circumstances related to the action(s), allegation(s), disposition(s) and/or finding(s) disclosed above (your response must fit within the space provided).

[FR Doc. C1–2015–12778 Filed 7–1–15; 08:45 am]
BILLING CODE 1505–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 601

[Docket No. FDA–2015–N–2103]

Removal of Review and Reclassification Procedures for Biological Products Licensed Prior to July 1, 1972

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to remove two regulations that prescribe procedures for FDA's review and classification of biological products licensed before July 1, 1972. FDA is taking this action because the two regulations are obsolete and no longer necessary in light of other statutory and regulatory authorities established since 1972, which allow FDA to evaluate and monitor the safety and effectiveness of all biological products. In addition, other statutory and regulatory authorities authorize FDA to revoke a license for products because they are not safe and effective, or are misbranded. FDA is taking this action as part of its retrospective review of its regulations to promote improvement and innovation.

DATES: Submit either written or electronic comments on the proposed rule by September 30, 2015.

ADDRESSES: You may submit comments by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Written Submissions

Submit written submissions in the following ways:

- *Mail/Hand delivery/Courier (for paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Docket No. FDA–2015–N–2103 for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number(s), found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Paul E. Levine, Jr., Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301,

Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of the Proposed Rule

FDA proposes to remove two regulations that prescribe procedures for FDA's review and classification of biological products licensed before July 1, 1972, because the two regulations are obsolete and no longer necessary in light of other statutory and regulatory authorities established since 1972. These other statutory and regulatory authorities allow FDA to evaluate and monitor the safety and effectiveness of all biological products and authorize FDA to revoke a license for products because they are not safe and effective, or are misbranded.

Statement of Legal Authority

FDA is taking this action under the biological products provisions of the Public Health Service Act (the PHS Act), and the drugs and general administrative provisions of the Federal Food, Drug, and Cosmetic Act (the FD&C Act).

Summary of the Major Provisions of the Proposed Rule

The proposed rule removes §§ 601.25 and 601.26 (21 CFR 601.25 and 601.26), which prescribe procedures for FDA's review and classification of biological products licensed before July 1, 1972.

Costs and Benefits

Because this proposed rule would not impose any additional regulatory burdens, this regulation is not anticipated to result in any compliance costs and the economic impact is expected to be minimal.

I. Background

In the **Federal Register** of March 15, 1972 (37 FR 5404), the Director of the National Institutes of Health (NIH) announced that the Division of Biologics Standards, NIH would review the effectiveness of all licensed biologicals. In the **Federal Register** of June 29, 1972 (37 FR 12865), FDA announced the transfer of regulatory authority of biological products from the Division of Biologics Standards, NIH to FDA. After obtaining regulatory authority of biological products, the Commissioner of FDA proposed procedures for reviewing the safety, effectiveness, and labeling of all biological products licensed at the time of the transfer, including biological products licensed before July 1, 1972 (37 FR 16679, August 18, 1972). The procedures for review of biological products licensed before July 1, 1972, were codified in 21 CFR 273.245 (38 FR 4319 at 4321, February 13, 1973) and later redesignated to § 601.25 (38 FR 32048, November 20, 1973). The procedures for review of biological products licensed before July 1, 1972, were supplemented by procedures codified in § 601.26 (47 FR 44062, October 5, 1982).

II. Current Methods for Ensuring the Safety and Effectiveness of Biological Products

Since providing the procedures under §§ 601.25 and 601.26, FDA established many new regulations to assess and ensure the safety and efficacy of biological products. FDA established the Current Good Manufacturing Practice (cGMP) regulations, which contains the minimum current good manufacturing practice for preparation of drug products, including biological products. The cGMP regulations help FDA ensure that such products meet the requirements for product safety, effectiveness, and labeling. FDA also ensures the safety and effectiveness of biological products through application of other regulations, such as the reporting of biological product deviations by licensed manufacturers (see 21 CFR 600.14), postmarketing reporting of adverse experiences (21 CFR 600.80), and labeling regulations (for example, 21 CFR part 201). Biological products that do not meet the requirements under these regulations are subject to license revocation under § 601.5, which allows FDA to revoke any biologics license for a product that fails to meet applicable standards and comply with regulations designed to ensure the safety, purity, and potency of the licensed product, and that the product is not misbranded.

In addition, FDA continues to ensure the safety and effectiveness of licensed biological products through the development and application of additional standards and mechanisms. These mechanisms assist FDA in evaluating and monitoring the safety and effectiveness of biological products.

III. Description of the Proposed Rule

The proposed rule removes §§ 601.25 and 601.26 of the regulations, which prescribe procedures for FDA's review and classification of biological products licensed before July 1, 1972. FDA is taking this action because these regulations are obsolete and no longer necessary in light of other statutory and regulatory authorities established since 1972, which allows FDA to evaluate and monitor the safety and effectiveness of all biological products.

IV. Legal Authority

FDA is issuing this regulation under the biological products provisions of the PHS Act (42 U.S.C. 262 and 264) and the drugs and general administrative provisions of the FD&C Act (sections 201, 301, 501, 502, 503, 505, 510, 701, and 704) (21 U.S.C. 321, 331, 351, 352, 353, 355, 360, 371, and 374). Under these provisions of the PHS Act and the FD&C Act, we have the authority to issue and enforce regulations designed to ensure that biological products are safe, pure, and potent; and to prevent the introduction, transmission, and spread of communicable disease.

V. Analysis of Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct Agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Agency believes that this proposed rule is not a significant regulatory action as defined by Executive Order 12866.

The Regulatory Flexibility Act requires Agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the rule proposes to remove regulations that are obsolete and no longer necessary in light of other current statutory and regulatory authorities, the Agency proposes to certify that the final rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that Agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $144 million, using the most current (2014) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this proposed rule to result in any 1-year expenditure that would meet or exceed this amount.

VI. Environmental Impact

The Agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant adverse effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Federalism

FDA has analyzed this proposed rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the proposed rule, if finalized, would not contain policies that would 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. Accordingly, the Agency tentatively concludes that the proposed rule does not contain policies that have federalism implications as defined in the Executive Order and, consequently, a federalism summary impact statement is not required.

VIII. Paperwork Reduction Act of 1995

FDA tentatively concludes that this proposed rule contains no collection of information. Therefore, clearance by OMB under the Paperwork Reduction Act of 1995 is not required.

IX. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

List of Subjects in 21 CFR Part 601

Administrative practice and procedure, Biologics, Confidential business information.

Therefore, under the FD&C Act, the PHS Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 601 be amended as follows:

PART 601—LICENSING

■ 1. The authority citation for 21 CFR part 601 continues to read as follows:

Authority: 15 U.S.C. 1451–1561; 21 U.S.C. 321, 351, 352, 353, 355, 356b, 360, 360c–360f, 360h–360j, 371, 374, 379e, 381; 42 U.S.C. 216, 241, 262, 263, 264; sec 122, Pub. L. 105–115, 111 Stat. 2322 (21 U.S.C. 355 note).

§ 601.25 [Removed]

■ 2. Remove § 601.25.

§ 601.26 [Removed]

■ 3. Remove § 601.26.

Dated: June 26, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–16367 Filed 7–1–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2015–0010; Notice No. 154]

RIN 1513–AC19

Proposed Establishment of the Champlain Valley of New York Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the ''Champlain Valley of New York'' viticultural area in Clinton and Essex Counties, New York. The proposed viticultural area does not lie within or contain any established viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received by August 31, 2015.

ADDRESSES: Please send your comments on this notice to one of the following addresses:

- *Internet: http://www.regulations.gov* (via the online comment form for this notice as posted within Docket No. TTB–2015–0010 at ''Regulations.gov,'' the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 400, Washington, DC 20005.

See the Public Participation section of this notice for specific instructions and requirements for submitting comments, and for information on how to request a public hearing or view or obtain copies of the petition and supporting materials.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01, dated December 10, 2013, to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth the standards for the preparation and submission to TTB of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved American viticultural areas.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The

establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as a viticultural area. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes the standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the viticultural area name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Champlain Valley of New York Petition

TTB received a petition from Colin Read, owner of North Star Vineyard, on behalf of the Lake Champlain Grape Growers Association, proposing the establishment of the ''Champlain Valley of New York'' AVA. The proposed AVA is located within a long, narrow valley on the western shore of Lake Champlain and is approximately 82 miles long and approximately 20 miles wide at its widest point. The proposed AVA encompasses approximately 500 square miles and has 6 bonded wineries, as well as 11 commercial vineyards covering a total of approximately 15.47 acres distributed throughout the proposed AVA. The petition notes that there are an additional 63 acres of vineyards planned for planting within the proposed AVA in the next few years.

According to the petition, the distinguishing feature of the proposed Champlain Valley of New York AVA is its short growing season, which is conducive to growing cold-hardy North American hybrid varieties of grapes (such as Frontenac, La Crescent, and Marquette) but not *Vitis vinifera* (*V. vinifera*) grapes. The petition also included descriptions of the precipitation, topography, soils, and geology of the proposed AVA. However, the petition did not discuss the viticultural significance of these features or provide data from the surrounding regions for contrast. Therefore, TTB does not consider them to be distinguishing features of the proposed AVA, and they are not discussed in this proposed rule. Unless otherwise noted, all information and data pertaining to the proposed AVA contained in this document are from the petition for the proposed Champlain Valley of New York AVA and its supporting exhibits.

Name Evidence

The proposed Champlain Valley of New York AVA derives its name from Lake Champlain, which lies on the border between New York and the State of Vermont and extends north into the Canadian Province of Quebec. According to the petition, the long, narrow valley surrounding the lake has been known as the Champlain Valley since the region was explored and settled by French and English explorers. Because the name ''Champlain Valley'' also applies to the portions of the valley that are in Vermont and Canada, the petitioner proposed the name ''Champlain Valley of New York'' to more accurately describe the location of the proposed AVA.

Federal and State agencies and departments currently refer to the region of the proposed AVA as the ''Champlain Valley.'' In 2005, Congress designated Lake Champlain and Lake George, which is immediately to the south of Lake Champlain, as a single National Heritage Area formally known as the Champlain Valley National Heritage Partnership (CVNHP). The purpose of the CVNHP is ''to promote the Champlain Valley's natural and cultural treasures.'' [1] The Champlain Valley International Wine Trail was created in 2012 as part of the CVNHP to promote the wineries and vineyards along the lake in Canada, New York, and Vermont and allows visitors ''to learn about the tremendous offering of vineyards and wineries in the unique terroir of the Champlain Valley.'' [2] The USDA soil survey for Clinton and Essex Counties, where the proposed AVA is located, designates the region of the proposed AVA as ''Champlain Valley.'' Finally, the Essex County Public Health Department published a map of hiking trails and recreational areas in the region of the proposed AVA titled ''The Adirondack Park: Champlain Valley Region.''

The petition also included names of businesses and organizations throughout the proposed AVA that include ''Champlain Valley'' in their names. Examples from Plattsburg, located at the northern end of the proposed AVA, include the Champlain Valley Transportation Museum, Champlain Valley Physicians Hospital, and Champlain Valley Educational Services. Examples from Ticonderoga, at the southern end of the proposed AVA, include Champlain Valley Heating and Plumbing, Champlain Valley Chiropractic Service, and the Champlain Valley Services landscaping company.

Boundary Evidence

The proposed Champlain Valley of New York AVA consists of a long, narrow, relatively flat valley located along the western shore of Lake Champlain in Clinton and Essex Counties, New York. The north-south oriented valley roughly corresponds to the region of New York that was once covered by Lake Vermont, an ancient glacial lake that covered the region approximately 12,000 years ago and was a precursor to Lake Champlain. The proposed AVA encompasses approximately 500 square miles. It stretches approximately 82 miles from the U.S.-Canada border to Ticonderoga, New York, at the southern tip of Lake Champlain. The width of the proposed AVA ranges from approximately 20 miles across at it widest point, which is along the U.S.-Canada border, to less than 5 miles wide at its narrowest point, which is the land between State Highway 22 and the shore of Lake Champlain south of Port Henry, New York.

The northern boundary of the proposed Champlain Valley of New York AVA follows the U.S.-Canada border. The eastern boundary follows the western shoreline of Lake Champlain. To the east of both Lake Champlain and the proposed AVA is the Vermont side of the Champlain Valley, which has physical features similar to those of the New York side, but has a longer growing season. The southern boundary of the proposed AVA follows the Champlain-Hudson Divide, which separates the Champlain Valley from the Hudson River Valley. The western

[1] *www.champlainvalleynhp.org/index.htm.*

[2] *www.lcbp.org/2012/11/champlain-international-wine-trail-announced.*

boundary follows a series of creeks and roads and separates the valley of the proposed AVA from the foothills of the Adirondack Mountains.

Distinguishing Feature

The distinguishing feature of the proposed Champlain Valley of New York AVA is a short growing season that is suitable for growing North American hybrid varieties of grapes but is too short for reliable cultivation of *V. vinifera* grapes. Although the proposed AVA extends approximately 82 miles from the U.S.-Canada border to the southern tip of Lake Champlain, temperatures within the proposed AVA are relatively uniform. The following table, derived from data included in the petition, lists the monthly maximum, minimum, and mean temperatures for four communities within the proposed AVA: Ticonderoga, located at the southernmost point of the proposed AVA; Peru, located approximately 50 miles north of Ticonderoga, in the middle of the proposed AVA; Plattsburgh, located approximately 10 miles north of Peru; and Chazy, located approximately 14 miles north of Plattsburgh and approximately 8 miles south of the U.S.-Canada border.

AVERAGE DAILY MAXIMUM, MINIMUM, AND MEAN TEMPERATURES (DEGREES FAHRENHEIT) WITHIN PROPOSED AVA [3]

Location	Month											
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.
Ticonderoga												
Maximum	29.5	29.3	40.8	53.5	68	75.7	82.1	78.2	72	59.2	44.7	32.7
Minimum	10	8.8	22.4	33.6	46	54.5	61	57.9	50.8	40	29.5	15.9
Mean	19.8	19	31.6	43.6	57	65.1	71.5	68	61.4	49.6	37.2	24.2
Peru												
Maximum	28.1	31.1	40.9	55.1	68.3	77.4	81.8	79.6	71	59.1	45.8	32.7
Minimum	7.9	10.2	20.6	32.5	43.5	53.2	57.7	55.6	47.7	37.2	28.1	15
Mean	18	20.7	30.7	43.8	55.9	65.2	69.7	67.6	59.3	48.1	36.9	23.9
Plattsburgh												
Maximum	27.9	29.1	39.8	54.1	67.2	76.7	81.4	78.4	70.4	58.8	45	32.2
Minimum	9	9.4	21.1	34	44.5	54.2	59.4	57.3	49.9	39.1	29.5	15.5
Mean	18.5	19.2	30.4	44	55.9	65.4	70.4	67.8	60.2	49	37.2	23.9
Chazy												
Maximum	26.9	28.4	39	54	67.5	76.3	80.9	78.7	70.3	58.3	44.6	31.3
Minimum	7.1	8	19.8	33	44.1	53.7	58.9	56.6	48.7	38.6	28.6	14.3
Mean	17	18.1	29.4	43.5	55.8	64.9	69.9	67.7	59.5	48.4	36.6	22.8

Because of the cool climate, the proposed AVA has a shorter growing season when compared to most of the surrounding regions. The following table, which was derived from information included in the petition, compares the probability of the last spring frost and the first fall frost within the proposed AVA and the surrounding regions. Peru, New York, was chosen as the representative location within the proposed AVA because of its central location. The two locations east of the proposed AVA are both located in Vermont: South Hero, which is located on Grand Isle in the middle of Lake Champlain, and Burlington, which is located on the eastern shore of Lake Champlain southeast of South Hero. Whitehall, New York, is located south of the proposed AVA, in the Hudson River Valley. Lake Placid is located approximately 40 miles west of Peru, within the Adirondack Mountains. Comparison data was not provided for the region to the north of the proposed AVA because the land is within Canada and is therefore ineligible for inclusion within an AVA.

COMPARISON OF ANNUAL FROST PROBABILITIES [4]

Location (direction from proposed AVA)	Last spring frost date [5]	First fall frost date [6]	Growing season length (days) [7]
Peru, NY (within)	May 25	September 21	159
Whitehall, NY (south)	May 11	September 24	173
Lake Placid, NY (west)	June 22	August 30	116
South Hero, VT (east)	May 9	September 27	183
Burlington, VT airport (east)	April 26	September 23	164

[3] Source: National Climate Data Center, *http://cdo.ncdc.noaa.gov/climatenormals/clim20/ny*. Data is from monthly climate normals gathered by the National Oceanic and Atmospheric Administration from 1971–2000. Climate normal are gathered in 30-year increments. At the time the petition was submitted, the 1971–2000 climate normal was the most recent climate normal available for the region.

[4] Sources: 1971–2000 climate normal from *http://cdo.ncdc.noaa.gov/climatenormals/clim20supp1/states/VT.pdf* and *http://cdo.ncdc.noaa.gov/climatenormals/clim20supp1/states/NY.pdf*. The baseline temperature for frost is considered to be 32 degrees Fahrenheit.

[5] The date at which there is a 10 percent probability of the last spring frost occurring later.

[6] The date at which there is a 10 percent probability of the first fall frost occurring earlier.

[7] The probability level that the growing season will be longer is 10 percent.

The data shows that the proposed AVA has a later last-frost date, an earlier first-frost date, and a shorter growing season than the surrounding regions to the north, east, and south. The region east of the proposed AVA has a longer growing season due to the presence of Lake Champlain. According to the petition, as air moves eastward over the lake, it warms and increases in humidity. The warm, humid air reduces the risk of frost and contributes to a longer growing season on the Vermont side of the lake. Even though the lake is narrow, its moderating effect on surrounding temperatures is significant. The petition notes that South Hero, located on an island in Lake Champlain, is only one mile east of Peru, yet its growing season is almost 4 weeks longer than that of the proposed AVA.

The region to the south of the proposed Champlain Valley of New York AVA also has a longer growing season. The growing season in Whitehall, within the Hudson River Valley, is two weeks longer than that of the proposed AVA. The petition attributes the longer growing season to the warm, moist winds that flow upward along the Hudson River and the Mohawk Valley. These winds are blocked from entering the proposed AVA by the Champlain-Hudson Divide, which is the slight ridge that separates the two valley systems.

To the west of the proposed AVA, in Lake Placid within the Adirondack Mountains, the higher elevations bring colder temperatures and a growing season that is much shorter than that of the proposed AVA. According to the petition, the growing season within the Adirondack Mountains is too short for the commercial cultivation of grapes.

Because of the short growing season within the proposed Champlain Valley of New York AVA, *V. vinifera* grapes do not ripen reliably, so vineyard owners primarily grow cold-hardy North American hybrids. By contrast, *V. vinifera* grapes are commonly grown in the Vermont portion of the Champlain Valley, in the Hudson River Valley, and in the Upper Mohawk Valley near Lake Ontario.

TTB Determination

TTB concludes that the petition to establish the Champlain Valley of New York viticultural area merits consideration and public comment, as invited in this notice of proposed rulemaking.

Boundary Description

See the narrative description of the boundary of the petitioned-for viticultural area in the proposed regulatory text published at the end of this proposed rule.

Maps

The petitioner provided the required maps, and they are listed below in the proposed regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with a viticultural area name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with a viticultural area name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the viticultural area name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing a viticultural area name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

If TTB establishes this proposed viticultural area, its name, ''Champlain Valley of New York,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the proposed regulation clarifies this point. Consequently, wine bottlers using the name ''Champlain Valley of New York'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the viticultural name as an appellation of origin if this proposed rule is adopted as a final rule.

TTB does not believe that ''Champlain Valley,'' standing alone, should have viticultural significance if the proposed viticultural area is established, due to the fact that the feature known as the Champlain Valley extends into Vermont. Accordingly, the proposed part 9 regulatory text set forth in this document specifies only the full name ''Champlain Valley of New York'' as a term of viticultural significance for purposes of part 4 of the TTB regulations.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed viticultural area. TTB is also interested in receiving comments on the sufficiency and accuracy of the name, boundary, soils, climate, and other required information submitted in support of the petition. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Champlain Valley of New York AVA on wine labels that include the term ''Champlain Valley of New York'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed area name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed viticultural area will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the viticultural area.

Submitting Comments

You may submit comments on this notice by using one of the following three methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this notice within Docket No. TTB–2015–0010 on ''Regulations.gov,'' the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. 154 on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml.* Supplemental files may be attached to comments submitted via Regulations.gov. For complete instructions on how to use Regulations.gov, visit the site and click on the ''Help'' tab.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 400, Washington, DC 20005.

Please submit your comments by the closing date shown above in this notice. Your comments must reference Notice No. 154 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

In your comment, please clearly indicate if you are commenting on your own behalf or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name, as well as your name and position title. If you comment via Regulations.gov, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this notice, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2015–0010 on the Federal e-rulemaking portal, Regulations.gov, at *http://www.regulations.gov.* A direct link to that docket is available on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml* under Notice No. 154. You may also reach the relevant docket through the Regulations.gov search page at *http://www.regulations.gov.* For information on how to use Regulations.gov, click on the site's ''Help'' tab.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also view copies of this notice, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. You may also obtain copies at 20 cents per 8.5- x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or other similarly-sized documents that may be included as part of the AVA petition. Contact TTB's information specialist at the above address or by telephone at 202–453–2270 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this proposed rule.

List of Subjects in 27 CFR Part 9

Wine.

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.2____to read as follows:

§ 9. Champlain Valley of New York.

(a) *Name.* The name of the viticultural area described in this section is ''Champlain Valley of New York''. For purposes of part 4 of this chapter, ''Champlain Valley of New York'' is a term of viticultural significance.

(b) *Approved maps.* The two United States Geological Survey (USGS) 1:100,000 scale topographic maps used to determine the boundary of the Champlain Valley of New York viticultural area are titled:

(1) Lake Champlain, N.Y.; VT.; N.H.; U.S.; CAN., 1962; revised (U.S. area) 1972; and

(2) Glens Falls, N.Y.; VT.; N.H., 1956; revised 1972.

(c) *Boundary.* The Champlain Valley of New York viticultural area is located in Clinton and Essex Counties, New York. The boundary of the Champlain Valley of New York viticultural area is as described below:

(1) The beginning point is found on the Lake Champlain map at the intersection of the western shore of Lake Champlain and the U.S.–Canada border, just north of the town of Rouses Point.

(2) From the beginning point, proceed south along the western shore of Lake Champlain approximately 109.4 miles, crossing onto the Glens Falls map, to a road marked on the map as State Route 73 (now known as State Route 74) and known locally as Fort Ti Road, at the Fort Ticonderoga–Larrabees Point Ferry landing; then

(3) Proceed west along State Route 73 (State Route 74/Fort Ti Road) approximately 1.6 miles to State Route 22; then

(4) Proceed north along State Route 22 approximately 21 miles, crossing onto the Lake Champlain map and passing through the town of Port Henry, to an unnamed light-duty road known locally as County Road 44 (Stevenson Road); then

(5) Proceed north along County Road 44 (Stevenson Road) approximately 5.8 miles to a railroad track; then

(6) Proceed northerly along the railroad track approximately 1.6 miles to State Route 9N, west of the town of Westport; then

(7) Proceed westerly along State Route 9N approximately 4.1 miles to Interstate 87; then

(8) Proceed north along Interstate 87 approximately 21 miles to the Ausable River, southwest of the town of Keeseville; then

(9) Proceed west (upstream) along the Ausable River approximately 6 miles to a bridge connecting two unnamed light-duty roads known locally as Burke Road and Lower Road in the town of Clintonville, and proceed north along the bridge to Lower Road; then

(10) Proceed west along Lower Road approximately 0.6 mile to State Route 9N; then

(11) Proceed west along State Route 9N approximately 0.8 mile to an unnamed light-duty road known locally

as County Route 39 (Clintonville Road); then

(12) Proceed north along County Route 39 (Clintonville Road) approximately 1.5 miles to the second crossing of the Little Ausable River, west of Cook Mountain; then

(13) Proceed northeast along the Little Ausable River approximately 3.5 miles to the confluence of the river with Furnace Brook, near the town of Harkness; then

(14) Proceed west along Furnace Brook approximately 0.17 mile to an unnamed light-duty road known locally as County Route 40 (Calkins Road); then

(15) Proceed north along County Route 40 (Calkins Road) approximately 5.8 miles to an unnamed light-duty road known locally as County Route 35 (Peasleeville Road), south of an unnamed creek known locally as Arnold Brook; then

(16) Proceed west along County Route 35 (Peasleeville Road) approximately 0.1 mile to an unnamed light-duty road known locally as Connors Road; then

(17) Proceed north along Connors Road approximately 2.1 miles, crossing the Salmon River, to an unnamed light-duty road known locally as County Route 33 (Norrisville Road); then

(18) Proceed west along County Route 33 (Norrisville Road) approximately 1.2 miles to an unnamed light-duty road known locally as Shingle Street; then

(19) Proceed north along Shingle Street approximately 4 miles to an unnamed light-duty road known locally as County Route 31 (Rabideau Street); then

(20) Proceed west along County Route 31 (Rabideau Street) approximately 0.4 mile to an unnamed light-duty road known locally as Goddeau Street; then

(21) Proceed north along Goddeau Street approximately 0.9 mile, crossing the Saranac River, to State Route 3 just east of the town of Cadyville; then

(22) Proceed east along State Route 3 approximately 0.5 mile to an unnamed light-duty road known locally as Akey Road; then

(23) Proceed north on Akey Road approximately 0.2 mile to State Route 374; then

(24) Proceed east along State Route 374 approximately 3.6 miles to State Route 190, also known locally as Military Turnpike; then

(25) Proceed northwest along State Route 190 (Military Turnpike) approximately 15.2 miles to an unnamed light-duty road just east of Park Brook known locally as County Route 12 (Alder Bend Road), northwest of Miner Lake State Park; then

(26) Proceed north along County Route 12 (Alder Bend Road) approximately 3 miles to U.S. Highway 11; then

(27) Proceed west along U.S. Highway 11 approximately 1.7 miles to an unnamed light-duty road known locally as County Route 10 (Cannon Corners Road); then

(28) Proceed north along County Route 10 (Cannon Corners Road) approximately 6 miles to the U.S.–Canada border; then

(29) Proceed east along the U.S.–Canada border approximately 19.8 miles, returning to the beginning point.

Dated: June 24, 2015.

John J. Manfreda,

Administrator.

[FR Doc. 2015–16343 Filed 7–1–15; 8:45 am]

BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0247; FRL–9929–83–Region 4]

Approval and Promulgation of Implementation Plans; Mississippi; Memphis, TN–AR–MS Emissions Inventory for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the portion of the state implementation plan revision submitted by the State of Mississippi, through the Mississippi Department of Environmental Quality, on January 14, 2015, that addresses the base year emissions inventory requirements for the State's portion of the Memphis, Tennessee-Mississippi-Arkansas (Memphis, TN–AR–MS) 2008 8-hour ozone national ambient air quality standards (NAAQS) nonattainment area. A base year emissions inventory is required for all ozone nonattainment areas. The Memphis 2008 8-hour ozone NAAQS marginal nonattainment area is comprised of Shelby County in Tennessee, Crittenden County in Arkansas, and a portion of DeSoto County in Mississippi. EPA will take action on the emissions inventories for the Tennessee and Arkansas portions of the Area in separate actions. In the Final Rules section of this **Federal Register**, EPA is approving the State's implementation plan revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule.

DATES: Written comments must be received on or before August 3, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0247 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. Email: *R4–ARMS@epa.gov*
3. Fax: (404) 562–9019.
4. Mail: ''EPA–R04–OAR–2015–0247,'' Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. Hand Delivery or Courier: Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Bell can be reached at (404) 562–9088 and via electronic mail at *bell.tiereny@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules section of this **Federal Register**. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a

subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: June 18, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–16078 Filed 7–1–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 704

[EPA–HQ–OPPT–2010–0572; FRL–9929–70]

Chemical Substances When Manufactured or Processed as Nanoscale Materials, TSCA Reporting and Recordkeeping Requirements; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA published a proposed rule in the **Federal Register** of April 6, 2015 at 80 FR 18330, concerning proposing reporting and recordkeeping requirements for certain chemical substances when they are manufactured or processed at the nanoscale. This document extends the comment period for 30 days, from July 6, 2015 to August 5, 2015. A commenter requested additional time to submit written comments for the proposed rule. EPA is therefore extending the comment period in order to give all interested persons the opportunity to comment fully.

DATES: Comments, identified by docket identification (ID) number EPA–HQ–OPPT–2010–0572, must be received on or before August 5, 2015.

ADDRESSES: Follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of April 6, 2015 (80 FR 18330) (FRL–9920–90).

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Jim Alwood, Chemical Control Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: 202 564–8974; email address: *alwood.jim@epa.gov.*

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

SUPPLEMENTARY INFORMATION: This document extends the public comment period established in the **Federal Register** document of April 6, 2015 (80 FR 18330) (FRL–9920–90). In that document, EPA proposed reporting and recordkeeping requirements for certain chemical substances when they are manufactured or processed at the nanoscale. EPA is hereby extending the comment period, which was set to end on July 6, 2015, to August 5, 2015.

To submit comments, or access the docket, please follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of April 6, 2015. If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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

List of Subjects in 40 CFR Part 704

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

Dated: June 23, 2015.

Maria J. Doa,

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

[FR Doc. 2015–16051 Filed 7–1–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Parts 501 and 502

[Docket No. 15–06]

RIN 3072–AC61

Organization and Functions; Rules of Practice and Procedure; Attorney Fees

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Maritime Commission proposes to amend its Rules of Practice and Procedure governing the award of attorney fees in Shipping Act complaint proceedings, and its regulations related to Commissioner terms and vacancies. The proposed regulatory changes would implement statutory amendments made by the Howard Coble Coast Guard and Maritime Transportation Act of 2014.

DATES: Comments are due on or before: August 6, 2015.

ADDRESSES: You may submit comments, identified by Docket No. 15–06, by the following methods:

- *Email: secretary@fmc.gov.* Include in the subject line: ''Docket No. 15–06, Comments on Proposed Attorney Fee and Term Limit Regulations.'' Comments should be attached to the email as a Microsoft Word or text-searchable PDF document. Only non-confidential comments and public versions of confidential comments should be submitted by email. Comments containing confidential information should not be submitted by email.
- *Mail:* Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001.

Docket: For access to the docket to read background documents and comments received, go to the Commission's Electronic Reading Room at: *http://www.fmc.gov/15-06.*

Confidential Information: If your comments contain confidential information, you must submit the following:

- A transmittal letter requesting confidential treatment that identifies the specific information in the comments for which protection is sought and demonstrates that the information is a trade secret or other confidential research, development, or commercial information.
- A confidential copy of your comments, consisting of the complete filing with a cover page marked ''Confidential-Restricted,'' and the confidential material clearly marked on each page. You should submit the confidential copy to the Commission by mail.
- A public version of your comments with the confidential information excluded. The public version must state ''Public Version—confidential materials excluded'' on the cover page and on each affected page, and must clearly indicate any information withheld. You may submit the public version to the Commission by email or mail.

The Commission will provide confidential treatment for the identified confidential information to the extent allowed by law.

FOR FURTHER INFORMATION CONTACT: For questions regarding submitting comments or the treatment of confidential information, contact Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001. *Phone:* (202) 523–5725. *Email: secretary@fmc.gov.*

For all other questions, contact William H. Shakely, Office of the General Counsel, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001. *Phone:* (202) 523–5740. *Email: generalcounsel@fmc.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Executive Summary
II. Background
A. Attorney Fees
B. Commissioner Terms and Vacancies
III. Proposal
A. Conforming Amendments
1. Attorney-Fee Provision
2. Terms and Vacancies Provisions
B. Implementing the Amended Attorney-Fee Provision
1. Who is eligible to recover attorney fees?
2. How will the commission exercise its discretion?
3. How will the commission apply the provision to pending proceedings?
IV. Rulemaking Analyses and Notices

I. Executive Summary

Title IV of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, Public Law 113–281 (Coble Act), enacted on December 18, 2014, made amendments to the Shipping Act of 1984 and the statutory provisions governing the general organization of the Commission. Specifically, section 402 of the Coble Act amended the statutory provision governing the award of attorney fees in Shipping Act complaint proceedings. Attorney fees may now be awarded to the prevailing party in any complaint proceeding. *See* 46 U.S.C. 41305(e). Section 403 of the Coble Act established term limits for future Commissioners, limited the amount of time that future Commissioners will be permitted to serve beyond the end of their terms, and established conflict-of-interest restrictions for current and future Commissioners. *See* 46 U.S.C. 301(b).

In response to these statutory amendments, the Commission is proposing to amend affected regulations to conform the regulatory language to the revised statutory text.[1] In addition, the Commission is seeking comment on an appropriate framework for determining attorney fee awards under the amended fee-shifting provision. The Commission is considering providing additional guidance on this issue in the final rule and, where appropriate, incorporating that guidance into the Commission Rules of Practice and Procedure. To that end, this proposal discusses three general questions on which the Commission's guidance would focus:

- Who is eligible to recover attorney fees?
- How will the Commission exercise its discretion to determine whether to award attorney fees to an eligible party?
- How will the Commission apply the new attorney-fee provision to proceedings that were pending before the Commission when the Coble Act was enacted on December 18, 2014?

Although the Commission recognizes that the application of the fee-shifting provision will depend on the specific facts in individual complaint proceedings, the Commission believes that general guidance on these broader issues will reduce uncertainty and simplify the disposition of attorney-fee issues.

II. Background

A. Attorney Fees

Section 11(a)–(b) of the Shipping Act of 1984, currently codified at 46 U.S.C. 41301, establishes a procedure by which a person may file a complaint with the Commission alleging a violation of the Shipping Act.[2] Prior to the enactment of the Coble Act, 46 U.S.C. 41305(b) (section 11(g) of the Shipping Act) provided that ''[i]f the complaint was filed within . . . [three years after the claim accrued], the Federal Maritime Commission shall direct the payment of reparations to the complainant for actual injury caused by a violation of this part, plus reasonable attorney fees.''

To implement the statutory provision in section 11(g) mandating the award of attorney fees, the Commission added a sentence to Rule 253 of its Rules of Practice and Procedure. Final Rules To Implement the Shipping Act of 1984 and To Correct and Update Regulations, 49 FR 16994 (Apr. 23, 1984). After determining that more comprehensive regulations were needed, the Commission established Rule 254 (46 CFR 502.254) in 1987. Attorney's Fees in Reparation Proceedings, 52 FR 6330 (Mar. 3, 1987).

The Commission interpreted section 11(g) as providing for attorney fees only to *prevailing complainants* in reparation proceedings, and Rule 254 reflects this limitation. *See* Attorney's Fees in Reparation Proceedings, 51 FR 37917 (Oct. 27, 1986); 46 CFR 502.254. In subsequent decisions, the Commission specified three conditions for recovering attorney fees pursuant to Rule 254: ''(1) a violation of the 1984 Act; (2) actual injury caused by such violation; and (3) payment of reparations to compensate for such injury.'' *A/S Ivarans Rederi* v. *Companhia de Navegacao Lloyd Brasileiro,* 25 S.R.R. 1061, 1063 (FMC 1990). Complainants who prevailed on the merits of the complaint, but who did not obtain a reparations award, were not eligible to recover attorney fees. *See id.* at 1064; 51 FR 37917.

Section 402 of the Coble Act deleted the portion of 46 U.S.C. 41305(b) pertaining to attorney fees and added a new subsection (e), which reads as follows: ''Attorney Fees.—In any action brought under section 41301, the prevailing party may be awarded reasonable attorney fees.'' These amendments appear to affect the award of attorney fees in three significant ways. First, the revised language expands the categories of persons eligible to recover attorney fees to include any ''prevailing party,'' not merely prevailing complainants. Second, the award of attorney fees is no longer conditioned on an award of reparations; under the amended language, attorney fees are recoverable ''[i]n any action brought under section 41301.'' Finally, whereas 46 U.S.C. 41305(b) directed the Commission to award reasonable attorney fees to an eligible party, the new provision in subsection (e) states that such fees ''may be awarded,'' thus granting the Commission discretion to determine the circumstances under which eligible parties are entitled to attorney fees.

There is limited legislative history for section 402. An informational brochure about the Coble Act issued by the House Transportation and Infrastructure Committee states only that ''th[e] section clarifies that in actions filed with the FMC alleging a violation of law pertaining to ocean shipping, the prevailing party in the proceeding may be awarded reasonable attorney fees.''[3]

B. Commissioner Terms and Vacancies

The statutory provisions governing the general organization of the Commission are codified at 46 U.S.C. 301. Prior to the enactment of the Coble Act, there was no statutory limit on the number of terms a Commissioner could serve. In addition, when a Commissioner's term ended, the Commissioner could continue to serve until a successor was appointed, without any prescribed time limitation. The Commission's regulations at 46 CFR 501.2(c) reflect these statutory provisions. Section 403 of the Coble Act amended 46 U.S.C. 301(b) and established term limits for

[1] The Coble Act amendments to 46 U.S.C. 301(b) establishing conflict-of-interest restrictions for Commissioners are outside the scope of this rulemaking. The Commission is currently evaluating the need for regulatory action in response to these amendments.

[2] The Shipping Act also authorizes the Commission to initiate investigations of possible violations of the Shipping Act on its own motion. 46 U.S.C. 41302.

[3] House Committee on Transportation & Infrastructure, The Howard Coble Coast Guard & Maritime Transportation Act of 2014, at 20 (2014), available at *http://transportation.house.gov/uploadedfiles/coastguardreauthsenateagreement.pdf.*

Commissioners appointed and confirmed by the Senate on or after the date of enactment, *i.e.,* December 18, 2014. Specifically, future Commissioners will be limited to two terms, in addition to the remainder of any term for which the Commissioner's predecessor was appointed. *See* 46 U.S.C. 301(b)(2) and (3). Section 403 also limited the amount of time future Commissioners will be permitted to serve beyond the end of their terms, to a period not to exceed one year. *See* 46 U.S.C. 301(b)(2).

III. Proposal

A. Conforming Amendments

Given the amendments made by the Coble Act to 46 U.S.C. 301 and 41305, the Commission is proposing amendments to its regulations to implement the revised statutory text.

1. Attorney-Fee Provision

The Commission proposes to amend Rule 254 of its Rules of Practice and Procedure to conform the regulatory text to the revised language of 46 U.S.C. 41305. The proposed amendments include:

- replacing references to ''complainant'' with ''prevailing party'';
- replacing references to ''respondent'' with ''opposing party'';
- replacing references to reparations awards with references to complaint proceedings more generally; and
- amending the language to clarify that the Commission now has discretion regarding the award of fees, and that fee petitions may be denied.

The Commission is also proposing to delete the clause stating that recoverable attorney fees include compensation for services in related federal court proceedings. The Commission originally included this language based on the text of the previous statutory fee-shifting provision and its legislative history. 52 FR 6330 (Mar. 3, 1987). Given the textual differences between that provision and the fee-shifting provision added by the Coble Act, combined with the absence of any legislative history regarding the applicability of the new fee-shifting provision to services performed in other proceedings, the Commission has tentatively determined to remove this language. Under the amended Rule 254 as proposed below, the Commission would resolve any issues related to compensation for services performed in other proceedings on a case-by-case basis, in accordance with relevant federal case law.

The Commission requests comment on these proposed amendments and any other amendments necessary to reflect the amended statutory language.

In addition to the substantive amendments to its Rules of Practice and Procedure described above, the Commission is proposing a number of minor changes to improve the clarity and organization of Rule 254. For example, the Commission is proposing to add cross-references to relevant provisions governing formal and informal small claims. Although the Commission Rules state that Rule 254 applies to such claims, *see* 46 CFR 502.305, 502.321, the requirements for filing fee petitions inadvertently omit relevant references to these claims. Likewise, the Commission is proposing conforming edits to these rules to reflect the proposed amendments to Rule 254.

The Commission is also proposing to replace the term ''presiding officer'' in Rule 254 with the phrase, ''administrative law judge or small claims officer.'' As used in Rule 254, the term ''presiding officer'' is meant to include these officials but not members of the Commission. This could create confusion because, as defined in Rule 25, ''presiding officer'' can mean an administrative law judge or one or more members of the Commission, and small claims officers are not expressly included in the definition. *See* 46 CFR 502.25(a).

2. Terms and Vacancies Provisions

The Commission proposes to amend 46 CFR 501.2(c) to conform the regulatory text to the revised language of 46 U.S.C. 301(b). Specifically, the Commission proposes dividing paragraph (c) into several subparagraphs addressing the length of Commissioner terms, removal of Commissioners, vacancies on the Commission, and term limits for both current and future Commissioners.

B. Implementing the Amended Attorney-Fee Provision

The Commission seeks comment on an appropriate framework for determining attorney fee awards under the amended fee-shifting provision. Specifically, the Commission would like to provide general guidance in the final rule on the following questions:

- Who is eligible to recover attorney fees?
- How will the Commission exercise its discretion to determine whether to award attorney fees to an eligible party?
- How will the Commission apply the new attorney-fee provision to proceedings that were pending before the Commission when the Coble Act was enacted on December 18, 2014?

This proposal discusses various options to address these issues that are currently being considered. We request comment on these options.

1. Who is eligible to recover attorney fees?

As discussed in the Background section, prior to the enactment of the Coble Act, the Shipping Act provided for the award of attorney fees to prevailing complainants in reparation proceedings. The new attorney-fee provision added by the Coble Act provides for the award of attorney fees to the prevailing party in any action brought under section 41301. This raises several questions including:

- What types of actions are covered by the attorney-fee provision?
- Who is considered a ''party''?
- When will a ''party'' be considered to have ''prevailed'' in a covered action?

Examining the first question, section 41301 permits a person to file a complaint with the Commission alleging a violation of the Shipping Act. 46 U.S.C. 41301(a). The Commission is required to provide a copy of the complaint to the person named in the complaint, and, if the complaint is not satisfied, the Commission is directed to investigate the complaint in an appropriate manner and make an appropriate order. 46 U.S.C. 41301(b)–(c). Based on the wording of the Coble Act's attorney-fee provision and the wording of section 41301, it appears that attorney fees may now be awarded in any complaint proceeding. The Commission requests comment on this interpretation.

Regarding the second question, the Commission's Rules define the term ''party'' in Commission proceedings to include any natural person, corporation, association, firm, partnership, trustee, receiver, agency, public or private organization, or government agency (including a unit representing the agency). 46 CFR 502.41. The Commission requests comment on any reasons why the existing definition would not be appropriate to use in applying the new attorney-fee provision.

When a party will be considered to have ''prevailed'' in a complaint proceeding is a more complex issue because of the number of different possible outcomes. The Commission notes, however, that a number of fee-shifting provisions in other statutes also provide for the award of fees to the ''prevailing party,'' and there is abundant case law interpreting the term. *See, e.g.,* 17 U.S.C. 505; 42 U.S.C 1988(b); 42 U.S.C 2000a–3(b); 42 U.S.C. 2000e–5(k). Therefore, the Commission proposes to rely on relevant federal case law to the extent practicable in determining whether a party has

''prevailed'' in a particular complaint proceeding and is thus eligible to recover attorney fees under the new fee-shifting provision. The Commission requests comment on this approach and any alternative approaches.

2. How will the commission exercise its discretion?

The text of the new attorney-fee provision is silent as to how the Commission should exercise its discretion in awarding fees to an eligible party. The provision neither describes a standard of entitlement nor lists any factors for consideration, and the sparse legislative history provides little guidance. Therefore, the Commission has examined the standards used by federal courts in determining entitlement to attorney fees under provisions with language similar to 46 U.S.C. 41305(e), *i.e.,* those provisions that allow for, but do not require, the award of attorney fees to the prevailing party in an action. The Commission has identified two prevalent standards used by the federal courts in determining fee entitlement under this type of provision.

The first is the standard used by federal courts applying the fee-shifting provision in the Copyright Act, 17 U.S.C. 505. The Supreme Court has cited with approval a nonexclusive list of factors for courts to consider when determining entitlement, including ''frivolousness, motivation, objective unreasonableness (both in the factual and in the legal components of the case) and the need in particular circumstances to advance considerations of compensation and deterrence.'' *Fogerty* v. *Fantasy, Inc.,* 510 U.S. 517, 534 n.19 (1994) (quoting *Lieb* v. *Topstone Industries, Inc.,* 788 F.2d 151, 156 (3rd Cir. 1986)) (internal quotation marks omitted). In addition, the courts use the same standard for prevailing plaintiffs and prevailing defendants when making such determinations. *See Fogerty,* 510 U.S. at 534–35.

The second standard identified by the Commission is used in determining entitlement to attorney fees under the Civil Rights Act, *e.g.,* 42 U.S.C 2000a-3(b), 42 U.S.C. 2000e-5(k). Under this standard, prevailing plaintiffs are treated more favorably than prevailing respondents when determining entitlement to attorney fees. While prevailing plaintiffs ''ordinarily recover an attorney's fee unless special circumstances would render such an award unjust,'' *Newman* v. *Piggie Park Enterprises, Inc.,* 390 U.S. 400, 402 (1968), prevailing defendants are awarded attorney fees only ''upon a finding that the plaintiff's action was frivolous, unreasonable, or without foundation.'' *Christiansburg Garment Co.* v. *Equal Employment Opportunity Comm'n,* 434 U.S. 412, 421 (1978).

The Commission requests comment on these two standards and whether either standard would be appropriate to use in applying the new attorney-fees provision in complaint proceedings. In particular, the Commission requests comment on the factors considered under each standard in determining entitlement and whether the same standard should apply to prevailing complainants and prevailing respondents. The Commission further requests comment on any other standards the Commission should consider.

The Commission also seeks feedback on the following questions: Should the Commission decline to adopt any framework as part of this rulemaking and, instead, address all entitlement issues through the formal adjudication process? If the Commission decides to adopt one of the standards used by the courts, should any additional criteria be added? For example, if the Commission were to adopt the nonexclusive list of factors used in Copyright Act attorney-fee determinations, are there additional factors the Commission should consider in light of the purpose of the Shipping Act and the nature of complaint proceedings brought under the Act? Should the standard for entitlement used by the Commission depend on the type of proceeding? For example, should the Commission use a standard more favorable to complainants in small claims proceedings, which often, though not always, involve individuals who file complaints against businesses with greater resources?

3. How will the commission apply the provision to pending proceedings?

The effective date of the Coble Act was December 18, 2014, and given the differences between 46 U.S.C. 41305(e) and the previous attorney-fee provision, the Commission will likely need to address whether and how section 41305(e) applies to complaint proceedings that were initiated prior to December 18, 2014, and are still pending before the Commission.

In determining the applicability of a newly enacted statute to pending cases, the courts first look to ''whether Congress has expressly prescribed the statute's proper reach.'' *Fernandez-Vargas* v. *Gonzales,* 548 U.S. 30, 37 (2006) (quoting *Landgraf* v. *USI Film Products,* 511 U.S. 244, 280 (1994) (internal quotation marks omitted). If the statute's reach cannot be determined from the text and the application of the normal rules of statutory construction, the court must ''determine whether the application of the statute to the conduct at issue would result in a retroactive effect,'' *Martin* v. *Hadix,* 527 U.S. 343, 352 (1999), *i.e.,* ''whether it would impair rights a party possessed when he acted, increase a party's liability for past conduct, or impose new duties with respect to transactions already completed.'' *Landgraf,* 511 U.S. at 280; *see also Fernandez-Vargas* at 548 U.S. at 37. ''If the answer is yes,'' the courts then apply the traditional ''presumption against retroactivity by construing the statute as inapplicable to the event or act in question owing to the 'absen[ce of] a clear indication from Congress that it intended such a result.' '' *Fernandez-Vargas* at 548 U.S. at 37–38 (quoting *Immigration & Naturalization Serv.* v. *St. Cyr,* 533 U.S. 289, 316 (2001)); *see also Landgraf,* 511 U.S. at 280. In cases in which the statute would not have a ''genuinely 'retroactive' effect,'' the general rule is that a court ''should 'apply the law in effect at the time it renders its decision,' even though that law was enacted after the events that gave rise to the suit.'' *Landgraf,* 511 U.S. at 273, 277 (quoting *Bradley* v. *Sch. Bd. of City of Richmond,* 416 U.S. 696, 711 (1974)) (citation omitted).

One option for addressing attorney-fee determinations in pending proceedings would be to analyze the specific facts of individual cases under the framework above and determine whether application of the new provision would have a retroactive effect. If it would not, the Commission would apply the new provision to determine entitlement to attorney fees.

The Commission requests comment on this approach and any alternative approaches. Would a bright line rule be preferable? For example, the Commission could establish a rule stating that it will apply the previous entitlement standard in all complaint proceedings initiated before a certain date, such as the enactment date of the Coble Act.

IV. Rulemaking Analyses and Notices

Regulatory Flexibility Act

The Regulatory Flexibility Act (codified as amended at 5 U.S.C. 601–612) provides that whenever an agency is required to publish a notice of proposed rulemaking under the Administrative Procedure Act (APA) (5 U.S.C. 553), the agency must prepare and make available for public comment an initial regulatory flexibility analysis (IRFA) describing the impact of the proposed rule on small entities. 5 U.S.C. 603. An agency is not required to

publish an IRFA, however, for the following types of rules, which are excluded from the APA's notice-and-comment requirement: interpretative rules; general statements of policy; rules of agency organization, procedure, or practice; and rules for which the agency for good cause finds that notice and comment is impracticable, unnecessary, or contrary to public interest. *See* 5 U.S.C. 553.

Although the Commission has elected to seek public comment on its proposed regulatory amendments and the application of the Coble Act's new attorney-fee provision, these matters concern the organization of the Commission, its practices and procedures, and its interpretation of statutory provisions. Therefore, the APA does not require publication of a notice of proposed rulemaking in this instance, and the Commission is not required to prepare an IRFA.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) requires an agency to seek and receive approval from the Office of Management and Budget (OMB) before collecting information from the public. 44 U.S.C. 3507. The agency must submit collections of information in proposed rules to OMB in conjunction with the publication of the notice of proposed rulemaking. 5 CFR 1320.11. The Commission is not proposing any collections of information, as defined by 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), as part of this proposed rule.

Regulation Identifier Number

The Commission assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda, available at *http://www.reginfo.gov/public/do/eAgendaMain.*

List of Subjects

46 CFR Part 501

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies), Seals and insignia.

46 CFR Part 502

Administrative practice and procedure, Claims, Equal access to justice, Investigations, Lawyers, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Commission proposes to amend 46 CFR parts 501 and 502 as follows:

PART 501—THE FEDERAL MARITIME COMMISSION—GENERAL

■ 1. The authority citation for part 501 continues to read as follows:

Authority: 5 U.S.C. 551–557, 701–706, 2903 and 6304; 31 U.S.C. 3721; 41 U.S.C. 414 and 418; 44 U.S.C. 501–520 and 3501–3520; 46 U.S.C. 301–307, 40101–41309, 42101–42109, 44101–44106; Pub. L. 89–56, 70 Stat. 195; 5 CFR part 2638; Pub. L. 104–320, 110 Stat. 3870.

■ 2. Amend § 501.2 by revising paragraph (c) to read as follows:

§ 501.2 General.

* * * * *

(c) *Terms and vacancies*—(1) *Length of terms.* The term of each member of the Commission is five years and begins when the term of the predecessor of that member ends (*i.e.,* on June 30 of each successive year).

(2) *Removal.* The President may remove a Commissioner for inefficiency, neglect of duty, or malfeasance in office.

(3) *Vacancies.* A vacancy in the office of any Commissioner is filled in the same manner as the original appointment. An individual appointed to fill a vacancy is appointed only for the unexpired term of the individual being succeeded.

(4) *Term Limits*—(i) *Commissioners appointed and confirmed before December 18, 2014.* When a Commissioner's term ends, the Commissioner may continue to serve until a successor is appointed and qualified.

(ii) *Commissioners appointed and confirmed on or after December 18, 2014.* (A) When a Commissioner's term ends, the Commissioner may continue to serve until a successor is appointed and qualified, limited to a period not to exceed one year.

(B) No individual may serve more than two terms, except that an individual appointed to fill a vacancy may serve two terms in addition to the remainder of the term for which the predecessor of that individual was appointed.

* * * * *

PART 502—RULES OF PRACTICE AND PROCEDURE

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

Authority: 5 U.S.C. 504, 551, 552, 553, 556(c), 559, 561–569, 571–596; 5 U.S.C. 571–584; 18 U.S.C. 207; 28 U.S.C. 2112(a); 31 U.S.C. 9701; 46 U.S.C. 305, 40103–40104, 40304, 40306, 40501–40503, 40701–40706, 41101–41109, 41301–41309, 44101–44106; E.O. 11222 of May 8, 1965.

Subpart O—Reparation; Attorney Fees

■ 4. Revise the heading of Subpart O to read as set forth above.

■ 5. Revise § 502.254 to read as follows:

§ 502.254 Attorney fees in complaint proceedings.

(a) *General.* In any complaint proceeding brought under section 11(a) of the Shipping Act of 1984 (46 U.S.C. 41301), the Commission may, upon petition, award the prevailing party reasonable attorney fees.

(b) *Definitions.*

Attorney fees means the fair market value of the services of any person permitted to appear and practice before the Commission in accordance with subpart B of this part.

Decision means:

(1) An initial decision or dismissal order issued by an administrative law judge;

(2) A final decision issued by a small claims officer; or

(3) A final decision issued by the Commission.

(c) *Filing petitions for attorney fees.* (1) In order to recover attorney fees, the prevailing party must file a petition within 30 days after a decision becomes final. For purposes of this section, a decision is considered final when the time for seeking judicial review has expired or when a court appeal has terminated.

(2) The prevailing party must file the petition with either:

(i) The administrative law judge or small claims officer, if that official's decision became administratively final under § 502.227(a)(3), § 502.227(c), § 502.304(g), or § 502.318(a); or

(ii) The Commission, if the Commission reviewed the decision of the administrative law judge or small claims officer under § 502.227, § 502.304, or § 502.318.

(d) *Content of petitions.* The petition must specify the number of hours claimed by each person representing the prevailing party at each identifiable stage of the proceeding, and must be supported by evidence of the reasonableness of the hours claimed and the customary rates charged by attorneys and associated legal representatives in the community where the person practices. The petition may request additional compensation, but any such request must be supported by

evidence that the customary rates for the hours reasonably expended on the case would result in an unreasonably low fee award.

(e) *Replies to petitions.* The opposing party may file a reply to the petition within 20 days of the service date of the petition. The reply may address the reasonableness of any aspect of the prevailing party's claim and may suggest adjustments to the claim under the criteria stated in paragraph (d) of this section.

(f) *Rulings on petitions.* (1) Upon consideration of a petition and any reply thereto, the Commission, administrative law judge, or small claims officer will issue an order granting or denying the petition.

(i) If the order awards the prevailing party attorney fees, the order will state the total amount of attorney fees awarded, specify the compensable hours and appropriate rate of compensation, and explain the basis for any additional adjustments.

(ii) If the order denies the prevailing party attorney fees, the order will explain the reasons for the denial.

(2) The Commission, administrative law judge, or small claims officer may adopt a stipulated settlement of attorney fees.

(g) *Timing of rulings.* An order granting or denying a petition for attorney fees will be served within 60 days of the date of the filing of the reply to the petition or expiration of the reply period, except that in cases involving a substantial dispute of facts critical to the determination of an award, the Commission, administrative law judge, or small claims officer may hold a hearing on such issues and extend the time for issuing an order by an additional 30 days.

(h) *Appealing rulings by administrative law judge or small claims officer.* When an administrative law judge or small claims officer issues an order granting or denying a fee petition, § 502.227 governs the appeal of that order and Commission review of that order in the absence of appeal. [Rule 254.]

■ 6. Amend § 502.305 by revising paragraph (b) to read as follows:

§ 502.305 Applicability of other rules of this part.

* * * * *

(b) The following sections in subparts A through Q of this part apply to situations covered by this subpart: §§ 502.2(a) (Requirement for filing); 502.2(f)(1) (Email transmission of filings); 502.2(i) (Continuing obligation to provide contact information); 502.7 (Documents in foreign languages); 502.21–502.23 (Appearance, Authority for representation, Notice of appearance; substitution and withdrawal of representative); 502.43 (Substitution of parties); 502.101 (Computation); 502.117 (Certificate of service); 502.253 (Interest in reparation proceedings); and 502.254 (Attorney fees in complaint proceedings). [Rule 305.]

■ 7. Amend § 502.318 by revising paragraph (b) to read as follows:

§ 502.318 Decision.

* * * * *

(b) Attorney fees may be awarded to the prevailing party in accordance with § 502.254. [Rule 318.]

■ 8. Amend § 502.321 by revising paragraph (b) to read as follows:

§ 502.321 Applicability of other rules of this part.

* * * * *

(b) The following sections in subparts A through Q apply to situations covered by this subpart: §§ 502.2(a) (Requirement for filing); 502.2(f)(1) (Email transmission of filings); 502.2(i) (Continuing obligation to provide contact information); 502.7 (Documents in foreign languages); 502.21–502.23 (Appearance, Authority for representation, Notice of appearance; substitution and withdrawal of representative); 502.43 (Substitution of parties); 502.253 (Interest in reparation proceedings); and 502.254 (Attorney fees in complaint proceedings). [Rule 321.]

By the Commission.

Karen V. Gregory,

Secretary.

[FR Doc. 2015–16260 Filed 7–1–15; 8:45 am]

BILLING CODE P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MB Docket No. 15–146; GN Docket No. 12–268; FCC 15–68]

Preserving Vacant Channels in the UHF Television Band for Unlicensed Use

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) provides notice and an opportunity to comment on its plan to preserve one vacant television channel in the UHF television band in each area of the United States for shared use by white space devices and wireless microphones. The Commission recognizes that, following the Incentive Auction and repacking of the television bands, there will likely be fewer unused television channels available for use by either unlicensed white space devices or wireless microphones. These devices are important to businesses and consumers, and the Commission therefore seeks to ensure their continued viability.

DATES: Comments due on or before August 3, 2015; reply comments due on or before August 31, 2015. Written comments on the proposed information collection requirements, subject to the Paperwork Reduction Act (PRA) of 1995, Pub. L. 104–13, should be submitted on or before August 31, 2015.

ADDRESSES: You may submit comments, identified by MB Docket No. 15–146, GN Docket No. 12–268 and/or FCC 15–68, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail.) All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

In addition to filing comments with the Secretary, a copy of any PRA comments on the proposed collection requirements contained herein should be submitted to the Federal Communications Commission via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov* and also to Nicholas A. Fraser, Office of Management and Budget, via email to *Nicholas_A._Fraser@omb.eop.gov* or via fax at 202–395–5167.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, *Shaun.Maher@fcc.gov* of the Media Bureau, Video Division, (202) 418–2324, and Paul Murray, *Paul.Murray@fcc.gov* of the Office of

Engineering and Technology, (202) 418–0688. For additional information concerning the PRA information collection requirements contained in this document, contact Cathy Williams, Federal Communications Commission, at (202) 418–2918, or via email *Cathy.Williams@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (*NPRM*), FCC 15–68, adopted June 11, 2015, in MB Docket No. 15–146. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center, 445 12th Street SW., Room CY–A257, Portals II, Washington, DC 20554. This document is available in alternative formats (computer diskette, large print, audio record, and Braille). Persons with disabilities who need documents in these formats may contact the FCC by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

Paperwork Reduction Act of 1995 Analysis

The NPRM contains proposed new or modified 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 document, 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, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Synopsis of Notice of Proposed Rulemaking

1. The current UHF television band consists of 228 megahertz of spectrum divided into 38 six megahertz channels (channels 14–51, except channel 37). These channels are allocated and assigned on a primary basis for the licensed full power and Class A broadcast television services. Other licensed broadcast-related users are permitted to operate on a secondary basis, including LPTV and TV translator stations, fixed BAS, and low power auxiliary stations (''LPAS''), including licensed wireless microphones. Unlicensed operations by white space devices and wireless microphones also are permitted to operate on these channels.

2. In the *Incentive Auction Report and Order,* the Commission adopted rules to implement the broadcast television spectrum incentive auction. As discussed more fully in the *Incentive Auction Report and Order,* the incentive auction will affect the operations of primary, secondary, and unlicensed users operating in the current television bands. The Commission addressed the impact on each of these groups of users in various parts of the *Incentive Auction Report and Order.* With respect to white space devices and wireless microphones, the Commission took several steps to accommodate their operations.

3. Both white space devices and wireless microphones (licensed and unlicensed) are permitted to operate in the TV bands on channels at locations where the spectrum has not been assigned for use by particular broadcast licensees (*i.e.,* ''white spaces''). The rules and requirements for their operations differ, however. Licensed wireless microphones operate pursuant to the rules for LPAS operations set forth in part 74, subpart H, 47 CFR 74.801 *et seq.,* while, as noted above, unlicensed wireless microphones operate pursuant to a 2010 waiver and certain part 15 rules. Unlicensed white space devices operate pursuant to part 15, subpart H rules. In the *TV White Spaces Second MO&O* adopted in 2010, the Commission established rules pursuant to which wireless microphone users and unlicensed white space device users currently have access to unused TV bands channels. In that order, the Commission provided that, where available, the two unused television channels nearest channel 37 (above and below) would be designated for wireless microphone operations and not be made available for white space devices. Pursuant to this order, white space devices are not permitted on the first channel on each side of TV channel 37 that is not occupied by a licensed service. In the *Incentive Auction Report and Order,* in anticipation of the repurposing of some TV band spectrum for wireless services and the decreased amount of TV band spectrum that would remain after repacking, the Commission concluded that following the incentive auction it should no longer continue to designate any unused television channel solely for use by wireless microphones, determining instead that any such channels should be made potentially available for white space device use as well.

4. Furthermore, the Commission anticipated that at least one television channel in the UHF band in all (or nearly all) areas of the United States would not be assigned to a television station in the repacking process, because the separation between television stations will be necessary to avoid interference between primary broadcast stations in the final channel assignment process. The Commission noted that there may be a few areas with no spectrum available in the TV bands for wireless microphones and white space devices to share. Considering the important public interest benefits provided by both wireless microphones and white space devices, the Commission stated its intent, following notice and comment, to designate one channel in each area for shared use by wireless microphones and white space devices. The Commission stated that it sought to ''strike a balance between the interests of all users of the television bands,'' including secondary broadcast stations as well as wireless microphone and white space device operators, for access to the UHF TV spectrum.

5. In this NPRM, the Commission seeks comment on preserving in each area of the country at least one vacant television channel for use by white space devices and wireless microphones after repacking. Recognizing that implementing this objective will preclude other uses of the preserved channel, in the first section below, the Commission tentatively concludes that it will preserve one vacant television channel for use by white space devices and wireless microphones. In the second section, the Commission seeks comment on which broadcast applicants proposing operations in the repacked UHF television band should be required to make a demonstration that their proposed new, displacement, or modified facility will not eliminate the last available vacant channel in an area. In the third section, the Commission proposes that the vacant channel preserved will be in the UHF band in the range of channel 21 and above, and that the specific vacant channel preserved will vary depending on the particular area. The Commission also proposes that vacant channel availability at a given location will be determined using the same criteria currently specified in Commission rules for determining where white space devices and wireless microphones can operate. In addition, the Commission proposes procedures and other details for the vacant channel demonstration.

Preserving One Vacant Television Channel for Use by White Space Devices and Wireless Microphones

6. White space devices and wireless microphones provide significant public benefits. In the *Incentive Auction Report*

and Order, the Commission once again recognized the value of these important services. The Commission also found that operations of unlicensed devices under part 15 rules are an important part of our nation's communications capabilities, and have provided manufacturers and developers with the flexibility to devise a wide variety of innovative standards and devices, like WiFi and Bluetooth, which are thriving in bands that were formerly considered to be lacking significant commercial value. The Commission explained that it was taking actions to make available a significant amount of spectrum for white space device operations, including in the post-auction television bands, in order to help create certainty for the unlicensed industry and thereby promote greater innovation in new devices and services, including increased access to broadband services across the country. The Commission also found that ''[w]ireless microphones provide many important functions that serve the public interest'' by playing ''an essential role in enabling broadcasters and other video programming networks to serve consumers,'' by ''significantly enhanc[ing] event productions in a variety of settings,'' and by ''creating high quality content that consumers demand and value, and contribut[ing] substantially to our economy.'' After the incentive auction and repacking of the television bands, however, there will be fewer unused television channels available for use by white space devices and wireless microphones, although the Commission anticipated that there will be at least one channel in the UHF band in all areas that is not assigned to a television station in the repacking process. The Commission tentatively concludes that preserving a vacant channel in every area for use by white space devices and wireless microphones will ensure that the public continues to have access across the nation to the significant benefits described above, consistent with its intent to strike ''a balance between the interests of all users of the television bands, including secondary broadcast stations as well as [white space] devices and wireless microphones, for access to the UHF TV spectrum.'' In the *part 15 NPRM,* the Commission also stated that ''[s]uch a channel would simply appear in the white spaces database as vacant and would therefore be available for white space devices under the existing rules as well as any new or modified rules it adopts in [the part 15] proceeding.''

7. The Commission believes that its proposal, implemented as proposed below, will not significantly burden broadcast applicants in terms of either the continued availability of channels in all areas or the administrative burdens of compliance. After the final channel assignments are made following the incentive auction, multiple vacant channels will exist in most areas as a result of the co- and adjacent-channel separation requirements necessary to protect primary broadcast stations from interference from each other. The 100 repacking simulation results previously published by Commission staff show that the areas encompassing the vast majority of population across the country would have at least two vacant channels available. The Commission arrives at this conclusion by examining spectrum availability for white space devices using the limited channel range where both wireless microphones and personal portable devices can operate under current rules. In the *part 15 NPRM* the Commission proposed to permit white space devices to operate on additional TV channels, thus resulting in multiple vacant channels being available in areas encompassing the vast majority of population across the country. In any event, the effect of its proposal would be to reduce by only one the total number of vacant channels that would otherwise be available in an area. Therefore, the impact on broadcast applicants, including LPTV and TV translator stations, in terms of the availability of channels for future use, will be limited because multiple vacant channels will still exist in all or most markets as a consequence of the need to avoid interference between primary broadcast stations in the incentive auction final channel assignment process. Of course, the impact in a given area will depend on the number of such applicants [and the nature of their applications] as well as on the overall availability of vacant channels after repacking and the 39-month post-auction transition period. In some areas, independent of the Commission's proposal here, the number of vacant channels may be reduced as a result of these factors. In addition, the Commission's proposed plan involves a streamlined method for broadcast applicants to determine quickly the impact that facilities they intend to propose will have on the continued availability of vacant channels. As discussed in more detail below in Section III. C. 2., broadcast applicants may contact one of the existing databases used to identify available channels for part 15 white space devices (''white spaces database'') to determine compliance with the Commission's proposed rules, and thus the vacant channel demonstration would not impose a significant burden. The Commission seeks comment on the cost of complying with the proposed requirement to make a vacant channel demonstration and how it may affect broadcast applicants' future service or technical plans.

Applicants Required To Make a Vacant Channel Demonstration

8. In this section, the Commission seeks comment on which broadcast applicants proposing operations in the repacked UHF television band should be required to make a demonstration that their proposed new, displacement, or modified facility will not eliminate the last available vacant UHF channel in an area for use by white space devices and wireless microphones. Specifically the Commission (1) tentatively concludes that applicants for LPTV, TV translator, and BAS facilities should be required to make the demonstration commencing with the post-auction displacement filing window for operating LPTV and TV translator stations; (2) tentatively concludes that the vacant channel demonstration requirement should not apply to applications for modification of Class A television stations filed during the 39-month Post-Auction Transition Period, but that it should apply to such applications filed after the end of this period; and (3) tentatively concludes that the vacant channel demonstration should not apply to applications for modified full power television station licenses filed during the 39-month Post-Auction Transition Period and seek comment on whether it should apply to full power modification applications filed after the end of this period and in full power allotment proceedings.

LPTV, TV Translators, and BAS

9. The Commission tentatively concludes that applicants for LPTV, TV translator, and BAS facilities should be required to demonstrate that their proposed new, displacement, or modified facilities would not eliminate the last available vacant television channel in an area for use by white space devices and wireless microphones. In the *Incentive Auction Report and Order,* the Commission declined to extend repacking protection to the more than 5,500 licensed secondary LPTV and TV translator stations. Following the release of the *Incentive Auction Report and Order,* the Media Bureau announced a freeze on the filing of digital replacement translator (''DRT'') and displacement applications for LPTV and TV translator stations. After the auction, the Media

Bureau will announce a limited application filing window for operating LPTV and TV translator stations displaced by the repacking and reallocation of the television bands. The Commission proposes that these stations will be required to demonstrate that the proposed displacement facilities would not eliminate the last remaining vacant channel in the repacked television band in an area; applications that do not comply with this requirement will be dismissed.

10. The Commission believes it appropriate to require LPTV and TV translator stations displaced by the incentive auction and repacking to engineer their proposed replacement facilities so as not to eliminate a sole remaining vacant channel in an area for shared use by white space devices and wireless microphones. The Commission also notes that it recently released a notice of proposed rulemaking seeking comment on ways to preserve the availability of channel access for LPTV and TV translator stations in the repacked television band through such means as channel sharing. Channel sharing could help ensure that displaced stations can find opportunities for sharing available channel(s) in the repacked band in order to provide their services. Because LPTV and TV translator stations' coverage areas are significantly smaller than a full power television station, these stations can engineer facilities in the unused spectrum between full power stations, and their proposals thus are more likely than those of full power stations to eliminate vacant channels. Moreover, the Commission anticipates that most displaced LPTV and TV translator stations will file applications in this post-auction displacement window. Thus, were the Commission not to require these stations to consider vacant channel availability in engineering their displacement facilities, its goal of preserving one vacant channel in all areas for shared use by white space devices and wireless microphones would be undermined. For the same reason, the Commission also proposes to apply the vacant channel demonstration to all non-displacement LPTV and TV translator applications, *i.e.,* applications for modified facilities or new channels, and any BAS applications, filed on or after the Media Bureau's announcement of the limited application filing window for LPTV and TV translator displacement applications.

11. The Commission seeks comment on whether the proposed vacant channel demonstration should apply to displaced digital replacement translator (''DRT'') stations. This service was established to assist full power stations transitioning from analog to digital to restore service to portions of a station's existing analog service area that would no longer be able to receive service after the transition. While the Commission declined to protect DRTs in repacking, it afforded DRT displacement applications priority over other LPTV and TV translator displacement applications in cases of mutual exclusivity in order to mitigate the potential impact of the repacking process on DRTs. Should the Commission similarly seek to mitigate the impact of its proposed vacant channel demonstration requirement on displaced DRTs beyond the potential for a waiver and, if so, how? Displaced DRTs could seek a waiver of the proposed rules based on the Commission's standard waiver criteria. Section 1.3 of the rules states that a waiver will be granted if ''good cause'' is shown. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. Additionally, what would be the effect of such an exemption on the nationwide availability of a vacant channel for wireless microphones and unlicensed white space devices? The Commission notes that it has also proposed to establish a new ''digital-to-digital'' replacement translator service, similar to the DRT service, which will allow eligible full power stations to recover lost digital service area that may result from the reverse auction and repacking process. If the Commission establishes this new translator service, it tentatively concludes to treat this service the same as DRTs for purposes of application of the vacant channel demonstration.

12. The Commission's proposal that LPTV and TV translator stations demonstrate in their displacement applications that the proposed facility will not eliminate the last available vacant channel in any area may result in a new type of conflict that would prevent the Commission from granting certain applications. Under the Commission's existing rules, applications are considered mutually exclusive if they cannot be granted without causing interference to each other, and mutually exclusive applications generally are resolved through an auction. The Communications Act, however, provides that the Commission shall use engineering solutions, negotiations, threshold qualifications, service regulations and other means to avoid mutual exclusivity where the Commission determines that doing so would serve the public interest. During the displacement window, it is possible that two (or more) stations operating in the same vicinity could file applications for facilities that would not cause such interference but that nonetheless cannot be granted because together they would eliminate the last available vacant channel in an area for use by white space devices and wireless microphones. All displacement applications submitted during the limited application filing window will be considered filed on the last day of the window. Accordingly, displacement applications filed later in the window are not required to consider the displacement proposals in applications filed earlier in the window. At the close of the window, the Commission staff would make mutual exclusivity determinations. Under these circumstances, the Commission tentatively concludes that these applications would be mutually exclusive under § 73.5000(a) of the rules and subject to competitive bidding if the mutual exclusivity is not resolved by the applicants.

13. In addition, the Commission seeks comment on whether LPTV and TV translator displacement applications (including those filed in the post-incentive auction displacement window) should be allowed to ''displace'' pending applications for new, or minor changes to, LPTV and TV translator stations for purposes of satisfying the vacant channel demonstration. Under the Commission's current rules, when an LPTV or TV translator displacement application is filed, it may propose causing interference to and ''displace'' a pending application for new or minor change to an LPTV or TV translator station. It is possible that a LPTV or TV translator displacement application that is filed for a new channel but is treated as a minor change would not be predicted to cause interference to a pending new or minor change application, but the displacement application, if granted, would eliminate the last remaining vacant channel in an area. The Commission proposes to preserve one channel in each area even in these circumstances. In order to

accomplish that, in this scenario, should the Commission allow the displacement applicant to satisfy the vacant channel demonstration by proposing that the channel specified in the pending new or minor change application serve as the vacant channel? In other words, should the displacement applicant be allowed to ''displace'' the pending new or minor change application for purposes of the vacant channel demonstration? In that case, the new or minor change application would be dismissed. The Commission seeks comment on this issue as well as how to choose between applications to be displaced in the situation where there is more than one pending new or minor change application that, if displaced, could satisfy the vacant channel demonstration.

14. The Commission tentatively concludes that it has authority to adopt the proposals outlined above. As discussed above, the Commission tentatively concludes that preserving a vacant channel in every area for use by white space devices and wireless microphones will serve the public interest by ensuring continued access across the nation to the significant benefits provided by white space devices and wireless microphones without significantly burdening broadcast applicants. Moreover, because the proposed new, displacement, or modified facilities of LPTV, TV translator and BAS applicants are more likely than those of full power stations to eliminate vacant channels, requiring such applicants to demonstrate that their proposed facilities would not eliminate the last available vacant channel in an area will advance the Commission's goal of preserving a vacant channel in all areas for shared use by white space devices and wireless microphones. The Commission seeks comment on this tentative conclusion. In addition, Title III of the Communications Act of 1934, as amended, ''endow[s] the Commission with expansive powers,'' including ''broad authority to manage spectrum . . . in the public interest.'' Determinations with respect to spectrum management policy (including allocation and assignment policies) have long been recognized to be precisely the sort that Congress intended to leave to the broad discretion of the Commission under section 303 of the Communications Act. The Commission also tentatively concludes that its proposal to preserve a vacant channel for use by white space devices and wireless microphones in all areas is consistent with, and not in contravention of, section 6403(b) of the Spectrum Act, which provides for the UHF band reorganization. The Commission recognizes that section 6403(b)(5) of the Spectrum Act provides that ''[n]othing in [section 6403(b)] shall be construed to alter the spectrum usage rights of low-power television stations,'' but section 6403(b)(5) does not affect the Commission's broad authority outside of section 6403(b) to manage spectrum in the public interest, which provides the legal basis for the actions the Commission proposes in this NPRM. To the contrary, section 6403(i)(1) preserves that authority by stating that nothing in section 6403(b) ''shall be construed to . . . expand or contract the authority of the Commission, except as otherwise expressly provided.'' There is no express provision in section 6403(b) prohibiting the Commission from requiring LPTV and TV translator stations to consider how their proposed new, displacement, or modified facilities will impact the availability of vacant channels for white space devices and wireless microphones. Moreover, section 6403(i)(2) states that nothing in section 6403(b) ''shall be construed to . . . prevent the implementation of the Commission's 'White Spaces' Second Report and Order . . . in the spectrum that remains allocated for broadcast television use after the reorganization required by'' section 6403(b). The Commission's proposals in this NPRM will ensure that white space devices and wireless microphones continue to have access to unused TV bands channels, consistent with the *TV White Spaces Second Report and Order.*

15. The Commission acknowledges that its proposal to require LPTV and TV translator stations to demonstrate that their proposed operations will not eliminate the last remaining vacant channel diverges to a limited extent from prior Commission decisions stating that future use of the TV bands by primary and secondary broadcast users has priority over wireless microphones and white space devices. As discussed above, however, there will be fewer unused television channels for white space devices and wireless microphones after the incentive auction and repacking of the television band, and the Commission seeks to ensure that the public does not lose access to the significant benefits of wireless microphones and white space devices. Moreover, the Commission believes that the impact of its proposal on LPTV and TV translator stations will be limited in terms of both the availability of channels for future use and the administrative burdens involved. Accordingly, the Commission tentatively concludes that a limited departure is warranted from prior FCC decisions granting secondary LPTV and TV translator station users priority to use of the TV bands over white space devices and wireless microphone users in all circumstances. The Commission seeks comment on this analysis.

Modifications of Class A Television Stations

16. The Commission tentatively concludes that the vacant channel demonstration requirement should not apply to applications for modification of Class A television stations filed during the 39-month Post-Auction Transition Period, but that it should apply to such applications filed after the end of this period. Exempting Class A stations from the vacant channel demonstration during the transition period will facilitate a rapid, non-disruptive transition by maximizing Class A television stations' flexibility to propose expanded facilities and alternative channels. As a practical matter, moreover, Class A stations that are reassigned in the incentive auction will not be able to determine the availability of vacant channels for purposes of the vacant channel demonstration until full power and Class A stations assigned to new channels are able to obtain their initial authorizations. In addition, imposing the requirement would delay the filing of applications for alternate channels and expanded facilities by Class A television stations until final data on vacant channels are available, thereby impeding the goal of a rapid and non-disruptive 600 MHz band transition for these stations, and undermining their ability to obtain reimbursement of eligible costs within the statutory three-year reimbursement period.

17. In addition to exempting Class A stations that were assigned a new channel in the reverse auction or repacking process, the Commission also tentatively concludes that the vacant channel demonstration requirement should not apply to applications for modification filed during the 39-month Post-Auction Transition Period by Class A stations that were *not* assigned a new channel. The Commission anticipates that, in some markets, a number of stations will coordinate modifications to their facilities to improve service to the public, and/or facilitate the transition, and that not all stations participating in the coordinated effort will have been assigned new channels. Thus, requiring non-reassigned stations to make a vacant channel demonstration during the Post-Auction Transition Period likewise could undermine the flexibility

needed for a rapid, non-disruptive transition.

18. The Commission seeks comment on whether out-of-core Class A-eligible LPTV stations that did not file for a Class A license until after February 22, 2012 should be subject to the vacant channel demonstration requirement. In the *Incentive Auction Report and Order,* the Commission declined to protect such stations in the repacking process, even if their Class A license applications are granted before the auction. Although these stations would not be protected in the repacking process, the Commission stated that these stations, if displaced, would be permitted to file a displacement application for a new channel during one of the filing opportunities for reassigned full power and Class A stations to file for alternate channels.

19. The Commission tentatively concludes that the vacant channel demonstration requirement should apply to Class A television station modification applications filed after the end of the Post-Auction Transition Period. The transition-related concerns noted above should no longer be an obstacle after the end of the transition. Moreover, as compared to full power stations, a proposed modification of a Class A station has increased potential to impact the availability of the last remaining vacant channel in an area. While full power stations may radiate up to 1000 kilowatts power, Class A stations may radiate only at a maximum operating power of 15 kilowatts, the same as for LPTV and TV translator stations. Because their coverage areas, like those of LPTV and TV translator stations, are significantly smaller than those of full power television stations, these low power stations can engineer facilities in the unused spectrum between full power stations. Thus, the Commission believes that exempting post-transition Class A television station modification applications from the vacant channel demonstration is not warranted to accomplish its post-auction transition goals and would unduly impede its goal of preserving a vacant channel for white space devices and wireless microphones. The Commission recognizes that some Class A television stations with construction deadlines at or near the end of the transition may discover after the 39-month deadline that they need to make further modifications to their repacked facilities in order to continue serving their viewers. The Commission seeks comment whether such stations should be allowed not to make the vacant channel demonstration if they instead make a showing that the modification is necessary to preserve their coverage area and population served and is necessitated by circumstances that were unforeseeable and outside of the stations' control. The Commission seeks comment on other alternatives as well.

20. The Commission tentatively concludes that it has authority to adopt the foregoing proposals related to Class A stations. As discussed above, the Commission has broad authority to manage spectrum in the public interest, including the actions it proposes in this NPRM to preserve a vacant channel for white space devices and wireless microphones. The Commission also notes that, unlike with LPTV and TV translators, section 6403(b)(5) has no bearing on Class A stations. Section 6403(b)(5) provides that ''[n]othing in [section 6403(b)] shall be construed to alter the spectrum usage rights of *low-power television stations.*'' The Spectrum Act categorizes Class A stations as ''broadcast television licensees,'' not as low-power television stations. The Commission seeks comment on this analysis.

21. The Commission also seeks comment on whether to amend its rules to permit Class A television stations to displace previously authorized or proposed LPTV and TV translator stations where necessary to satisfy the vacant channel demonstration requirement. Section 336(f)(7)(B) of the Communications Act provides that a Class A station may not cause ''interference'' to a previously authorized or proposed LPTV or TV translator station. Section 336(f)(7)(B) provides that the Commission may not grant a Class A license or approve a Class A license modification unless the applicant or licensee shows that it ''will not cause . . . *interference*'' within the protected contour of any LPTV or TV translator station that was licensed prior to the date on which the application was filed, was authorized by construction permit prior to such date, or had a pending application submitted prior to such date. The Commission's interference prediction analysis is based on interference thresholds (D/U signal strength ratios) using OET–69 methodology. It is possible that a proposed Class A modification would comply with this requirement because it would not cause ''interference'' to a previously authorized or proposed LPTV or TV translator facility, but it would eliminate the last remaining vacant channel in an area. Under such circumstances, should the Commission amend its rules to allow a Class A modification proposal to displace an LPTV or TV translator station in order to preserve a vacant channel in an area for use by white space devices and wireless microphones? The Commission also seeks comment on how to choose between LPTV or TV translator stations to be displaced in a situation where there is more than one LPTV or TV translator station that, if displaced, would satisfy the vacant channel demonstration.

Full Power Television Stations

22. The Commission tentatively concludes that the vacant channel demonstration should not apply to applications for modified full power television station licenses filed during the 39-month Post-Auction Transition Period, but seeks comment on whether it should apply to full power modification applications filed after the end of this period. The Commission also seeks comment on whether the vacant channel demonstration should apply to full power allotment proceedings.

Modifications

23. The Commission believes that there is only a small likelihood that a proposal by a full power licensee to modify its facilities that complies with the Commission's technical rules would eliminate the last remaining vacant channel in an area. Due to engineering reasons, there may be a few areas in the country that will not have a vacant channel after repacking. In order to avoid interference to co- and adjacent channel stations, full power stations must comply with certain technical provisions which prevent the operation of a full power television station on certain channels in geographic areas. Because the Spectrum Act requires the Commission in reorganizing the television bands to ''make all reasonable efforts to preserve, as of [February 22, 2012], the coverage area and population served of'' full power television stations, these vacant channels will continue to be necessary after repacking to avoid interference between full power television stations. Moreover, in many areas of the country, channels that were technically available for television use were never allotted to communities for such use and are thus vacant.

24. The Commission tentatively concludes that the vacant channel demonstration requirement should not apply to applications for modified full power television station licenses filed during the 39-month Post-Auction Transition Period, including modification applications filed by stations that were not assigned a new channel in the reverse auction or repacking process. As discussed above in connection with Class A stations, exempting full power stations from the

vacant channel demonstration during the transition period will facilitate a rapid, non-disruptive transition by maximizing stations' flexibility to propose expanded facilities and alternative channels, as well as by permitting stations to coordinate modification of facilities. In addition, as with Class A stations, applying the proposed requirement to full power stations would delay their filing of applications for alternate channels and expanded facilities until final data on vacant channels is available, thereby impeding the goal of a rapid and non-disruptive 600 MHz band transition, and undermining their ability to obtain reimbursement of eligible costs within the statutory three-year reimbursement period.

25. The Commission seeks comment on whether the vacant channel demonstration should apply to full power television station modification applications filed after the end of the Post-Auction Transition Period. On one hand, the transition-related concerns noted above will no longer apply. On the other hand, the Commission recognizes full power television may need to modify their facilities from time to time in order to continue to serve their viewers. Additionally, unlike with Class A stations, there appears to be only a small likelihood that a full power television station modification would eliminate the last remaining vacant channel in an area, calling into question the need for the vacant channel demonstration with respect to full power modifications. Accordingly, the Commission seeks comment on the benefits of applying the required demonstration to post-transition full power television station modification applications and whether these benefits outweigh the burdens. The Commission recognizes that some full power television stations with construction deadlines at or near the end of the transition may discover after the 39-month deadline that they need to make further modifications to their repacked facilities in order to continue serving their viewers. The Commission seeks comment whether such stations should be allowed not to make the vacant channel demonstration if they instead make a showing that the modification is necessary to preserve their coverage area and population served and is necessitated by circumstances that were unforeseeable and outside of the stations' control. The Commission seeks comment on other alternatives as well. The Commission also seeks comment on whether the its broad Title III spectrum management authority encompasses the discretion to apply the vacant channel demonstration requirement to full power television station modification applications filed after the end of the Post-Auction Transition Period.

Allotment Proceedings

26. The Commission seeks comment on whether, with the exception discussed below, to require the vacant channel demonstration for full power allotment proceedings. There is presently a freeze on the filing of rulemaking petitions to change channels within the DTV Table of Allotments, to drop in new allotments, to swap channels among two or more licensees, or to change communities of license. The Commission anticipates that, after repacking, the Media Bureau will lift filing freezes that are now in place. Future allotment proceedings would propose a primary use in the television bands. Unlike proposed full power modifications, however, there is a reasonable likelihood that some of these proposed allotments could have a significant impact on vacant channel availability. For example, a proposal to drop in a new full power television channel could eliminate at least one vacant channel in a large geographic area. Similarly, a change of community of license could permit the licensee to move its transmission facilities in such a way as to significantly change its coverage contour. Channel changes and channel swaps appear to present less potential to affect vacant channel availability. Unless a station proposes to move from below channel 21 to channel 21 or above, it is unlikely that a petition to change channels would have an impact on vacant channel availability, since the channel proposed to be relinquished would become vacant. Similarly, in the case of a channel swap between stations, the channel being swapped would become vacant in each station's service area. The Commission seeks comment on whether the petitioner should be required to demonstrate that the any of these allotment proposals would not eliminate the last remaining vacant channel.

27. At the same time, the Commission recognizes that there could be allotment proposals that are a direct result of certain discontinuances of service after the auction. For example, although the Commission believes it unlikely, there may be limited circumstances in which a community or area loses broadcast service from all of its noncommercial educational stations. The Commission stated previously in the *Incentive Auction Report and Order* that it would consider appropriate actions to address service losses after the auction. The Commission has adopted television allotment policies to implement the goals underlying section 307(b). If it decides to require the vacant channel demonstration for full power allotment proceedings generally, it may be appropriate to make an exception for rulemaking proceedings to allot a reserved noncommercial educational channel to a community that has lost all noncommercial educational full power television service as a result of the auction. The Commission also seeks comment on whether it should have a similar exception for commercial allotments in the event a community has lost all of its commercial full power television service as a result of the auction. The Commission seeks comment on this issue.

Procedures for Identifying Channels Available for Use by White Space Devices and Wireless Microphones

28. The Commission seeks comment below on procedures for identifying which channels and which specific areas it will use for ensuring the availability of at least one vacant channel for use by white space devices and wireless microphones.

Suitable Channels for Preservation

29. The Commission proposes to preserve the availability of UHF channels in the range of Channel 21 and above for use by white space devices and wireless microphones. Fixed white space devices may operate only when both adjacent TV channels are vacant, meaning they need three contiguous vacant channels to operate. However, personal/portable devices may operate at locations where both adjacent TV channels are occupied if their power does not exceed 40 milliwatts Under its proposal, the channel preserved would not be the same nationwide or even through a DMA, but instead would vary depending on the repacked television operations in the UHF band in each area. In particular, the Commission is not proposing to designate a particular TV channel in each area for shared use after repacking. Rather, the procedures the Commission proposes will ensure that at least one TV channel in each area remains unused by broadcast or BAS licensees, and thereby is preserved and available for shared use by white space devices and wireless microphones.

30. Although white space devices and wireless microphones may operate on any UHF–TV channel, under the current rules personal/portable white space devices can operate only on Channels 21 and above. In addition, the current rules prohibit fixed white space device

operation within the protected contour of an adjacent TV channel. In the recent *part 15 NPRM,* the Commission proposed to permit personal/portable white space devices to operate on Channels 14–20. In addition, the Commission proposed to allow fixed white space devices to operate within the protected contour of an adjacent TV channel if they use an operating power of 40 milliwatts or less, thereby allowing fixed devices to operate on more channels above and below channel 21. Should the Commission adopt the proposals in the *part 15 NPRM* to expand available frequencies for white space device operation, the Commission would want the preservation of the last remaining channel to apply to Channels 14 and above where white space devices and wireless microphones may operate and the Commission seeks comment on this alternative approach.

Demonstration of Compliance

31. In this section, the Commission proposes the procedures and other details for the required demonstration that proposed operations in the repacked UHF television band will not eliminate the last available vacant UHF channel in an area for use by white space devices and wireless microphones. These procedures would apply only to applications for broadcast or BAS stations for those channels to which the demonstration requirement applies as decided by the Commission in this proceeding. In the case of applications for broadcast stations, a party wishing to construct a new, displacement, or modified station on one of these channels would generally follow the current procedures used in planning and applying for a broadcast station. That is, the party would perform a technical study based on the Commission's requirements (*e.g.,* separation from TV station contours) to determine channel availability and the other operating parameters for the proposed facility (*e.g.,* transmitter location, effective radiated power, antenna height and directionality). Once the proposed channel and operating parameters are determined, the applicant would calculate the service contour for a proposed TV or LPTV station facility based on these parameters. In the case of BAS stations, the applicant would determine its protected area in accordance with the requirements of § 15.712(c), instead of a service contour. White space devices protect fixed BAS station receive sites by avoiding co-channel and adjacent channel operation within keyhole-shaped exclusion zones. These zones are defined by an arc of ±30 degrees from a line between the BAS receive site and its associated permanent transmitter within a distance of 80 kilometers from the receive site for co-channel operation and 20 kilometers for adjacent channel operation. Outside this ±30 degree arc, white space devices may not operate within eight kilometers from the receive site for co-channel operation and two kilometers from the receive site for adjacent channel operation. Wireless microphones are not prohibited from operating in these exclusion zones.

32. In addition to following the above-stated procedures under the Commission's current rules, the Commission proposes that the applicant perform an analysis and submit a showing with its application demonstrating that white space devices and wireless microphones operating within the same area as the proposed broadcast or BAS station will have access to at least one channel throughout the applicant's proposed protected service area, as described in more detail below, although it need not be the same channel in all locations within that area. Under current rules, white space devices and wireless microphones must meet certain criteria to protect broadcast stations, other authorized services, and certain receive sites in the TV bands, and application of these rules defines the vacant channels in their operating area that are available for their use. These rules form the foundation of the proposed methodology the Commission describes in more detail below that the applicant would use for making the vacant channel determination.

Criteria for Determining Vacant Channel Availability at a Given Location

33. The Commission proposes that vacant channel availability at a given location be determined using the same criteria currently specified in Commission rules for determining where wireless microphones and white space devices can operate. Specifically, the Commission proposes that a channel be considered available if it can accommodate wireless microphones and 40 milliwatt personal/portable devices operating in a manner that meets the Commission's existing rules for protecting co-channel TV stations, other authorized services, and certain receive sites in the TV bands. Pursuant to §§ 15.712(a)(2) and 74.802(b)(1), 40 milliwatt personal/portable white space devices and wireless microphones must meet the same protection criteria with respect to protecting co-channel TV stations (four kilometers outside of the station's protected contours). Personal/portable white space devices operating at this power level can operate within the service contours of adjacent channel TV stations, thus allowing their operation at locations where there is only a single available channel. Personal/portable devices and fixed devices with a low antenna height (less than three meters height above average terrain (HAAT)) must operate at least four kilometers outside the protected contour of co-channel TV stations. Fixed devices operating with higher antenna heights must comply with greater co-channel separation distances, and all fixed devices, as well as personal/portable devices operating at greater than 40 milliwatts, must comply with adjacent channel separation distances as well. The requirement to comply with adjacent channel separation distances means that all fixed devices and personal/portable devices with a power level greater than 40 milliwatts may operate only at locations where there are three contiguous vacant TV channels, while personal/portable devices operating at 40 milliwatts need only a single available channel. Specifically, the Commission proposes that broadcast applicants required to make a vacant channel demonstration must show that, at a minimum, 40 milliwatt personal/portable white space devices and wireless microphones could operate anywhere within the applicant's proposed protected area (*i.e.,* after accounting for the proposed broadcast or BAS operations, there is at least one channel at all locations within the broadcast or BAS station's proposed protected area that meets the protection criteria for co-channel TV stations, other authorized services and certain receive sites in the TV bands).

34. In the *part 15 NPRM,* the Commission proposed to reduce the required separation distance between 40 milliwatt personal/portable devices and co-channel TV service contours from four kilometers to 1.3 kilometers. The Commission also proposed to apply this separation distance to 40 milliwatt fixed devices with an antenna HAAT of less than three meters. It also sought comment on whether the Commission should reduce the separation distance between wireless microphones and co-channel TV service contours from four kilometers to 1.3 kilometers. Should the Commission adopt these proposals, it seeks comment on whether it should also reduce the size of the protection zone for co-channel TV stations by the same amount when performing a vacant channel demonstration.

35. In addition to protecting TV service, the part 15 rules require that white space devices protect certain other services in the TV bands,

including the PLMRS/CMRS, MVPD and low power TV receive sites, fixed BAS links, and wireless microphone operations at specified times/locations when registered in the databases. The protection distances for wireless microphones are one kilometer from fixed white space devices, and 400 meters from personal/portable white space devices. Because wireless microphones and temporary BAS operations operate only for limited periods of time at any given location, the Commission believes that it is appropriate to exclude those stations registered in the white spaces database from the vacant channel analysis. Thus, the Commission proposes that broadcast applicants need not consider wireless microphone operations or temporary BAS stations registered in the white spaces database when determining if their proposed operations preserve a channel for wireless microphone and white space devices.

36. The Commission also seeks comment on whether it should consider white space devices other than 40 milliwatt personal/portable devices in preserving a vacant channel. For example, should the Commission base the analysis on preserving a vacant channel for fixed devices or higher power (100 milliwatt) personal/portable devices as well? If so, what fixed device HAATs should the Commission consider, and how would this affect the availability of spectrum for broadcast and BAS stations, since an analysis would have to consider adjacent channel spectrum use?

Methodology for Determining the Availability of a Vacant Channel in a Particular Area

37. *New and Displaced Broadcast Stations.* The Commission proposes that each applicant for a new or displaced TV or LPTV station required to make a vacant channel demonstration must demonstrate that, within its proposed protected area, at least one channel other than its desired channel would be available for white space device and wireless microphone use, as defined above. The same channel need not be available in all locations within a station's proposed protected area. This analysis must take into account the part 74 and part 15 criteria that white space devices and wireless microphones must meet to protect other co-channel broadcast and other services located close by, as discussed above.

38. Under the Commission's proposed approach, applicants could use the white spaces databases to determine whether at least one channel would remain available for white space devices and wireless microphones within a station's proposed protected area. The white spaces databases are designed to provide lists of available channels that can be used by a white space device at the device's specific geographic coordinates (*i.e.,* a single point). A white space device must contact a database to obtain a list of available channels before transmitting and must contact a database at least once per day thereafter to ensure that its operating channel continues to remain available. The co-channel television protection requirements for wireless microphones are the same as for 40 milliwatt personal/portable white space devices, so a channel that the white spaces database indicates as being available for 40 milliwatt personal/portable white space devices will also be available for wireless microphones. Because the white space databases provide lists of available channels for one point at a time rather than over a defined area, the Commission is proposing a procedure that will allow an applicant to determine channel availability over an area by using channel lists for individual points within its proposed protected area of operations.

39. Specifically, the Commission proposes that the availability of channels for white space devices and wireless microphones be determined by using the white spaces databases to analyze a single point within each individual two-by-two kilometer cell of a grid that covers the entire proposed protected area of operations. An example of a grid is shown in Figure 1 below. The Commission proposes a two kilometer grid size as a balance between minimizing the number of individual points that must be analyzed and ensuring that the analysis is sufficiently detailed so as not to miss locations where no vacant channel is available. A larger grid size reduces the number of points that must be analyzed, while a smaller grid size increases the number of points. Also, a two kilometer grid size is consistent with the methodology the Commission has used for evaluating TV coverage and interference. The Commission notes, however, that in its 2004 Report and Order adopting the digital rules for LPTV, TV translator and Class A stations, it concluded that use of a 1 square kilometer grid resolution should be the maximum permitted in evaluating the interference to Class A, LPTV and TV translator facilities, whose smaller service area require a finer grid resolution analysis. For the purpose of this analysis, the Commission proposes that the TV station proposed protected area be calculated in accordance with the methodology in §§ 74.802(b)(1) and 15.712(a)(1)–(2) of the rules, since those sections define the co-channel TV station operations that wireless microphones and white space devices must protect. Wireless microphones and 40 milliwatt white space devices must operate at least four kilometers outside the protected contour of co-channel television stations. In addition, the Commission proposes that all cells that are within or overlap any portion of the proposed protected area be analyzed for white space device and wireless microphone channel availability, and that the availability be calculated at a single point at the center of each cell. In proposing to require analysis for only a single point in each cell, the Commission recognizes that it is not computationally practicable to evaluate white space device and wireless microphone channel availability at every possible location in a cell. The Commission also proposes that, as long as at least one channel would remain available for white space devices and wireless microphones at the center point of each cell requiring analysis, the applicant's vacant channel demonstration would be satisfied.

40. *Modifications to Existing Broadcast Stations.* The Commission proposes that an applicant required to make a vacant channel demonstration that wishes to modify an existing broadcast station that would result in a change to the station's protected area must demonstrate that at least one channel would remain available for white space devices and wireless microphones in those portions of the proposed protected area that would extend beyond its existing protected area. The Commission recognizes that there could be situations in which there are no vacant channels for white space devices and wireless microphones within portions of the station's existing protected area, but the Commission is not proposing that the vacant channel demonstration be applied to these areas. To do so could jeopardize the station's ability to maintain service to the public within the existing protected area, depending on channel availability within the area and whether further station modifications would be needed.

41. The Commission proposes that an applicant requesting to modify an existing broadcast station provide a showing of compliance, using the methodology described above that is performed over the portions of the proposed protected area that would extend beyond the existing protected area. In this case, the channel availability analysis would be performed on the station's proposed

protected area after excluding all cells that are within or overlap any portion of the station's existing protected area. The Commission further proposes that as long as at least one channel would remain available for white space devices and wireless microphones at the center point of each cell requiring analysis, the vacant channel demonstration would be satisfied.

42. *BAS stations.* The Commission proposes that each applicant for a new or displaced BAS station required to make a vacant channel demonstration must demonstrate that, within the entire proposed protected area, at least one channel other than the desired channel would continue to be available for white space device and wireless microphone use within that area. Wireless microphones are not required to avoid the BAS receive site exclusion zones that white space devices must avoid. Thus, a channel that is available for white space devices would also be available for wireless microphones. An applicant could demonstrate compliance with this requirement using the methodology described above, except that the protected area for a BAS station would be the exclusion zones defined in § 15.712(c) rather than a service contour plus four kilometers. Since § 15.712(c) requires white space devices to provide both co-channel and adjacent channel protection to the BAS, the analysis must be performed on co- and adjacent channels that fall within the range that the Commission selects for channel preservation (*e.g.,* channels 21 and above as proposed above). For example, an applicant for a BAS station on channel 22 would have to perform analyses on channels 21, 22 and 23. An applicant for a BAS station on channel 20 would have to perform an analysis on only channel 21.

43. In the case of a modification of an existing BAS station, the applicant could provide a showing of compliance performed over only the portions of the proposed protected area that would extend beyond its existing protected area, *i.e.,* by excluding all cells that are within or overlap any portion of the station's existing protected area. The Commission further proposes that as long as at least one channel would remain available for white space devices and wireless microphones at the center point of each cell requiring analysis, the vacant channel demonstration would be satisfied.

44. *Appropriate Grid Size.* The Commission seeks comment on the appropriate grid size for the vacant channel demonstration. Is two kilometers appropriate, or should the grid size be smaller or larger? Should the Commission require that the grid be oriented with the lines in north-south and east-west directions, or is there any need to specify the orientation? Should the Commission require that the grid be positioned so that the transmitter is at the intersection of two grid lines, in the center of a cell, some other position, or is there no need to specify such a requirement? At which point in a cell should the available vacant channels be determined—the center of the cell, the center of population, or some other point? What is the appropriate way to determine channel availability in cells at the edge of the proposed protected area where the center point of the cell is outside the protected area? Should the channel availability be determined at a point other than the center of such cells, and if so, which point? Does there need to be a vacant channel available in every cell, or should the Commission allow exclusion of certain cells, such as those in unpopulated areas or over water, or those in which only a small fraction of the area of a cell is encompassed within the edge of the proposed protected area? Would the white space database administrators have to make any changes to their systems as a result of the Commission's proposed changes? Is there an alternative method for analyzing wireless microphone and white space device channel availability in order to determine whether a vacant channel for their operation remains? Parties that wish to propose alternative methods should describe them in detail and explain how they would be practically implementable for broadcast applicants.

45. The Commission's proposed methodology is designed to make the process of determining channel availability over an area simple for broadcasters by limiting the analysis to a finite number of discrete points and using the existing white spaces databases which are capable of performing the necessary channel availability calculations at each point. There are several ways that a broadcaster could demonstrate compliance with the proposed requirement. For example, an applicant could perform the analysis by plotting the protected area on a grid and accessing one of the white space databases to determine channel availability at the center point of each cell where a vacant channel determination is required. Alternatively, a white space database administrator could perform an entire analysis and charge a reasonable fee for its services.

46. Finally, recognizing that channel availability is dynamic and can change day-to-day, the Commission proposes that broadcast applicants make a vacant channel demonstration only once—as of the date of the filing of their application, and as discussed in paragraph 35 above. In addition, the analysis needs to consider only long-term restrictions on unlicensed use and not wireless microphone or temporary BAS installations. The Commission believes this proposal is appropriate given that broadcast applications are, for the most part, protected from interference from subsequently-filed applications (''cut-off'') on the day they are filed. The Commission notes, however, that applications filed during the post-incentive auction displacement window will be considered as filed on the last day of the window. In Section III.A. *supra,* the Commission seeks comment on procedures for resolving mutually exclusive displacement applications filed by two or more stations that together would eliminate the sole remaining vacant channel in an area. The Commission seeks comment on this proposal.

Initial Regulatory Flexibility Act Analysis

47. As required by the Regulatory Flexibility Act of 1980, as amended (''RFA'') [1] the Commission has prepared this present Initial Regulatory Flexibility Analysis (''IRFA'') concerning the possible significant economic impact on small entities by the policies and rules proposed in this *NPRM of Proposed Rulemaking (NPRM).* Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments indicated in the **DATES** section of the *NPRM.* The Commission will send a copy of the *NPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (''SBA'').[2] In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.[3]

Need for and Objectives of the Proposed Rules

48. On June 2, 2014, the Commission released its *Incentive Auction Report and Order,* 29 FCC Rcd 6567 (2014), 79 FR 48442, August 15, 2014, adopting rules to implement the broadcast

[1] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601 *et seq.,* has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''), Pub. L. 104–121, Title II, 110 Stat. 847 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (''CWAAA'').

[2] *See* 5 U.S.C. 603(a).

[3] *Id.*

television spectrum incentive auction authorized by the Middle Class Tax Relief and Job Creation Act (Spectrum Act). The Commission recognized that following the incentive auction and repacking of the television band there would likely be fewer unused television channels available for use by either unlicensed ''white space'' devices or by wireless microphones and other low power auxiliary stations (collectively ''wireless microphones''). However, the Commission anticipated that there would be at least one channel in the ultra-high frequency (''UHF'') band in all areas in the United States that is not assigned to a television station in the repacking process and, given the importance of white space devices and wireless microphones to businesses and consumers, stated its intent, after additional notice and an opportunity to comment, to preserve one television channel in each area for shared use by these devices.

49. In this *NPRM,* the Commission tentatively concludes to preserve a vacant channel in each area. Specifically, the Commission seeks comment on which applicants proposing operations in the repacked UHF television band should be required to demonstrate that a new, displacement, or modified facility would not eliminate the last available vacant television channel in an area for shared use and when this technical showing requirement should commence. In order to achieve this objective, the Commission proposes to require certain applicants for LPTV, TV translator, and Broadcast Auxiliary Service (''BAS'') facilities to demonstrate that their proposed new, displacement, or modified facility would not eliminate the last available vacant UHF television channel for use by white space devices and wireless microphones in an area.

50. The Commission believes that its proposal will not significantly burden broadcast applicants in terms of either the continued availability of channels in all areas or the administrative burdens of compliance. After the final channel assignments are made following the incentive auction, multiple vacant channels will exist in most areas as a result of the co- and adjacent-channel separation requirements necessary to protect primary broadcast stations from interference from each other. The 100 repacking simulation results previously published by Commission staff show that the areas encompassing the vast majority of population across the country would have at least two vacant channels available. In any event, the effect of the proposal would be to reduce by only one the total number of vacant channels that would otherwise be available in an area. Therefore, the impact on broadcast applicants, including LPTV, TV translator and BAS stations, in terms of the availability of channels for future use, will be limited because multiple vacant channels will still exist in all or most areas as a consequence of the need to avoid interference between primary broadcast stations in the Incentive Auction final channel assignment process. In addition, the proposed plan involves a streamlined method for broadcast applicants to determine quickly the impact that facilities they intend to propose will have on the continued availability of vacant channels. Although small entity LPTV, TV translator and BAS stations may experience an increased burden, the Commission believes that adoption of the vacant channel preservation requirement will greatly benefit white space and wireless microphone users as well as the manufacturers of white space and wireless microphone equipment, which are also small businesses, by creating new uses and opportunities for this spectrum. The Commission also believes that this prioritization and protection of white space is critical if it is to realize the benefits that this spectrum will provide to small businesses and developers that will usher forth new and unthought-of uses. We also note that, in a separate proceeding, the Commission is considering additional proposals to mitigate the potential impact of the incentive auction and the repacking process on LPTV and TV translator stations and to help preserve the important services they provide. *See Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations,* MB Docket No. 03–185, Third Notice of Proposed Rulemaking, 29 FCC Rcd 12536 (2014), 79 FR 70824, November 28, 2014.

51. The Commission also seeks comment on how to identify vacant television channels (*i.e.,* ''white spaces'') available for use by white space devices and wireless microphones, the definition of the ''area'' that would be considered for this purpose, and what kind of system it should establish for applicants to use to determine whether their proposed facility would eliminate the last available vacant channel in an area.

Legal Basis

52. The authority for the action proposed in this rulemaking is contained in sections 1, 4, 7, 301, 303, 307, 308, 309, 310, 316, 319, 332, 336, and 403 of the Communications Act of 1934, 47 U.S.C 151, 154, 157, 301, 303, 307, 308, 309, 310, 316, 319, 332, 336, and 403.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

53. The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the proposed rules, if adopted.[4] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' small organization,'' and ''small government jurisdiction.''[5] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[6] A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[7]

54. *Small Businesses, Small Organizations, and Small Governmental Jurisdictions.* Our action may, over time, affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three comprehensive, statutory small entity size standards.[8] First, nationwide, there are a total of 28.2 million small businesses, according to the SBA.[9] In addition, a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.''[10] Nationwide, as of 2012, there were approximately 2,300,000 small organizations.[11] Finally, the term ''small

[4] *Id.* at section 603(b)(3).

[5] 5 U.S.C. 601(6).

[6] *Id.* at section 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3).

[7] 15 U.S.C. 632. Application of the statutory criteria of dominance in its field of operation and independence are sometimes difficult to apply in the context of broadcast television. Accordingly, the Commission's statistical account of television stations may be over-inclusive.

[8] *See* 5 U.S.C. 601(3)–(6).

[9] *See* SBA, Office of Advocacy, ''Frequently Asked Questions,'' *http://www.sba.gov/sites/default/files/FAQ_March_2014_0.pdf* (last visited May 2, 2014; figures are from 2011).

[10] 5 U.S.C. 601(4).

[11] National Center for Charitable Statistics, The Nonprofit Almanac (2012).

governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' [12] Census Bureau data for 2012 indicate that there were 90,056 local governments in the United States.[13] Thus, we estimate that most governmental jurisdictions are small.

55. *Television Broadcasting.* This economic census category ''comprises establishments primarily engaged in broadcasting images together with sound. These establishments operate television broadcasting studios and facilities for the programming and transmission of programs to the public.'' [14] The SBA has created the following small business size standard for Television Broadcasting firms: Those having $14 million or less in annual receipts.[15] The Commission has estimated the number of licensed commercial television stations to be 1,390.[16] In addition, according to Commission staff review of the BIA Advisory Services, LLC's *Media Access Pro Television Database* on March 28, 2012, about 950 of an estimated 1,300 commercial television stations (or approximately 73 percent) had revenues of $14 million or less.[17] We therefore estimate that the majority of commercial television broadcasters are small entities.

56. We note, however, that in assessing whether a business concern qualifies as small under the above definition, business (control) affiliations must be included.[18] Our estimate, therefore, likely overstates the number of small entities that might be affected by our action because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive to that extent.

57. In addition, the Commission has estimated the number of licensed noncommercial educational (''NCE'') television stations to be 395.[19] These stations are non-profit, and therefore considered to be small entities.[20]

58. The Commission has estimated that there are also 405 Class A stations, 1,939 LPTV stations and 3,689 TV translator stations.[21] Given the nature of these services, we will presume that all of these entities qualify as small entities under the above SBA small business size standard.

59. *LPAS Licensees.* There are a total of more than 1,200 Low Power Auxiliary Station (LPAS) licenses in all bands and a total of over 600 LPAS licenses in the UHF spectrum.[22] Existing LPAS operations are intended for uses such as wireless microphones, cue and control communications, and synchronization of TV camera signals. These low power auxiliary stations transmit over distances of approximately 100 meters.[23]

60. *Low Power Auxiliary Device Manufacturers: Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: Transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.'' [24] The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: All such firms having 750 or fewer employees.[25] According to Census Bureau data for 2007, there were a total of 939 establishments in this category that operated for the entire year.[26] Of this total, 912 establishments had employment of less than 500, and an additional 10 establishments had employment of 500 to 999.[27] Thus, under this size standard, the majority of firms can be considered small.

61. *Low Power Auxiliary Device Manufacturers: Other Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing communications equipment (except telephone apparatus, and radio and television broadcast, and wireless communications equipment).'' [28] The SBA has developed a small business size standard for Other Communications Equipment Manufacturing, which is: All such firms having 750 or fewer employees.[29] According to Census Bureau data for 2007, there were a total of 452 establishments in this category that operated for the entire year.[30] Of this

[12] 5 U.S.C. 601(5).

[13] *U.S. Census Bureau, Government Organization Summary Report: 2012* (rel. Sep. 26, 2013), *http://www2.census.gov/govs/cog/g12_org.pdf* (last visited June 11, 2015).

[14] U.S. Census Bureau, *2012 NAICS Definitions: 515120 Television Broadcasting, http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=515120&search=2012http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=515120&search=2012http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=515120&search=2012* (last visited June 11, 2015).

[15] 13 CFR 121.201 (NAICS code 515120) (updated for inflation in 2010).

[16] *See* FCC News Release, Broadcast Station Totals as of March 31, 2015 (rel. April 8, 2015), available at: *https://www.fcc.gov/document/broadcast-station-totals-march-31-2015.*

[17] We recognize that BIA's estimate differs slightly from the FCC total given the information provided above.

[18] ''[Business concerns] are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.'' 13 CFR 121.103(a)(1).

[19] *See* FCC News Release, Broadcast Station Totals as of March 31, 2015 (rel. April 8, 2015).

[20] *See generally* 5 U.S.C. 601(4), (6).

[21] *See* FCC News Release, Broadcast Station Totals as of March 31, 2015 (rel. April 8, 2015).

[22] FCC, Universal Licensing System (ULS), *available at http://wireless.fcc.gov/uls/index.htm?job=home* (last visited June 11, 2015).

[23] 47 CFR 74.801.

[24] U.S. Census Bureau, 2012 NAICS Definitions: 334220 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, *http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=334220&search=2012* (last visited May 6, 2014).

[25] 13 CFR 121.201, NAICS code 334220.

[26] U.S. Census Bureau, Table No. EC0731SG3, Manufacturing: Summary Series: General Summary: Industry Statistics for Subsectors and Industries by Employment Size: 2007 (NAICS code 334220), *http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_31SG3.* The number of ''establishments'' is a less helpful indicator of small business prevalence in this context than would be the number of ''firms'' or ''companies,'' because the latter take into account the concept of common ownership or control. Any single physical location for an entity is an establishment, even though that location may be owned by a different establishment. Thus, the numbers given may reflect inflated numbers of businesses in this category, including the numbers of small businesses.

[27] *Id.* An additional 17 establishments had employment of 1,000 or more.

[28] U.S. Census Bureau, *2012 NAICS Definitions: 334290 Other Communications Equipment Manufacturing, http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=334290&search=2012* (last visited May 6, 2014).

[29] 13 CFR 121.201, NAICS code 334290.

[30] U.S. Census Bureau, Table No. EC0731SG3, Manufacturing: Summary Series: General Summary: Industry Statistics for Subsectors and Industries by Employment Size: 2007 (NAICS code 334290), *http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_31SG3&prodType=table* (last visited May 6, 2014). The number of ''establishments'' is a less helpful indicator of small business prevalence in this context than would be the number of ''firms'' or

Continued

total, 448 establishments had employment below 500, and an additional 4 establishments had employment of 500 to 999.[31] Thus, under this size standard, the majority of firms can be considered small.

62. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: Transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.'' [32] The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: All such firms having 750 or fewer employees. According to Census Bureau data for 2007, there were a total of 939 establishments in this category that operated for part or all of the entire year. Of this total, 912 had less than 500 employees and 17 had more than 1000 employees.[33] Thus, under that size standard, the majority of firms can be considered small.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

63. The *NPRM* proposes the following new or revised reporting or recordkeeping requirements. The Commission proposes procedures that a broadcast applicant must use to satisfy the vacant channel demonstration requirement. These procedures would apply only to applications for broadcast and BAS stations by those entities and on those channels as decided by the Commission in this proceeding. A party wishing to construct a new, displacement, or modified broadcast station on one of these channels would generally follow the current procedures used in planning and applying for a broadcast station. That is, the party would perform a technical study based on the Commission's requirements (*e.g.,* separation from TV station contours) to determine channel availability and the other operating parameters for the proposed station (*e.g.,* transmitter location, effective radiated power, antenna height and directionality). Once the proposed channel and operating parameters are determined, the applicant would calculate the service contour for the proposed station based on these parameters. In the case of BAS stations, the applicant would determine its protected area in accordance with the requirements of § 15.712(c). The applicant would then be required to perform an analysis and submit a showing with its application demonstrating that white space devices and wireless microphones operating within the same area as the proposed broadcast or BAS station will have access to at least one channel, although it need not be the same channel in all locations.

Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

64. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[34]

65. The Commission believes that its proposal will not significantly burden small entities in terms of either the continued availability of channels in all areas or the administrative burdens of compliance. After the final channel assignments are made following the incentive auction, multiple vacant channels will exist in most areas as a result of the co- and adjacent-channel separation requirements necessary to protect primary broadcast stations from interference from each other. The 100 repacking simulation results previously published by Commission staff show that the areas encompassing the vast majority of population across the country would have at least two vacant channels available. In any event, the effect of the proposal would be to reduce by only one the total number of vacant channels that would otherwise be available in an area. Therefore, the impact on small entities, in terms of the availability of channels for future use, will be limited because multiple vacant channels will still exist in all or most markets as a consequence of the need to avoid interference between primary broadcast stations in the Incentive Auction final channel assignment process. In addition, the proposed plan involves a streamlined method for broadcast applicants to determine quickly the impact that facilities they intend to propose will have on the continued availability of vacant channels. Although small entities may experience an increased burden, the Commission believes that adoption of the vacant channel preservation requirement will greatly benefit white space and wireless microphone users as well as the manufacturer of white space and wireless microphone equipment that are also small businesses by creating new uses and opportunity for this spectrum. The Commission also believes that this prioritization and protection of white space is critical if it is to realize the benefits that this spectrum will provide to small businesses and developers that will usher forth new and unthought-of uses.

66. In addition, the Commission has initiated a proceeding seeking comment on the adoption of rules to permit LPTV and TV translator stations to share channels. If adopted, channel sharing would help displaced LPTV and TV translators that experience difficulty in finding new channels following the incentive auction and repacking by allowing them to share channels in markets with limited vacant channels. Further, the Commission has proposed to utilize its incentive auction optimization software to help identify available channels post-auction for displaced LPTV and TV translator stations. Finally, the Commission and its staff continue outreach to LPTV and TV translator stations to educate them on the possible impact of the incentive auction and repacking as well as this vacant channel proceedings and to continue to gather comment and input from these affected industries.

Federal Rules Which Duplicate, Overlap, or Conflict With the Commission's Proposals

67. None.

''companies,'' because the latter take into account the concept of common ownership or control. Any single physical location for an entity is an establishment, even though that location may be owned by a different establishment. Thus, the numbers given may reflect inflated numbers of businesses in this category, including the numbers of small businesses.

[31] *Id.* There were no establishments that had employment of 1,000 or more.

[32] The NAICS Code for this service 334220. *See* 13 CFR 121/201. *See also http://factfinder.census.gov/servlet/IBQTable?_bm=y&-fds_name=EC0700A1&-geo_id=&-_skip=300&-ds_name=EC0731SG2&-_lang=en.*

[33] *See http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-fds_name=EC0700A1&-_skip=4500&-ds_name=EC0731SG3&-_lang=en.*

[34] 5 U.S.C. 603(c)(1)–(c)(4).

List of Subjects for 47 CFR Parts 73 and 74

Reporting and recordkeeping requirements, Television.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 73 and 74 as follows:

PART 73—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. 154, 303, 334, 336, and 339.

■ 2. Section 73.3572 is revised by adding paragraph (i) to read as follows:

§ 73.3572 Processing of TV broadcast, Class A TV broadcast, low power TV, TV translators, and TV booster applications.

* * * * *

(i) *Vacant channel demonstration. (1) Applicability.* The provisions of this paragraph (i) shall apply to:

(i) All applications filed by low power television, TV translator, and Broadcast Auxiliary Service (BAS) stations for new, displacement, or modified facilities filed on or after release of the Channel Reassignment Public Notice issued pursuant to § 73.3700(a)(2); and

(ii) Applications for modified Class A television station facilities filed more than 39 months after release of the Channel Reassignment Public Notice issued pursuant to § 73.3700(a)(2).

(2) *Required showing.* (i) Applicants subject to this provision shall include a showing with their application demonstrating that grant of the application will not eliminate the last remaining vacant channel in their entire proposed protected area (in the case of applications for new or displacement facilities) or expanded proposed protected area (in the case of modified facilities).

(ii) Applicants shall determine the availability of a vacant channel as of the date of the filing of their application.

(iii) Vacant channel availability for purposes of the required showing shall be determined using the criteria set forth in §§ 74.802(b)(1) and 15.712(a)(2) of this chapter. Applicants must show that, at a minimum, 40 milliwatt personal/portable white space devices and wireless microphones can operate anywhere within the entire or expanded proposed protected area. Wireless microphones and temporary BAS operations registered in the white space database shall not be considered when determining whether a proposed operation eliminates the last remaining vacant channel. The availability of channels shall be determined by analyzing individual two by two kilometer cells of a grid that covers the entire or expanded proposed protected area of operations. The protected area for broadcast stations shall be the area defined by adding four kilometers to the contour calculated in accordance with the methodology in §§ 74.802(b)(1) and 15.712(a)(1) of this chapter. The protected area for BAS stations shall be the area defined by § 15.712(c) of this chapter. All cells that are within or overlap any portion of the entire or expanded proposed protected areas of operations shall be analyzed for vacant channel availability, and the availability shall be calculated at a single point at the center of each cell. The required showing shall be satisfied as long as at least one vacant channel remains available at the center point of each cell requiring analysis.

(iv) For purposes of the required showing, applicants shall consider only UHF channels in the range of 21 and above.

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 3. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 336 and 554.

■ 4. Section 74.632 is revised by adding paragraph (h) to read as follows:

§ 74.632 Licensing requirements.

* * * * *

(h) The provisions of § 73.3572(i) of the rules shall apply to all applications filed under this rule.

■ 5. Section 74.787 is revised by adding paragraph (d) to read as follows:

§ 74.787 Digital licensing.

* * * * *

(d) The provisions of § 73.3572(i) of the rules shall apply to all applications filed under this rule.

[FR Doc. 2015–15758 Filed 7–1–15; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 80, No. 127

Thursday, July 2, 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

Food and Nutrition Service

National Advisory Council on Maternal, Infant and Fetal Nutrition; Notice of Meeting

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. APP., this notice announces a meeting of the National Advisory Council on Maternal, Infant and Fetal Nutrition.

Date and Time: July 21–23, 2015, 9:00 a.m.–5:30 p.m.

Place: The meeting will be held at the Hilton Garden Inn Arlington/Shirlington, Environment Room, 4271 Campbell Avenue, Arlington, Virginia, 22206.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Maternal, Infant and Fetal Nutrition will meet to continue its study of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), and the Commodity Supplemental Food Program (CSFP). The agenda will include updates and a discussion of Breastfeeding Promotion and Support activities, the WIC food packages, WIC funding, Electronic Benefits Transfer, CSFP initiatives, and current research studies.

Status: Meetings of the National Advisory Council on Maternal, Infant and Fetal Nutrition are open to the public. Members of the public may participate, as time permits. Members of the public may file written statements with the contact person named below before or after the meeting.

Contact Person for Additional Information: Anne Bartholomew, Supplemental Food Programs Division, Food and Nutrition Service, Department of Agriculture, (703) 305–2746. If members of the public need special accommodations, please notify Anne Bartholomew by July 8, 2015, at (703) 305–2746, or email at *WICHQ–SFPD@fns.usda.gov.*

Dated: June 15, 2015.

Audrey Rowe,

Administrator.

[FR Doc. 2015–16291 Filed 7–1–15; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Trinity County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Trinity County Resource Advisory Committee (RAC) will meet in Weaverville, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *www.fs.usda.gov/main/stnf/workingtogether/advisorycommittees.*

DATES: The meeting will be held from 6:30 p.m. to 8:30 p.m. on July 13, 2015.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at Trinity County Office of Education, Conference Room, 201 Memorial Drive, Weaverville, California. Memorial Drive is at the west end of Weaverville, just off Highway 299 on the road leading to Weaverville High School.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at USDA Service Center, Shasta-Trinity National Forest Headquarters, 3644 Avtech Parkway, Redding, California. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Tina Lynsky, Designated Federal Officer, by phone at 530–623–2121 or via email at *tlynsky@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss the 2015 two-year extension of the Secure Rural Schools and Community Self-Determination Act, and

2. Title II funding.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by July 10, 2015, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Tina Lynsky, Designated Federal Officer, Post Office Box 1190, Weaverville, California 96093; by email to *tlynsky@fs.fed.us,* or via facsimile to 530–623–6010.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: June 26, 2015.

David R. Meyers,

Shasta-Trinity National Forest Supervisor.

[FR Doc. 2015–16295 Filed 7–1–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Trinity County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Trinity County Resource Advisory Committee (RAC) will meet in Weaverville, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *www.fs.usda.gov/main/stnf/workingtogether/advisorycommittees.*

DATES: The meeting will be held from 6:30 p.m. to 8:30 p.m. on August 17, 2015.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at Trinity County Office of Education, Conference Room, 201 Memorial Drive, Weaverville, California. Memorial Drive is at the west end of Weaverville, just off Highway 299 on the road leading to Weaverville High School.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at USDA Service Center, Shasta-Trinity National Forest Headquarters, 3644 Avtech Parkway, Redding, California. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Tina Lynsky, Designated Federal Officer, by phone at 530–623–2121 or via email at *tlynsky@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review proposals for Secure Rural Schools Title II funding, and
2. Vote on proposals to recommend to the Shasta-Trinity National Forest Supervisor for approval.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by August 14, 2015, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Tina Lynsky, Designated Federal Officer, Post Office Box 1190, Weaverville, California 96093; by email to *tlynsky@fs.fed.us,* or via facsimile to 530–623–6010.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: June 26, 2015.

David R. Myers,

Shasta-Trinity National Forest Supervisor.

[FR Doc. 2015–16312 Filed 7–1–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–44–2015]

Notification of Proposed Production Activity; Hyundai Motor Manufacturing Alabama, LLC; Subzone 222A (Motor Vehicles); Montgomery, Alabama

The Montgomery Area Chamber of Commerce, grantee of FTZ 222, submitted a notification of proposed production activity to the FTZ Board on behalf of Hyundai Motor Manufacturing Alabama, LLC (HMMA), operator of Subzone 222A, for HMMA's facility located in Montgomery, Alabama. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 5, 2015.

HMMA already has authority to produce light-duty passenger sedans, sport utility vehicles, minivans and related engines within Subzone 222A. The current request would add certain foreign-status components to the scope of authority. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt HMMA from customs duty payments on the foreign status components used in export production. On its domestic sales, HMMA would be able to choose the duty rate during customs entry procedures that applies to passenger motor vehicles and spark ignition and diesel engines (duty rate—2.5%) for the foreign-status inputs noted below and in the existing scope of authority. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components sourced from abroad include: Plastic tape/bags/caps; rubber hoses; owner's manuals; roller chains; screwdrivers; spark-ignition engines; hydraulic motors; vacuum pumps; pump parts; turbochargers; heat exchangers; electrical motors (DC); spark plugs; ignition coils; lighting equipment parts; audio speakers/amplifiers; video cameras; radar apparatus unit assemblies; remote control apparatus; capacitors; electrical switches; fuse boxes; computer/bracket assemblies; coaxial cables; coils; brakes; brake parts; clutches; clutch parts; electrical sensors; and, seat parts (duty rate ranges from free to 6.2%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is August 11, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: June 22, 2015.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2015–16372 Filed 7–1–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1979]

Reorganization of Foreign-Trade Zone 42 Under Alternative Site Framework; Orlando, Florida

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the Greater Orlando Aviation Authority, grantee of Foreign-Trade Zone 42, submitted an application to the Board (FTZ Docket B–2–2015, docketed 01–20–2015) for authority to reorganize under the ASF with a service area of Orange County, Florida, in and adjacent to the Orlando Customs and Border Protection port of entry, and FTZ 42's existing Sites 1 and 2 would be categorized as magnet sites;

Whereas, notice inviting public comment was given in the **Federal Register** (80 FR 3951–3952, 01–26–2015) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 42 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including § 400.13, to the Board's standard 2,000-acre activation limit for the zone, and to an ASF sunset provision for magnet sites that would terminate authority for Site 2 if not activated within five years from the month of approval.

Signed at Washington, DC, this 26th day of June, 2015.

Paul Piquado,

Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

ATTEST:

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2015–16373 Filed 7–1–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–833]

Polyester Staple Fiber From Taiwan: Final Results of Antidumping Duty Administrative Review; 2013–2014

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

SUMMARY: On March 24, 2015, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on polyester staple fiber (PSF) from Taiwan.[1] For these final results, we continue to find that Far Eastern New Century Corporation (FENC) did not sell subject merchandise at less than normal value, and that Nan Ya Plastics Corporation (Nan Ya) had no shipments during the period of review (POR).

DATES: *Effective Date:* July 2, 2015.

FOR FURTHER INFORMATION CONTACT: Bryan Hansen or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3683, and (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 24, 2015, the Department published the *Preliminary Results.* The POR is May 1, 2013 through April 30, 2014. We invited interested parties to comment on the *Preliminary Results.* We received no comments.

The Department conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The product covered by the order is PSF. PSF is defined as synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to the order may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 5503.20.00.20 is specifically excluded from the order. Also specifically excluded from the order are PSF of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low-melt PSF is excluded from the order. Low-melt PSF is defined as a bi-component fiber with an outer sheath that melts at a significantly lower temperature than its inner core.

The merchandise subject to the order is currently classifiable in the HTSUS at subheadings 5503.20.00.40, 5503.20.00.45, 5503.20.00.60, and 5503.20.00.65. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Final Determination of No Shipments

For the final results of this review, we determine that Nan Ya had no shipments during the POR.

Changes Since the Preliminary Results

The Department made no changes to its calculations announced in the *Preliminary Results.*

Final Results of the Review

For the final results of this review, we determine that a weighted-average dumping margin of 0.00 percent exists for FENC for the POR.

Assessment Rates

In accordance with 19 CFR 351.212 and the *Final Modification,*[2] the Department will instruct U.S. Customs and Border Protection (CBP) to liquidate all appropriate entries for FENC without regard to antidumping duties.

For entries of subject merchandise during the POR produced by FENC for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[3]

Consistent with the *Assessment Policy Notice,* because we continue to find that Nan Ya had no shipments of subject merchandise to the United States, we

[1] *See Polyester Staple Fiber From Taiwan: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014,* 80 FR 15565 (March 24, 2015) (*Preliminary Results*).

[2] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification*).

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

will instruct CBP to liquidate any applicable entries of subject merchandise at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

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

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the final results of administrative review for all shipments of subject merchandise 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) The cash deposit rate for FENC will be 0.00 percent, the weighted-average dumping margin established in the final results of this administrative review; (2) for Nan Ya and previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the manufacturer of the merchandise for the most recently completed segment of this proceeding; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 7.31 percent.[4] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice 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 this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

The Department is issuing and publishing these final results of administrative review in accordance with sections 751(a)(1), and 777(i) of the Act and 19 CFR 351.213(h).

Dated: June 26, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–16376 Filed 7–1–15; 8:45 am]

BILLING CODE 3510–DS–P

[4] The all-others rate established in the *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber From the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan,* 65 FR 33807 (May 25, 2000).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–020]

Melamine From the People's Republic of China: Postponement of Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (''Department'') is postponing the deadline for issuing the final determination in the less-than-fair-value (''LTFV'') investigation of melamine from the People's Republic of China (''PRC'') and is extending the provisional measures from a four-month period to a period not more than six months in duration.

DATES: *Effective date:* July 2, 2015.

FOR FURTHER INFORMATION CONTACT: James Terpstra at (202) 482–3965, Antidumping and Countervailing Duty Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On December 9, 2014, the Department published a notice of initiation of the LTFV investigations of melamine from the PRC and Trinidad and Tobago.[1] The period of investigation is April 1, 2014, through September 30, 2014. On June 18, 2015, the Department published its affirmative *Preliminary Determination* in the LTFV investigation of melamine from the PRC.[2] On June 5, 2015, Allied Chemicals Inc. (''Allied Chemicals'') and Sichuan Golden-Elephant Sincerity Chemical Co., Ltd. (''Golden Elephant''), mandatory respondents in this investigation, requested that the Department postpone its final determination by 60 days (*i.e.,* to 135 days after publication of the *Preliminary Determination*).[3] On June 9, 2015, Allied Chemicals and Golden Elephant agreed to extend the application of the provisional measures prescribed under section 733(d) of the Act and 19 CFR 351.210(e)(2), from a four-month period to a period not to exceed six months.[4]

Postponement of Final Determination

Section 735(a)(2) of the Tariff Act of 1930, as amended (''the Act''), provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of the Department's regulations requires that requests by respondents for postponement of a final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because (1) our preliminary determination was affirmative; (2) the requesting producers or exporters account for a significant proportion of exports of the subject merchandise from their respective country; and (3) no compelling reasons for denial exist, we are postponing the

[1] *See Melamine from the People's Republic of China and Trinidad and Tobago: Initiation of Antidumping Duty Investigations,* 79 FR 73037 (December 9, 2014).

[2] *See Melamine from the People's Republic of China: Preliminary Determinations of Sales at Less Than Fair Value* 80 FR 34891 (June 18, 2015) (''*Preliminary Determination*'').

[3] *See* the letter from Allied Chemicals and Golden Elephant entitled, ''Melamine from the People's Republic of China; Respondents' Request to Extend the Due Date for the Preliminary Determination,'' dated June 5, 2015. Note that, although respondents' June 5, 2015, letter was mistitled, respondents clearly indicated on page two of the submission that they were requesting postponement of the final determination.

[4] *See* the letter from Allied Chemicals and Golden Elephant entitled, ''Melamine from the People's Republic of China; Clarification of Respondents' June 5, 2015 Request to Extend the Due Date for the Final Determination,'' dated June 9, 2015.

final determination until no later than 135 days after the publication of the *Preliminary Determination* (*i.e.,* to October 31, 2015) and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, we will issue our final determination no later than 135 days after the date of publication of the *Preliminary Determination,* pursuant to section 735(a)(2) of the Act. Because October 31, 2015, is a Saturday, the actual due date for the final determination of this LTFV investigation will be Monday, November 2, 2015.[5]

This notice is issued and published pursuant to section 735(a)(2)(A) of the Act and 19 CFR 351.210(g).

Dated: June 25, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–16375 Filed 7–1–15; 8:45 am]

BILLING CODE 3510–DS–P

[5] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE010

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Caribbean Fishery Management Council's District Advisory Panels (DAPs) for Puerto Rico, St. Croix and St. Thomas, USVI, will hold meetings.

Dates and Addresses: The meetings will be held on the following dates and locations:

Puerto Rico DAP: July 29, 2015, from 9 a.m. to 5 p.m., at the Verdanza Hotel, Tartak St., Isla Verde, Puerto Rico.

St. Croix, USVI DAP: July 20, 2015, from 1 p.m. to 5 p.m., and July 21, from 9 a.m. to 12 p.m., at the Buccaneer Hotel, Estate Shoys, Christiansted, St. Croix, USVI.

St. Thomas, USVI DAP: July 22, from 9 a.m. to 5 p.m., at the Windward Passage Hotel, Charlotte Amalie, St. Thomas, USVI.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The DAPs will meet to discuss the items contained in the following agenda:

—Call to Order
—Adoption of Agenda
—SSC Chair Presentation on Selection Criteria and Results of Experts Panel Meeting
—Species Selection Discussion
—Recommendations to CFMC
—Other Business
—Adjourn

The meetings are open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918, telephone (787) 766–5926, at least 5 days prior to the meeting date.

Dated: June 29, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–16325 Filed 7–1–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Evaluation Support Services.

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 1,473.

Average Hours per Response: 25 minutes per recipient survey; 15 minutes per nonrecipient survey; 60 minutes per community partner, institution partner, CSC administrator, and CSC center director interview; 90 minutes per student focus group.

Burden Hours: 599.

Needs and Uses: This request is for a new information collection.

Since its establishment in 1970 under the Department of Commerce, the National Oceanic and Atmospheric Administration (NOAA)'s primary goals are to understand and predict changes in the Earth's environment, to conserve and manage coastal and marine resources, and to serve the nation's economic, social, and environmental needs. One of NOAA's staff offices, the Office of Education (OEd), also serves a critical function as the nation's primary educator on matters related to the ocean, coastal resources, the atmosphere, and climate. One of the ways NOAA fulfills its national duty is by providing educational resources and scholarship opportunities for future scholars.

The Ernest F. Hollings Undergraduate Scholarship Program (HUSP) was established in 2005; since then, it has provided support to approximately 1,144 undergraduate students. This scholarship opportunity provides 2 academic years of tuition support (up to $8,000 per year) and a 10-week paid internship with a NOAA mentor to competitive undergraduate scholars in NOAA-related major fields of study. The HUSP also provides undergraduates with additional supports such as living expenses, travel stipends, and conference allowances. The main goals of HUSP include increasing undergraduate training and research in NOAA sciences; recruiting and preparing students for careers as public servants and environmental science educators; and building public understanding of and support for environmental stewardship issues (*i.e.,* increasing environmental literacy).

The Educational Partnership Program (EPP) comprises three unique components: the Undergraduate Scholarship Program (USP), the Graduate Studies Program (GSP), and four Cooperative Science Centers (CSCs). USP is a scholarship opportunity that provides recipients with hands-on research and training in NOAA-related sciences and provides scholars the opportunity to gain valuable work experience at NOAA facilities. To date, USP has funded 175 scholars. GSP is similar, and supported (funded 59 students) graduate students interested in pursuing NOAA mission-critical fields by providing them with work experience and hands-on training in NOAA-related research fields. The CSCs' overarching goal is to increase underrepresentation in STEM and

NOAA-related fields by providing education and training opportunities in these fields. Each CSC has a distinct educational focus, defined mission, partner institution, and designated research partner. In addition to providing education and training opportunities for students, CSCs assist their MSI partners in building their institutional management, scientific, and research capacities in NOAA-related fields.

The proposed evaluation will examine the effectiveness of two of NOAA's OEd scholarship programs: EPP and HUSP. It will also assess the efficacy of the CSCs, which constitute another educational component central to NOAA's educational mission. The primary objective of this evaluation is to determine how well NOAA's HUSP and EPP scholarship programs translate to measurable outcomes for participants.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: June 29, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–16287 Filed 7–1–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE025

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Scientific and Statistical Committee (SSC) of the Mid-Atlantic Fishery Management Council (Council) will hold a meeting.

DATES: The SSC meeting will be held Tuesday through Thursday, July 21–23, 2015. The meeting will begin at 1 p.m. on July 21 and conclude by 2 p.m. on July 23.

ADDRESSES: The meeting will be held at the Royal Sonesta Hotel, 550 Light Street, Baltimore, MD 21202; telephone: (410) 234–0550.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: Agenda items to be discussed at the SSC meeting include: Review fishery performance reports and recommend multi-year ABC specifications for bluefish, summer flounder, scup and black sea bass (including review data poor methods applied to black sea bass for potential changes to current and future ABC specifications); update on rumble strip analyses for multi-year ABC specifications; update on research prioritization and five-year research plan development; discuss outcomes from the Fifth National SSC Workshop; discuss blueline tilefish research needs; and update on Unmanaged Forage Initiative.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions 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 Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: June 29, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–16327 Filed 7–1–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE011

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Ecosystem and Ocean Planning Advisory Panel (AP) will hold a public meeting.

DATES: The meeting will be held on Tuesday, July 21, 2015, from 10 a.m. to 5 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held at the Double Tree by Hilton Baltimore—BWI Airport, 890 Elkridge Landing Road, Linthicum, MD 21090; telephone: (410) 859–8400.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The MAFMC's Ecosystem and Ocean Planning Advisory Panel will meet to provide input to the Council on the development of written Council policy on anthropogenic activities that impact fish habitat in our region (*i.e.,* Coastal Development Issues, Liquefied Natural Gas, Marine Transport, Offshore Oil and Gas, Offshore Wind Energy, and Fishing Gear Impacts). The development of written Council policy on these activities will allow the Council to comment more quickly and effectively on activities and projects proposed in the Mid-Atlantic region, and enable the Council to work more effectively in addressing fish habitat and ecosystem issues in our region.

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 the meeting. 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

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: June 29, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–16326 Filed 7–1–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request; ''Patent Reexaminations and Supplemental Examinations''

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: United States Patent and Trademark Office, Commerce.

Title: Patent Reexaminations and Supplemental Examinations.

OMB Control Number: 0651–0064.

Form Number(s):

- PTO/SB/57
- PTO/SB/59

Type of Request: Regular.

Number of Respondents: 4,170 responses per year.

Average Hours per Response: The USPTO estimates that it will take the public, on average, 27.65 hours to complete the various instruments in this collection (from 0.30 hours [18 minutes] to 55 hours, depending on the instrument used).

Burden Hours: 95,290 hours.

Cost Burden: $929.80.

Needs and Uses: The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents. Chapter 30 of Title 35 U.S.C. provides that any person at any time may file a request for reexamination by the USPTO of any claim of a patent on the basis of prior art patents or printed publications. Once initiated, the reexamination proceedings under Chapter 30 are substantially ex parte and do not permit input from third parties. The rules outlining ex parte reexaminations are found at 37 CFR 1.510–1.570. 35 U.S.C. 257 permits a patent owner to request supplemental examination of a patent by the USPTO to consider, reconsider, or correct information believed to be relevant to the patent. The rules outlining supplemental examination are found at 37 CFR 1.601–1.625.

The public uses this information collection to request *ex parte* reexamination and supplemental examination, to prosecute reexamination proceedings, and to ensure that the associated documentation is submitted to the USPTO.

Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0064 copy request'' in the subject line of the message.
- *Mail:* Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before August 3, 2015 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: June 25, 2015.

Marcie Lovett,

Records Management Division Director, USPTO, Office of the Chief Information Officer.

[FR Doc. 2015–16294 Filed 7–1–15; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds products and service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes services from the Procurement List previously furnished by such agency(ies).

DATES: *Effective Date:* 7/31/2015.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 3/20/2015 (80 FR 14973) and 5/22/2015 (80 FR 29664), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and service, and impact of the additions on the current or most recent contractors, the Committee has determined that the products and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and service to the Government.

2. The action will result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish

the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and service are added to the Procurement List:

Products

Product Name/NSN(s): Bag, Insulated, Thermal, Reusable, MR 408—Small, MR 409—Large
Mandatory Purchase For: Requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency
Mandatory Source of Supply: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: Defense Commissary Agency, Fort Lee, VA
Distribution: C-List

Service

Service Type: Base Operations Service
Service Is Mandatory For: US Army, US Army Garrison-Detroit Arsenal, 6501 East Eleven Mile Road, Warren, MI
Mandatory Source of Supply: Professional Contract Services, Inc., Austin, TX
Contracting Activity: Dept of the Army, W4GG HQ US Army TACOM, Warren, MI

Deletions

On 5/1/2015 (80 FR 24905–24906), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4. They have not been performed since Fort Ord, CA closed to all operations in 1994.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to provide the services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services deleted from the Procurement List.

End of Certification

Accordingly, the following services are deleted from the Procurement List:

Services

Service Type: Grounds Maintenance Service
Service Mandatory For: Golf Course, Fort Ord, CA; Ballfields, Fort Ord, CA; Hospital, Fort Ord, CA
Contracting Activity: Dept of the Army, W40M Northern Region Contract Office, Fort Belvoir, VA

All services at Fort Ord, CA are effectively deleted from the Procurement List. Fort Ord closed all operations in 1994.

Barry S. Lineback,
Director, Business Operations.

[FR Doc. 2015–16299 Filed 7–1–15; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to the Procurement List.

SUMMARY: The Committee is proposing to add products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other significant disabilities.

DATES: Comments must be received on or before: 7/31/2015.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and service are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN(s)-Product Name(s): 8540–00–262–7178—Towel, Paper, Single-Fold, Natural, 9–1/4″ W
Mandatory Purchase For: Total Government Requirement
Mandatory Source of Supply: The Lighthouse for the Blind in New Orleans, Inc., New Orleans, LA
Contracting Activity: General Services Administration, New York, NY
Distribution: A-List

NSN-Product Name: 8105–00–NIB–1412—Aquapad Sand-less Sandbag
Mandatory Purchase For: 100% of the requirement of the Department of Defense.
Mandatory Source of Supply: Envision Industries, Inc., Wichita, KS
Contracting Activity: DLA Troop Support C&E (CLASS IV), Philadelphia, PA
Distribution: C-List

Service

Service Type: Sourcing, Warehousing, Assembly and Kitting Service
Service Is Mandatory For: Montana Army National Guard, Ft Harrison, MT
Mandatory Source of Supply: Industries for the Blind Inc., West Allis, WI
Contracting Activity: United States Property and Fiscal Office (USPFO), Montana, Montana Army National Guard, Fort Harrison, MT

Barry S. Lineback,
Director, Business Operations.

[FR Doc. 2015–16298 Filed 7–1–15; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10 a.m., Friday, July 10, 2015.

PLACE: Three Lafayette Centre, 1155 21st Street NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, enforcement, and examinations matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202–418–5964.

Natise Allen,
Executive Assistant.

[FR Doc. 2015–16442 Filed 6–30–15; 11:15 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

National Commission on the Future of the Army; Notice of Federal Advisory Committee Meeting

AGENCY: Deputy Chief Management Officer, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The DoD is publishing this notice to announce two days of meetings of the National Commission on the Future of the Army (''the Commission''). The meetings will be partially closed to the public.

DATES: Date of the Closed Meetings: Wednesday, July 15, 2015, from 1:00 p.m. to 5:00 p.m. Date of the Open Meeting: Thursday, July 16, 2015, from 8:30 a.m. to 11:30 a.m.

ADDRESSES: Address of Closed Meeting, July 15: Rm 5133, 5th Floor, Zachary Taylor Building, 2530 Crystal Dr., Arlington, VA 22202.

Address of Open Meeting, July 16: Polk Conference Room, Room 12158, James Polk Building, 2521 S. Clark St., Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Don Tison, Designated Federal Officer, National Commission on the Future of the Army, 700 Army Pentagon, Room 3E406, Washington, DC 20310–0700, Email: *dfo.public@ncfa.ncr.gov.* Desk (703) 692–9099. Facsimile (703) 697–8242.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the National Commission on the Future of the Army was unable to provide public notification of its meeting of July 15—16, 2015, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement. This meeting will be held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of Meetings: During the closed meeting on Wednesday, July 15, 2015, the Commission will hear classified testimony from individual witnesses and engage in discussion on Operational demands for Army Forces, the Current and Future operational environment and threats to the land forces in the Area of Responsibility.

During the open meeting on Thursday, July 16, 2015, the Commission will hear comments from several organizations, the Public will have the opportunity to provide verbal comments, and immediately afterwards the Commission will discuss topics raised during the organizational and public comment session.

Agendas: July 15, 2015–Closed Hearing: The Commission will hear comments from Combatant Commanders and representatives from the Army G3 at the closed hearing on July 15, 2015, and the organizations have been asked to address: The current and future operational environment and threats for land forces in Area of Responsibility, Roles that Army forces fulfill in COCOM including Executive Agency missions, Army forces contribution to Theater Security Cooperation including State Partnership for Peace activities, and Operational demands for Army Forces.

Speakers include, but are not limited to, representatives from the Army G3 and the Commanding Generals from U.S. Central Command, U.S. European Command, and U.S. Africa Command. All presentations and resulting discussion are classified.

July 16, 2015—Open Hearing: The Commission will hear verbal comments from representatives from the Assistant Secretary of the Army, Manpower and Reserve Affairs and the National Governors Association. Time will be allocated for public comment. Immediately afterwards the Commission will discuss topics raised during the earlier presentations and public comments session.

Meeting Accessibility: In accordance with applicable law, 5 U.S.C. 552b(c), and 41 CFR 102–3.155, the DoD has determined that the portion of the meeting scheduled for Wednesday, July 15, 2015, from 1:00 p.m. to 5:00 p.m. will be closed to the public. Specifically, the Assistant Deputy Chief Management Officer, with the coordination of the DoD FACA Attorney, has determined in writing that this portion of the meeting will be closed to the public because it will discuss matters covered by 5 U.S.C. 552b(c)(1).

Pursuant to 41 CFR 102–3.140 through 102–3.165 and the availability of space, the meeting scheduled for July 16, 2015 from 8:30 a.m. to 11:30 a.m. at the James Polk Building is open to the public. Seating is limited and pre-registration is strongly encouraged. Media representatives are also encouraged to register. Members of the media must comply with the rules of photography and video filming in the James Polk Building. The closest public parking facility is located in the basement and along the streets. Visitors will be required to present one form of photograph identification. Visitors to the James Polk Office Building will be screened by a magnetometer, and all items that are permitted inside the building will be screened by an x-ray device. Visitors should keep their belongings with them at all times. The following items are strictly prohibited in the James Polk Office Building: Any pointed object, *e.g.,* knitting needles and letter openers (pens and pencils are permitted.); any bag larger than 18″ wide x 14″ high x 8.5″ deep; electric stun guns, martial arts weapons or devices; guns, replica guns, ammunition and fireworks; knives of any size; mace and pepper spray; razors and box cutters.

Written Comments: Pursuant to section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written comments to the Commission in response to the stated agenda of the open and/or closed meeting or the Commission's mission. The Designated Federal Officer (DFO) will review all submitted written statements. Written comments should be submitted to Mr. Donald Tison, DFO, via facsimile or electronic mail, the preferred modes of submission. Each page of the comment must include the author's name, title or affiliation, address, and daytime phone number. All comments received before Tuesday, July 14, 2015, will be provided to the Commission before the July 16, 2015, meeting. Comments received after Tuesday, July 14, 2015, will be provided to the Commission before its next meeting. All contact information may be found in the **FOR FURTHER INFORMATION CONTACT** section.

Oral Comments: In addition to written statements, thirty minutes will be reserved for individuals or interest groups to address the Commission on July 16, 2015. Those interested in presenting oral comments to the Commission must summarize their oral statement in writing and submit with their registration. The Commission's staff will assign time to oral commenters at the meeting; no more than five minutes each for individuals. While requests to make an oral presentation to the Commission will be honored on a first come, first served basis, other opportunities for oral comments will be provided at future meetings.

Registration: Individuals and entities who wish to attend the public hearing and meeting on Thursday, July 16, 2015 are encouraged to register for the event with the DFO using the electronic mail

and facsimile contact information found in the **FOR FURTHER INFORMATION CONTACT** section. The communication should include the registrant's full name, title, affiliation or employer, email address, day time phone number. This information will assist the Commission in contacting individuals should it decide to do so at a later date. If applicable, include written comments and a request to speak during the oral comment session. (Oral comment requests must be accompanied by a summary of your presentation.) Registrations and written comments should be typed.

Additional Information

The DoD sponsor for the Commission is the Deputy Chief Management Officer. The Commission is tasked to submit a report, containing a comprehensive study and recommendations, by February 1, 2016 to the President of the United States and the Congressional defense committees. The report will contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study. The comprehensive study of the structure of the Army will determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the Army in a manner consistent with available resources.

Dated: June 29, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–16317 Filed 7–1–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent to Prepare an Environmental Impact Statement for the Rahway River Basin Flood Risk Management Study

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent.

SUMMARY: In compliance with the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, New York District (Corps) in partnership with the New Jersey Department of Environmental Protection (NJDEP) as the non-federal sponsor, is preparing an integrated Feasibility Report/Environmental Impact Statement (EIS) in accordance with Council on Environmental Quality's NEPA regulations; Corps' principles and guidelines as defined in Engineering Regulations (ER) 1105–2–100, Planning Guidance Notebook, and ER 200–2–2, Procedures for Implementing NEPA; and other applicable Federal and State environmental laws for the proposed Rahway River Basin Flood Risk Management Feasibility Study. The study is assessing the feasibility of flood risk management alternatives to be implemented within the congressionally authorized study area with a specific emphasis on the Township of Cranford and the City of Rahway in Union County, New Jersey.

The District was authorized under U.S. House of Representatives Resolution Docket 2548, dated March 24, 1998 to identify recommendations in the interest of water resources development.

ADDRESSES: Send written comments and suggestions concerning the scope of issues to be evaluated within the EIS to Kimberly Rightler, Project Biologist/NEPA Coordinator, U.S. Army Corps of Engineers, New York District, Planning Division, Environmental, 26 Federal Plaza, New York, NY 10279–0090; Phone: (917) 790–8722; email: *kimberly.a.rightler@usace.army.mil.*

FOR FURTHER INFORMATION CONTACT: Questions about the overall Rahway River Basin Flood Risk Management Feasibility Study should be directed to Rifat Salim, Project Manager, U.S. Army Corps of Engineers, New York District, Programs and Project Management Division, Civil Works Programs Branch, 26 Federal Plaza, Room 2127, New York, NY 10279–0090; Phone: (917) 790–8215; email: *rifat.salim@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. Background

The U.S. Army Corps of Engineers (Corps), in partnership with the New Jersey Department of Environmental Protection (NJDEP), is undertaking this study. Flooding within the Rahway River Basin is caused principally by the rapid development of the area, which has resulted in a large increase of stormwater runoff into the Rahway River and its tributaries. The increased runoff coupled with inadequate channel capacities and bridge openings account for most of the flooding problems.

Storm events in the Rahway River Basin which caused significant damage are the storms of July 1938, May 1968, August 1971, August 1973, November 1977, July 1979, June 1992, October 1996, July 1997, Tropical Storm Floyd in September 1999, April 2007 and Tropical Storm Irene in August 2011.

In response to locals concerns regarding flooding, Congress funded the Corps to conduct a reconnaissance study of the Rahway River Basin. In July 1999, the Corps issued a favorable reconnaissance report recommending that a feasibility study be conducted to develop flood risk management alternatives in the Rahway River Basin. The NJDEP concurred with the Corps' reconnaissance study recommendations and signed a Feasibility Cost Sharing Agreement (FCSA) on March 14, 2002 to cost share the feasibility study. While an entire basin study was authorized, an initial screening conducted in 2006 determined that Cranford and the City of Rahway had the greatest potential for Federal Interest.

Subsequent of Hurricane Irene in August 2011, local stakeholders requested the Corps, through NJDEP, to investigate potential flood storage opportunities outside/upstream of the Township of Cranford that would benefit not only Cranford but other municipalities as well. As part of their request, the local stakeholders presented several alternatives. As a result, the Corps conducted a preliminary alternative analysis to determine those alternatives that should be considered for further evaluation.

In total, eight alternatives were developed and are listed below:

1. Cranford Alternative 1: Channel Improvements and Modification to the Lenape Park Levees
2. Cranford Alternative 2: Channel Improvements and modification to the Nomahegan Park Levees and Lenape Park Levees
3. Cranford Alternative 3: Channel Improvements and dredging Orange Reservoir
4. Cranford Alternative 4: Channel Improvements and new outlet at Orange Reservoir
5. Cranford Alternative 5: Channel Improvements and South Mountain Regional Detention Basin
6. Cranford Alternative 5a: Channel Improvements and South Mountain Regional Detention Basin with relocation of Brookside Drive
7. Cranford Alternative 6: South Mountain Regional Detention Basin
8. Cranford Alternative 6a: South Mountain Regional Detention Basin with relocation of Brookside Drive
9. Cranford Alternative 7: Nonstructural 10 year flood plain in Cranford
10. Cranford Alternative 7a: Nonstructural–100-yr floodplain in Cranford

11. Cranford Alternative 8: Lenape Park Detention Basin and Orange Reservoir Outlet Modification

Two public information sessions were held in Cranford and Millburn Townships in May 2014 to provide public with status of the study including description of plans, cost estimate, and benefit to cost analysis of the preliminary alternatives for Cranford study area alternatives. Based on the benefit cost analysis and public feedback, Cranford Alternatives 4, 7a and 8 will be carried forward for additional analysis and evaluation.

2. Project Area

The project area encompasses the portion of the Rahway River located in the Townships of West Orange, Maplewood, Millburn, Union, Westfield in Essex County, and the Township of Cranford and the City of Rahway, and the Robinson's Branch, a tributary to the Rahway River, in the City of Rahway in Union County.

3. Alternatives

Although the preliminary Cranford alternatives (see Background) will be discussed in the EIS, the following alternatives will be the primary focus of the evaluation in the EIS. A full description of each alternative can be found at *www.nan.usace.army.mil/Rahway.*

3.1 No Action
3.2 Non-Structural
3.3 Cranford Alternative 4. Channel Improvements and Modification of Orange Reservoir Outlet
3.4 Cranford Alternative 8: Modification of Lenape Park Detention Levees and Modification of Orange Reservoir Outlet
3.5 Cranford Alternative 9. Modification of Lenape Park Detention Levees, Modification of Orange Reservoir Outlet and Channel Improvements
3.6 Robinson's Branch Alternative 1: Levees/floodwalls and Channel Improvements
3.7 Robinson's Branch Alternative 2: Modification of Middlesex Reservoir

4. Public Participation

The Corps and the NJDEP hosted a NEPA Scoping Meeting on 15 June 2015. Public notices announcing the meeting date, time, location and agenda were published in the appropriate local newspapers, and on the Corps' New York District Web page and will be distributed to the local stakeholders and known interested parties.

A scoping comment period of 30 days to conclude on 15 July has been established to allow agencies, organizations and individuals to submit comments, questions and/or concerns regarding the Feasibility Study. Comments, concerns and information submitted to the Corps will be evaluated and considered during the development of the Draft EIS.

The Corps will utilize feedback received from the NEPA Scoping Period to identify additional public information meeting needs prior to the selection of a preferred alternative. Meeting notifications will follow the same process used for the NEPA Scoping Meeting.

5. Lead and Cooperating Agencies

The U.S. Army Corps of Engineers is the lead federal agency for the preparation of the environmental impact statement (EIS) and meeting the requirements of the National Environmental Policy Act and the NEPA Implementing Regulations of the President's Council on Environmental Quality (40 CFR 1500–1508). Federal agencies interested in participating as a Cooperating Agency are requested to submit a letter of intent to Colonel David A. Caldwell, District Engineer (see **ADDRESSES**). The preparation of the EIS will be coordinated with New Jersey State and local municipalities with discretionary authority relative to the proposed actions. The Draft integrated Feasibility Report/EIS is currently scheduled for distribution to the public June 2016.

Dated: June 24, 2015.

Peter M. Weppler,

Chief, Environmental Analysis Branch, Planning Division.

[FR Doc. 2015–16364 Filed 7–1–15; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0057]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; What Works Clearinghouse Formative Feedback

AGENCY: Institute of Education Sciences (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 revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 3, 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–0057 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 Vanessa Anderson, 202–219–1310.

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: What Works Clearinghouse Formative Feedback.

OMB Control Number: 1850–0788.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 85,210.

Total Estimated Number of Annual Burden Hours: 1,892.

Abstract: The Institute of Education Sciences (IES) within the U.S. Department of Education is proposing data collection activity as part of the What Works Clearinghouse Feedback Task. The task and its associated efforts are being undertaken by the U.S. Department of Education, Institute of Education Sciences (IES), and is being conducted by Mathematica Policy Research. The intended purpose of the Department of Education (ED), Institute of Education Sciences (IES) WWC feedback task is to collect feedback from users on the relevance, timeliness, quality, and ease of use of the products associated with the What Works Clearinghouse Web site. The results of the data collection will be used to inform improvements in ED program products and services for its customers. The WWC provides educators, policymakers, and the public with a central and trusted source of scientific evidence of what works in education. The WWC aims to make findings from education research easy and accessible through its searchable online repository of intervention reports, single study reviews, and practice guides. There are thousands of empirical studies that claim to identify effective instructional approaches, many using complicated research methods and statistical analyses. This research often yields conflicting results, leaving educators wondering which approach to take. Given the large volume of education research and significant variation in quality, principals and other educators need help identifying reliable research and interpreting findings. Using systematic review processes and evidence standards, the WWC reviews all the research on a topic to identify the most rigorous studies and synthesize the findings from high-quality education research. The WWC has developed three new products that focus on utilizing the WWC and the WWC resources when making key decisions in education. First, the WWC will produce and is developing several videos that describe the purpose of the WWC or how to understand specific materials on the Web site. For example, the WWC has already released a video that addresses how to select a mathematics curriculum. The WWC also developed practice guide summaries which consolidate the information from practice guides into an 8–10 page summary that presents expert recommendations from the field, along with tips on implementing the recommendations. The WWC has already released two of these summaries—Teaching Math to Young Children and Teaching Elementary School Students to Be Effective Writers. Finally, topical blasts consolidate WWC content relevant to a specific education topic. Emails direct users to a dedicated landing page containing links to the relevant content. Findings from the case studies of these topics will be used to improve these and other WWC products going forward. The WWC feedback task will include the following data collection methods: focus groups with WWC users, user feedback web surveys, and data analytics.

Dated: June 29, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–16316 Filed 7–1–15; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Meeting Notice

AGENCY: U.S. Election Assistance Commission.

ACTION: Public Meeting of the Technical Guidelines Development Committee.

SUMMARY: The Technical Guidelines Development Committee (TGDC) will meet in open session on Monday, July 20, 2015 and Tuesday, July 21, 2015 at the National Institute of Standards and Technology (NIST) in Gaithersburg, Maryland.

DATES: The meeting will be held on Monday, July 20, 2015, from 8:30 a.m. until 4:45 p.m., Eastern time (estimated based on speed of business), and Tuesday, July 21, 2015 from 8:30 a.m. to 12 p.m., Eastern time (estimated based on speed of business).

ADDRESSES: The meeting will take place at the National Institute of Standards and Technology (NIST), 100 Bureau Drive, Building 101, Portrait Room, Gaithersburg, Maryland 20899–8900. Members of the public wishing to attend the meeting must notify Mary Lou Norris or Angela Ellis by c.o.b. Monday, July 13, 2015, per instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Patricia Wilburg, NIST Voting Program, Information Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8970, Gaithersburg, MD 20899–8930, telephone: (301) 975–6772 or *patricia.wilburg@nist.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C. App., notice is hereby given that the TGDC will meet Monday, July 20, 2015, from 8:30 a.m. until 4:45 p.m., Eastern time, and Tuesday, July 21, 2015 from 8:30 a.m. to 12 p.m., Eastern time. Discussions at the meeting will include the following topics: Review of the Voluntary Voting System Guidelines 1.1 (VVSG 1.1); Impact of the VVSG on State Certification Efforts; Usability and Accessibility Update; Update on Institute of Electrical and Electronics Engineers VSCC P1622 (IEEE VSCC P1622); EAC Future VVSG Working Group Report; National Association of State Election Directors (NASED) Standards and Certification Subcommittee Update; Standards Board VVSG Subcommittee Update; TGDC open Discussion on Future VVSG Development; Update on Security Related Advancements and Threats; Update on System Certification; Update from the Federal Voting Assistance Program (FVAP). The full meeting agenda will be posted in advance at *http://vote.nist.gov/.* All sessions of this meeting will be open to the public.

The TGDC was established pursuant to 42 U.S.C 15361, to act in the public interest to assist the Executive Director of the Election Assistance Commission (EAC) in the development of voluntary voting system guidelines. Details regarding the TGDC's activities are available at *http://vote.nist.gov/.*

All visitors to the National Institute of Standards and Technology site will have to pre-register to be admitted. Anyone wishing to attend this meeting must register by c.o.b. Monday, July 13, 2015, in order to attend. Please submit your name, time of arrival, email address and phone number to Gladys Arrisueno and she will provide you with instructions for admittance. Non-U.S. citizens must also submit their country of citizenship, title, employer/sponsor, and address. Gladys Arrisueno's email address is *gladys.arrisueno@nist.gov,* and her phone number is (301) 975–5220. If you are in need of a disability accommodation, such as the need for Sign Language Interpretation, please contact Patricia Wilburg by c.o.b Monday, July 13, 2015. Patricia Wilburg's contact information is given in the **FOR FURTHER INFORMATION CONTACT** section above.

Members of the public who wish to speak at this meeting may send a

request to participate to Patricia Wilburg by c.o.b. Thursday, July 9, 2015. Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On July 20, 2015, approximately 30 minutes will be reserved for public comments at the end of the open session. Speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be no more than 3 to 5 minutes each. Participants who are chosen will receive confirmation from the contact listed above that they were selected by 12 p.m. Eastern time on Tuesday, July 14, 2015.

The general public, including those who are not selected to speak, may submit written comments, which will be distributed to TGDC members so long as they are received no later than 12:00 p.m. Eastern time on Tuesday, July 14, 2015. All comments will also be posted on *http://www.nist.gov/itl/vote/.*

TGDC Vacancy Announcement:

In accordance with Section 12 (Membership and Designation) of the TGDC FACA Charter 2015, the Election Assistance Commission and the National Institute of Standards and Technology are seeking applications from four (4) qualified individuals to fill remaining vacancies on the EAC Technical Guidelines Development Committee (TGDC). Individuals should have significant technical and scientific expertise relating to voting systems and voting equipment as well as a good general knowledge of the election administration process in the United States. Members of the Committee serve for a term of two (2) years, and may serve for a longer period only if reappointed for an additional term or terms. All applications should be sent via email to: *bhancock@eac.gov*

Or via regular mail to: Brian Hancock, Director of Testing and Certification, U.S. Election Assistance Commission, 1335 East-West Highway, Ste. 4300, Silver Spring, MD. 20910

Applications should be received by the EAC no later than close of business July 8, 2015.

This announcement will also be published in the **Federal Register** as Required by Section 12 (Membership and Designation) of the TGDC FACA Charter 2015.

Bryan Whitener,

Director of Communications & Clearinghouse, U.S. Election Assistance Commission.

[FR Doc. 2015–16505 Filed 6–30–15; 4:15 pm]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and Arms Control, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation Between the Government of the United States of America and the Government of the Argentine Republic Concerning Peaceful Uses of Nuclear Energy and the Agreement Between the Government of the United States of America and Australia Concerning Peaceful Uses of Nuclear Energy.

DATES: This subsequent arrangement will take effect no sooner than July 17, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Katie Strangis, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–8623 or email: *Katie.Strangis@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns the retransfer of 85,758 g of U.S.-origin uranium, 16,946 g of which is in the isotope of U–235 (19.76 percent enrichment), in the form of low enriched uranium-silicide Open Pool Australian Lightwater (OPAL) research reactor fuel clad in aluminum, from the Australian Nuclear Science and Technology Organisation (ANSTO) in Lucas Heights, Sydney, Australia, to the Deposito de Materiales Nucleares (DEMANU) and/or Deposito de Uranio Enriquecido (DUE) warehouses of Comision Nacional de Energia Atomica (CNEA) in Buenos Aires, Argentina. The material, which is currently located at ANSTO's OPAL reactor, will be transferred to the CNEA DEMANU and/or DUE warehouses for storage and subsequent use in Argentine research reactors. ANSTO originally obtained the material pursuant to export license XSNM03282, Amendment No. 01, and export license XSNM03348, Amendment No. 01.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the retransfer of nuclear material of United States origin will not be inimical to the common defense and security of the United States of America.

Dated: June 8, 2015.

For the Department of Energy.

Anne M. Harrington,

Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2015–16338 Filed 7–1–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and Arms Control, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation Concerning Civil Uses of Nuclear Energy Between the Government of the United States of America and the Government of Canada and the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community.

DATES: This subsequent arrangement will take effect no sooner than July 17, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Katie Strangis, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–8623 or email: *Katie.Strangis@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns the retransfer of 369,822 kg of U.S.-origin natural uranium hexafluoride (UF6) (67.6% U), 250,000 kg of which is uranium, from Cameco Corporation (Cameco) in Saskatoon, Saskatchewan, to URENCO Ltd. (URENCO) in Almelo, The Netherlands. The material, which is currently located at Cameco in Port Hope, Ontario, will be used for toll enrichment by URENCO at its facility in Almelo, The Netherlands. The material was originally obtained by Cameco from Power Resources, Inc., Cameco Resources-Crowe Butte Operation, White Mesa Mill and Power Resources pursuant to export license XSOU8798.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the retransfer of nuclear material of United States origin will not be inimical to the common defense and security of the United States of America.

Dated: June 8, 2015.

For the Department of Energy.

Anne M. Harrington,

Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2015–16346 Filed 7–1–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and Arms Control, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation Concerning Civil Uses of Nuclear Energy Between the Government of the United States of America and the Government of Canada and the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community.

DATES: This subsequent arrangement will take effect no sooner than July 17, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Katie Strangis, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–8623 or email: *Katie.Strangis@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns the retransfer of 369,822 kg of U.S.-origin natural uranium hexafluoride (UF6) (67.6% U), 250,000 kg of which is uranium, from Cameco Corporation (Cameco) in Saskatoon, Saskatchewan, to URENCO UK Ltd. (URENCO) in Capenhurst Works, Chester, United Kingdom. The material, which is currently located at Cameco in Port Hope, Ontario, will be used for toll enrichment by URENCO at its facility in Capenhurst Works, Chester, United Kingdom. The material was originally obtained by Cameco from Power Resources, Inc., Cameco Resources-Crowe Butte Operation, White Mesa Mill and Power Resources pursuant to export license XSOU8798. In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the retransfer of nuclear material of United States origin will not be inimical to the common defense and security of the United States of America.

Dated: June 8, 2015.

For the Department of Energy.

Anne M. Harrington,

Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2015–16340 Filed 7–1–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and Arms Control, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation Concerning Civil Uses of Nuclear Energy Between the Government of the United States of America and the Government of Canada and the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community.

DATES: This subsequent arrangement will take effect no sooner than July 17, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Katie Strangis, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–8623 or email: *Katie.Strangis@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns the retransfer of 369,822 kg of U.S.-origin natural uranium hexafluoride (UF6) (67.6% U), 250,000 kg of which is uranium, from Cameco Corporation (Cameco) in Saskatoon, Saskatchewan, to URENCO Deutschland GmbH (URENCO) in Gronau, Germany. The material, which is currently located at Cameco in Port Hope, Ontario, will be used for toll enrichment by URENCO at its facility in Gronau, Germany. The material was originally obtained by Cameco from Power Resources, Inc., Cameco Resources-Crowe Butte Operation, White Mesa Mill and Power Resources pursuant to export license XSOU8798.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the retransfer of nuclear material of United States origin will not be inimical to the common defense and security of the United States of America.

Dated: June 8, 2015.

For the Department of Energy.

Anne M. Harrington,

Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2015–16341 Filed 7–1–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2994–012; ER12–2075–003; ER12–2076–004; ER12–2077–004; *ER12–2078–004; ER12–2081–004; ER12–2083–004; ER12–2084–004; ER12–2086–004; ER12–2108–004; ER12–2097–004; ER12–2101–004; ER12–2102–005; ER12–2109–004; ER12–2106–004; ER12–2107–004.*

Applicants: Iberdrola Renewables, LLC, Atlantic Renewable Projects II LLC, Barton Windpower LLC, Buffalo Ridge I LLC, Buffalo Ridge II LLC, Elm Creek Wind, LLC, Elm Creek Wind II LLC, Farmers City Wind, LLC, Flying Cloud Power Partners, LLC, MinnDakota Wind LLC, Moraine Wind LLC, Moraine Wind II LLC, New Harvest Wind Project LLC, Northern Iowa Windpower II LLC, Rugby Wind LLC, Trimont Wind I LLC.

Description: Updated Market Power Analysis for the Central Region of Iberdrola Renewables, LLC, et al.

Filed Date: 6/25/15.

Accession Number: 20150625–5090.

Comments Due: 5 p.m. ET 8/24/15.

Docket Numbers: ER12–1932–005; ER12–1933–006; ER12–1934–006.

Applicants: Franklin County Wind, LLC, Interstate Power and Light Company, Wisconsin Power and Light Company.

Description: Triennial Market Power Analysis for the Central Region of Franklin County Wind, LLC, et al.

Filed Date: 6/25/15.

Accession Number: 20150625–5036.

Comments Due: 5 p.m. ET 8/24/15.

Docket Numbers: ER15–1668–002.

Applicants: Phoenix Energy Group, LLC.

Description: Tariff Amendment: 2nd Amended MBR Tariff Filing to be effective 6/5/2015.

Filed Date: 6/25/15.

Accession Number: 20150625–5049.
Comments Due: 5 p.m. ET 7/16/15.

Docket Numbers: ER15–1980–000.
Applicants: PJM Interconnection, L.L.C.
Description: Section 205(d) Rate Filing: Service Agreement No. 1498; Queue No. AA1–037 to be effective 5/26/2015.
Filed Date: 6/24/15.
Accession Number: 20150624–5143.
Comments Due: 5 p.m. ET 7/15/15.

Docket Numbers: ER15–1981–000.
Applicants: Rolling Thunder I Power Partners, LLC.
Description: Section 205(d) Rate Filing: Revised Market-Based Rate Filing to be effective 8/25/2015.
Filed Date: 6/25/15.
Accession Number: 20150625–5016.
Comments Due: 5 p.m. ET 7/16/15.

Docket Numbers: ER15–1982–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) Rate Filing: 2015–06–25_SA 2813 ATCLLC-Wisconsin Public Service Corporation GIA (J293) to be effective 6/26/2015.
Filed Date: 6/25/15.
Accession Number: 20150625–5045.
Comments Due: 5 p.m. ET 7/16/15.

Docket Numbers: ER15–1983–000.
Applicants: PJM Interconnection, L.L.C.
Description: Section 205(d) Rate Filing: Service Agreement No. 4095; Queue No. X3–087 to be effective 6/1/2015.
Filed Date: 6/25/15.
Accession Number: 20150625–5084.
Comments Due: 5 p.m. ET 7/16/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 25, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–16304 Filed 7–1–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1972–000]

Indeck Corinth Limited Partnership; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Indeck Corinth Limited Partnership's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 15, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 25, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–16302 Filed 7–1–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–79–000]

TransSource, LLC v. The PJM Interconnection, LLC; Notice of Complaint

Take notice that on June 23, 2015, pursuant to 16 U.S.C. 824(f), and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, TransSource, LLC (Complainant), filed a formal complaint against The PJM Interconnection, LLC (Respondent or PJM), alleging that PJM has repeatedly refused to provide data and a transparent process for evaluating TransSource, LLC's Queue positions in violation section 213(b) of the Federal Power Act, as more fully explained in the complaint.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for

electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 6, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–16310 Filed 7–1–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1790–012; ER10–2596–005; ER10–276–003; ER11–3325–004.

Applicants: BP Energy Company, Fowler Ridge II Wind Farm LLC, Rolling Thunder I Power Partners, LLC, Whiting Clean Energy, Inc.

Description: Updated Market Power Analysis for Central Region of BP Energy Company, et al.

Filed Date: 6/26/15.

Accession Number: 20150626–5168.

Comments Due: 5 p.m. ET 8/25/15.

Docket Numbers: ER14–153–004; ER14–154–004; ER13–2386–004; ER10–3143–016; ER10–2742–007.

Applicants: Gibson City Energy Center, LLC, Grand Tower Energy Center, LLC, Lakeswind Power Partners, LLC, Sabine Cogen, LP, Tilton Energy LLC.

Description: Triennial Market-Based Rate Update Filing for the Central Region of the Rockland Sellers.

Filed Date: 6/26/15.

Accession Number: 20150626–5213.

Comments Due: 5 p.m. ET 8/25/15.

Docket Numbers: ER15–1919–000.

Applicants: California Independent System Operator Corporation.

Description: Report Filing: Errata to EIM Year One Enhancements—Phase 1 to be effective N/A.

Filed Date: 6/25/15.

Accession Number: 20150625–5086.

Comments Due: 5 p.m. ET 7/16/15.

Docket Numbers: ER15–2008–000.

Applicants: Tucson Electric Power Company.

Description: Section 205(d) Rate Filing: Concurrence to APS Service Agreement No. 209 to be effective 12/30/2013.

Filed Date: 6/26/15.

Accession Number: 20150626–5120.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2009–000.

Applicants: 2015 ESA Project Company, LLC.

Description: Baseline eTariff Filing: 2015 ESA Project Company—MBR Filing to be effective 6/26/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5143.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2010–000.

Applicants: Wisconsin Public Service Corporation.

Description: Market-Based Triennial Review Filing: IEG Triennial MBR Update in Docket Nos. ER10–1894, 1882, 3036 and 3042 to be effective 8/25/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5158.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2011–000.

Applicants: Wisconsin River Power Company.

Description: Market-Based Triennial Review Filing: IEG Triennial MBR Update in Docket Nos. ER10–1894, 1882, 3036 and 3042 to be effective 8/25/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5159.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2012–000.

Applicants: WPS Power Development, LLC.

Description: Market-Based Triennial Review Filing: IEG Triennial MBR Update in Docket Nos. ER10–1894, 1882, 3036 and 3042 to be effective 8/25/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5162.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2013–000.

Applicants: Talen Energy Marketing, LLC.

Description: Section 205(d) Rate Filing: MBR Tariff Revisions to be effective 6/27/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5163.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2014–000.

Applicants: Brunner Island, LLC.

Description: Section 205(d) Rate Filing: MBR Revisions to be effective 6/27/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5164.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2015–000.

Applicants: Holtwood, LLC.

Description: Section 205(d) Rate Filing: MBR Revisions to be effective 6/27/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5165.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2016–000.

Applicants: Talen Ironwood, LLC.

Description: Section 205(d) Rate Filing: MBR Revisions to be effective 6/27/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5166.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2017–000.

Applicants: Lower Mount Bethel Energy, LLC.

Description: Section 205(d) Rate Filing: MBR Revisions to be effective 6/27/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5167.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2018–000.

Applicants: Martins Creek, LLC.

Description: Section 205(d) Rate Filing: MBR Revisions to be effective 6/27/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5171.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2019–000.

Applicants: Wisconsin Electric Power Company.

Description: Market-Based Triennial Review Filing: Wisconsin Electric Power Company 2015 Market Based Rate Triennial Review to be effective 8/25/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5181.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2020–000.

Applicants: Talen Montana, LLC.

Description: Section 205(d) Rate Filing: MBR Revisions to be effective 6/27/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5188.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2021–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2015–06–26_SA 2812 GRE–MP Savanna-Cromwell T–TIA to be effective 6/15/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5191.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2022–000

Applicants: Montour, LLC.

Description: Section 205(d) Rate Filing: MBR Revisions to be effective 6/27/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5197.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2023–000.
Applicants: Talen New Jersey Biogas, LLC.
Description: Section 205(d) Rate Filing: MBR Tariff to be effective 6/27/2015.
Filed Date: 6/26/15.
Accession Number: 20150626–5202.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2024–000.
Applicants: Talen New Jersey Solar, LLC.
Description: Section 205(d) Rate Filing: MBR Revisions to be effective 6/27/2015.
Filed Date: 6/26/15.
Accession Number: 20150626–5206.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2025–000.
Applicants: Talen Renewable Energy, LLC.
Description: Section 205(d) Rate Filing: MBR Revisions to be effective 6/27/2015.
Filed Date: 6/26/15.
Accession Number: 20150626–5208.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2026–000.
Applicants: Susquehanna Nuclear, LLC.
Description: Section 205(d) Rate Filing: MBR Revisions to be effective 6/27/2015.
Filed Date: 6/26/15.
Accession Number: 20150626–5210.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2027–000.
Applicants: PacifiCorp.
Description: Termination of City of Eagle Mountain Transmission Interconnection Agreement of PacifiCorp.
Filed Date: 6/26/15.
Accession Number: 20150626–5212.
Comments Due: 5 p.m. ET 7/17/15.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA15–2–000.
Applicants: NorthPoint Energy Solutions, Inc.
Description: Quarterly Land Acquisition Report of NorthPoint Energy Solutions, Inc.
Filed Date: 6/26/15.
Accession Number: 20150626–5190.
Comments Due: 5 p.m. ET 7/17/15.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR15–12–000.
Applicants: North American Electric Reliability Corporation.
Description: Petition of the North American Electric Reliability Corporation for Approval of the Revised Pro Forma Regional Delegation Agreement and the Revised Regional Delegation Agreements with the Eight Regional Entities.
Filed Date: 6/26/15.
Accession Number: 20150626–5230.
Comments Due: 5 p.m. ET 7/27/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 26, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–16307 Filed 7–1–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP15–1074–000.
Applicants: Rockies Express Pipeline LLC.
Description: Section 4(d) rate filing per 154.204: Neg Rate 2015–06–23 Encana, BP to be effective 6/23/2015.
Filed Date: 6/23/15.
Accession Number: 20150623–5085.
Comments Due: 5 p.m. ET 7/6/15.

Docket Numbers: RP15–1075–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Section 4(d) rate filing per 154.204: Amendments to Neg Rate Agmts (BP 38073–7,38444–7,39431–4) to be effective 6/22/2015.
Filed Date: 6/23/15.
Accession Number: 20150623–5091.
Comments Due: 5 p.m. ET 7/6/15.

Docket Numbers: RP15–1076–000.
Applicants: Energy West Development, Inc.
Description: Tariff Cancellation per 154.602: notice of cancellation to be effective 7/1/2015.
Filed Date: 6/23/15.
Accession Number: 20150623–5092.
Comments Due: 5 p.m. ET 7/6/15.

Docket Numbers: PR14–31–002.
Applicants: MDU Resources Group, Inc.
Description: Submits tariff filing per 284.123/.224: Statement of Issues to be effective 5/20/2015; Filing Type: 790.
Filed Date: 6/19/15.
Accession Number: 20150619–5198.
Comments/Protests Due: 5 p.m. ET 7/10/15.

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: RP15–956–002.
Applicants: Gulf South Pipeline Company, LP.
Description: Compliance filing per 154.203: Compliance Filing in RP15–596–000, et al. to be effective 5/1/2015.
Filed Date: 6/23/15.
Accession Number: 20150623–5029.
Comments Due: 5 p.m. ET 7/6/15.

Docket Numbers: RP15–956–002.
Applicants: Gulf South Pipeline Company, LP.
Description: Compliance filing per 154.203: Compliance Filing in RP15–596–000, et al. to be effective 5/1/2015.
Filed Date: 6/23/15.
Accession Number: 20150623–5029.
Comments Due: 5 p.m. ET 7/6/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 24, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–16308 Filed 7–1–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. PF15–18–000 and PF15–19–000]

Port Arthur LNG, LLC and Port Arthur Pipeline, LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Planned Port Arthur Liquefaction Project and Port Arthur Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Port Arthur Liquefaction Project and Port Arthur Pipeline Project (projects) involving construction and operation of facilities by Port Arthur LNG, LLC (PALNG) and Port Arthur Pipeline, LLC (PAPL), respectively, in Jefferson and Orange Counties, Texas, and Cameron Parish, Louisiana. The Commission will use this EIS in its decision-making process to determine whether the projects are in the public interest and public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the projects. You can make a difference by providing us with your specific comments or concerns about the projects. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EIS. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before July 24, 2015.

If you sent comments on these projects to the Commission before the opening of these dockets on March 31, 2015, you will need to file those comments in Docket Nos. PF15–18–000 and PF15–19–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for these projects. State and local government representatives should notify their constituents of these planned projects and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Port Arthur Pipeline Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the projects' docket numbers (PF15–18–000 for the Port Arthur Liquefaction Project; PF15–19–000 for the Port Arthur Pipeline Project) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend one of the public scoping meetings its staff will conduct in the projects' area, scheduled as follows.

FERC Public Scoping Meetings—Port Arthur Liquefaction Project and Port Arthur Pipeline Project

Holiday Inn Port Arthur-Park Central, 2929 Jimmy Johnson Blvd., Port Arthur, Texas 77642

Monday, July 13, 2015

Midday Meeting—11:00 a.m. to 2:00 p.m.

Evening Meeting—5:00 p.m. to 8:00 p.m.

You may attend *at any time* during either session, as the primary goal of a scoping meeting is for us to have your environmental concerns documented. There will not be a formal presentation, but you will have the opportunity to learn, in an open-house setting, about the FERC Process in addition to presenting your comments. Representatives of PAPL and PALNG will also be present to answer questions about their projects.

A court reporter will be available to take verbal comments. Those comments will be transcribed and then placed into the dockets for the projects and be available for public viewing on FERC's eLibrary system in the respective dockets. We believe it is important to note that verbal comments hold the same weight as written or electronically submitted comments. If a significant number of people are interested in providing verbal comments, a time limit of 3 to 5 minutes may be implemented for each commenter to ensure all those wishing to comment have the opportunity to do so within the designated meeting times. Time limits will be strictly enforced if they are implemented.

Please note this is not your only public input opportunity; please refer to the review process flow chart in appendix 1.[1]

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov*

Continued

Summary of the Planned Project

PALNG, an affiliate of Sempra LNG, and PAPL, a subsidiary of Sempra U.S. Gas and Power, LLC, are planning to construct and operate interrelated liquefied natural gas (LNG) terminal and natural gas infrastructure projects. The Port Arthur Liquefaction Project would involve the construction of an LNG export terminal and a marine facility to accommodate LNG vessels along the Sabine-Neches ship channel in Jefferson County, Texas, with a total production capacity of up to 1.38 billion cubic feet per day (bcf/d) of natural gas. The Port Arthur Pipeline Project would involve the construction of about 35 miles of new pipeline and would provide approximately 1.6 bcf/d of feed natural gas supply to the LNG facilities. The projects would also require the relocation of a portion of State Highway 87 and up to five existing third-party pipelines to accommodate a marine terminal berth for ship docking and loading.

The Port Arthur Liquefaction Project and Port Arthur Pipeline Project would consist of the following facilities:

- An export liquefaction terminal that includes:
  - Two liquefaction trains;
  - a natural gas liquids (NGL) and refrigerant storage area;
  - a marine facility, including two LNG berths, each with three liquid loading arms, one vapor loading arm, and one spare hybrid loading arm;
  - an NGL and refrigerant truck loading/unloading facility;
  - a construction dock; and
  - three full containment LNG storage tanks;
- an approximately 28-mile-long, 42-inch-diameter pipeline extending northerly from the LNG facility to Orange County, Texas;
- an approximately 7-mile-long, 42-inch-diameter pipeline extending southerly to Cameron Parish, Louisiana;
- two compressor stations;
- one delivery point and six receipt point meter stations;
- mainline and block valves;
- pig launchers and receiver facilities;[2] and
- other pipeline-related facilities (*e.g.,* access roads, contractor and pipe yards).

The general location of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction of the planned Port Arthur Liquefaction Project would occur on a portion of a 2,900-acre property owned by an affiliate of PALNG. The LNG ship berth would be approximately 1,350 feet in width and 1,900 feet in length and dredged to a nominal depth of minus 40 feet mean lower low water. Construction of the marine facilities would require dredging of approximately 4.9 million cubic yards (yd^3) of material and construction of the turning basin would require the dredging of approximately 1.4 million yd^3, for a total of 6.3 million yd^3.

Construction of the planned Port Arthur Pipeline Project would disturb about 580 acres of land for the pipeline and aboveground facilities. Following construction, PAPL would maintain about 217 acres for permanent operation of the pipeline project; the remaining acreage would be restored and revert to former uses.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the authorization of LNG facilities under section 3 of the Natural Gas Act and the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[3] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. We will consider all filed comments during the preparation of the EIS.

In the EIS we will discuss impacts that could occur as a result of the construction and operation of the planned projects under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- socioeconomics;
- public safety; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned projects or portions of the projects, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal applications have been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to these projects to formally cooperate with us in the preparation of the EIS.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Department of Energy and U.S. Department of Transportation have expressed their intention to participate as a cooperating agency in the preparation of the EIS to satisfy their NEPA responsibilities related to these projects.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the projects' potential effects on

using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, part 1501.6.

historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the projects develop. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EIS for these projects will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified two specific issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by PAPL and PALNG. This preliminary list of issues may change based on your comments and our analysis.

- Impacts on wetlands; and
- Impacts on Texas Parks and Wildlife Department land.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the projects. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned projects.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 3).

[5] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Becoming an Intervenor

Once PAPL and PALNG file their applications with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives formal applications for the projects.

Additional Information

Additional information about the projects is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF15–18 for the Port Arthur Liquefaction Project; PF15–19 for the Port Arthur Pipeline Project). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: June 24, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–16311 Filed 7–1–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–96–000.
Applicants: Osprey Energy Center, LLC, Duke Energy Florida, Inc.
Description: Supplement to May 13, 2015 Joint Application for Approval Under Section 203 of the Federal Power Act of Osprey Energy Center, LLC and Duke Energy Florida, Inc.
Filed Date: 6/23/15.
Accession Number: 20150623–5171.
Comments Due: 5 p.m. ET 7/2/15.

Docket Numbers: EC15–158–000.
Applicants: DTE Electric Company, Renaissance Power, L.L.C.
Description: Application for Authorization for Disposition of Jurisdictional Facilities pursuant to FPA Section 203 by DTE Electric Company and Renaissance Power. L.L.C.
Filed Date: 6/23/15.
Accession Number: 20150623–5170.
Comments Due: 5 p.m. ET 7/14/15.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–99–000.
Applicants: Indeck Corinth Limited Partnership.
Description: Self-Certification of EWG Status of Indeck Corinth Limited Partnership.
Filed Date: 6/23/15.
Accession Number: 20150623–5159.
Comments Due: 5 p.m. ET 7/14/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3254–002.
Applicants: Cooperative Energy Incorporated (An Electric Membership Coporation).
Description: Supplement to May 12, 2015 Updated Market Power Analysis of Cooperative Energy Incorporated (An Electric Membership Corporation).
Filed Date: 6/19/15.
Accession Number: 20150619–5231.
Comments Due: 5 p.m. ET 7/10/15.

Docket Numbers: ER13–1523–002.
Applicants: Blythe Energy Inc., AltaGas Renewable Energy Colorado LLC.
Description: Supplement to February 9, 2015 Notice of Change in Status of Blythe Energy Inc.
Filed Date: 5/11/15.
Accession Number: 20150511–5244.
Comments Due: 5 p.m. ET 7/15/15.

Docket Numbers: ER15–1941–000; ER15–1942–000.

Applicants: Barclays Bank PLC, Barclays Capital Energy Inc.

Description: Amendment to June 16, 2015 Notice of Cancellation of Market Based Rate Tariff of Barclays Bank PLC and Barclays Capital Energy Inc.

Filed Date: 6/23/15.

Accession Number: 20150623–5127.

Comments Due: 5 p.m. ET 7/8/15.

Docket Numbers: ER15–1971–000.

Applicants: Roctop Investments, Inc.

Description: Initial rate filing per 35.12 Baseline New to be effective 7/1/2015.

Filed Date: 6/23/15.

Accession Number: 20150623–5146.

Comments Due: 5 p.m. ET 7/14/15.

Docket Numbers: ER15–1972–000.

Applicants: Indeck Corinth Limited Partnership.

Description: Initial rate filing per 35.12 Baseline New to be effective 7/1/2015.

Filed Date: 6/23/15.

Accession Number: 20150623–5168.

Comments Due: 5 p.m. ET 7/14/15.

Docket Numbers: ER15–1973–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 1518R9 Arkansas Electric Cooperative Corp NITSA NOA to be effective 6/1/2015.

Filed Date: 6/24/15.

Accession Number: 20150624–5029.

Comments Due: 5 p.m. ET 7/15/15.

Docket Numbers: ER15–1974–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2158R5 Arkansas Electric Cooperative Corp NITSA and NOA to be effective 6/1/2015.

Filed Date: 6/24/15.

Accession Number: 20150624–5037.

Comments Due: 5 p.m. ET 7/15/15.

Docket Numbers: ER15–1975–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 4180; Queue AA1–065 to be effective 5/29/2015.

Filed Date: 6/24/15.

Accession Number: 20150624–5038.

Comments Due: 5 p.m. ET 7/15/15.

Docket Numbers: ER15–1976–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): East River Electric Power Cooperative Formula Rate to be effective 10/1/2015.

Filed Date: 6/24/15.

Accession Number: 20150624–5058.

Comments Due: 5 p.m. ET 7/15/15.

Docket Numbers: ER15–1977–000.

Applicants: Sunbury Energy, LLC.

Description: Notice of Cancellation of Market Based Rate Tariff of Sunbury Energy, LLC.

Filed Date: 6/24/15.

Accession Number: 20150624–5070.

Comments Due: 5 p.m. ET 7/15/15.

Docket Numbers: ER15–1978–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 4185; Queue AA2–184 to be effective 5/26/2015.

Filed Date: 6/24/15.

Accession Number: 20150624–5074.

Comments Due: 5 p.m. ET 7/15/15.

Docket Numbers: ER15–1979–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Withdrawal per 35.15: Cancellation of Service Agreement Nos. 3685, 3667, 3629, 3751, 2706, 3768 to be effective 7/29/2014.

Filed Date: 6/24/15.

Accession Number: 20150624–5122.

Comments Due: 5 p.m. ET 7/15/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 24, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–16305 Filed 7–1–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No., IN13–15–000]

BP America Inc., BP Corporation North America Inc., BP America Production Company, and BP Energy Company; Notice of Designation of Commission Staff as Non-Decisional

With respect to orders issued by the Commission on August 5, 2013 and May 15, 2014 in the above-captioned docket, with the exceptions noted below, the staff of the Office of Enforcement are designated as non-decisional in deliberations by the Commission in this docket. Accordingly, pursuant to 18 CFR 385.2202 (2014), they will not serve as advisors to the Commission or take part in the Commission's review of any offer of settlement. Likewise, as non-decisional staff, pursuant to 18 CFR 385.2201 (2014), they are prohibited from communicating with advisory staff concerning any deliberations in this docket.

Exceptions to this designation as non-decisional are:

James Owens
Timothy Helwick
Shawn Bennett
Jill Davis
Sebastian Krynski
Grace Kwon

Dated: June 25, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–16303 Filed 7–1–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP15–517–000 PF15–4–000]

Gulf South Pipeline Company, LP; Notice of Application

Take notice that on June 12, 2015, Gulf South Pipeline Company, LP (Gulf South), 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) requesting authorization to construct and operate its 1.42 Billion cubic feet per day Coastal Bend Header Project. Specifically, Gulf South proposes to construct: (i) a new 66-mile, 36-inch diameter pipeline lateral from Wharton County, Texas to Freeport LNG Development, LP's (Freeport LNG) terminal in Brazoria County, Texas; (ii)

the new 83,597 horsepower (HP) Wilson Compressor Station (CS) in Wharton County, Texas; (iii) the new 26,400 HP Brazos CS in Fort Bend County, Texas; (iv) the new 10,700 HP North Houston CS in Harris County, Texas; (v) piping modifications at Goodrich CS in Polk County, Texas to allow for bi-directional flow; and (vi) additional 15,748 HP and modifications to allow for bi-directional flow at Magasco CS site in Sabine County, Texas. Gulf South estimates the cost of the Coastal Bend Header Project to be $690,357,089, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application may be directed to J. Kyle Stephens, Vice President of Regulatory Affairs, Gulf South Pipeline Company, LP, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, by telephone at (713) 479–8252, or by email to *kyle.stephens@bwpmlp.com.*

On November 5, 2014, the Commission staff granted Gulf South's request to utilize the Pre-Filing Process and assigned Docket No. PF15–4–000 to staff activities involved in the Coastal Bend Header Project. Now, as of the filing of the June 12, 2015 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP15–517–000, as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on July 16, 2015.

Dated: June 25, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–16300 Filed 7–1–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulation Commission

[Docket No. CP15–518–000]

Freeport LNG Development, L.P., FLNG Liquefaction, LLC., FLNG Liquefaction 2, LLC. and FLNG Liquefaction 3, LLC.; Notice of Application To Amend Aurhtorization Under Section 3 of the Natural Gas Act

Take notice that on June 15, 2015 Freeport LNG Development, L.P., FLNG Liquefaction, LLC, FLNG Liquefaction 2, LLC, and FLNG Liquefaction 3, LLC (collectively Freeport LNG), 333 Clay Street, Suite 5050, Houston, TX 77002, filed in Docket No. CP15–518–000, an application pursuant to section 3(a) of the Natural Gas Act (NGA), and Part 153 of the Commission's Regulations, to amend the authorizations granted on July 30, 2014 in Docket Nos. CP12–509–000 and CP12–29–000. Freeport LNG seeks authorization from the Commission to increase the total liquefied natural gas production capacity of its Liquefaction Project from the currently authorized 1.8 billion cubic feet (Bcf) per day (657 Bcf per year) to 2.14 Bcf per day (782 Bcf per year). No new facilities are proposed, all as more full set forth in the application which is on file with the Commission and open to public inspection.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits, in the docket number filed to access the document. It is also available for review in the Commission's Public Reference Room in Washington, DC. For assistance, please contact FERC Online Support at *FERCOnlineSupport@*

ferc.gov, or call toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions regarding the application should be directed to John B. Tobola, Freeport LNG Development, L.P., 333 Clay Street, Suite 5050, Houston, TX 77002, (713) 980–2888; or Lisa M. Tonery, Norton Rose Fulbright US LLP, 666 Fifth Avenue, New York, NY 10103, (212) 318–3009, *lisa.tonery@nortonrosefulbright.com.*

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this Project. First, any person wishing to obtain legal status by becoming a party to the proceeding for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirement of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission, and will receive copies of all documents filed by the applicant and by all other parties. A party must submit filing made it the Commission by mail, hand delivery, or internet, in accordance with Rule 2001 of the Commission's Rules of Practice and Procedure (18 CFR 385.2001). A copy must be served on every other party in the proceeding. Only parties to the proceeding may ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project and/or associated pipeline. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that person filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying the requested authorization will be issued.

Comment Date: 5:00 p.m. Eastern Daylight Savings Time July 15, 2015.

Dated: June 24, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–16309 Filed 7–1–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1945–005; ER10–2042–017; ER10–2039–005; ER10–1938–012; ER10–1934–011; ER10–1893–011; ER10–1871–005; ER13–1406–003; ER10–1862–011.

Applicants: Auburndale Peaker Energy Center, LLC, Calpine Energy Services, L.P., Calpine Newark, LLC, Calpine Power America—CA, LLC, CES Marketing IX, LLC, CES Marketing X, LLC, Morgan Energy Center, LLC, Osprey Energy Center, LLC, Power Contract Financing, L.L.C.

Description: Supplement to December 31, 2014 Updated Market Power Analysis of the Calpine Southeast MBR Sellers.

Filed Date: 6/25/15.

Accession Number: 20150625–5130.

Comments Due: 5 p.m. ET 7/16/15.

Docket Numbers: ER10–2407–003; ER10–2425–004; ER10–2424–003; ER13–1816–002.

Applicants: Lost Lakes Wind Farm LLC, Pioneer Prairie Wind Farm I, LLC, Rail Splitter Wind Farm, LLC, Sustaining Power Solutions LLC

Description: Updated Market Power Analysis for Central Region of Lost Lakes Wind Farm LLC, et al.

Filed Date: 6/26/15.

Accession Number: 20150626–5087.

Comments Due: 5 p.m. ET 8/25/15.

Docket Numbers: ER11–47–006; ER12–1540–004; ER12–1541–004; ER12–1542–004; ER12–1544–004; ER10–2981–006; ER14–2475–003; ER14–2476–003; ER14–2477–003; ER14–594–006; ER11–46–009; ER10–2975–009; ER11–41–006; ER12–2343–004; ER13–1896–009.

Applicants: Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Wheeling Power Company, AEP Texas Central Company, AEP Texas North Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, Ohio Power Company, AEP Energy Partners, Inc., CSW Energy Services, Inc., AEP Retail Energy Partners LLC, AEP Energy, Inc., AEP Generation Resources Inc.

Description: Updated Market Power Analysis in the Southwest Power Pool balancing area authority of the AEP MBR affiliates.

Filed Date: 6/26/15.

Accession Number: 20150626–5039.
Comments Due: 5 p.m. ET 8/25/15.

Docket Numbers: ER14–2871–004; ER10–3243–006; ER10–3244–006; ER10–3245–005; ER10–3249–005; ER10–3250–005; ER10–3251–004; ER14–2382–004; ER15–621–003; ER11–2639–005; ER15–622–003; ER15–463–003; ER15–110–003; ER13–1586–005; ER10–1992–011.

Applicants: Cameron Ridge, LLC, Chandler Wind Partners, LLC, Coso Geothermal Power Holdings, LLC, Foote Creek II, LLC, Foote Creek III, LLC, Foote Creek IV, LLC, Oak Creek Wind Power, LLC, ON Wind Energy LLC, Pacific Crest Power, LLC, Ridge Crest Wind Partners, LLC, Ridgetop Energy, LLC, San Gorgonio West Winds II, LLC, Terra-Gen Energy Services, LLC, TGP Energy Management, LLC, Victory Garden Phase IV, LLC.

Description: Notice of Non-Material Change in Status of Cameron Ridge, LLC, et al.

Filed Date: 6/26/15.
Accession Number: 20150626–5085.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1984–000.
Applicants: Pacific Wind Lessee, LLC.
Description: Section 205(d) Rate Filing: Revised Shared Transmission Facilities Agreement and Request for Waiver to be effective 6/26/2015.

Filed Date: 6/25/15.
Accession Number: 20150625–5088.
Comments Due: 5 p.m. ET 7/16/15.

Docket Numbers: ER15–1985–000.
Applicants: AV Solar Ranch 1, LLC.
Description: Section 205(d) Rate Filing: Exelon Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5015.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1986–000.
Applicants: Baltimore Gas and Electric Company.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5016.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1987–000.
Applicants: Beebe Renewable Energy, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5017.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1988–000.
Applicants: Calvert Cliffs Nuclear Power Plant, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5018.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1989–000.
Applicants: CER Generation, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5019.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1990–000.
Applicants: Commonwealth Edison Company.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5020.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1991–000.
Applicants: Constellation Mystic Power, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5021.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1992–000.
Applicants: Constellation Power Source Generation, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5022.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1993–000.
Applicants: Cow Branch Wind Power, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5023.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1994–000.
Applicants: CR Clearing, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5024.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1995–000.
Applicants: Criterion Power Partners, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5025.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1996–000.
Applicants: Exelon Framingham, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5026.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1997–000.
Applicants: Exelon Wyman, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5027.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1998–000.
Applicants: Harvest II Windfarm, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5028.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–1999–000.
Applicants: Harvest Windfarm, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5029.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2000–000.
Applicants: Michigan Wind 1, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5030.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2001–000.
Applicants: Michigan Wind 2, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5031.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2002–000.
Applicants: Nine Mile Point Nuclear Station, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5032.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2003–000.
Applicants: PECO Energy Company.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.
Accession Number: 20150626–5033.
Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2004–000.
Applicants: Shooting Star Wind Project, LLC.
Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5034.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2005–000.

Applicants: Wildcat Wind, LLC.

Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5035.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2006–000.

Applicants: Wind Capital Holdings, LLC.

Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5036.

Comments Due: 5 p.m. ET 7/17/15.

Docket Numbers: ER15–2007–000.

Applicants: R.E. Ginna Nuclear Power Plant, LLC.

Description: Section 205(d) Rate Filing: Exelon MBR Tariff Changes to be effective 6/29/2015.

Filed Date: 6/26/15.

Accession Number: 20150626–5076.

Comments Due: 5 p.m. ET 7/17/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 26, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–16306 Filed 7–1–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1971–000]

Roctop Investments, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Roctop Investments, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 15, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 25, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–16301 Filed 7–1–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9926–02–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of South Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of South Dakota's request to revise/modify certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA's approval is effective July 2, 2015.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local

government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On February 25, 2015, the South Dakota Department of Environment and Natural Resources (SD DENR) submitted an application titled ''National Pollutant Discharge Elimination System e-Reporting Tool'' for revisions/modifications of its EPA-authorized programs under title 40 CFR. EPA reviewed SD DENR's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve South Dakota's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR parts 122, 403, and 503 is being published in the **Federal Register**:

Part 123—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System; Part 403—General Pretreatment Regulations For Existing And New Source Of Pollution; and Part 501—State Sludge Management Program Regulations.

SD DENR was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Matthew Leopard,

Director, Office of Information Collection.

[FR Doc. 2015–16253 Filed 7–1–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9926–10–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Wyoming

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Wyoming's request to revise/modify certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA's approval is effective July 2, 2015.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements. Once an authorized program has EPA's approval to accept electronic documents under certain programs, CROMERR § 3.1000(a)(4) requires that the program keep EPA apprised of any changes to laws, policies, or the electronic document receiving systems that have the potential to affect the program's compliance with CROMERR § 3.2000.

On September 10, 2010, the Wyoming Department of Environmental Quality (WY DEQ) submitted an amended application titled ''Environmental Information Technology Enterprise System'' for revisions/modifications of its EPA-approved electronic reporting program under title 40 CFR to allow new electronic reporting. EPA reviewed WY DEQ's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Wyoming's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR parts 122 and 144, is being published in the **Federal Register**:

Part 123—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System;

Part 145—State Underground Injection Control Programs; and

Part 239—Requirements for State Permit Program Determination of Adequacy.

WY DEQ was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Matthew Leopard,

Director, Office of Information Collection.

[FR Doc. 2015–16255 Filed 7–1–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9930–01–OW]

The National Drinking Water Advisory Council: Request for Nominations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for nominations.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations of qualified candidates to be considered for a three-year appointment to the National Drinking Water Advisory Council (NDWAC or Council). The 15-member Council was established by the Safe Drinking Water Act (SDWA) to provide practical and independent advice, consultation and recommendations to the EPA Administrator on the activities, functions, policies and regulations required by the SDWA. This notice solicits nominations to fill four new vacancies from December 2015 through December 2018. To maintain the representation required by statute, nominees will be selected to represent state and local agencies concerned with water hygiene and public water supply (two vacancies) and the general public (two vacancies).

DATES: Nominations should be submitted on or before July 31, 2015.

ADDRESSES: Submit nominations to Michelle Schutz, Designated Federal Officer (DFO), The National Drinking Water Advisory Council, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water, Mail Code 4601–M, 1200 Pennsylvania Avenue NW., Washington, DC 20460. You may also email nominations with the subject line NDWACResume2015 to *schutz.michelle@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Email your questions to Michelle Schutz or call her at (202) 564–7374.

SUPPLEMENTARY INFORMATION:

National Drinking Water Advisory Council: The Council was created by Congress on December 16, 1974, as part of the Safe Drinking Water Act of 1974, Public Law 93–523, 42 U.S.C. 300j–5, and is operated in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The Council consists of 15 members, including the Chairperson, all of whom are appointed by the EPA's Administrator. Five members represent appropriate state and local agencies concerned with water hygiene and public water supply; five members represent private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply—of which two such members shall be associated with small, rural public water systems; and five members represent the general public. The current list of members is available on the EPA Web site at *http://water.epa.gov/drink/ndwac/.*

The Council will meet in person once each year and may hold a second meeting during the year either in person or by video/teleconferencing. These meetings generally occur in the spring and fall. Additionally, members may be asked to participate in ad hoc workgroups to develop policy recommendations, advice letters and reports to address specific program issues.

Member Nominations: Any interested person and/or organization may nominate qualified individuals for membership. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, the Agency encourages nominations of women and men of all racial and ethnic groups.

All nominations will be fully considered, but applicants need to be aware of the specific representation required by the SDWA for the current vacancies: State and local agencies concerned with water hygiene and public water supply (two vacancies) and the general public (two vacancies). Other criteria used to evaluate nominees will include:

- Demonstrated experience with drinking water issues at the national, state or local level;
- Excellent interpersonal, oral and written communication and consensus-building skills;
- Willingness to commit time to the Council and demonstrated ability to work constructively on committees;
- Absence of financial conflicts of interest;
- Absence of appearance of a lack of impartiality; and
- Background and experience that would help members contribute to the diversity of perspectives on the Council, *e.g.,* geographic, economic, social, cultural, educational backgrounds, professional affiliations and other considerations.

Nominations must include a resume, which provides the nominee's background, experience and educational qualifications, as well as a brief statement (one page or less) describing the nominee's interest in serving on the Council and addressing the other criteria previously described. Nominees are encouraged to provide any additional information that they think would be useful for consideration, such as: Availability to participate as a member of the Council; how the nominee's background, skills and experience would contribute to the diversity of the Council; and any concerns the nominee has regarding membership. Nominees should be identified by name, occupation, position, current business address, email and telephone number. Interested candidates may self-nominate. The DFO will acknowledge receipt of nominations.

Persons selected for membership will receive compensation for travel and a nominal daily compensation (if appropriate) while attending meetings. Additionally, all selected candidates will be designated as Special Government Employees (SGEs) and will be required to fill out the ''Confidential Financial Disclosure Form for Environmental Protection Agency Special Government Employees'' (EPA Form 3110–48). This confidential form provides information to EPA's ethics officials to determine whether there is a conflict between the SGE's public duties and their private interests, including an appearance of a loss of impartiality as defined by federal laws and regulations. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the EPA NDWAC Web site at *http://water.epa.gov/drink/ndwac/fact.cfm.* Other sources, in addition to this **Federal Register** notice, may also be utilized in the solicitation of nominees. To help EPA in evaluating the effectiveness of its outreach efforts, please tell us how you learned of this opportunity.

Dated: June 25, 2015.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2015–16198 Filed 7–1–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0677; FRL–9929–54]

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.:

Phosphorochloridothioic acid, O,O-diethyl ester (*CAS RN 2524–04–1*).

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.

Phosphorochloridothioic acid, O,O-diethyl ester (*CAS RN 2524–04–1*).

1. *Chemical Use(s):* An intermediate for pesticides, an oil and gasoline additive, in flame-retardents, and in flotation agents.

2. *Applicable Test Rule:* Chemical testing requirements for second group of high production volume chemicals (HPV2), 40 CFR 799.5087.

3. *Test Data Received:* The following listing describes the nature of the test data received. The test data will be added to the docket for the applicable TSCA section 4 test rule and can be found by referencing the docket ID number provided. EPA reviews of test data will be added to the same docket upon completion.

Reproductive/Developmental Toxicity Screening Test (F2). The docket ID number assigned to this data is EPA–HQ–OPPT–2007–0531.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: June 23, 2015.

Maria J. Doa,

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

[FR Doc. 2015–16418 Filed 7–1–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9021–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa*

Weekly receipt of Environmental Impact Statements

Filed 06/22/2015 Through 06/26/2015

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20150179, Final Supplement, NMFS, FL, Programmatic—Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico, *Review Period Ends:* 08/03/2015, *Contact:* Jess Beck-Stimpert 727–551–5755.

EIS No. 20150180, Final, USFS, AZ, Flagstaff Watershed Protection Project, *Review Period Ends:* 08/05/2015, *Contact:* Erin Phelps 928–527–8240.

EIS No. 20150181, Final, USACE, CA, Adoption—Interstate 5 North Coast Corridor Project, *Contact:* Stephanie J. Hall 213–452–3410.

The U.S. Department of the Army's Corps of Engineers (USACE) has adopted the U.S. Department of Transportation's Federal Highway Administration's FEIS #20130332, filed 11/15/2013. The USACE was a cooperating agency on the project. Recirculation of the document is not necessary under 1506.3(b) of the CEQ Regulations.

Dated: June 29, 2015.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2015–16329 Filed 7–1–15; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on July 8, 2015, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- June 11, 2015

B. Reports

- The Strong Dollar: Implications for U.S. Agriculture
- 2015 Drought Update

Dated: June 30, 2015.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2015–16535 Filed 6–30–15; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2015–N–05]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 60-Day Notice of submission of information collection for approval from the Office of Management and Budget.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995, the Federal Housing Finance Agency (FHFA) is seeking public comments concerning the information collection known as ''Advances to Housing Associates,'' which has been assigned control number 2590–0001 by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a three-year extension of the control number, which is due to expire on September 30, 2015.

DATES: Interested persons may submit comments on or before August 31, 2015.

ADDRESSES: Submit comments to FHFA, identified by ''Proposed Collection; Comment Request: 'Advances to Housing Associates, (No. 2015–N–05)''' by any of the following methods:

- *Agency Web site: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by *email* to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the agency.
- *Mail/Hand Delivery:* Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024, ATTENTION: Proposed Collection; Comment Request: ''Advances to Housing Associates, (No. 2015–N–05)''.

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, email address, and telephone number, on the FHFA Web site at *http://www.fhfa.gov.* In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 649–3804.

FOR FURTHER INFORMATION CONTACT: Jonathan F. Curtis, Financial Analyst, by email at *Jonathan.Curtis@fhfa.gov,* by telephone at (202) 649–3321, or Eric M. Raudenbush, Assistant General Counsel, *Eric.Raudenbush@fhfa.gov,* (202) 649–3084, (these are not toll-free numbers), Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024. The Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

A. Need for and Use of the Information Collection

Section 10b of the Federal Home Loan Bank Act (Bank Act) establishes the requirements for making Federal Home Loan Bank (Bank) advances to nonmember mortgagees, which are referred to as ''Housing Associates'' in FHFA's regulations.[1] Section 10b also establishes the eligibility requirements an applicant must meet in order to be certified as a Housing Associate.

Part 1264 of FHFA's regulations implements the statutory eligibility requirements and establishes uniform review criteria the Banks must use in evaluating applications from entities that wish to be certified as a Housing Associate. Specifically, § 1264.4 implements the statutory eligibility requirements and provides guidance to an applicant on how it may satisfy those requirements.[2] Section 1264.5 authorizes the Banks to approve or deny all applications for certification as a Housing Associate, subject to the statutory and regulatory requirements.[3] It also permits an applicant that has been denied certification by a Bank to appeal that decision to FHFA.

In part 1266 of FHFA's regulations, subpart B governs Bank advances to Housing Associates that have been approved under part 1264. Section 1266.17 establishes the terms and conditions under which a Bank may make advances to Housing Associates.[4] Specifically, § 1266.17(e) imposes a continuing obligation on each certified Housing Associate to provide information necessary for the Bank to determine if it remains in compliance with applicable statutory and regulatory requirements, as set forth in part 1264.

The OMB control number for the information collection, which expires on September 30, 2015, is 2590–0001. The likely respondents include entities applying to be certified as a Housing Associate and current Housing Associates.

B. Burden Estimates

FHFA estimates the total annualized hour burden imposed upon respondents by this information collection to be 324 hours (28 hours for applicants + 296 hours for current Housing Associates), based on the following calculations:

I. Applicants

FHFA estimates that the total annual average number of entities applying to be certified as a Housing Associate over the next three years will be 2, with one response per applicant. The estimate for the average hours per application is 14 hours. Therefore, the estimate for the total annual hour burden for all applicants is 28 hours (2 applicants × 1 response per applicant × 14 hours).

II. Current Housing Associates

FHFA estimates that the total annual average number of existing Housing Associates over the next three years will be 74, with one response per Housing Associate required to comply with the regulatory reporting requirements. The estimate for the average hours per response is 4 hours. Therefore, the estimate for the total annual hour burden for current Housing Associates is 296 hours (74 certified Housing Associates × 1 response per associate × 4 hours).

C. Comment Request

FHFA requests written comments on the following: (1) Whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: June 25, 2015.

Kevin Winkler,

Chief Information Officer, Federal Housing Finance Agency.

[FR Doc. 2015–16267 Filed 7–1–15; 8:45 am]

BILLING CODE 8070–01–P

[1] *See* 12 U.S.C. 1430b; 12 CFR 1264.3.

[2] *See* 12 CFR 1264.4.

[3] *See* 12 CFR 1264.5.

[4] *See* 12 CFR 1266.17.

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984.

Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012348.

Title: APL/Hamburg Sud Space Charter Agreement.

Parties: APL Co. Pte Ltd. and American President Lines, Ltd. acting as one party; Hamburg Sud Amerikanische Dampfschifffahrts-Gesellschaft KG.

Filing Party: Eric. C. Jeffrey, Esq.; Nixon Peabody LLP; 799 9th Street NW., Suite 500; Washington, DC 20001.

Synopsis: The agreement authorizes APL to charter space to Hamburg Sud in the trade from China, Hong Kong and Korea on the one hand to the U.S. West Coast on the other hand.

Agreement No.: 201227–003.

Title: Pacific Ports Operational Improvements Agreement.

Parties: Ocean Carrier Equipment Management Association, Inc.; West Coast MTO Agreement; Maersk Line A/S; APL Co. Pte Ltd.; American President Lines, Ltd., CMA CGM S.A., Cosco Container Lines Company Limited, Evergreen Line Joint Service Agreement Agreement; Hamburg-Sud, Alianca Navegacao e Logistica Ltda.; Hanjin Shipping Co., Ltd.; Hapag-Lloyd AG; Hapag-Lloyd USA; Companhia Libra de Navegacao; Compania Libra de Navegacion Uruguay S.A.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha Line; Kawasaki Kisen Kaisha, Ltd.; Hyundai Merchant Marine Co., Ltd.; Zim Integrated Shipping Services; Matson Navigation Company, Inc.; APM Terminals Pacific, Ltd.; California United Terminals, Inc.; Eagle Marine Services, Ltd.; International Transportation Service, Inc.; Long Beach Container Terminal, Inc.; Seaside Transportation Service LLC; Total Terminals LLC; West Basin Container Terminal LLC; Pacific Maritime Services, LLC; SSA Terminal (Long Beach), LLC; Trapac Inc.; Yusen Terminals, Inc.; SSA Terminals, LLC; SSA Terminal (Oakland), LLC; SSA Terminals (Seattle), LLC; Sea Star Stevedoring Company, Inc.; Washington United Terminals, Inc.

Filing Party: David F. Smith, Esq., Cozen O'Connor, 1627 I Street NW., Suite 1100, Washington, DC 20006.

Synopsis: The amendment would add Mediterranean Shipping Company as a party to the agreement, and update the address for California United Terminal, Inc. The parties have requested Expedited Review.

By Order of the Federal Maritime Commission.

Dated: June 26, 2015.

Karen V. Gregory,

Secretary.

[FR Doc. 2015–16231 Filed 7–1–15; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority of the extension, with revision, of the following reports:

Report title: Consolidated Financial Statements for Holding Companies; Parent Company Only Financial Statements for Large Holding Companies and Parent Company Only Financial Statements for Small Holding Companies.

Agency form number: FR Y–9C; FR Y–9LP, and FR Y–9SP.

OMB Control number: 7100–0128.

Frequency: Quarterly and Semiannually.

Reporters: Bank Holding Companies and Savings and Loan Holding Companies (collectively, ''holding companies'').

Estimated annual reporting hours:

FR Y–9C (non-Advanced Approaches holding companies)—125,812 hours;
FR Y–9C (Advanced Approaches holding companies)—2,404 hours;
FR Y–9LP—17,178 hours; and
FR Y–9SP—47,412 hours.

Estimated average hours per response:

FR Y–9C (non-Advanced Approaches holding companies)—48.84 hours;
FR Y–9C (Advanced Approaches holding companies)—50.09 hours;
FR Y–9LP—5.25 hours; and
FR Y–9SP—5.40 hours.

Number of respondents:

FR Y–9C (non -Advanced Approaches holding companies)—644;
FR Y–9C (Advanced Approaches holding companies)—12;
FR Y–9LP–818; and
FR Y–9SP–4,390.

General description of report: This information collection is mandatory for BHCs (12 U.S.C. 12 U.S.C. 1844(c)(1)(AA)). Additionally, 12 U.S.C. 1467a(b)(2)(A) and 1850a(c)(1)(A), respectively, authorize the Federal Reserve to require that Savings and Loan Holding Companies (SLHCs) and supervised Securities Holding Companies (SHCs) file the FR Y–9C, FR Y–9LP, and FR Y–9SP with the Federal Reserve. Confidential treatment is not routinely given to the financial data in this report. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6), or (b)(8) of FOIA (5 U.S.C. 522(b)(4), (b)(6), and (b)(8)).

Abstract: The FR Y–9C, FR Y–9LP, and FR Y–9SP are standardized financial statements for the consolidated holding company (FR Y–9C) and its parent (FR Y–9LP) and for parent holding companies (HCs) that do not file the FR Y–9C (FR Y–9SP). The FR Y–9 family of reports historically has been, and continues to be, the primary source of financial data on HCs between on-site inspections. Financial data from these reports is used to detect emerging financial problems, to review

performance and conduct pre-inspection analysis, to monitor and evaluate capital adequacy, to evaluate HC mergers and acquisitions, and to analyze a HC's overall financial condition to ensure safe and sound operations.

Current Actions:

On February 3, 2015, the Board published a notice in the **Federal Register** [1] requesting public comment on an interim final rule (effective January 30, 2015) that would also remove the requirement that qualifying savings and loan holding companies complete Schedule SC–R, Part I (Regulatory Capital Components and Ratios) of form FR Y–9SP (Parent Company Only Financial Statements for Small Holding Companies). This schedule would have collected information on consolidated regulatory capital components and ratios from qualifying savings and loan holding companies that are subject to Regulation Q, effective June 30, 2015. Comments for the Paperwork Reduction Act (PRA) section of the interim final rule ended April 6, 2015. The Board did not receive any comments on the PRA section and the revisions were adopted as final.

In addition on February 3, 2015, the Board invited public comment on a proposed rule (Proposed Rule) [2] that would also change the filing requirements for bank holding companies and savings and loan holding companies with $500 million or more but less than $1 billion in total consolidated assets. These institutions would not be required to file the FR Y–9C and the FR Y–9LP (including regulatory capital information) and would begin filing the FR Y–9SP if they also meet the Qualitative Requirements. The comment period on the PRA section of the proposed rule ended April 6, 2015. The Board received several comments in support of the proposed changes. After considering the comments, the Board adopted the revisions as final. The final rule was published in the **Federal Register** notice on April 15, 2015 [3] and became effective May 15, 2015.

Final approval under OMB delegated authority of the extension, without revision, of the following reports:

Report title: The Financial Statement for Employee Stock Ownership Plan Holding Companies and the Supplemental to the Consolidated Financial Statements for Holding Companies.

Agency form number: FR Y–9ES and FR Y–9CS

OMB Control number: 7100–0128.

Frequency: Annually and on occasion.

Reporters: Bank Holding Companies and Savings and Loan Holding Companies (collectively, ''holding companies'').

Estimated annual reporting hours:

FR Y–9ES—43 hours; and

FR Y–9CS—472 hours.

Estimated average hours per response:

FR Y–9ES—0.5 hours; and

FR Y–9CS—0.5 hours.

Number of respondents:

FR Y–9ES—86; and

FR Y–9CS—236.

General description of report: This information collection is mandatory for BHCs (12 U.S.C. 12 U.S.C. 1844(c)(1)(A)). Additionally, 12 U.S.C. 1467a (b)(2)(A) and 1850a(c)(1)(A), respectively, authorize the Federal Reserve to require that SLHCs and supervised SHCs file the FR Y–9ES and FR Y–9CS reports with the Federal Reserve. Confidential treatment is not routinely given to the financial data in this report. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6), or (b)(8) of FOIA (5 U.S.C. 522(b)(4), (b)(6), and (b)(8)).

Abstract: The FR Y–9ES collects annual financial data from ESOPs, which are also HCs, on their benefit plan activities. It consists of four schedules: a Statement of Changes in Net Assets Available for Benefits, a Statement of Net Assets Available for Benefits, Memoranda, and Notes to the Financial Statements.

The FR Y–9CS is a supplemental report that the Federal Reserve may utilize to collect additional data deemed to be critical and needed in an expedited manner from HCs. The data are used to assess and monitor emerging issues related to HCs and are intended to supplement the other FR Y–9 reports, which are used to monitor HCs between on-site inspections and off-site assessments through the Small Bank Holding Company Supervision Program. The data items included on the FR Y–9CS may change as needed.

Board of Governors of the Federal Reserve System, June 29, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–16313 Filed 7–1–15; 8:45 am]

BILLING CODE 6210–01–P

[1] 80 FR 5666 (February 3, 2015) (Interim Final Rule).

[2] 80 FR 5694 (February 3, 2015) (Proposed Rule).

[3] 80 FR 20153 (April 15, 2015) (Final Rule).

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of a proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements, and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer, Nuha Elmaghrabi, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer, Shagufta Ahmed, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

SUPPLEMENTARY INFORMATION: *Final approval under OMB delegated authority of the extension for three years, with revision, of the following report:*

Report title: Annual Report of Holding Companies; Annual Report of Foreign Banking Organizations; Report of Changes in Organizational Structure; Supplement to the Report of Changes in Organizational Structure.

Agency form number: FR Y–6; FR Y–7; FR Y–10.

OMB Control number: 7100–0297.

Effective Date: The revisions to the FR Y–6 and FR Y–7 organizational chart to fiscal year ends will be effective December 31, 2015. Submission of existing Legal Entity Identifiers (LEI) information would follow the normal FR Y–6 and FR Y–7 submission deadlines (90 and 120 days respectively). The one-time information collection to populate existing LEI data

for all FR Y–10 reportable entities (excluding branches), will be effective December 31, 2015, with submissions due no later than January 30, 2016. LEIs issued after December 31, 2015, should be reported with 30 days of the event on the appropriate FR Y–10 schedules.

Frequency: FR Y–6: Annual; FR Y–7: Annual; FR Y–10: Event-generated.

Reporters: Bank holding companies (BHCs) and savings and loan holding companies (SLHCs) (collectively, holding companies (HCs)), securities holding companies, foreign banking organizations (FBOs), state member banks unaffiliated with a BHC, Edge Act and agreement corporations, and nationally chartered banks that are not controlled by a BHC (with regard to their foreign investments only).

Estimated annual reporting hours: FR Y–6: 26,477 hours; FR Y–7: 972 hours; FR Y–10 initial: 530 hours; FR Y–10 ongoing: 39,735 hours.

Estimated average hours per response: FR Y–6: 5.5 hours; FR Y–7: 4 hours; FR Y–10 initial: 1 hour; FR Y–10 ongoing: 2.5 hours.

Number of respondents: FR Y–6: 4,814; FR Y–7: 243; FR Y–10 initial: 530; FR Y–10 ongoing: 5,298.

General description of report: These information collections are mandatory as follows:

FR Y–6: Section 5(c)(1)(A) of the Bank Holding Company Act (BHC Act) (12 U.S.C. 1844(c)(1)(A)), sections 8(a) and 13(a) of the International Banking Act (IBA) (12 U.S.C. 3106(a) and 3108(a)), sections 11(a)(1), 25, and 25A of the Federal Reserve Act (12 U.S.C. 248(a)(1), 602, and 611a), and sections 113, 312, 618, and 809 of the Dodd-Frank Act (12 U.S.C. 5361, 5412, 1850a(c)(1), and 5468(b)(1), respectively).

FR Y–7: Sections 8(a) and 13(a) of the IBA (12 U.S.C. 3106(a) and 3108(a)) and sections 113, 312, 618, and 809 of the Dodd-Frank Act (12 U.S.C. 5361, 5412, 1850a(c)(1), and 5468(b)(1), respectively).

FR Y–10: Sections 4(k) and 5(c)(1)(A) of the BHC Act (12 U.S.C. 1843(k), 1844(c)(1)(A)), section 8(a) of the IBA (12 U.S.C. 3106(a)), sections 11(a)(1), 25(7), and 25A of the Federal Reserve Act (12 U.S.C. 248(a)(1), 321, 601, 602, 611a, 615, and 625), and sections 113, 312, 618, and 809 of the Dodd-Frank Act (12 U.S.C. 5361, 5412, 1850a(c)(1), and 5468(b)(1), respectively).

The data collected in the FR Y–6, FR Y–7, and FR Y–10 are not considered confidential. With regard to information that a banking organization may deem confidential, the institution may request confidential treatment of such information under one or more of the exemptions in the Freedom of Information Act (FOIA) (5 U.S.C. 552). The most likely case for confidential treatment will be based on FOIA exemption 4, which permits an agency to exempt from disclosure ''trade secrets and commercial or financial information obtained from a person and privileged and confidential,'' (5 U.S.C. 552(b)(4)). To the extent an institution can establish the potential for substantial competitive harm, such information would be protected from disclosure under the standards set forth in *National Parks & Conservation Association* v. *Morton,* 498 F.2d 765 (D.C. Cir. 1974). Exemption 6 of FOIA might also apply with regard to the respondents' submission of non-public personal information of owners, shareholders, directors, officers and employees of respondents. Exemption 6 covers ''personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy,'' (5 U.S.C. 552(b)(6)). All requests for confidential treatment would need to be reviewed on a case-by-case basis and in response to a specific request for disclosure.

Abstract: The FR Y–6 is an annual information collection submitted by top-tier HCs and non-qualifying FBOs. It collects financial data, an organization chart, verification of domestic branch data, and information about shareholders. The Federal Reserve uses the data to monitor holding company operations and determine holding company compliance with the provisions of the BHC Act, Regulation Y (12 CFR 225), the Home Owners' Loan Act (HOLA), and Regulation LL (12 CFR 238).

The FR Y–7 is an annual information collection submitted by qualifying FBOs to update their financial and organizational information with the Federal Reserve. The FR Y–7 collects financial, organizational, and managerial information. The Federal Reserve uses information to assess an FBO's ability to be a continuing source of strength to its U.S. operations, and to determine compliance with U.S. laws and regulations.

The FR Y–10 is an event-generated information collection submitted by FBOs; top-tier HCs; security holding companies as authorized under Section 618 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (12 U.S.C. 1850a(c)(1)); state member banks unaffiliated with a BHC; Edge Act and agreement corporations that are not controlled by a member bank, a domestic BHC, or a FBO; and nationally chartered banks that are not controlled by a BHC (with regard to their foreign investments only) to capture changes in their regulated investments and activities. The Federal Reserve uses the data to monitor structure information on subsidiaries and regulated investments of these entities engaged in banking and nonbanking activities.

Current Actions: On March 20, 2015, the Federal Reserve published a notice in the **Federal Register** (80 FR 15009) requesting public comment for 60 days on the revision, with extension, of the FR Y–6, FR Y–7, and FR Y–10. The comment period for this notice expired on May 19, 2015. The Federal Reserve received three comment letters regarding the proposed revision to the FR Y–6, FR Y–7, and FR Y–10 from one industry association and two banking associations. All commenters expressed support for the proposal. One commenter urged the Federal Reserve to expand the LEI collection to require an LEI from all entities even if an LEI had not already been assigned. Two commenters requested clarification of the method to collect the one-time submission and also requested the effective date for the revisions be delayed to December 31, 2015.

Detailed Discussion of Comments

In March 2015, the Federal Reserve proposed to collect the LEI for all banking and nonbanking legal entities reportable on the Banking, Non-Banking, SLHC, and 4K schedules (not the Branch schedules) of the FR Y–10 and on the Organization Chart section of the FR Y–6 and FR Y–7 if one has already been issued for the reportable entity at the time of collection. The Federal Reserve did not propose to require an LEI to be obtained for the sole purpose of reporting the LEI on the FR Y–6, FR Y–7, and FR Y–10. One commenter urged the Federal Reserve to expand the LEI collection to require an LEI from all entities even if an LEI had not already been assigned. The Federal Reserve understands the benefit of the LEI to uniquely identify parties to financial transactions, but will not mandate it at this time due to the burden on institutions, and especially small institutions.

Two commenters also requested clarification of the format for the submission of the one-time collection of the LEI. One commenter asked that the Federal Reserve provide an Excel spreadsheet listing all eligible legal entities. The appropriate Reserve Bank will provide each top-tier institution with an Excel spreadsheet populated with the legal name and RSSD number for each entity within an organization's tier structure. Institutions will be able to

enter the LEI for those entities that already have one.

Two commenters requested a delay of the implementation of the proposed collection of the LEI from the top-tier holding company and any of its subsidiaries that already have an LEI due to the complex and manual validation process. One commenter stated that reporters are often not the majority interest holders for a reportable entity, and thus not responsible for registering the LEI for these entities. Obtaining LEI's for these legal entities would require contacting each majority interest holder separately to ascertain if the entity has an LEI. Therefore, they requested that the effective date be delayed from June 30, 2015, to December 31, 2015. After consideration of these comments, the Federal Reserve will delay the effective date of the revisions to the FR Y–6 and FR Y–7 organizational chart to fiscal year ends beginning December 31, 2015. Submission of existing LEI information will follow the normal FR Y–6 and FR Y–7 submission deadlines (90 and 120 days respectively). The one-time information collection to populate existing LEI data for all FR Y–10 reportable entities (excluding branches), will also be effective December 31, 2015, with submissions due no later than January 30, 2016. LEIs issued after December 31, 2015, should be reported with 30 days of the event on the appropriate FR Y–10 schedules.

One commenter provided additional comments outside the scope of the current proposal. The Federal Reserve will investigate each comment and give consideration to these comments when the Federal Reserve next revises the reports.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

Report title: Supplement to the Report of Changes in Organizational Structure.

Agency form number: FR Y–10E.

OMB Control number: 7100–0297.

Frequency: Event-generated.

Reporters: Bank holding companies (BHCs) and savings and loan holding companies (SLHCs) (collectively, holding companies (HCs)), securities holding companies, foreign banking organizations (FBOs), state member banks unaffiliated with a BHC, Edge Act and agreement corporations, and nationally chartered banks that are not controlled by a BHC (with regard to their foreign investments only).

Estimated annual reporting hours: 2,649 hours.

Estimated average hours per response: 0.5 hours.

Number of respondents: 5,298.

General description of report: These information collections are mandatory as follows: Sections 4(k) and 5(c)(1)(A) of the BHC Act (12 U.S.C. 1843(k), 1844(c)(1)(A)), section 8(a) of the IBA (12 U.S.C. 3106(a)), sections 11(a)(1), 25(7), and 25A of the Federal Reserve Act (12 U.S.C. 248(a)(1), 321, 601, 602, 611a, 615, and 625), and sections 113, 312, 618, and 809 of the Dodd-Frank Act (12 U.S.C. 5361, 5412, 1850a(c)(1), and 5468(b)(1), respectively).

The data collected in the FR Y–10E are not considered confidential. With regard to information that a banking organization may deem confidential, the institution may request confidential treatment of such information under one or more of the exemptions in the Freedom of Information Act (FOIA) (5 U.S.C. 552). The most likely case for confidential treatment will be based on FOIA exemption 4, which permits an agency to exempt from disclosure ''trade secrets and commercial or financial information obtained from a person and privileged and confidential,'' (5 U.S.C. 552(b)(4)). To the extent an institution can establish the potential for substantial competitive harm, such information would be protected from disclosure under the standards set forth in *National Parks & Conservation Association* v. *Morton,* 498 F.2d 765 (D.C. Cir. 1974). Exemption 6 of FOIA might also apply with regard to the respondents' submission of non-public personal information of owners, shareholders, directors, officers and employees of respondents. Exemption 6 covers ''personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy,'' (5 U.S.C. 552(b)(6)). All requests for confidential treatment would need to be reviewed on a case-by-case basis and in response to a specific request for disclosure.

Abstract: The FR Y–10E is a free-form supplement that may be used to collect additional structural information deemed to be critical and needed in an expedited manner.

Current Actions: On March 20, 2015, the Federal Reserve published a notice in the **Federal Register** (80 FR 15009) requesting public comment for 60 days on the extension, without revision, of the FR Y–10E. The comment period for this notice expired on May 19, 2015. The Federal Reserve did not receive any comments. The information collection will be extended for three years, without revision, as proposed.

Board of Governors of the Federal Reserve System: June 26, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–16247 Filed 7–1–15; 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 30, 2015.

A. Federal Reserve Bank of Philadelphia (William Lang, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *Esquire Financial Holdings, Inc.,* Garden City, New York; to become a bank holding company in connection with the conversion of its wholly owned subsidiary, Esquire Bank, Garden City, New York, from a stock federal savings bank to a national bank.

Board of Governors of the Federal Reserve System, June 29, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–16315 Filed 7–1–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: *''Nursing Home Survey on Patient Safety Culture Comparative Database.''* In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on March 23rd, 2014 and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by August 3, 2015.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer). Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Proposed Project

Nursing Home Survey on Patient Safety Culture Comparative Database

Background on the Nursing Home Survey on Patient Safety Culture (Nursing Home SOPS). In 1999, the Institute of Medicine called for health care organizations to develop a ''culture of safety'' such that their workforce and processes focus on improving the reliability and safety of care for patients (IOM, 1999; *To Err is Human: Building a Safer Health System*). To respond to the need for tools to assess patient safety culture in health care, AHRQ developed and pilot tested the Nursing Home SOPS with OMB approval (OMB NO. 0935–0132; Approved July 5, 2007).

The survey is designed to enable nursing homes to assess provider and staff opinions about patient safety issues, medical error, and error reporting and includes 42 items that measure 12 dimensions of patient safety culture. AHRQ made the survey publicly available along with a Survey User's Guide and other toolkit materials in November 2008 on the AHRQ Web site (located at *http://www.ahrq.gov/professionals/quality-patient-safety/patientsafetyculture/nursing-home/index.html*).

The AHRQ Nursing Home SOPS Comparative Database consists of data from the AHRQ Nursing Home SOPS. Nursing homes in the U.S. are asked to voluntarily submit data from the survey to AHRQ through its contractor, Westat. The Nursing Home SOPS database (OMB NO. 0935–0195, last approved on June 12, 2012) was developed by AHRQ in 2011 in response to requests from nursing homes interested in knowing how their patient safety culture survey results compare to those of other nursing homes in their efforts to improve patient safety.

Rationale for the information collection. The Nursing Home SOPS and the Comparative Database support AHRQ's goals of promoting improvements in the quality and safety of health care in nursing home settings. The survey, toolkit materials, and comparative database results are all made publicly available on AHRQ's Web site. Technical assistance is provided by AHRQ through its contractor at no charge to nursing homes, to facilitate the use of these materials for nursing home patient safety and quality improvement.

The goal of this project is to renew the Nursing Home SOPS Comparative Database. This database will:

(1) Allow nursing homes to compare their patient safety culture survey results with those of other nursing homes,

(2) Provide data to nursing homes to facilitate internal assessment and learning in the patient safety improvement process, and

(3) Provide supplemental information to help nursing homes identify their strengths and areas with potential for improvement in patient safety culture.

This study is being conducted by AHRQ through its contractor, Westat, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to: The quality, effectiveness, efficiency, appropriateness and value of health care services; quality measurement and improvement; and database development. 42 U.S.C. 299a(a)(1), (2), and (8).

Method of Collection

To achieve the goal of this project the following activities and data collections will be implemented:

(1) Eligibility and Registration Form—The nursing home (or parent organization) point of contact (POC) completes a number of data submission steps and forms, beginning with the completion of an online eligibility and registration form. The purpose of this form is to determine the eligibility status and initiate the registration process for nursing homes seeking to voluntarily submit their Nursing Home SOPS data to the Nursing Home SOPS Comparative Database.

(2) Data Use Agreement—The purpose of the data use agreement, completed by the nursing home POC, is to state how data submitted by nursing homes will be used and provides confidentiality assurances.

(3) Nursing Home Site Information Form—The purpose of the site information form is to obtain basic information about the characteristics of the nursing homes submitting their Nursing Home SOPS data to the Nursing Home SOPS Comparative Database (*e.g.,* bed size, urbanicity, ownership, and geographic region). The nursing home POC completes the form.

(4) Data Files Submission—The number of submissions to the database is likely to vary each year because nursing homes do not administer the survey and submit data every year. Data submission is typically handled by one POC who is either a corporate level health care manager for a Quality Improvement Organization (QIO), a survey vendor who contracts with a nursing home to collect its data, or a nursing home Director of Nursing or nurse manager. POCs submit data on behalf of 5 nursing homes, on average, because many nursing homes are part of a QIO or larger nursing home or health system that includes many nursing home sites, or the POC is a vendor that is submitting data for multiple nursing homes. POCs upload their data file(s), using the nursing home data file specifications, to ensure that users submit standardized and consistent data in the way variables are named, coded, and formatted.

Survey data from the AHRQ Nursing Home Survey SOPS are used to produce three types of products: (1) A Nursing Home SOPS Comparative Database Report that is produced periodically and

made publicly available on the AHRQ Web site (see *http://www.ahrq.gov/professionals/quality-patient-safety/patientsafetyculture/nursing-home/2014/nhsurv14-ptI.pdf* for the 2014 report); (2) Individual Nursing Home Survey Feedback Reports that are confidential, customized reports produced for each nursing home that submits data to the database (the number of reports produced is based on the number of nursing homes submitting in any given calendar year); and (3) Research data sets of individual-level and nursing home-level de-identified data to enable researchers to conduct analyses.

Nursing homes are asked to voluntarily submit their Nursing Home SOPS survey data to the Comparative Database. The data are then cleaned and aggregated and used to produce a Comparative Database Report that displays averages, standard deviations, and percentile scores on the survey's 42 items and 12 patient safety culture dimensions, as well as displaying these results by nursing home characteristics (bed size, urbanicity, ownership, and Census Bureau Region, etc.) and respondent characteristics (work area/unit, staff position, and interaction with patients).

Data submitted by nursing homes are also used to give each nursing home its own customized survey feedback report that presents the nursing home's results compared to the latest comparative database results. If a nursing home submits data more than once, its survey feedback report also presents trend data, comparing its previous and most recent data.

Nursing homes use the Nursing Home SOPS, Comparative Database Reports and Individual Nursing Home Survey Feedback Reports for a number of purposes, to:

- Raise staff awareness about patient safety.
- Diagnose and assess the current status of patient safety culture in their nursing home.
- Identify strengths and areas for patient safety culture improvement.
- Examine trends in patient safety culture change over time.
- Evaluate the cultural impact of patient safety initiatives and interventions.
- Compare patient safety culture survey results with results of other nursing homes' efforts to improve patient safety and health care quality.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in the database. An estimated 300 POCs, each representing an average of 5 individual nursing homes each, will complete the database submission steps and forms annually. Completing the eligibility and registration form will take about 3 minutes. Each POC will complete a data use agreement which takes about 3 minutes to complete. The Nursing Home Site Information Form is completed by all POCs for each of their nursing homes (300 × 5 = 1,500 forms in total) and is estimated to take 5 minutes to complete. The POC will submit data for all of the nursing homes he/she represents, which will take 1 hour on average. The total annual burden hours are estimated to be 455.

The 300 respondents/POCs shown in Exhibit 1 are based on an estimate of nursing homes submitting data in the coming years, with the following assumptions:

- 105 POCs for QIOs submitting on behalf of 10 nursing homes each
- 18 POCs for vendors outside of QIOs submitting on behalf of 10 nursing homes each
- 177 independent nursing homes submitting on their own behalf

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to submit their data. The cost burden is estimated to be $20,839 annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents/POCs	Number of responses per POC	Hours per response	Total burden hours
Eligibility/Registration Form	300	1	3/60	15
Data Use Agreement	300	1	3/60	15
Nursing Home Site Information Form	300	5	5/60	125
Data Files Submission	300	1	1	300
Total	1,200	NA	NA	455

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents/POCs	Total burden hours	Average hourly wage rate *	Total cost burden
Eligibility/Registration Forms	300	15	$45.80	$687
Data Use Agreement	300	15	45.80	687
Nursing Home Site Information Form	300	125	45.80	5,725
Data Files Submission	300	300	45.80	13,740
Total	1,200	455	NA	20,839

* The wage rate in Exhibit 2 is based on May 2013 National Industry-Specific Occupational Employment and Wage Estimates, Bureau of Labor Statistics, U.S. Dept. of Labor. Mean hourly wages for nursing home POCs are located at *http://www.bls.gov/oes/current/naics4_623100.htm* and *http://data.bls.gov/cgi-bin/print.pl/oes/current/naics2_62.htm*. The hourly wage of $45.80 is the weighted mean of $47.97 (General and Operations Managers; N = 88), $40.07 (Medical and Health Services Managers; N = 89), $47.10 (General and Operations Managers; N = 105) and $55.94 (Computer and Information Systems Managers; N = 18).

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information

dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2015–16347 Filed 7–1–15; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will be held on Friday, July 24, 2015, from 8:30 a.m. to 2:45 p.m.

ADDRESSES: The meeting will be held at the Eisenberg Conference Center, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850.

FOR FURTHER INFORMATION CONTACT: Jaime Zimmerman, Designated Management Official, at the Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland, 20850, (301) 427–1456. For press-related information, please contact Alison Hunt at (301) 427–1244.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact the Food and Drug Administration (FDA) Office of Equal Employment Opportunity and Diversity Management on (301) 827–4840, no later than Friday, July 10, 2015. The agenda, roster, and minutes are available from Ms. Bonnie Campbell, Committee Management Officer, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland, 20850. Ms. Campbell's phone number is (301) 427–1554.

SUPPLEMENTARY INFORMATION:

I. Purpose

The National Advisory Council for Healthcare Research and Quality is authorized by section 941 of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director, Agency for Healthcare Research and Quality (AHRQ), on matters related to AHRQ's conduct of its mission including providing guidance on (A) priorities for health care research, (B) the field of health care research including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public private partnerships.

The Council is composed of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation.

II. Agenda

On Friday, July 24, 2015, there will be a subcommittee meeting for the National Healthcare Quality and Disparities Report scheduled to begin at 7:30 a.m. The subcommittee meeting is open the public. The Council meeting will convene at 8:30 a.m., with the call to order by the Council Chair and approval of previous Council summary notes. The meeting is open to the public and will be available via webcast at *www.webconferences.com/ahrq* . The meeting will begin with the AHRQ Director presenting an update on current research, programs, and initiatives. Following the Director's Update, the agenda will include an update on the National Healthcare Quality and Disparities Report and a discussion on cost and quality transparency. The final agenda will be available on the AHRQ Web site at *www.AHRQ.gov* no later than Friday, July 17, 2015.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2015–16348 Filed 7–1–15; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10539]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *August 3, 2015.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 or Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Medicare and Medicaid Programs: Conditions of Participation for Home Health Agencies (HHA); *Use:* Home health services are covered for the elderly and disabled under the Hospital Insurance (Part A) and Supplemental Medical Insurance (Part B) benefits of the Medicare program, and are described in section 1861(m) of the Social Security Act (the Act) (42 U.S.C. 1395x). These services must be furnished by, or under arrangement with, an HHA that participates in the Medicare program, and be provided on a visiting basis in the beneficiary's home. They may include the following:

- Part-time or intermittent skilled nursing care furnished by or under the supervision of a registered nurse.
- Physical therapy, speech-language pathology, or occupational therapy.
- Medical social services under the direction of a physician.
- Part-time or intermittent home health aide services.
- Medical supplies (other than drugs and biologicals) and durable medical equipment.
- Services of interns and residents if the HHA is owned by or affiliated with a hospital that has an approved medical education program.
- Services at hospitals, SNFs, or rehabilitation centers when they involve equipment too cumbersome to bring to the home.

Section 1861(o) of the Act (42 U.S.C. 1395x) specifies certain requirements that a home health agency must meet to participate in the Medicare program. Existing regulations at 42 CFR 440.70(d) specify that HHAs participating in the Medicaid program must also meet the Medicare CoPs.) In particular, section 1861(o)(6) of the Act requires that an HHA must meet the CoPs specified in section 1891(a) of the Act and such other CoPs as the Secretary finds necessary in the interest of the health and safety of its patients. Section 1891(a) of the Act establishes specific requirements for HHAs in several areas, including patient rights, home health aide training and competency, and compliance with applicable Federal, State, and local laws.

Under the authority of sections 1861(o), 1871 and 1891 of the Act, the Secretary proposes to establish in regulations the requirements that an HHA must meet to participate in the Medicare program. These requirements would be set forth in 42 CFR part 484 as Conditions of Participation for Home Health Agencies. The CoPs apply to an HHA as an entity as well as the services furnished to each individual under the care of the HHA, unless a condition is specifically limited to Medicare beneficiaries.

Under section 1891(b) of the Act, the Secretary is responsible for assuring that the CoPs, and their enforcement, are adequate to protect the health and safety of individuals under the care of an HHA and to promote the effective and efficient use of Medicare funds. To implement this requirement, State survey agencies generally conduct surveys of HHAs to determine whether they are complying with the CoPs.

This information collection request is associated with Home Health Agency Conditions of Participation (0938–AG81) which published October 9, 2014. *Form Number:* CMS–10539 (OMB control number: 0938–NEW); *Frequency:* Annually; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 19,474; *Total Annual Responses:* 32,929,239; *Total Annual Hours:* 2,786,198. (For policy questions regarding this collection contact Danielle Shearer at 410–786–6617.)

Dated: June 26, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–16281 Filed 7–1–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Subsidized and Transitional Employment Demonstration (STED) and Enhanced Transitional Jobs Demonstration (ETJD).

OMB No.: 0970–0413.

Description: The Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS) is conducting a national evaluation called the Subsidized and Transitional Employment Demonstration (STED). At the same time, the Employment and Training Administration (ETA) within the Department of Labor (DOL) is conducting an evaluation of the Enhanced Transitional Jobs Demonstration (ETJD). These evaluations will inform the Federal government about the effectiveness of subsidized and transitional employment programs in helping vulnerable populations secure unsubsidized jobs in the labor market and achieve self-sufficiency. The projects will evaluate thirteen subsidized and transitional employment programs nationwide including a test of the effects of an expanded Earned Income Tax Credit for low-income individuals without dependent children.

ACF and ETA are collaborating on the two evaluations. In 2011, ETA awarded grants to seven transitional jobs programs as part of the ETJD, which is testing the effect of combining transitional jobs with enhanced services to assist ex-offenders and noncustodial parents improve labor market outcomes, reduce criminal recidivism and improve family engagement.

The STED and ETJD projects have complementary goals and are focusing on related program models and target populations. Thus, ACF and ETA have agreed to collaborate on the design of data collection instruments to promote consistency across the projects. In addition, two of the seven DOL-funded ETJD programs are being evaluated as part of the STED project. ACF is submitting information collection

requests on the behalf of both collaborating agencies. Data for the study is collected from the following three major sources: Baseline forms, follow-up surveys (at 6, 12, and 30 months after study entry), and implementation research and site visits. Data collection for all but one STED site has been reviewed and approved by OMB (see OMB #0970–0413). This notice is specific to the request for approval of the contact information form and baseline information form for the new STED site. These forms will collect important demographic and other information from all study participants in this site prior to the point of random assignment. These data will be important for describing the study sample and for estimating program effects for particular groups of interest.

Respondents: Study participants in the treatment and control groups at one additional STED site.

ANNUAL BURDEN ESTIMATES—NEW INSTRUMENTS

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Participant contact information form	4,002	1,334	1	.08	107
Participant baseline information form	4,002	1,334	1	.25	334
Total					441

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: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@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.

Karl Koerper,

OPRE Reports Clearance Officer.

[FR Doc. 2015–16283 Filed 7–1–15; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Refugee Data Submission System for Formula Funds Allocations.

OMB No.: 0970–0043.

Description: The Refugee Data Submission System for Allocation of Formula Funds is designed to satisfy the statutory requirements of the Immigration and Nationity Act (INA). Section 412(a)(3) of the Act requires that the Director of the Office of Refugee Resettlement (ORR) make a periodic assessment of the needs of refugees for assistance and services and the resources available to meet those needs. This assessment includes compiling and maintaining data on secondary migration of refugees within the United States after arrival. Further, INA 412(c)(1)(B) states that formula funds shall be allocated based on the total number of refugees in each State, taking into account secondary migration. In order to meet these statutory requirements, ORR requires each State to submit disaggregated individual records containing certain data elements for eligible populations. ORR uses the information collected through the Web site to determine secondary migration for the purposes of formula funds allocation to States. The submission of individual records via the Refugee Data Submission System for Allocation of Formula Funds is a reliable and secure process for collecting data for the purposes of tracking secondary migration and allocating formula funds. Data submitted by the States via the Web site are also compiled and analyzed for inclusion in ORR's Annual Report to Congress.

Respondents: States, Wilson/Fish Alternative Projects, and the District of Columbia.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Refugee Data Submission for Formula Funds Allocations	50	1	20	1,000

Estimated Total Annual Burden Hours: 1,000.

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. 2015–16285 Filed 7–1–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

New Methods To Predict the Immunogenicity of Therapeutic Coagulation Proteins; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA) is announcing a public workshop entitled: ''New Methods to Predict the Immunogenicity of Therapeutic Coagulation Proteins''. The purpose of the public workshop is to discuss recent scientific progress in identifying the genetic determinants for an unwanted immune response to therapeutic coagulation proteins (immunogenicity), and to identify and discuss potential new methods to predict such immunogenicity. Immunogenicity results in the development of antibodies that target the therapeutic protein and can affect the safety and efficacy of the biological product. The workshop has been planned in partnership with the National Heart, Lung and Blood Institute, National Institutes of Health (NIH), the National Hemophilia Foundation, and the Plasma Protein Therapeutics Association. The workshop will include presentations and panel discussions by experts from academic institutions, industry, and government Agencies.

Date and Time: The public workshop will be held on September 17, 2015, from 8:30 a.m. to 5 p.m. and on September 18, 2015, from 8:30 a.m. to 12 p.m.

Location: The public workshop will be held at the Ruth Kirschstein Auditorium, Natcher Conference Center, Bldg. 45, National Institutes of Health Campus, 9000 Rockville Pike, Bethesda, MD 20892. The entrance for the public workshop participants (non-NIH employees) is through the NIH Gateway Center located adjacent to the Medical Center Metro, where routine security check procedures will be performed. Please visit the following Web site for location, parking, security, and travel information: *http://www.nih.gov/about/visitor/index.htm.* Please visit the following Web site for information on the Natcher Conference Center: *http://www.genome.gov/11007522.*

Contact Person: Freddy Barnes, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 240–402–6943, *William.Barnes@fda.hhs.gov.* For questions email: *CBERPublicEvents@fda.hhs.gov* (Subject line: FDA MPICPDT Workshop).

Registration: Please visit the following Web site to register for the workshop by August 27, 2015: *http://methodspredictimmunogenicity.eventbrite.com.* There is no registration fee for the public workshop. Early registration is recommended because seating is limited. Registration on the day of the public workshop will be provided on a space available basis beginning at 8:15 a.m.

If you need special accommodations due to a disability, please contact Freddy Barnes (see *Contact Person*) at least 7 days in advance.

Supplementary Information: The development of unwanted immune responses to therapeutic coagulation protein products may affect both product efficacy and patient safety. In the case of replacement coagulation protein therapies, the inhibitory anti-drug antibodies also interact with the endogenous protein and may result in serious adverse events in patients. Both product and patient specific factors may affect the immunogenicity of therapeutic coagulation protein products. There are currently several initiatives underway to assess the genetic basis for developing unwanted immune responses to coagulation protein products in individuals with hemophilia, which will result in the accumulation of large data sets over the next few years. The workshop aims to address what patients, healthcare professionals and regulators may do with this information to improve patient outcomes.

In addition, an unprecedented number of new engineered recombinant coagulation proteins are in development. This workshop will discuss the state-of-the art with respect to leveraging scientific progress to predict the immunogenicity of protein amino acid sequences that do not exist in nature, and whether there is a need for novel strategies in the design and conduct of clinical trials for these products.

The first day of the workshop will include presentations and panel discussions on the following topics: (1) Overview of the current understanding of genetic factors that affect immunogenicity of therapeutic coagulation proteins; (2) recent advances in immunology relevant to immunogenicity; (3) emerging computational, in vitro and ex vivo tools to predict the immunogenicity of therapeutic coagulation proteins and how these tools may be evaluated in a clinical setting; and (4) initiatives to determine the genetic factors that affect immunogenicity of coagulation protein products in individuals with hemophilia and strategies to optimize the outcome data.

The second day of the workshop will include presentations and panel discussions on the following topics: (1) Challenges related to the development of novel recombinant coagulation protein products; (2) a round-table discussion and question and answer session; and (3) workshop summary.

Transcripts: Please be advised that as soon as possible after a transcript of this public workshop will be available, it will be accessible at: *http://www.fda.gov/BiologicsBloodVaccines/NewsEvents/WorkshopsMeetingsConferences/ucm438035.htm.* Transcripts of the public workshop may also be requested in writing from the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857.

Dated: June 29, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–16365 Filed 7–1–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1167]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry on Controlled Correspondence Related to Generic Drug Development

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 3, 2015.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the title. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry on Controlled Correspondence Related to Generic Drug Development OMB Control Number 0910–NEW

In the **Federal Register** of August 27, 2014 (79 FR 51180), FDA announced the availability of a draft guidance for industry entitled ''Controlled Correspondence Related to Generic Drug Development.'' The draft guidance provided information regarding the process by which human generic drug manufacturers and related industry can submit correspondence to FDA requesting information on generic drug development. This guidance also described FDA's process for providing communications related to such correspondence.

On July 9, 2012, the Generic Drug User Fee Amendments of 2012 (GDUFA) were signed into law by the President to speed the delivery of safe and effective generic drugs to the public and to reduce costs to industry. Under GDUFA, FDA agreed to certain obligations as laid out in the GDUFA Commitment Letter that accompanies the legislation (Ref. 1).

The GDUFA Commitment Letter described controlled correspondence as follows: ''FDA's Office of Generic Drugs provides assistance to pharmaceutical firms and related industry regarding a variety of questions posed as 'controlled documents.' See *http://www.fda.gov/AboutFDA/CentersOffices/officeofmedicalproductsandtobacco/CDER/ucm120610.htm* (Ref. 2). Controlled correspondence does not include citizen petitions, petitions for reconsideration, or requests for stay.'' The draft guidance is intended to further refine this description to best support the aims identified in the GDUFA Commitment Letter of ensuring the safety of generic drug products; enhancing access by expediting the availability of these products; and enhancing transparency by, among other things, improving FDA's communications and feedback with industry in order to expedite product access. In addition, this guidance provides detail and recommendations concerning what inquiries FDA considers as controlled correspondence for the purposes of meeting the Agency's GDUFA commitment, what information requestors can include in a controlled correspondence to facilitate FDA's consideration of and response to a controlled correspondence, and what information FDA will provide in its communications to entities that have submitted a controlled correspondence.

Under GDUFA, FDA has agreed to specific program enhancements and performance goals specified in the GDUFA Commitment Letter. One of the performance goals applies to controlled correspondence related to generic drug development. The Commitment Letter includes details on FDA's commitment to respond to questions submitted as controlled correspondence within certain time frames. To facilitate FDA's prompt consideration of the controlled correspondence and response, and to assist in meeting the prescribed time frames, FDA recommends including the following information in the inquiry: (1) Name, title, address, phone number, and entity of the person submitting the inquiry; (2) an email address; (3) an FDA-assigned control number and submission date of any previous related correspondence, if applicable; (4) the relevant reference listed drug, as applicable, including the application number, proprietary (brand) name, manufacturer, active ingredient, dosage form, and strength(s); (5) a concise statement of the inquiry; (6) a recommendation of the appropriate FDA review discipline; and (7) relevant prior research and supporting materials.

In the **Federal Register** of August 27, 2014 (79 FR 51180), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received several comments pertaining to the scope of controlled correspondence. We summarize the comments and provide our response below:

(Comment) Several comments expressed concern related to three types of requests that FDA proposed to exclude from the definition of controlled correspondence. The three exclusions are: (1) Requests for recommendations on the appropriate design of bioequivalence (BE) studies for a specific drug product (BE guidance requests); (2) requests for review of BE clinical protocols (clinical protocol requests); and (3) requests for meetings to discuss generic drug development prior to ANDA submission (pre-ANDA meeting requests).

(Response) FDA has not changed its policy regarding its consideration of requests for bioequivalence guidance, clinical protocol reviews, and pre-ANDA meetings. FDA will consider them promptly upon their electronic submission and will respond as expeditiously as practicable. Although the guidance states that these requests are not considered controlled correspondence submissions, requests for BE guidance and pre-ANDA meetings are included in the 1,020 total annual responses estimated in table 1 because these requests will utilize the same information collection pathway as a request that is considered controlled correspondence. For reasons described in the draft guidance, however, controlled correspondence GDUFA metrics will not apply to FDA's responses to the three excluded requests.

The following information is based on inquiries considered controlled correspondence and submitted to FDA for FYs 2011, 2012, and 2013. FDA estimates approximately 217 generic drug manufacturers and related industry (*e.g.,* contract research organizations conducting bioanalytical or bioequivalence clinical trials) or their representatives would each submit an average of 4.7 inquiries annually for a

total of 1,020 inquiries (1,020 ÷ 217 = 4.7). Information submitted with each inquiry varies widely in content, depending on the complexity of the request. Inquiries that are defined as controlled correspondence (*i.e.,* inquiries that request information on a specific element of generic drug product development) may range from a simple inquiry on generic drug labeling to a more complex inquiry for a formulation assessment for a specific proposed generic drug product. As a result, these inquiries can vary between 1 to 10 burden hours, respectively.

Because the content of inquiries considered controlled correspondence is widely varied, we are providing an average burden hour for each inquiry. We estimate that it will take an average of 5 hours per inquiry for industry to gather necessary information, prepare the request, and submit the request to FDA. As a result, we estimate that it will take an average of 5,100 total hours annually for industry to prepare and submit inquiries considered controlled correspondence.

Description of Respondents: Respondents are human generic drug manufacturers and related industry.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Submission of controlled correspondence	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Manufacturers, Related Industry, and Representatives	217	4.7	1,020	5	5,100

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

References

1. ''Generic Drug User Fee Act Program Performance Goals and Procedures'' (GDUFA Commitment Letter) for fiscal years 2013 through 2017, available at *http://www.fda.gov/downloads/ForIndustry/UserFees/GenericDrugUserFees/UCM282505.pdf*).
2. Id. at p. 15. The Web page quoted in the controlled correspondence definition has been updated as the link provided in the GDUFA Commitment Letter is no longer accessible.

Dated: June 26, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–16358 Filed 7–1–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–2008]

Unapproved and Misbranded Otic Prescription Drug Products; Enforcement Action Dates

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing its intention to take enforcement action against unapproved and misbranded otic drug products labeled for prescription use and containing benzocaine; benzocaine and antipyrine; benzocaine, antipyrine, and zinc acetate; benzocaine, chloroxylenol, and hydrocortisone; chloroxylenol and pramoxine; or chloroxylenol, pramoxine, and hydrocortisone; and against persons who manufacture or cause the manufacture or distribution of such products in interstate commerce. These unapproved and misbranded prescription drug products are marketed without evidence of safety and effectiveness; may present safety concerns; and pose a direct challenge to the new drug approval system and, in some cases, the over-the-counter (OTC) drug monograph system.

DATES: This notice is effective July 2, 2015. For information about enforcement dates, see **SUPPLEMENTARY INFORMATION**, section IV.

ADDRESSES: For all communications in response to this notice, identify with Docket No. FDA–2015–N–2008 and direct to the appropriate office listed in this **ADDRESSES** section as follows:

Applications under section 505(b) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(b)): Division of Anesthesia, Analgesia, and Addiction Products (for drug products with analgesic and anti-inflammatory indications), or Division of Anti-Infective Drug Products (for drug products with anti-infective indications), Office of New Drugs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Silver Spring, MD 20993–0002.

Applications under section 505(j) of the FD&C Act: Office of Generic Drugs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Silver Spring, MD 20993–0002.

All other communications about this action should be directed to: Kathleen Joyce, Division of Prescription Drugs, Office of Unapproved Drugs and Labeling Compliance, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5236, Silver Spring, MD 20993–0002; 301–796–3329 or email: *Kathleen.Joyce@fda.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Joyce, Division of Prescription Drugs, Office of Unapproved Drugs and Labeling Compliance, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 5236, Silver Spring, MD 20993–0002; 301–796–3329 or email: *Kathleen.Joyce@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing its intention to take enforcement action against certain unapproved and misbranded otic drug products labeled for prescription use. These marketed unapproved and misbranded otic drug products are labeled for, among other things, the temporary relief of pain associated with ear infections or inflammation, including acute otitis media (middle ear infection), otitis media with effusion (fluid in the ear, but without infection), and acute otitis externa (infection in the outer ear or ''swimmer's ear''). Other indications for these unapproved drug products include anti-infective and anti-inflammatory claims, as well as claims for the removal of cerumen (earwax).

This notice covers the following marketed unapproved prescription otic drug products: (1) Single-ingredient otic drug products containing benzocaine; (2) fixed-dose combination otic drug products containing benzocaine and antipyrine; (3) fixed-dose combination otic drug products containing benzocaine, antipyrine, and zinc

acetate; (4) fixed-dose combination otic drug products containing benzocaine, chloroxylenol, and hydrocortisone; (5) fixed-dose combination otic drug products containing chloroxylenol and pramoxine; and (6) fixed-dose combination otic drug products containing chloroxylenol, pramoxine, and hydrocortisone. These drug products are marketed without evidence of safety and effectiveness, present safety concerns, and pose a direct challenge to the new drug approval system and, in some cases, the OTC drug monograph system.

For example, FDA is aware of many unapproved and misbranded prescription fixed-dose combination drug products containing benzocaine and antipyrine that are labeled for use for the prompt relief of pain and reduction of inflammation in the congestive and serous stages of acute otitis media and for adjuvant therapy during systemic antibiotic administration for resolution of acute otitis media. These products have also been labeled to facilitate the removal of excessive or impacted cerumen. FDA has received at least five adverse event reports of allergic reactions to these drug products, including angioedema of the ear, eye, face, neck, and/or mouth. We are also aware of at least one case of methemoglobinemia associated with the administration of an otic product containing benzocaine in an infant, which resulted in death (Ref. 1). Methemoglobinemia is a serious blood disorder in which an abnormal amount of methemoglobin (a form of hemoglobin) is produced (Ref. 2). Other less serious adverse reactions associated with these products include contact hypersensitivity, pruritus, stinging, burning, and irritation.

FDA is also aware of at least one unapproved and misbranded prescription single-ingredient otic drug product containing benzocaine that is labeled for use as a topical anesthetic in the external auditory canal to relieve ear pain, and for the treatment of acute otitis media, acute swimmer's ear, and other forms of otitis externa. Potential adverse reactions include methemoglobinemia, local burning, stinging, tenderness or edema, and hypersensitivity reactions.

FDA is aware of an unapproved and misbranded prescription fixed-dose combination drug product containing benzocaine, antipyrine, and zinc acetate that is labeled with an indication to relieve pain, congestion, and swelling caused by middle ear inflammation (acute otitis media), and to help remove earwax. Potential adverse reactions include methemoglobinemia and contact hypersensitivity, pruritus, stinging, burning, and irritation.

FDA is also aware of an unapproved and misbranded prescription fixed-dose combination drug product containing benzocaine, chloroxylenol, and hydrocortisone that is labeled for the treatment of superficial infections of the external auditory canal complicated by inflammation caused by organisms susceptible to the action of the antimicrobial, and to control itching in the auditory canal. Unapproved and misbranded prescription fixed-dose combination products containing chloroxylenol and pramoxine are also on the market and labeled for treating superficial external ear infections and the associated itching. Potential adverse reactions for these fixed-dose combination products include contact hypersensitivity, pruritus, stinging, burning, and irritation.

In addition, FDA is aware of various unapproved and misbranded prescription fixed-dose combination drug products containing chloroxylenol, pramoxine, and hydrocortisone that are labeled with analgesic, anti-inflammatory and anti-infective indications. The chloroxylenol, pramoxine, and hydrocortisone drug products are labeled for the treatment of superficial infections of the outer ear, inflammation, and itching. Potential adverse reactions include pruritus, stinging, burning, and irritation.

In addition to the safety concerns listed previously, these drugs present direct challenges to the FDA drug approval system and, in some cases, the OTC monograph system. These drugs directly challenge the new drug approval system by competing with approved otic drug products appropriately labeled for anti-inflammatory uses and the treatment of otitis externa. The unapproved and misbranded drug products covered by this notice also pose a direct challenge to the OTC drug monograph system because they compete with legally marketed OTC products labeled for cerumen removal and ear drying aid indications under an OTC drug monograph (part 344 (21 CFR part 344)).

For the reasons described in sections II and III, among others, FDA's drug approval process is critical to protecting the public health. Drugs are evaluated by FDA before being marketed to ensure that they are safe and effective for their intended uses and are only approved for marketing after a careful risk-benefit analysis. The drug approval process is designed to avoid the risks associated with potentially unsafe, ineffective, and fraudulent drugs.[1]

II. Safety and Effectiveness Concerns With Unapproved New Drugs

The new drug approval process affords FDA the opportunity to review and evaluate a drug before it is marketed to ensure safety, efficacy, and quality. This includes reviewing the processes used to manufacture the active pharmaceutical ingredient(s) and the finished drug product, and the labeling of the drug product. Because marketed unapproved new drug products have not undergone FDA's rigorous premarket review and approval process, they may present safety risks. This is particularly true because FDA has not reviewed and approved the label for unapproved new drugs, so some unapproved drug labeling omits or modifies safety warnings or other information that is important to ensure safe use, such as drug interactions or potential adverse experiences.

With respect to the otic drug products subject to this notice, FDA is particularly concerned about pediatric labeling because these drug products are often prescribed for young children, a population most susceptible to ear infections (Ref 3). FDA has not assessed the scientific support, if any, for the use of these drug products in pediatric populations. In other words, none of these products have been shown to be safe for use in any population, including children or infants. In fact, as described in section I, FDA has received at least five adverse events reports associated with unapproved prescription otic products. There is also the potential for rare, but serious adverse events to occur, including methemoglobinemia, a dangerous blood disorder. Not all of these adverse events are included in the labeling for these unapproved drug products.

FDA also has concerns regarding the manufacturing processes for unapproved new drugs. When new drugs are marketed without FDA approval, FDA does not have an opportunity, prior to product marketing, to determine whether the manufacturing processes for the drugs are adequate to ensure that they are of suitable quality.

For example, the Agency scrutinizes the chemistry, manufacturing, and controls involved in producing the active pharmaceutical ingredient (API or drug substance) and finished dosage

[1] See ''Marketed Unapproved Drugs—Compliance Policy Guide'' (Marketed Unapproved Drugs CPG) at 5, available at *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM070290.pdf.*

form or drug product.[2] With respect to the drug substance, FDA's examination includes the following: (1) Physical and chemical characteristics and stability of the drug substance; (2) the process controls used in manufacturing and packaging; and (3) specifications necessary to ensure the identity, strength, quality, and purity of the drug substance. For the drug product, FDA's review includes the following: (1) The specifications for the components used in the manufacture of the drug product; (2) manufacturing and packaging procedures and process controls; and (3) the specifications necessary to ensure the identity, strength, quality, and purity of the drug product. Unapproved drug products do not undergo this review process, and therefore the quality of the finished drug product is uncertain.

Because unapproved new drugs have not been subject to FDA's premarket review and approval process, FDA cannot be sure that unapproved drugs are effective. Section 505(d) of the FD&C Act requires ''substantial evidence'' of safety and effectiveness. ''Substantial evidence'' is evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof (section 505(d)(7) of the FD&C Act).

Among other characteristics, an adequate and well-controlled study must use a design that permits a valid comparison with a control to provide a quantitative assessment of the pertinent drug effects (§ 314.126(b)(2)) (21 CFR 314.126(b)(2)). The method of selection of subjects must assure that those subjects have the disease or condition being studied (§ 314.126(b)(3)) .

A review of the current literature suggests that the efficacy of unapproved prescription otic drugs in managing pain associated with ear infections is uncertain (Ref. 4). Use of unapproved products of uncertain efficacy may delay treatment with products that have been proven to be effective, leading to undue prolonged pain and discomfort.

In conclusion, these drug products are marketed without evidence of safety and effectiveness; present actual and potential safety concerns; and pose a direct challenge to the new drug approval system. In some cases, they may directly challenge the OTC drug monograph system.

III. Legal Status of Products Identified in This Notice

FDA has reviewed the publicly available scientific literature for the following unapproved prescription drug products: (1) Single-ingredient otic drug products containing benzocaine; (2) fixed-dose combination otic drug products containing benzocaine and antipyrine; (3) fixed-dose combination otic drug products containing benzocaine, antipyrine, and zinc acetate; (4) fixed-dose combination otic drug products containing benzocaine, chloroxylenol, and hydrocortisone; (5) fixed-dose combination otic drug products containing chloroxylenol and pramoxine; and (6) fixed-dose combination otic drug products containing chloroxylenol, pramoxine, and hydrocortisone. In no case did FDA find literature sufficient to support a determination that any of these prescription products are generally recognized as safe and effective. Therefore, these prescription drug products are ''new drugs'' within the meaning of section 201(p) of the FD&C Act (21 U.S.C. 321(p)), and they require approved new drug applications (NDAs) or abbreviated new drug applications (ANDAs) to be legally marketed.

The unapproved drug products covered by this notice are labeled for prescription use. Prescription drugs are defined under section 503(b)(1)(A) of the FD&C Act (21 U.S.C. 353(b)(1)(A)) as drugs that, because of toxicity or other potentially harmful effect, are not safe to use except under the supervision of a practitioner licensed by law to administer such drugs. If an unapproved drug product covered by this notice meets the definition of ''prescription drug'' in section 503(b)(1)(A) of the FD&C Act, adequate directions cannot be written for it so that a layman can use the product safely for its intended uses (21 CFR 201.5). Consequently, it is misbranded under section 502(f)(1) of the FD&C Act (21 U.S.C. 352(f)(1)) in that it fails to bear adequate directions for use. A prescription drug is exempt from the requirement in section 502(f)(1) of the FD&C Act that it bear adequate directions for use if, among other things, it bears the FDA-approved labeling (21 CFR 201.100(c)(2) and 201.115). Because the prescription drug products subject to this notice do not have approved applications with approved labeling, they fail to qualify for the exemptions to the requirement that they bear ''adequate directions for use,'' and are misbranded under section 502(f)(1) of the FD&C Act.

If a drug covered by this notice is labeled as a prescription drug but does not meet the definition of ''prescription drug'' under section 503(b)(1)(A) of the FD&C Act, the drug is misbranded under section 503(b)(4)(B).

The final OTC drug monograph in part 344, ''Topical Otic Drug Products for Over-the Counter Human Use'' (Topical Otic Drug monograph), permits the use of carbamide peroxide 6.5 percent formulated in an anhydrous glycerin vehicle as an active ingredient for earwax removal, in the amounts and under the conditions specified in the final Topical Otic Drug monograph (see § 344.10). The final OTC drug monograph also permits the use of isopropyl alcohol 95 percent in an anhydrous glycerin 5 percent base as an ear drying aid in the amounts and under the conditions specified in the final Topical Otic Drug monograph (see § 344.12).

The final Topical Otic Drug monograph is the only monograph that specifies the requirements for marketing an OTC drug for cerumen removal. Unless a product included in this notice was reformulated and labeled to meet all the requirements of the final Topical Otic Drug monograph, the product would require an approved NDA or ANDA to be legally marketed.[3]

IV. Notice of Intent To Take Enforcement Action

Although not required to do so by the Administrative Procedure Act, by the FD&C Act (or any rules issued under its authority), or for any other legal reason, FDA is providing this notice to persons[4] who are marketing the following unapproved and misbranded drugs labeled for prescription use: (1) Single-ingredient otic drug products containing benzocaine; (2) fixed-dose combination otic drug products containing benzocaine and antipyrine; (3) fixed-dose combination otic drug products containing benzocaine, antipyrine, and zinc acetate; (4) fixed-dose combination otic drug products containing benzocaine, chloroxylenol, and

[2] See, generally, § 314.50(d) (21 CFR 314.50(d)). See also section 505(d)(3) of the FD&C Act requiring FDA to determine whether the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such a drug are adequate to preserve its identity, strength, quality, and purity.

[3] In addition to any other applicable requirements, firms that manufacture OTC drugs must comply with the labeling requirements in 21 CFR 201.66.

[4] The term ''person'' includes individuals, partnerships, corporations, and associations (21 U.S.C. 321(e)).

hydrocortisone; (5) fixed-dose combination otic drug products containing chloroxylenol and pramoxine; and (6) fixed-dose combination otic drug products containing chloroxylenol, pramoxine, and hydrocortisone. The Agency intends to take enforcement action against such products and those who manufacture them or cause them to be manufactured or shipped in interstate commerce.

Manufacturing or shipping the drug products covered by this notice can result in enforcement action, including seizure, injunction, or other judicial or administrative proceeding.[5] Consistent with policies described in the Agency's Marketed Unapproved Drugs CPG (available at *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM070290.pdf*), the Agency does not expect to issue a warning letter or any other further warning to firms marketing drug products covered by this notice before taking enforcement action. The Agency also reminds firms that, as stated in the Marketed Unapproved Drugs CPG, any unapproved drug marketed without a required approved application is subject to Agency enforcement action at any time. The issuance of this notice does not in any way obligate the Agency to issue similar notices (or any notice) in the future regarding marketed unapproved drugs (see Marketed Unapproved Drugs CPG at 5).

As described in the Marketed Unapproved Drugs CPG, the Agency may, at its discretion, identify a period of time (*i.e.,* a grace period) during which the Agency does not intend to initiate an enforcement action against a currently marketed unapproved drug solely on the grounds that the drug lacks an approved application under section 505 of the FD&C Act. In deciding whether to allow such a grace period, the Agency considers several factors, which are described in the Marketed Unapproved Drugs CPG. With respect to drug products covered by this notice, the Agency intends to exercise its enforcement discretion for only a limited period of time, because there are readily available legally marketed alternatives. Therefore, the Agency intends to implement this notice as follows.

For the effective date of this notice, see the **DATES** section of this document. Any drug product covered by this notice that a company (including a manufacturer or distributor) began marketing after September 19, 2011, is subject to immediate enforcement action. For products covered by this notice that a company (including a manufacturer or distributor) began marketing on or before September 19, 2011, FDA intends to take enforcement action against any such product that is not listed with the Agency in full compliance with section 510 of the FD&C Act (21 U.S.C. 360) before July 1, 2015, and is manufactured, shipped, or otherwise introduced or delivered for introduction into interstate commerce by any person on or after July 1, 2015. FDA also intends to take enforcement action against any drug product covered by this notice that is listed with FDA in full compliance with section 510 of the FD&C Act but is not being commercially used or sold[6] in the United States before July 1, 2015, and that is manufactured, shipped, or otherwise introduced or delivered for introduction into interstate commerce by any person on or after July 2, 2015.

However, for drug products covered by this notice that a company (including a manufacturer or distributor): (1) Began marketing in the United States on or before September 19, 2011; (2) are listed with FDA in full compliance with section 510 of the FD&C Act before July 1, 2015 (''currently marketed and listed''); and (3) are manufactured, shipped, or otherwise introduced or delivered for introduction into interstate commerce by any person on or after July 2, 2015, the Agency intends to exercise its enforcement discretion as follows: FDA intends to initiate enforcement action regarding any such currently marketed and listed product that is manufactured on or after August 17, 2015, or that is shipped on or after September 30, 2015. Furthermore, FDA intends to take enforcement action against any person who manufactures or ships such products after these dates. The purpose of these enforcement timeframes is to allow manufacturers and distributors to deplete their current inventory and ensure a smooth transition for consumers. Any person who has submitted or submits an application for a drug product covered by this notice but has not received approval must comply with this notice.

The Agency, however, does not intend to exercise its enforcement discretion as outlined previously if either of the following applies: (1) A manufacturer or distributor of drug products covered by this notice is violating other provisions of the FD&C Act, including, but not limited to, violations related to FDA's current good manufacturing practices, adverse drug event reporting, labeling, or misbranding requirements other than those identified in this notice or (2) it appears that a firm, in response to this notice, increases its manufacture or interstate shipment of drug products covered by this notice above its usual volume during these periods.[7]

Nothing in this notice, including FDA's intent to exercise its enforcement discretion, alters any person's liability or obligations in any other enforcement action, or precludes the Agency from initiating or proceeding with enforcement action in connection with any other alleged violation of the FD&C Act, whether or not related to a drug product covered by this notice. Similarly, a person who is or becomes enjoined from marketing unapproved or misbranded drugs may not resume marketing of such products based on FDA's exercise of enforcement discretion as described in this notice.

Drug manufacturers and distributors should be aware that the Agency is exercising its enforcement discretion as described previously only in regard to drug products covered by this notice that are marketed under a National Drug Code (NDC) number listed with the Agency in full compliance with section 510 of the FD&C Act before July 1, 2015. As previously stated, drug products covered by this notice that are currently marketed but not listed with the Agency on the date of this notice must, as of the effective date of this notice, have approved applications before their shipment in interstate commerce. Moreover, any person or firm that has submitted or submits an application but has yet to receive approval for such products is still responsible for full compliance with this notice.

V. Discontinued Products

Some firms may have previously discontinued manufacturing or distributing products covered by this notice without discontinuing the listing as required under section 510(j) of the FD&C Act. Other firms may discontinue

[5] In fact, U.S. Marshals seized $16.5 million of Auralgan Otic Solution (which contains antipyrine and benzocaine) after Deston continued to market the unapproved new drug following an FDA warning letter. See *http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm243638.htm.*

[6] For the purpose of this notice, the phrase ''commercially used or sold'' means that the product has been used in a business or activity involving retail or wholesale marketing and/or sale.

[7] If FDA decides to take enforcement action against a product covered by this notice, the Agency may simultaneously take action relating to defendant's other violations of the FD&C Act. See, *e.g., United States* v. *Sage Pharmaceuticals,* 210 F. 3d 475, 479–480 (5th Cir. 2000) (permitting the Agency to combine all violations of the FD&C Act in one proceeding, rather than taking action against multiple violations of the FD&C Act in ''piecemeal fashion'').

manufacturing or distributing listed products in response to this notice. All firms are required to electronically update the listing of their products under section 510(j) of the FD&C Act to reflect discontinuation of unapproved products covered by this notice (21 CFR 207.21(b)). Questions on electronic drug listing updates should be sent to *eDRLS@fda.hhs.gov.* In addition to the required update, firms can also notify the Agency of product discontinuation by sending a letter, signed by the firm's chief executive officer and fully identifying the discontinued product(s), including the product NDC number(s), and stating that the manufacturing and/or distribution of the product(s) have been discontinued. The letter should be sent electronically to Kathleen Joyce (see **ADDRESSES**). FDA plans to rely on its existing records, including its drug listing records, the results of any subsequent inspections, or other available information when considering enforcement action.

VI. Reformulated Products

FDA cautions firms against reformulating their products into unapproved new drugs without benzocaine; benzocaine and antipyrine; benzocaine, antipyrine, and zinc acetate; benzocaine, chloroxylenol, and hydrocortisone; chloroxylenol and pramoxine; or chloroxylenol, pramoxine, and hydrocortisone and marketing them under the same name or substantially the same name (including a new name that contains the old name) in anticipation of an enforcement action based on this notice. As stated in the Marketed Unapproved Drugs CPG, FDA intends to give higher priority to enforcement actions involving unapproved drugs that are reformulated to evade an anticipated FDA enforcement action but have not been brought into compliance with the law. In addition, reformulated products marketed under a name previously identified with a different active ingredient have the potential to confuse healthcare practitioners and harm patients.

VIII. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and are available electronically at *http://www.regulations.gov.*

1. Logan, B. K. and A.M. Gordon, ''Case Report: Death of an Infant Involving Benzocaine,'' *Journal of Forensic Sciences,* vol. 50, pp. 1486–1488, 2005.
2. Cortazzo, J. A. and A. D. Lichtman, ''Methemoglobinemia: A Review and Recommendations for Management.'' *Journal of Cardiothoracic and Vascular Anesthesia,* vol. 28(4), pp. 1055–1059. 2014.
3. Lieberthal, A. S., A. E. Carroll, T. Chonmaitree, et al., ''The Diagnosis and Management of Acute Otitis Media,'' *Pediatrics,* vol. 131, pp. e964–e999, 2013.
4. Wood, D. N., N. Naas, and C. W. Gregory, ''Clinical Trials Assessing Ototopical Agents in the Treatment of Pain Associated with Acute Otitis Media in Children,'' *International Journal of Otorhinolaryngology,* vol. 76, pp. 1229–1335, 2012.

Dated: June 26, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–16360 Filed 7–1–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0967]

Prescription Drug User Fee Act Patient-Focused Drug Development; Announcement of Disease Areas for Meetings Conducted in Fiscal Years 2016–2017

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the selection of disease areas to be addressed during fiscal years (FYs) 2016–2017of its Patient-Focused Drug Development Initiative. This initiative is being conducted to fulfill FDA's performance commitments under the fifth authorization of the Prescription Drug User Fee Act (PDUFA V). This effort provides a more systematic approach under PDUFA V for obtaining the patients' perspective on disease severity and currently available treatments for a set of disease areas. FDA selected these disease areas based on a careful consideration of the public comments received after publication of a preliminary list of disease areas in the **Federal Register** on October 8, 2014.

ADDRESSES: The general schedule of FYs 2016–2017 Patient-Focused Drug Development meetings, along with materials from past meetings (such as transcripts and webcast recordings) from past meetings, can be found at the Web site for Patient-Focused Drug Development, *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm326192.htm.* Individual comments may be viewed at *http://www.regulations.gov/#!documentDetail;D=FDA-2012-N-0967-0595* or by visiting the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Graham Thompson, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1146, Silver Spring, MD 20993, 301–796–5003, FAX: 301–847–8443, email: *PatientFocused@fda.hhs.gov,* or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

On July 9, 2012, the President signed into law the Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112–144). Title I of FDASIA reauthorizes the Prescription Drug User Fee Act (PDUFA), which provides FDA with the necessary user fee resources to maintain an efficient review process for human drug and biologic products. The reauthorization of PDUFA includes performance goals and procedures that represent FDA's commitments during FYs 2013–2017. These commitments are referred to in section 101 of FDASIA and are available on the FDA Web site at *http://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM270412.pdf.*

Section X of these commitments relates to enhancing benefit-risk assessments in regulatory decision making. A key part of regulatory decision making is establishing the context in which the particular decision is made. For purposes of drug marketing approval, this includes an understanding of the severity of the treated condition and the adequacy of the available therapies. Patients who live with a disease have a direct stake in the outcome of FDA's decisions and are in a unique position to contribute to the Agency's understanding of their disease.

FDA has committed to obtaining the patient perspective on at least 20 disease areas during the course of PDUFA V. For each disease area, the Agency will conduct a public meeting to

discuss the disease, its impact on patients' daily lives, the types of treatment benefit that matter most to patients, and patients' perspectives on the adequacy of available therapies. These meetings include participation of FDA review divisions, the relevant patient community, and other interested stakeholders.

II. Disease Area Selection

On October 8, 2014, FDA published a **Federal Register** notice (79 FR 60857) that requested public comment on potential disease areas to be addressed in FYs 2016–2017. In that notice, based on several criteria listed, FDA identified 16 disease areas as potential candidates for remaining public meetings and invited public comment on the preliminary list and on disease areas that were not listed.

Following publication of the notice, almost 2,700 comments addressing over 50 disease areas were submitted by patients, patient advocates and advocacy groups, caregivers, healthcare providers, professional societies, scientific and academic experts, pharmaceutical companies, and others. The majority of comments received were submitted by individual patients. The comments focused generally on nominating individual disease areas or groups of disease areas to be addressed and on providing general suggestions for the Patient-Focused Drug Development Initiative. The comments received also discussed the impact of these nominated diseases on the patients' daily lives, the symptoms that were most concerning to patients, and the nature of (or lack of) specific treatments for these diseases. The majority of comments received concerned lewy body dementia, frontotemporal lobar degeneration, and neuropathies. Other disease areas, such as hereditary angioedema, dystonia, temporomandibular disorders, lupus, alopecia areata, chronic lymphocytic leukemia, trigeminal neuralgia, and arachnoiditis, also received a significant number of comments.

In selecting the disease areas of focus for the Patient-Focused Drug Development Initiative of FYs 2016–2017, FDA carefully considered the valuable public comments received, the perspectives of reviewing divisions at FDA, and the following selection criteria, which were published in the October 8, 2014, **Federal Register** notice:

- Disease areas that are chronic, symptomatic, or affect functioning and activities of daily living;
- Disease areas for which aspects of the disease are not formally captured in clinical trials;
- Disease areas for which there are currently no therapies or very few therapies, or the available therapies do not directly affect how a patient feels, functions, or survives; and
- Disease areas that have a severe impact on identifiable subpopulations (such as children or the elderly).

FDA's selection also reflects disease areas from FDA review divisions that were not covered by the meetings held during FYs 2013–15. For its FYs 2016–2017 list of disease areas, FDA has added a broad range of diseases based upon disease severity (less severe to more severe) and upon the size of the affected population (rare diseases to more prevalent diseases). FDA has identified the following diseases to be the focus of meetings scheduled in FYs 2016–2017:

- Alopecia areata
- Autism
- Hereditary angioedema
- Non-tuberculous mycobacterial infections
- Patients who have received an organ transplant
- Psoriasis
- Neuropathic pain associated with peripheral neuropathy
- Sarcopenia

A schedule of the meetings planned can be found at the FDA Patient-Focused Drug Development Web site, which is described in section III of this notice. The Agency recognizes that there are many more disease areas than can be addressed in the planned FDA meetings under the formal PDUFA V commitment, and FDA will seek other opportunities to gather public input on disease areas not addressed through this Patient-Focused Drug Development Initiative. FDA encourages stakeholders to identify and organize patient-focused collaborations to generate public input on other disease areas using the process established through this Patient-Focused Drug Development Initiative as a model. Information on additional opportunities for gathering patient input can be found on the Patient-Focused Drug Development Web site.

III. Patient-Focused Drug Development Web Site

FDA's Web site on Patient-Focused Drug Development is available online at *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm326192.htm.* This Web site contains the general schedule of upcoming meetings for FYs 2016–2017, information on how stakeholders can prepare for these upcoming meetings, and information on how stakeholders may leverage the Patient-Focused Drug Development Initiative to generate input on disease areas not addressed through the Patient-Focused Drug Development PDUFA V commitment. The Web site will be updated as new information becomes available.

Dated: June 26, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–16359 Filed 7–1–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: HHS–OS–0937–0166–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of Population Affairs, Office of the Assistant Secretary for Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with 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 an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is for extending the use of the approved information collection assigned OMB control number 0937–0166, which expires on October 31, 2015. 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 August 31, 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–0937–0166–60D for reference.

Information Collection Request Title: HHS 42 CFR part 50, subpart B; Sterilization of Persons in Federally Assisted Family Planning Projects—OMB No. 0937–0166–Extension—OASH, Office of Population Affairs—Office of Family Planning

Abstract: This is a request for extension of a currently approved collection for the disclosure and record-keeping requirements codified at 42 CFR part 50, subpart B (''Sterilization of Persons in Federally Assisted Family Planning Projects''). The consent form solicits information to assure voluntary and informed consent to persons undergoing sterilization in programs of health services which are supported by federal financial assistance administered by the Public Health Service (PHS). Consent forms are signed by individuals undergoing a federally funded sterilization procedure and certified by necessary medical authorities. Forms are incorporated into the patient's medical records and the agency's records. Through periodic site audits and visits, PHS staff review completed consent forms to determine compliance with the regulation. Thus, the purpose of the consent form is twofold. First, it serves as a mechanism to ensure that a person receives information about sterilization and voluntarily consents to the procedure. Second, it facilitates compliance monitoring. The Sterilization Consent Form has been revised to reflect a new expiration date on the Required Consent Form. There are no other revisions to the form.

Likely Respondents: Interested persons who desire to send comments regarding this burden estimate or any other aspect of this collection of information that OS specifically requests comments.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Type of respondent	Information collection	Number of respondents	Number of responses per respondent	Average burden per response	Total hours
Citizens Seeking Sterilization	Information Disclosure for *Sterilization Consent Form.*	100,000	1	1	100,000
Citizens Seeking Sterilization	Record-keeping for *Sterilization Consent Form.*	100,000	1	15/60	25,000
Total					125,000

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Terry S. Clark,

Asst Information Collection Clearance Officer.

[FR Doc. 2015–16256 Filed 7–1–15; 8:45 am]

BILLING CODE 4150–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, NCI Program Project Meeting 1 (P01).

Date: October 8–9, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Caterina Bianco, MD, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W610, Bethesda, MD 20892–9750, 240–276–6459, *biancoc@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 26, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–16213 Filed 7–1–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Cardiovascular Sciences.

Date: July 20, 2015.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Sara Ahlgren, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4136, Bethesda, MD 20892, 301–435–0904, *sara.ahlgren@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiovascular Sciences.

Date: July 23, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Lawrence E. Boerboom, Ph.D., Chief, CVRS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–8367, *boerboom@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Mechanisms of Aging.

Date: July 28, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Thomas Beres, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Rm. 5201, MSC 7840, Bethesda, MD 20892, 301–435–1175, *berestm@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 26, 2015.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–16212 Filed 7–1–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Diabetes Mellitus Interagency Coordinating Committee Meeting

SUMMARY: The Diabetes Mellitus Interagency Coordinating Committee (DMICC) will hold a meeting on July 29, 2015. The topic for this meeting will be ''New Opportunities for Clinical Research on Type 2 Diabetes.'' The meeting is open to the public.

DATES: The meeting will be held on July 29, 2015 from 1:00 p.m. to 4:30 p.m. Individuals wanting to present oral comments must notify the contact person at least 10 days before the meeting date.

ADDRESSES: The meeting will be held in the Democracy 2 Building at 6707 Democracy Blvd., Bethesda, MD, in Conference Room 701.

FOR FURTHER INFORMATION CONTACT: For further information concerning this meeting, see the DMICC Web site, *www.diabetescommittee.gov,* or contact Dr. B. Tibor Roberts, Executive Secretary of the Diabetes Mellitus Interagency Coordinating Committee, National Institute of Diabetes and Digestive and Kidney Diseases, 31 Center Drive, Building 31A, Room 9A19, MSC 2560, Bethesda, MD 20892–2560, telephone: 301–496–6623; FAX: 301–480–6741; email: *dmicc@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The DMICC, chaired by the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) comprising members of the Department of Health and Human Services and other federal agencies that support diabetes-related activities, facilitates cooperation, communication, and collaboration on diabetes among government entities. DMICC meetings, held several times a year, provide an opportunity for Committee members to learn about and discuss current and future diabetes programs in DMICC member organizations and to identify opportunities for collaboration. The July 29, 2015 DMICC meeting will focus on New Opportunities for Clinical Research on Type 2 Diabetes.

Any member of the public interested in presenting oral comments to the Committee should notify the contact person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives or organizations should submit a letter of intent, a brief description of the organization represented, and a written copy of their oral presentation in advance of the meeting. Only one representative of an organization will be allowed to present; oral comments and presentations will be limited to a maximum of 5 minutes. Printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the Committee by forwarding their statement to the contact person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Because of time constraints for the meeting, oral comments will be allowed on a first-come, first-serve basis.

Members of the public who would like to receive email notification about future DMICC meetings should register for the listserv available on the DMICC Web site, *www.diabetescommittee.gov.*

Dated: June 26, 2015.

B. Tibor Roberts,

Executive Secretary, DMICC, Office of Scientific Program and Policy Analysis, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health.

[FR Doc. 2015–16351 Filed 7–1–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; CVRS Member Conflicts and Continuous Submissions.

Date: July 8, 2015.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Olga A. Tjurmina, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7814, Bethesda, MD 20892, (301) 451–1375, *ot3d@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cardiovascular and Respiratory Sciences AREA.

Date: July 13–14, 2015.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Sara Ahlgren, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4136,

Bethesda, MD 20892, 301–435–0904, *sara.ahlgren@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 26, 2015.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–16211 Filed 7–1–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Clinical Trials and Translational Research Advisory Committee, July 8, 2015, 09:00 a.m. to July 8, 2015, 12:00 p.m., National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on April 15, 2015, 80FR20239.

This meeting notice is amended to change the ending time of the meeting from 12:00 p.m. to 2:00 p.m. Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/ctac/ctac.htm* where an agenda and any additional information for the meeting will be posted when available. The meeting is open to the public.

Dated: June 29, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–16380 Filed 7–1–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, July 14, 2015, 11:00 a.m. to July 15, 2015, 5:00 p.m., National Cancer Institute Shady Grove, Shady Grove, 9609 Medical Center Drive, (7/14 2E030) (7/15 1E030), Rockville, MD 20850 which was published in the **Federal Register** on June 23, 2015, 80 FR 35964.

The meeting notice is amended to change the dates from July 14–15, 2015 to July 29–30, 2015. The location remains the same; however the room numbers are changed to 2W030/2W914. The meeting is closed to the public.

Dated: June 26, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–16214 Filed 7–1–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0474]

Merchant Marine Personnel Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee Working Group Meeting.

SUMMARY: A working group of the Merchant Marine Personnel Advisory Committee will meet to work on Task Statement 30, concerning utilizing military education, training, and assessment for Standards of Training, Certification and Watchkeeping for Seafarers and National Certifications. This meeting will be open to the public.

DATES: The Merchant Marine Personnel Advisory Committee working group will meet on August 5 and 6, 2015, from 8 a.m. until 5:30 p.m. Please note that these meetings may adjourn early if all business is finished. Written comments for distribution to working group members and inclusion on the Merchant Marine Personnel Advisory Committee's Web site must be submitted by July 25, 2015.

ADDRESSES: The working group will meet in Suite 605 of the Radio Technical Commission for Maritime Services at 1611 N. Kent Street, Arlington, VA 22209

To facilitate public participation, we are inviting public comment on the issues to be considered by the working group, as listed in the ''Agenda'' section below. Written comments must be identified by Docket No. USCG–2015–0474, and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. The telephone number for the Docket Management Facility is 202–366–9329.

Instructions: All written comments received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* enter the docket number in the ''Search'' field and follow instructions on the Web site.

A public oral comment period will be held each day during the working group meeting and speakers are requested to limit their comments to 3 minutes. Please note that the public oral comment periods may end before the prescribed ending times following the last call for comments. Contact Mr. Davis Breyer as indicated below no later than July 25, 2015 to register as a speaker.

This notice may be viewed in our online docket, USCG–2015–0474, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Davis Breyer, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, telephone 202–372–1445 or at *davis.j.breyer@uscg.mil* about any questions on the task statement. If you have any questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527. For information on the location of Radio Technical Commission for Maritime Services, see *http://rtcm.org/visit.php* or contact Mr. Bob Markle at (703) 527–2000 or by email at *rmarkle@rtcm.org* for more information including services for individuals with disabilities or to request special assistance.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal

Advisory Committee Act, Title 5 United States Code Appendix.

The Merchant Marine Personnel Advisory Committee was established under authority of section 310 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, Title 46, United States Code, section 8108, and chartered under the provisions of the Federal Advisory Committee Act. The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the Coast Guard on matters relating to personnel in the U.S. merchant marine, including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant; shall review and comment on proposed Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards; may be given special assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments; shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

A copy of all meeting documentation, including the Task Statement, is available at *https://homeport.uscg.mil/* by using these key strokes: Missions; Port and Waterways; Safety Advisory Committees; MERPAC; and then use the announcements key. Alternatively, you may contact Mr. Breyer as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Agenda

The agenda for the August 5, 2015, working group meeting is as follows:

(1) Comment period for all attendees to discuss information that might assist the working group and the Merchant Marine Personnel Advisory Committee in meeting its objectives for Task Statement 30, concerning utilizing military education, training, and assessment for Standards of Training, Certification and Watchkeeping for Seafarers and National Certifications;

(2) The working group will review and develop proposed recommendations for Task Statement 30; and

(3) Adjournment of meeting.

The agenda for the August 6 2015, working group meeting is as follows:

(1) The working group will review and develop proposed recommendations concerning utilizing military education, training, and assessment for Standards of Training, Certification and Watchkeeping for Seafarers and National Certifications;

(2) Public comment period;

(3) The working group will discuss and finalize proposed recommendations for the full committee to consider with regards to Task Statement 30, concerning utilizing military education, training, and assessment for Standards of Training, Certification and Watchkeeping for Seafarers and National Certifications; and

(4) Adjournment of meeting.

Dated: 26 June, 2015.

F.J. Sturm,

Acting Director of Commercial Regulations and Standards.

[FR Doc. 2015–16297 Filed 7–1–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

New Date for the October 2015 Customs Broker License Examination

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General Notice.

SUMMARY: This document announces that U.S. Customs and Border Protection has changed the date on which the semi-annual written examination for an individual broker's license will be held in October 2015.

DATES: The customs broker's license examination scheduled for October 2015 will be held on Wednesday, October 7.

FOR FURTHER INFORMATION CONTACT: John Lugo, Broker Management Branch, Office of International Trade, (202) 863–6015.

SUPPLEMENTARY INFORMATION:

Background

Section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), provides that a person (an individual, corporation, association, or partnership) must hold a valid customs broker's license and permit in order to transact customs business on behalf of others, sets forth standards for the issuance of broker's licenses and permits, and provides for the taking of disciplinary action against brokers that have engaged in specified types of infractions. This section also provides that an examination may be conducted to assess an applicant's qualifications for a license.

The regulations issued under the authority of section 641 are set forth in Title 19 of the Code of Federal Regulations, part 111 (19 CFR 111). Part 111 sets forth the regulations regarding the licensing of, and granting of permits to, persons desiring to transact customs business as customs brokers. These regulations also include the qualifications required of applicants and the procedures for applying for licenses and permits. 19 CFR 111.11 sets forth the basic requirements for a broker's license and, 19 CFR 111.11 (a)(4), provides that an applicant for an individual broker's license must attain a passing grade (75 percent or higher) on a written examination.

19 CFR 111.13 sets forth the requirements and procedures for the written examination for an individual broker's license and states that written customs broker license examinations will be given on the first Monday in April and October unless the regularly scheduled examination date conflicts with a national holiday, religious observance, or other foreseeable event.

CBP recognizes that the first Monday in October 2015 coincides with the observance of the religious holiday of Shemini Atzeret. In consideration of this conflict, CBP has decided to change the regularly scheduled date of the examination. This document announces that CBP has scheduled the October 2015 broker license examination for Wednesday, October 7, 2015.

Dated: June 29, 2015.

Brenda B. Smith,

Assistant Commissioner, Office of International Trade, U.S. Customs and Border Protection.

[FR Doc. 2015–16382 Filed 7–1–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of WFR Metering, Inc., as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of WFR Metering, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that WFR Metering, Inc., has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of July 15, 2014.

DATES: The approval of WFR Metering, Inc., as commercial gauger became

effective on July 15, 2014. The next triennial inspection date will be scheduled for July 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that WFR Metering, Inc., 18200 Westfield Place Dr., #1315, Houston, TX 77090, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. WFR Metering, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
8.2	Sampling—Automatic Samplers.
8.3	Sampling—Sample Receiver Mixing.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories*

Dated: June 25, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–16384 Filed 7–1–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2014–0005]

1670–0023 Technical Assistance Request and Evaluation

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 30-Day Notice and request for comments Reinstatement of Previously Approved Collection: 1670–0023

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Cybersecurity and Communications (CS&C), National Cyber Security Division (NCSD), Office of Emergency Communications (OEC), will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). NPPD is soliciting comments concerning Reinstatement of Previously Approved Collection, Technical Assistance Request and Evaluation. DHS previously published this ICR in the **Federal Register** on December 10, 2014, for a 60-day public comment period. DHS received no comments. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until March 11, 2015. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and questions about this Information Collection Request should be forwarded to DHS/NPPD/CS&C/NCSD/CSEP, 245 Murray Lane, SW., Mail Stop 0640, Arlington, VA 20598–0640. Emailed requests should go to Kendall Carpenter, *Kendall.Carpenter@hq.dhs.gov.* Written comments should reach the contact person listed no later than March 11, 2015. Comments must be identified by 1670–0023 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Email: Kendall.Carpenter@hq.dhs.gov*
- Include the docket number in the subject line of the message.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

SUPPLEMENTARY INFORMATION: The Office of Emergency Communications (OEC) formed under Title XVIII of the Homeland Security Act of 2002, 6 U.S.C. 101 *et seq.,* as amended, is authorized to provide technical assistance at no charge to State, regional, local, and tribal government officials. OEC will use the Technical Assistance Request Form to identify the number and type of technical assistance requests from each State and territory. OEC will use the Technical Assistance Evaluation Form to support quality improvement of its technical assistance services. Both Forms may be submitted electronically or in paper form.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Emergency Communications.

Title: Technical Assistance Request and Evaluation.

OMB Number: 1670–0023.

Frequency: Annually.

Affected Public: State, local and Tribal government.

Number of Respondents: 56 respondents (estimate).

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 175 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost (operating/maintaining): $4,273.50.

Scott Libby,

Deputy Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2015–16387 Filed 7–1–15; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2014–0008]

Telecommunications Service Priority System

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 30-Day notice and request for comments; Reinstatement, without change, of a previously approved collection: 1670–0005.

SUMMARY: The Department of Homeland Security, National Protection and Programs Directorate, Office of Cybersecurity and Communications, submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). The National Protection and Programs Directorate is soliciting comments concerning the Reinstatement, without change, of a previously approved collection: 1670–0005, Telecommunications Service Priority System. DHS previously published this information collection request (ICR) in the **Federal Register** on December 2, 2014, for a 60-day public comment period. No comments were received by DHS. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until August 3, 2015. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and questions about this Information Collection Request should be forwarded to DHS/NPPD/CS&C/OEC, 245 Murray Lane, Mail Stop 0615, Arlington, VA 20598–0615. Emailed requests should go to Deborah Bea, *deborah.bea@hq.dhs.gov.* Comments must be identified by DHS–2014–0008 and may also be submitted by *one* of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*.
- Email: *oira_submission@omb.eop.gov.* Include the docket number in the subject line of the message.
- Fax: (202) 395–5806

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

SUPPLEMENTARY INFORMATION: The purpose of the TSP System is to provide a legal basis for telecommunications vendors to provide priority provisioning and restoration of telecommunications services supporting national security and emergency preparedness functions. The information gathered via the TSP System forms is the minimum necessary for DHS's Office of Emergency Communications to effectively manage the TSP System.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Cybersecurity and Communications, Office of Emergency Communications.

Title: Telecommunications Service Priority System.

OMB Number: 1670–0005.

Frequency: Information is required when an organization decides they want TSP priority on their critical circuits. These requests are situational and made at the discretion of the telecommunications user therefore the program office is not able to determine when or how often such requests will occur.

Affected Public: Business (private sector organizations that support critical infrastructure) and Federal, state, local, or tribal governments.

Number of Respondents: 28,161 respondents.

Estimated Time per Respondent: 3 hours, 10 minutes.

Total Burden Hours: 7,727.42 annual burden hours.

Total Burden Cost (capital/startup): $243,259.18.

Total Burden Cost (operating/maintaining): $0.00.

Scott Libby,

Deputy Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2015–16391 Filed 7–1–15; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5828–N–27]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the

homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to: Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 5B–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301)–443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: AGRICULTURE: Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202) 720–8873; AIR FORCE: Mr. Robert E. Moriarty, P.E., AFCEC/CI, 2261 Hughes Avenue, Ste. 155, JBSA Lackland TX 78236–9853; COAST GUARD: Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2703 Martin Luther King Jr. Avenue SE., Stop 7741, Washington, DC 20593–7714; (202) 475–5609; COE: Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street NW., Washington, DC 20314; (202) 761–5542; GSA: Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501–0084; INTERIOR: Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 3960 N. 56th Ave. #104, Hollywood, FL 33021; (443) 223–4639; NASA: Mr. Frank T. Bellinger, Facilities Engineering Division, National Aeronautics & Space Administration, Code JX, Washington, DC 20546, (202) 358–1124; NAVY: Mr. Steve Matteo, Department of the Navy, Asset Management; Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426 (These are not toll-free numbers).

Dated: June 25, 2015.

Juanita Perry,

SNAPS Specialist/Title V Lead, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 07/02/2015

Suitable/Available Properties

Building

Connecticut

Tract #288–02
Trinity Episcopal Bldg.
143 West Cornwall Rd.
West Cornwall CT 06796
Landholding Agency: Interior
Property Number: 61201520008
Status: Excess
Comments: off-site removal; only; 600 sq. ft.; extremely difficult to relocate due to type/location; good conditions; 1,500 ft. from nearest road; w/in wooded area; contact Interior for more information.

Hawaii

2 Building
Marine Corps Base Hawaii Kaneohe Bay
Kaneohe HI 96863
Landholding Agency: Navy
Property Number: 77201520020
Status: Excess
Directions: Building: 1287 (260 sq. ft.); 1288 (704 sq. ft.)
Comments: off-site removal; 50+ yrs. old; vehicle grease rack & loading ramp; severely deteriorated; contact Navy for more information.

Kentucky

644500B001 MWA Admin Building; ARS; 230 Bennett Lane
Bowling Green KY 42104
Landholding Agency: Agriculture
Property Number: 15201520030
Status: Excess
Directions: RPUID; 2391054320 98400/00
Comments: installation/Site: 98400/00; Off-site removal; 11+ yrs. old; 470 sq. ft.; office; building is occupied through May 2015; contact Agriculture for more information.

644500B002 MWA Office/Lab
230 Bennett Lane
Bowling Green KY 42104
Landholding Agency: Agriculture
Property Number: 15201520031
Status: Excess
Directions: RPUD: 2392054320 98400/100
Comments: off-site removal; 11+ yrs. old; 2,100 sq. ft.; laboratory; contact Agriculture for more information.

644500B003 MWA Office/Lab
2300 Bennett Lane
Bowling Green KY 42104
Landholding Agency: Agriculture
Property Number: 15201520032
Status: Excess
Directions: RPUID: 2393054320 98400/00
Comments: off-site removal; 11+ yrs. old; 2,100 sq. ft.; may be difficult to move; lab/office; contact Agriculture for more information.

Mississippi

Facility #457—Mainteinance & Repair Facility
Naval Construction Battalion Center
Gulfport MS 39501
Landholding Agency: Navy
Property Number: 77201520021
Status: Unutilized
Comments: off-site removal only; 8.25+ yrs. old; 928 sq. ft.; 30+ mos. vacant; maintenance; exceeded its useful life; no future agency need; contact Navy for more information.

New Hampshire

Tract #198–15

Appalachian National Scenic Trail
Etna NH 03755
Landholding Agency: Interior
Property Number: 61201520006
Status: Excess
Directions: Cummingham House (975 sq. ft.); Garage (900 sq. ft.)
Comments: off-site removal only; relocation may be difficult due to type/size; structurally in good conditions; roof in fair conditions; deck unstable; potential lead/mold/asbestos; contact Interior for more info.

North Carolina

SAW PORES–26368, Communication
2499 Reservoir Road
Wilkesboro NC 28697
Landholding Agency: COE
Property Number: 31201520008
Status: Unutilized
Comments: 45+ yrs. old; 144 sq. ft.; poor conditions; no future agency need; contact COE for more information.

Pennsylvania

Tract #01–102
Flight 93 National Memorial
Stoystown PA 15563
Landholding Agency: Interior
Property Number: 61201520005
Status: Excess
Directions: Warehouse/Maintenance (4,000 sq. ft.); Knarly Storage (1,500 sq. ft.)
Comments: off-site removal only; relocation may be difficult due to size/type/conditions; roof, interior floors, & walls need repair; lead/mold; contact Interior for more information.

Washington

Beth Lake Comfort Station
1303.005031
Beth Lake Campground
Chesaw WA 98844
Landholding Agency: Agriculture
Property Number: 15201520029
Status: Unutilized
Directions: 0325–0765300
Comments: off-site removal; 50+ yrs.; old; 900 sq. ft.; toilet; 24+ mos. Vacant; not needs replacing; no future agency need; contact Agriculture for more information.

8 Lower Ct.
6JC18
Curlew WA 99118
Landholding Agency: Agriculture
Property Number: 15201520033
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,045 sq. ft.; mobile home; very poor conditions; repairs needed; contact Agriculture for more information.

6 Lower Ct.
6JC16
Curlew WA 99118
Landholding Agency: Agriculture
Property Number: 15201520034
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,045 sq. ft.; 2+ months vacant; poor conditions; contact Agriculture for more information.

Unsuitable Properties

Building

California

Building 99,
Naval Base Coronado
P.O. Box 357040
San Diego CA 92135
Landholding Agency: Navy
Property Number: 77201520019
Status: Underutilized
Comments: Flammable/explosive materials are located on adjacent industrial; commercial, or Federal facility.
Reasons: Within 2000 ft. of flammable or explosive material

Connecticut

Building 10011
100 Nicholson Road
East Granby CT 06026
Landholding Agency: Air Force
Property Number: 18201520028
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security; property located within an airport runway clear zone or military airfield.
Reasons: Secured Area; Within airport runway clear zone

Building 10012
100 Nicholson Road
East Granby CT 06026
Landholding Agency: Air Force
Property Number: 18201520029
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Florida

7 Buildings
Kennedy Space Center
Kennedy Space Center FL 32899
Landholding Agency: NASA
Property Number: 71201510018
Status: Unutilized
Directions: 169; 191; 223; 271; 790; 798; 207
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

6 Buildings
Cape Canaveral Air Force Station
CCAFS FL 32925
Landholding Agency: NASA
Property Number: 71201520003
Status: Unutilized
Directions: 24 Admin; 21 Mobile; 77 Hangar; 18 Equip; 127 Storage; 27 Hydrogen Storage.
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

6 Buildings
Kennedy Space Center
Kennedy Space Center FL 32899
Landholding Agency: NASA
Property Number: 71201520004
Status: Unutilized
Directions: 798 Classroom; 207 Disposal Office; 223 Storage Shed; 191 Drum Storage; 169 Contractor Support; 271 Ordnance Lab
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

790—Temporary Building #35
J7–0243A Perimeter Road, LC39B
Kennedy Space Center FL 32899
Landholding Agency: NASA
Property Number: 71201520005
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Cape Canaveral Air Force Station
Cape Canaveral AF FL 32925
Landholding Agency: NASA
Property Number: 71201520006
Status: Unutilized
Directions: E & O Building; Electrical Storage Building
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

5 Buildings
Kennedy Space Center
Kennedy Space Center FL 32899
Landholding Agency: NASA
Property Number: 71201520007
Status: Unutilized
Directions: Rechlorination Bldg.; Parachute Storage; Equipment Bldg.; Mission support; Locomotive Storage
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Comments

Helicopter Interdiction

Tactical Squadron
13520 Aerospace Way
Jacksonville FL 32221
Landholding Agency: Coast Guard
Property Number: 88201520006
Status: Unutilized.
Comments: public access denied and no alternative to gain access w/out compromising national security; documented deficiencies: roof is collapsing; clear threat to physical safety.
Reasons: Extensive deterioration; Secured Area

Guam

Building 21000
Anderson Air Force Base
Anderson Air Force Ba GU 96543
Landholding Agency: Air Force
Property Number: 18201520031
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Iowa

#270—Jet Fuels Operations Facility
3270 Air Cobra Drive
Des Moines IA 50321
Landholding Agency: Air Force
Property Number: 18201520030
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area; Within airport runway clear zone

Maine

Tract #115–02
Appalachian National Scenic Trail
Andover ME 04270
Landholding Agency: Interior
Property Number: 61201520007
Status: Excess
Directions: International Paper Cabin #2; Outbuilding
Comments: documented deficiencies: roof & foundation completely unstable; any attempt to relocate will result in collapse of property; clear threat to personal physical safety.
Reasons: Extensive deterioration

Montana

B1302 Graham/Johnson/Roberts/Clack Cabin
62 Lake McDonald Lodge Loop
West Glacler MT 59936
Landholding Agency: Interior
Property Number: 61201520009
Status: Unutilized
Comments: property located within floodway which has not been clear zone or military airfield.
Reasons: Floodway

North Carolina

3 Buildings
U.S. Coast Guard Station Hobucken
Hobucken NC 28537
Landholding Agency: Coast Guard
Property Number: 88201520002
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Texas

U.S.C.G. Station Port O'Connor
2307 W. Maple Street #A
Port O'Connor TX 77982
Landholding Agency: Coast Guard
Property Number: 88201520005
Status: Unutilized
Directions: ATON Storage Bldg.; ATON BATT Storage
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Virginia

2 Building
Naval Station Norfolk
Norfolk VA 23511
Landholding Agency: Navy
Property Number: 77201520018
Status: Excess
Directions: Facility M110 & M48
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

U.S. Coast Cape Henry
Light station
583 Atlantic Avenue
Virginia Beach VA 23451
Landholding Agency: Coast Guard
Property Number: 88201520003
Status: Excess
Directions: Storage Shed (OU1) (RPUID #16806)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

U.S. Coast Cape Henry
Light station
583 Atlantic Avenue
Virginia Beach VA 23451
Landholding Agency: Coast Guard
Property Number: 88201520004
Status: Excess
Directions: (OU3)RPUID #16808
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Wyoming

Acid Pond Parcel
Spook Wyoming Site
N. of Glenrock WY 82633
Landholding Agency: GSA
Property Number: 54201520017
Status: Surplus
GSA Number: 7–B–WY–0558–AA
Directions: Disposal Agency: GSA; Landholding Agency: Energy; previously reported property under HUD # 41201420003 as unsuitable; published 7/11/2014
Comments: landlocked and can only be reached by crossing private property and there is no established right or means of entry.
Reasons: Not accessible by road

Land

New York

Parcel
7–AFRL
Rome NY 13441
Landholding Agency: GSA
Property Number: 54201520020
Status: Excess
GSA Number: 1–D–NY–0992
Directions: Landholding Agency: Air Force; Disposal Agency: GSA; previously reported by Air Force on 09/17/2013—HUD determination: unsuitable
Comments: property located within military runway clear zone/airfield.
Reasons: Within airport runway clear zone

[FR Doc. 2015–16043 Filed 7–1–15; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2014–N233; FXES11130200000C2–112–FF02ENEH00]

Endangered and Threatened Wildlife and Plants; Sonoran Pronghorn Draft Recovery Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of our draft recovery plan, second revision, for the Sonoran pronghorn, which is listed as endangered under the Endangered Species Act of 1973, as amended (Act). This pronghorn is currently found in southwestern Arizona and northwestern Sonora, Mexico. The draft recovery plan

includes specific recovery objectives and criteria to be met to enable us to remove this species from the list of endangered and threatened wildlife and plants. We request review and comment on this plan from local, State, and Federal agencies; Tribes; and the public. We will also accept any new information on the status of the Sonoran pronghorn throughout its range to assist in finalizing the recovery plan.

DATES: To ensure consideration, we must receive written comments on or before August 3, 2015. However, we will accept information about any species at any time.

ADDRESSES: If you wish to review the draft recovery plan, you may obtain a copy by any one of the following methods:

Internet: Access the file at *www.fws.gov/southwest/es/Documents/SpeciesDocs/SonoranPronghorn/SonoranPronghorn_DraftRecoveryPlan_Final_December2014.pdf*;

U.S. mail: U.S. Fish and Wildlife Service, 1611 North Second Avenue, Ajo, AZ 85321; or

Telephone: (520) 387–6483.

If you wish to comment on the draft recovery plan, you may submit your comments in writing by any one of the following methods:

- *U.S. mail:* Sonoran Pronghorn Recovery Coordinator, at the Ajo, AZ, address;
- *Hand-delivery:* Cabeza Prieta National Wildlife Refuge, at the Ajo, AZ, address;
- *Fax:* (520) 387–5359; or
- *Email: James_Atkinson@fws.gov.*

For additional information about submitting comments, see the ''Request for Public Comments'' section in this notice.

FOR FURTHER INFORMATION CONTACT: James Atkinson, Sonoran Pronghorn Recovery Coordinator, at the above address and phone number, or by email at *James_Atkinson@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the Act (16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act. The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. A recovery plan for the Sonoran pronghorn was first completed in 1982 and was then revised in 1998. A supplement and amendment to the 1998 plan was completed in 2002.

Species History

The Sonoran pronghorn subspecies is recognized by a number of Federal, State, and international lists. The subspecies was first included on the first list of endangered species on March 11, 1967 (32 FR 4001), under the Endangered Species Preservation Act of October 15, 1966, a predecessor of the Act. The subspecies is currently listed as an endangered species throughout its range under the Act. The species' current recovery priority number is 3, indicating the subspecies has a high degree of threat and a high potential for recovery.

In addition to the listing under the Act, the pronghorn is listed as endangered in Mexico by the Secretaría de Medio Ambiente y Recursos Naturales, or Federal Ministry of the Environment and Natural Resource (SEMARNAT 2010). This listing is for the entire species and includes all subspecies within Mexico. All subspecies of *Antilocapra americana* are listed on the Convention on International Trade in Endangered Species of Wild Fauna and Flora, but only populations in Mexico are included (Convention on International Trade in Endangered Species of Wild Flora and Fauna 2014). Sonoran pronghorn in Arizona are also on the Arizona Game and Fish Department's list of ''Species of Greatest Conservation Need.''

Pronghorn have slightly curved horns; the males usually have a single prong projecting forward. The horns have a straight bony core and sheaths of fused hairs, which are shed and replaced annually (Hoffmeister 1986). Coat color varies from yellowish to tan, with some white markings, except for black on the top of the nose (Hoffmeister 1986). Pronghorns are the only artiodactyls with pronged horns and horn sheaths that are shed annually (Hoffmeister 1986).

Pronghorn are endemic to western North America (O'Gara 1978) and are placed within the Family Antilocapridae in Order Artiodactyla, the even-toed ungulates. The Family Antilocapridae, found only in North America, contains only one genus, *Antilocapra*, which in turn contains only one species, the pronghorn. The Sonoran pronghorn is one of four extant subspecies of pronghorn (Stephen et al. 2005). Sonoran pronghorn historically occurred throughout most of southwestern Arizona, northwestern Sonora, and portions of southeastern California and northeastern Baja California. Four wild populations of the Sonoran pronghorn are now extant and occupy about 8 percent of their historical range; two of these occur in southwestern Arizona and two occur in northwestern Sonora. Threats to the species include barriers (*e.g.*, highways, fences, railroads, development, canals) that limit distribution and movement; dewatering of rivers; loss, fragmentation, and degradation of habitat; human-caused disturbance; and periods of prolonged drought.

The recovery strategy is to secure a sufficient number of Sonoran pronghorn populations that are viable under appropriate management scenarios within select areas throughout their historical range. In recognition of the binational distribution of the species, and the unique challenges and opportunities this presents, two conservation units (CU) for the species have been designated, one in the United States and one in Mexico. The U.S. CU is located in Arizona and California and includes the historical range of Sonoran pronghorn in the United States. The Mexico CU includes the historical range of Sonoran pronghorn in Mexico. Within these CUs there are management units (MU), including the Cabeza, Arizona Reintroduction, and California Reintroduction MUs in Arizona and California, and the Pinacate, Quitovac, and Sonora Reintroduction MUs in Sonora.

Recovery Plan Goals

The recovery goal is to conserve and protect the Sonoran pronghorn and its habitat so that its long-term survival is secured, and it can be removed from the list of threatened and endangered species (delisted). To achieve this goal, this draft recovery plan identifies the following objectives:

1. Ensure multiple viable populations of Sonoran pronghorn rangewide.
2. Ensure that there is adequate quantity, quality, and connectivity of Sonoran pronghorn habitat to support populations.
3. Minimize and mitigate the effects of human disturbance on Sonoran pronghorn.
4. Identify and address priority monitoring needs.
5. Identify and address priority research needs.
6. Maintain existing partnerships and develop new partnerships to support Sonoran pronghorn recovery.
7. Secure adequate funding to implement recovery actions for Sonoran pronghorn.

8. Practice adaptive management, in which recovery is monitored and recovery tasks are revised by the Service in coordination with the Sonoran Pronghorn Recovery Team as new information becomes available.

The draft recovery plan contains recovery criteria based on increasing and protecting current populations and establishing at least one new population, as well as reducing threats to the species. To achieve recovery criteria, various management actions are needed. When the status of Sonoran pronghorn meets these criteria, the species will no longer meet the conditions of being endangered throughout a significant portion of its range and will no longer warrant listing.

Request for Public Comments

Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment during recovery plan development. It is also our policy to request peer review of recovery plans (July 1, 1994; 59 FR 34270). We will summarize and respond to the issues raised by the public and peer reviewers and post our responses on our Web site. Substantive comments may or may not result in changes to the recovery plan; comments regarding recovery plan implementation will be forwarded as appropriate to Federal or other entities so that they can be taken into account during the course of implementing recovery actions. Responses to individual commenters will not be provided, but we will provide a summary of how we addressed substantive comments in an appendix to the approved recovery plan.

We invite written comments on the draft recovery plan. In particular, we are interested in additional information regarding the current threats to the species and the costs associated with implementing the recommended recovery actions.

Before we approve our final recovery plan, we will consider all comments we receive by the date specified in **DATES**. Methods of submitting comments are in the **ADDRESSES** section.

Public Availability of Comments

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.

Comments and materials we receive will be available, by appointment, for public inspection during normal business hours at our office (see **ADDRESSES**).

References Cited

A complete list of all references cited herein is available upon request from the U.S. Fish and Wildlife Service, Branch of Recovery (see **FOR FURTHER INFORMATION CONTACT** section).

Authority

We developed our draft recovery plan under the authority of section 4(f) of the Act, 16 U.S.C. 1533(f). We publish this notice under section 4(f) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 20, 2015.

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region, Fish and Wildlife Service.

[FR Doc. 2015–16292 Filed 7–1–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO956000 L14400000.BJ0000]

Notice of Filing of Plats of Survey; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing of Plats of Survey; Colorado.

SUMMARY: The Bureau of Land Management (BLM) Colorado State Office is publishing this notice to inform the public of the intent to officially file the survey plats listed below and afford a proper period of time to protest this action prior to the plat filing. During this time, the plats will be available for review in the BLM Colorado State Office.

DATES: Unless there are protests of this action, the filing of the plats described in this notice will happen on August 3, 2015.

ADDRESSES: BLM Colorado State Office, Cadastral Survey, 2850 Youngfield Street, Lakewood, CO 80215–7093.

FOR FURTHER INFORMATION CONTACT: Randy Bloom, Chief Cadastral Surveyor for Colorado, (303) 239–3856.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plat, in 2 sheets, and field notes of the dependent resurvey, survey and supplemental plat in Townships 45 and 46 North, Range 7 East, New Mexico Principal Meridian, Colorado, were accepted on May 12, 2015.

The plat and field notes of the limited corrective dependent resurvey in Township 43 North, Range 6 East, New Mexico Principal Meridian, Colorado, were accepted on May 18, 2015.

The plat incorporating the field notes of the dependent resurvey and subdivision of section 3 in Township 14 South, Range 77 West, Sixth Principal Meridian, Colorado, was accepted on June 10, 2015.

The plat incorporating the field notes of the dependent resurvey in Township 35 North, Range 15 West, New Mexico Principal Meridian, Colorado, was accepted on June 19, 2015.

Randy Bloom,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 2015–16290 Filed 7–1–15; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–PWRO–17880; PX.PR099106F.00.1]

Draft Environmental Impact Statement for General Management Plan, City of Rocks National Reserve, Cassia County, Idaho

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service (NPS), in cooperation with the Idaho Department of Parks and Recreation and the Bureau of Land Management, has prepared a Draft Environmental Impact Statement (DEIS) and General Management Plan (GMP) for City of Rocks National Reserve (Reserve). The DEIS evaluates four GMP alternatives for management of the City of Rocks National Reserve. When approved, the GMP will allow for implementation of a range of management actions to improve protection of natural and cultural resources and visitor experience within the Reserve.

DATES: All comments must be postmarked or transmitted not later than 60 days from the date of publication in

the **Federal Register** of the Environmental Protection Agency's notice of filing and release of the DEIS. Immediately upon confirmation of this date, all entities on the project mailing list will be notified, and public announcements about the DEIS review period will be posted on the project Web site (*http://parkplanning.nps.gov/ciro*) and distributed via local and regional press media.

FOR FURTHER INFORMATION CONTACT: Please contact GMP Planning Team Leader Amanda Schramm at (206) 220–4112.

SUPPLEMENTARY INFORMATION: City of Rocks National Reserve (Reserve) was designated as a unit of the national park system on November 18, 1988, by the Arizona-Idaho Conservation Act of 1988 (Pub. L. 100–696) and is managed cooperatively by the NPS and Idaho Department of Parks and Recreation (IDPR). The Reserve is located in the Albion Mountains in southwest Idaho and is one of many publicly owned areas within the region. The Reserve contains unique and diverse resources. The geologic features are world-renowned both for rock climbing and academic study. Vegetation communities include sagebrush steppe, pinyon-juniper woodlands, mountain mahogany woodlands, and higher elevation forest communities of aspen, subalpine fir, lodgepole pine, and limber pine. Idaho's only known population of cliff chipmunk is found in the Reserve and on adjacent lands. Other wildlife species include mule deer, coyote, bobcat, mountain lion, moose, elk, and bighorn sheep.

The Reserve preserves and protects 6.2 miles of the California National Historic Trail, 1.8 miles of the Salt Lake Alternate, and the surrounding cultural landscape, which includes remnant historic trail ruts, more than 350 emigrant signatures on 22 rocks, and portions of the Mormon Battalion Trail and the Kelton-Boise Stage Route. The Reserve comprises an area of 14,407 acres. Of that total, approximately 9,680 acres are federally-owned, 4,087 acres are privately-owned, and 640 acres are owned by the State of Idaho. Private land within the Reserve is regulated by Cassia County zoning and subdivision ordinances. Although considered nontraditional uses in most national park units, cattle grazing and hunting occur within the Reserve. The Shoshone-Bannock Tribes also continue traditional uses, such as seasonal hunting and pine nut gathering.

The GMP is needed because the 1996 City of Rocks National Reserve Comprehensive Management Plan is outdated and no longer provides adequate guidance to address the policy and operational issues now facing the Reserve. Many of the actions in the comprehensive management plan have been implemented, but other actions are either outdated, cost-prohibitive, or cannot be executed for other reasons, including current property ownership. The new GMP seeks to: (1) Describe purpose, significance, special mandates, fundamental resources and values, and primary interpretive themes for the Reserve through foundation planning; (2) clearly define resource conditions, visitor uses, and experiences to be achieved within the Reserve; (3) provide a framework for Reserve managers to guide decisions about protecting Reserve resources and providing high-quality visitor experiences through management of visitor activities and facilities; and (4) develop a foundation for NPS decision-making in consultation with interested stakeholders and IDPR leadership, based on analysis of the benefits, impacts, and costs of the alternatives.

The new GMP will address several issues facing the Reserve. In 1996 when the Comprehensive Management Plan was produced, approximately 50 percent of the land within the Reserve was in public ownership. Today, that percentage is approximately 70 percent, resulting in additional planning opportunities for newly acquired parcels. A land protection plan (LPP) currently underway will be completed following the publication of the GMP. The LPP will define those land interests that are most important to fulfilling the purpose of the Reserve, the resource protection reasons for acquisition, and the priority for and types of acquisition, as developed in consultation with the Reserve superintendent. Any lands proposed for acquisition would be by willing seller only, and would be consistent with Reserve legislation and NPS policies.

Visitation within the Reserve rose from approximately 81,000 visitors in 1993 to more than 99,439 in 2011. Population growth in the nearby metropolitan areas of Salt Lake City and the Pocatello/Idaho Falls area is expected to increase in the next 20 years, potentially affecting visitation and use within the Reserve. Because of increased visitation, there is a need to evaluate existing facilities. The temporary visitor center serving both the Reserve and Castle Rocks State Park is located in a 100-year-old house that is inadequate to accommodate the use of the thousands of visitors that pass through for orientation and information.

Although many campsites in the Reserve that existed when the Reserve was established have been closed or rehabilitated, there are lingering issues that need to be addressed including campsites that conflict with day use activities, safety and visual issues with some roadside campsites, and the need for additional toilets. Most campsites in the Reserve are located along the southern and western rim of Circle Creek Basin—these sites offer prime views of the ''Inner City'' pinnacles, as well as more expansive views of Granite Ridge that completes the northern encirclement of the basin. Intensive use during some seasons has caused parking conflicts, especially associated with horse trailer and large recreational vehicle parking. The GMP includes a development concept plan to address these specific issues, including comprehensive assessment of the trail system with associated parking, picnicking, and trailheads.

Several plans completed since the 1996 comprehensive management plan are now due for revision, and additional plans are needed to better inform Reserve management. Among these plans are the grazing management plan, fire management plan and vegetation management plan. The GMP is intended to provide more direction for their development.

The DEIS also includes a wilderness eligibility assessment because all lands administered by the NPS must be evaluated for their eligibility for inclusion in the National Wilderness Preservation System. The assessment concludes that lands within the Reserve boundary do not meet the requirements necessary to qualify on their own for designation by Congress as Wilderness. However, while Reserve lands alone do not meet the criteria, the area could contribute to a larger area of potential wilderness, if the Sawtooth National Forest were to reconsider its management plan prescription for inventoried roadless areas immediately north of the Reserve.

Current management zoning for the Reserve uses both zones and subzones and covers both private and public land. Many of the prescriptions for these are overlapping or contradictory and at times confusing for Reserve managers. In addition, a section of the Reserve at the eastern boundary was not zoned on the 1996 management zoning map and needs to be corrected.

Alternatives: Four GMP alternatives are identified and analyzed in the DEIS, and are briefly described below. In addition, a Development Concept Plan (DCP) is included for the ''Rim'' area of the Reserve (the western rim of Circle

Creek Basin) to provide a framework to enhance and improve visitor facilities and visitor experience in this area. The DCP addresses a broad spectrum of issues and use conflicts between recreational activities—in particular, day-use activities and overnight camping.

Alternative A (No Action Alternative) would continue current management, programming, facilities, staffing, and funding at their current levels, and existing plans would be implemented.

Alternative B: Silent City of Rocks (preferred alternative) would focus on the spectacular scenery, geology, biological richness, and cultural landscape experienced by past and present visitors. It would emphasize a backcountry-type visitor experience that would allow for self-discovery within a minimally developed western outdoor environment.

Alternative C: A Stage for Stewardship would protect resources through research activities, educational opportunities, and partnerships by emphasizing the national significance of the Reserve. Visitors would be provided opportunities to learn about the history and the natural wonders within the Reserve.

Alternative D: Treasured Landscapes Inspiring Stories would tell stories of the Reserve through the people who pass through, live, and recreate within it, focusing on the California Trail and the ranching heritage. It would emphasize a frontcountry, day-use experience with more formal and structured recreational opportunities and programs.

Public Engagement: Public scoping formally began on August 25, 2009, with the **Federal Register** publication of a Notice of Intent to prepare an Environmental Impact Statement, followed by widespread mailing of Newsletter #1 which generally described the conservation planning and environmental impact analysis process and the purpose and need for the planning effort. Five public meetings (in Almo, Burley, Pocatello, Boise, and Ketchum, Idaho, during September 21—October 22, 2009) provided an early opportunity for the public to identify issues. Newsletter #2 distributed in winter, 2009/2010 summarized public scoping comments. A third newsletter presenting preliminary alternatives followed in April 2011. In addition to a public meeting at park headquarters in Almo, Idaho, numerous meetings with stakeholders, including the Bureau of Land Management, occurred following announcement of the preliminary alternatives. Newsletter #3 and the stakeholders meeting were announced via news releases to several media outlets, including local newspapers and radio and television stations. Lastly, a fourth newsletter distributed in March 2012, summarized the more than 150 public comments on the preliminary alternatives.

To facilitate public review of DEIS/GMP, the Reserve Superintendent and NPS planning team will host a public meeting at park headquarters in Almo, Idaho with another meeting possible in Twin Falls, Idaho. As soon as confirmed date(s), specific location(s), and time(s) are determined, this information will be announced via local and regional news media and on the Reserve's Web site (*www.nps.gov/ciro*). Participants are strongly encouraged to review the Executive Summary and/or complete document prior to attending a meeting. The format will include a brief presentation on the essential elements of the DEIS/GMP, followed by the opportunity to ask questions and provide comments. All meeting locations will be accessible for disabled persons. A sign language interpreter may be available (request in advance by contacting the Reserve at (208) 824–5911).

How to Comment: Information about the 60 day public review and comment period will be announced via local and regional news media. An Executive Summary newsletter for the DEIS/GMP will be mailed to interested parties. Printed copies of the complete document will be available for review at park headquarters in Almo, Idaho, as well as in local public libraries in Burley and Twin Falls, Idaho. Electronic versions of the document will also be available on the Reserve's Web site (*www.nps.gov/ciro*), and limited numbers of printed or CD format documents may be requested by contacting the Reserve at (208) 824–5911.

Written comments should be addressed to: Superintendent, ATTN: City of Rocks General Management Plan, City of Rocks National Reserve, P.O. Box 169, Almo, ID 83312. Reviewers may also submit comments electronically at *http://parkplanning.nps.gov/ciro.* 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.

Decision Process: Following due consideration of all agency and public comments which are received, a Final Plan/EIS will be prepared; at this time it is anticipated the final document will be available for public inspection during winter, 2015/2016. Because this is a delegated EIS process, the official responsible for the final decision on the GMP is the Regional Director, Pacific West Region, National Park Service. The official responsible for implementation of the approved GMP is the Superintendent, City of Rocks National Reserve.

Dated: March 13, 2015.

Christine S. Lehnertz,

Regional Director, Pacific West Region.

Editor's note: This document was received by the Office of the Federal Register on June 29, 2015.

[FR Doc. 2015–16319 Filed 7–1–15; 8:45 am]

BILLING CODE 4312–FF–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR04073000, XXXR4081X3, RX.05940913.7000000]

Notice of Public Meeting for the Glen Canyon Dam Adaptive Management Work Group

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Glen Canyon Dam Adaptive Management Work Group (AMWG) makes recommendations to the Secretary of the Interior concerning Glen Canyon Dam operations and other management actions to protect resources downstream of Glen Canyon Dam, consistent with the Grand Canyon Protection Act. The AMWG meets two to three times a year.

DATES: The meeting will be held on Wednesday, August 26, 2015, from approximately 9:30 a.m. to approximately 5:30 p.m.; and Thursday, August 27, 2015, from approximately 8 a.m. to approximately 3 p.m.

ADDRESSES: The meeting will be held at the DoubleTree by Hilton Phoenix-Tempe, 2100 South Priest Drive, Tempe, Arizona 85282.

FOR FURTHER INFORMATION CONTACT: Glen Knowles, Bureau of Reclamation, telephone (801) 524–3781; facsimile (801) 524–3807; email at *gknowles@usbr.gov.*

SUPPLEMENTARY INFORMATION: The Glen Canyon Dam Adaptive Management Program (GCDAMP) was implemented

as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The GCDAMP includes a Federal advisory committee, the AMWG, a technical work group (TWG), a Grand Canyon Monitoring and Research Center, and independent review panels. The TWG is a subcommittee of the AMWG and provides technical advice and recommendations to the AMWG.

Agenda: The primary purpose of the meeting will be to approve the Fiscal Year 2016 Budget and Work Plan, and to approve the Water Year 2016 Hydrograph operation for Glen Canyon Dam. The AMWG will receive updates on: (1) The Long-Term Experimental and Management Plan Environmental Impact Statement, (2) current basin hydrology and drought impacts, (3) reports from the Glen Canyon Dam Tribal and Federal Liaisons, (4) science results from Grand Canyon Monitoring and Research Center staff. The AMWG will also address other administrative and resource issues pertaining to the GCDAMP.

To view a copy of the agenda and documents related to the above meeting, please visit Reclamation's Web site at *http://www.usbr.gov/uc/rm/amp/amwg/mtgs/15aug26.* Time will be allowed at the meeting for any individual or organization wishing to make formal oral comments. To allow for full consideration of information by the AMWG members, written notice must be provided to Glen Knowles, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 8100, Salt Lake City, Utah 84138; telephone (801) 524–3781; facsimile (801) 524–3807; email at *gknowles@usbr.gov,* at least five (5) days prior to the meeting. Any written comments received will be provided to the AMWG members.

Public Disclosure of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 12, 2015.

Beverley Heffernan,

Manager, Environmental Resources Division, Upper Colorado Regional Office.

[FR Doc. 2015–16286 Filed 7–1–15; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1279 (Preliminary)]

Hydrofluorocarbon Blends and Components From China; Institution of Antidumping Duty Investigation and Scheduling of Preliminary Phase Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping duty investigation No. 731–TA–1279 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of hydrofluorocarbon blends and components from China, provided for in subheadings 3824.78.00 and 2903.39.20 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation, the Commission must reach a preliminary determination in antidumping duty investigations in 45 days, or in this case by August 10, 2015. The Commission's views must be transmitted to Commerce within five business days thereafter, or by August 17, 2015.

DATES: Effective date: June 25, 2015.

FOR FURTHER INFORMATION CONTACT: Joanna Lo (202–205–1888), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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.*

SUPPLEMENTARY INFORMATION:

Background—This investigation is being instituted, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), in response to a petition filed on June 25, 2015, by the American HFC Coalition, and its members (Amtrol, Inc., West Warwick, Rhode Island; Arkema, Inc., King of Prussia, Pennsylvania; The Chemours Company FC LLC, Wilmington, Delaware; Honeywell International Inc., Morristown, New Jersey; Hudson Technologies, Pearl River, New York; Mexichem Fluor Inc., St. Gabriel, Louisiana; Worthington Industries, Inc., Columbus, Ohio); and District Lodge 154 of the International Association of Machinists and Aerospace Workers (''IAMAW'').

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register.** Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice

in the **Federal Register.** A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with this investigation for 9:30 a.m. on July 16, 2015, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (Do Not File on EDIS) on or before July 14, 2015. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before July 21, 2015, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please consult the Commission's rules, as amended, 76 FR 61937 (Oct. 6, 2011) and the Commission's Handbook on Filing Procedures, 76 FR 62092 (Oct. 6, 2011), available on the Commission's Web site at *http://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: June 29, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–16368 Filed 7–1–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 07–15]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Thursday, July 16, 2015: 10 a.m.—Issuance of Proposed Decisions in claims against Libya.

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2015–16473 Filed 6–30–15; 4:15 pm]

BILLING CODE 4410–BA–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0009]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Suspension of Deportation (Form EOIR–40)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 31, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Charles Adkins-Blanch, Acting General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia 20530; telephone: (703) 305–0470.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Executive Office for Immigration Review, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* Application for Suspension of Deportation.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is EOIR–40, Executive Office for Immigration Review, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual aliens determined to be deportable from the United States. Other: None. Abstract: This information collection is necessary to determine the statutory eligibility of individual aliens, who have been determined to be deportable from the United States, for suspension of their deportation pursuant to former section 244 of the Immigration and Nationality Act and 8 CFR 1240.55 (2011), as well as to provide information relevant to a favorable exercise of discretion.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 160 respondents will complete the form annually with an average of 5 hours and 45 minutes per response.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 920 hours. It is estimated that respondents will take 5 hours and 45 minutes to complete the form.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: June 29, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–16322 Filed 7–1–15; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0012]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Request for Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization (Form EOIR–31)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 31, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jean King, Acting General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia 20530; telephone: (703) 305–0470.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Executive Office for Immigration Review, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a Currently Approved Collection.

2. *The Title of the Form/Collection:* Request for Recognition of a Non-profit Religious, Charitable, Social Service, or Similar Organization.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form EOIR–31. The applicable component within the Department of Justice is the Board of Immigration Appeals, Executive Office for Immigration Review.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Non-profit organizations seeking to be recognized as legal service providers by the Board of Immigration Appeals (Board) of the Executive Office for Immigration Review (EOIR). Abstract: This information collection is necessary to determine whether the organization meets the regulatory and relevant case law requirements for recognition by the Board as a legal service provider, which then would allow its designated representative or representatives to seek full or partial accreditation to practice before EOIR and/or the Department of Homeland Security.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 128 respondents will complete the form annually with an average of 2 hours per response.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 256 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: June 29, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–16331 Filed 7–1–15; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection for Unemployment Insurance Call Center Final Assessment Guide, New Collection

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)]. This program helps ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, ETA is soliciting comments concerning the collection of data about Unemployment Insurance (UI) Call Center Operations and Technologies in each State. This Assessment Guide was developed to assist the Department in conducting a study of all 53 States' UI

Call Centers (including District of Columbia, Puerto Rico and the Virgin Islands), accomplished by an analysis of study findings by Coffey Consulting, LLC, contractor to ETA. The analysis report will be based on the telephone interviews conducted with the States.

DATES: Submit written comments to the office listed in the addresses section below on or before August 31, 2015.

ADDRESSES: Send written comments to Jeffery B. Haluska, Office of Unemployment Insurance, Room S–4524, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–2992 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Email: *Haluska.Jeffery.B@dol.gov.* To obtain a copy of the proposed information collection request (ICR), please contact the person listed above.

SUPPLEMENTARY INFORMATION:

I. Background

The UI Call Center Final Assessment Guide will be used to conduct and collect information via individual telephone interviews with each of the 53 States, through the assistance of the Department's contractor, Coffey Consulting, LLC. The assessment will collect information to help in the development of an analysis and report on how States use call center operations in support of their UI programs and to identify successful practices that can be shared with all States.

II. Review Focus

The Department is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

Type of Review: New collection.

Title: Unemployment Insurance Call Center Final Assessment Guide.

OMB Number: 1205–0NEW.

Affected Public: State Workforce Agencies.

Estimated Total Annual Respondents: 53.

Annual Frequency: Once.

Estimate Total Annual Responses: 53.

Average Time per Response: 150 minutes.

Estimated Total Annual Burden Hours: 132.5 hours.

Total Estimated Annual Other Cost Burden: $0.

We will summarize and/or include in the request for OMB approval of the ICR, the comments received in response to this comment request; they will also become a matter of public record.

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2015–16321 Filed 7–1–15; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection for the American Apprenticeship Initiative Grants, New Collection

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)] (PRA). The PRA helps ensure that respondents can provide requested data in the desired format with minimal reporting burden (time and financial resources), collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, ETA is soliciting comments concerning the collection of data entailed by the American Apprenticeship Initiative Grants, which are designed to support grantees in providing education, training, and job placement assistance through registered apprenticeships in occupations and/or industries that have high-growth potential for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such education, training, and placement activities.

DATES: Submit written comments to the office listed in the addresses section below on or before August 31, 2015.

ADDRESSES: Send written comments to John V. Ladd, Administrator, Office of Apprenticeship, Room N–5311, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–2796 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Fax: 202–693–3799. Email: *ladd.john@dol.gov.* To obtain a copy of the proposed information collection request (ICR), please contact the person listed above.

SUPPLEMENTARY INFORMATION:

I. Background

The Employment and Training Administration requires grantees to submit Quarterly Progress Reports on enrolled apprentices in Registered Apprenticeship programs and/or pre-apprenticeship program participants, along with a narrative summary of the partnership progress and implementation measures identified by the grantee in the project work plan. These reports help ETA gauge the effects of the AAI grants, identify grantees and programs that could serve as useful models, and target technical assistance appropriately. The reports can also be used to inform future evaluations.

II. Review Focus

The Department is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• enhance the quality, utility, and clarity of the information to be collected; and

• minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

Type of Review: New collection.

Title: American Apprenticeship Initiative Grants.

OMB Number: 1205—0NEW.

Affected Public: Individuals/ households, state/local/tribal governments, Federal government, private sector (businesses or other for-profits, and, not-for-profit institutions).

Estimated Total Annual Respondents: 6,625.

Estimated Total Annual Responses: 8,500.

Estimated Total Annual Burden Hours: 12,310.

Total Estimated Annual Other Costs Burden: 0.

We will summarize and respond to the comments received when we request OMB approval of this information collection. The comments themselves will also become a matter of public record.

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2015–16320 Filed 7–1–15; 8:45 am]

BILLING CODE 4510–FR–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

Change Notice

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 80 FR 37311.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: The Finance Committee will meet telephonically on July 9, 2015 at 4 p.m., EDT.

CHANGES IN THE MEETING: The Finance Committee will meet telephonically on July 9, 2015 at 5 p.m., EDT.

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

Dated: June 30, 2015.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs and General Counsel.

[FR Doc. 2015–16449 Filed 6–30–15; 11:15 am]

BILLING CODE 7050–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: National Endowment for the Humanities, National Foundation on the Arts and the Humanities.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA), the National Endowment for the Humanities (NEH) is soliciting public comments on a new information collection, the ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.'' This generic clearance will fast-track the process for NEH to seek feedback, through surveys and similar feedback instruments, from the public on NEH services and programs. NEH seeks comments from all interested individuals and organizations, and intends to submit this generic clearance request to the Office of Management and Budget (OMB) for approval.

DATES: Please submit comments on this generic clearance request to NEH on or before August 31, 2015.

ADDRESSES: Please submit comments to Mr. Michael McDonald, General Counsel at *gencounsel@neh.gov* or by mail to 400 7th Street SW., 4th Floor, Washington, DC 20506.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Type of Request: New.

Abstract: NEH is proposing a new information collection—in the form of a generic clearance—that will allow NEH to receive fast-track approval from OMB when NEH wishes to seek feedback from the public about NEH events and programs. With this generic clearance NEH will be able to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery by Federal agencies to the public. By qualitative feedback we mean information that provides useful insights on people's opinions of NEH programs, events, publications, products and other services NEH provides to the public. This qualitative feedback will:

• Provide NEH with insights into customer or stakeholder perceptions, experiences and expectations,

• Provide NEH with an early warning of issues with service, and

• Focus agency attention on areas where communication, training or changes in operations might improve delivery of NEH products or services.

NEH will solicit feedback in areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. NEH will use the responses to plan and to improve the quality of service and programs offered to the public.

NEH will submit a customer survey or other information collection for approval under this generic clearance only if it meets the following conditions:

• The collection is voluntary;

• The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;

• The collection is non-controversial;

• The collection solicits opinions only from respondents who have experience with the program or may have experience with the program in the near future;

• The collection only asks for personally identifiable information (PII) to the extent necessary, and NEH will not retain the PII without the respondent's express consent;

• The collection does not result in any new system of records containing privacy information; and

• The collection does not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

For every customer survey or other information collection under this generic clearance, NEH will use the information gathered internally only for general service improvement and program management purposes and does not intend to release the information outside of the agency. NEH will not gather information for the purpose of substantially informing influential policy decisions. NEH will only gather data in a way designed to yield qualitative information, not statistically reliable results or results

meant to be generalizable to the population of study.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Governments.

Below we provide projected average estimates for the next three years. The formula used to calculate the total burden hours is ''estimated average time per responses'' times ''annual responses.''

Estimated Number of Respondents: 10,000.

Estimated Annual Number of Responses per Respondent: Once per request.

Estimated Total Annual Responses: 10,000.

Estimated Average Time per Response: 15 minutes (0.25 hours).

Estimated Total Annual Burden Hours: 2,500 hours.

Request for Comments: NEH will make comments submitted in response to this notice, including names and addresses where provided, a matter of public record. NEH will summarize the comments and include them in the request for OMB approval. We are requesting comments on all aspects of this generic clearance request, including:

(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 the burden of the collection of information;

(c) ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

NEH is requesting OMB approval for three years. There are no costs to respondents other than their time.

Dated: June 23, 2015.

Margaret F. Plympton,

Deputy Chairman.

[FR Doc. 2015–15905 Filed 7–1–15; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

President's Committee on the National Medal of Science; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463, as amended), the National Science Foundation announces the following meeting:

NAME: President's Committee on the National Medal of Science (1182).

DATE AND TIME: Monday, August 24, 2015, 8:30 a.m.–2:00 p.m.

PLACE: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA, 22230.

TYPE OF MEETING: Closed.

CONTACT PERSON: Ms. Sherrie Green, Program Manager, Room 935, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703–292–4757.

PURPOSE OF MEETING: To provide advice and recommendations to the President in the selection of the 2015 National Medal of Science recipients.

AGENDA: To review and evaluate nominations as part of the selection process for awards.

REASON FOR CLOSING: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c)(6) of the Government in the Sunshine Act.

Dated: June 29, 2015.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2015–16378 Filed 7–1–15; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501 *et seq.*). This is the second notice for public comment; the first was published in the **Federal Register** at 80 FR 10724 on February 27, 2015, and no comments were received. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the NSF, including whether the information will have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected, including through the use of automated collection techniques or other forms of information technology; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 7th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.* Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission may be obtained by calling 703–292–7556. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

NSF 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.

SUPPLEMENTARY INFORMATION:

Title of Collection: Generic Clearance of Survey Improvement Projects from the National Science Foundation.

OMB Number: 3145—NEW.

Type of Request: Intent to seek approval to establish a generic clearance for survey improvement projects for the National Science Foundation.

Abstract:

Proposed Project

The National Science Foundation (NSF) requests that the Office of Management and Budget (OMB) grant a generic clearance that will allow NSF to rigorously develop, test, and evaluate its survey instruments and methodologies. As part of the execution of its strategic plan, NSF has proposed several core strategies of which the following are related to eliciting information from entities outside of NSF ''Maintain extensive documentation, tracking, and public dissemination of performance indicators.'' and ''Develop, where appropriate, quantitative or evidence-based evaluation of outcomes.'' This request is part of an ongoing initiative to improve NSF surveys as a mechanism to develop appropriate high quality instruments to collect quantitative information for evidence-based decision-making and evaluation as recommended by both its own guidelines and those of OMB.[1]

In the last decade, state-of-the art data collection and analysis methods have been increasingly instituted by NSF and other federal agencies, and are now routinely used to improve the quality and timeliness of data and analyses. These new methods or techniques many times help reduce respondents' cognitive workload and burden. The purpose of this generic clearance is to allow NSF to continue to adopt and use these methods or techniques to improve its current data collections on science, engineering, and technology inputs, outputs and outcomes. They will be used to improve the content of existing surveys, to aid in the development of new data collections to capture the impact of NSF funding on the U.S. science and engineering (S&E) enterprise, and inform the existing NSF portfolio.

Following standard OMB requirements, NSF will submit to OMB an individual request for each survey improvement project it undertakes under this generic clearance. NSF will request OMB approval in advance and provide OMB with a copy of the questionnaire (if one is used) and materials describing the project.

NSF envisions using a variety of survey improvement techniques, as appropriate to the individual projects, such as focus groups, cognitive and usability laboratory and field techniques, exploratory interviews, behavior coding, respondent debriefing, pilot studies, pretests and split-panel tests. NSF has used such techniques in previous activities conducted under generic clearances granted to individual divisions.

a. *Focus Groups.* A qualitative methodology that brings together a small number of relatively homogenous subjects to discuss pre-identified topics. A protocol containing questions or topics focused on a particular issue or issues is used to guide these sessions, and is administered by a trained facilitator. Focus groups are useful for exploring and identifying issues with either respondents or stakeholders. Focus groups are a good choice during the development of a survey or survey topic, when a pre-existing questionnaire or survey questions on the topic do not yet exist.

NSF has used focus groups for several projects under the Science Resources Statistics generic clearance (OMB Clearance Number 3145–0174) to assist with redesign of surveys when it became evident that the content of a survey was outdated and did not reflect current issues or the context that respondents were facing.

2. *Cognitive and Usability Laboratory and Field Techniques.* A qualitative methodology that refers to a set of tools employed to study and identify errors that are introduced during the survey process. These techniques are generally conducted by a researcher with an individual respondent, though observers may sometimes be present. Cognitive techniques are generally used to understand the question-response process, whereas usability is generally used to understand respondent reactions to the features of an electronic survey instrument, for instance, its display and navigation. In concurrent interviews, respondents are asked to think aloud as they actually answer the survey. In retrospective interviews, respondents answer the survey as they would normally, then 'think aloud' afterwards. Other techniques, which are described in the literature and which will be employed as appropriate include: follow-up probing, memory cue tasks, paraphrasing, confidence rating, response latency measurements, free and dimensional sort classification tasks, and vignette classifications. The objective of all of these techniques is to aid in the development of surveys that work with respondents' thought processes, thus reducing response error and burden. These techniques are generally very useful for studying and revising a pre-existing questionnaire. NSF has used cognitive and usability testing in previous generic clearance projects (OMB Control Numbers 3145–0157 and 3145–0174) to improve existing survey items, to develop and refine new content on existing surveys, and to explore content for new surveys.

c. *Exploratory Interviews.* A technique where interviews are conducted with individuals to gather information about a topical area. These may be used in the very early stages of developing a new survey. They may cover discussions related to administrative records, subject matter, definitions, etc. Exploratory interviews may also be used to investigate whether there are sufficient issues related to an existing data collection to consider a redesign.

NSF has used such interviews extensively in recordkeeping studies with respondents to several of its establishment surveys to determine both what types of records institutions keep (and therefore what types of information they can supply), as well as where and in what format such records are kept.

3. *Respondent Debriefing.* A technique in which individuals are queried about how they have responded to a particular survey, question, or series of questions. The purpose of the debriefing is to determine if the original survey questions are understood as intended, to learn about respondents' form filling behavior and recordkeeping systems, or to elicit respondents' satisfaction with the survey. This information can then be used (especially if it is triangulated with other information) to improve the survey. This technique can be used as a qualitative or quantitative measurement, depending on how it is administered. This technique has been employed in NSF generic clearance projects (OMB Clearance Number 3145–0174) to identify potential problems with existing survey items both quantitatively (response behavior study, or RBS, using web survey questions with respondents to the Survey of Graduate Students and Post-doctorates in Science and Engineering, or GSS) and qualitatively (interviews using semi-structured protocols with Higher Education R&D Survey respondents).

4. *Pilot Studies/Pretests.* These methodologies are used to test a preliminary version of the data collection instrument, as was done with the Early Career Doctorate Project.

Pretests are used to gather data to refine questionnaire items and scales and assess reliability, validity, or other survey measurement issues. Pilot studies are also used to test aspects of implementation procedures. The sample may be purposive in nature, or limited to particular groups for whom the

[1] NSF Information Quality Guidelines are available on *http://www.nsf.gov/policies/infoqual.jsp*. OMB Information Quality Guidelines are available on *http://www.whitehouse.gov/omb/inforeg/infopoltech.html*. OMB standards and guidelines for statistical surveys are available on *http://www.whitehouse.gov/omb/inforeg/statpolicy/standards_stat_surveys.pdf*.

information is most needed. Alternatively, small samples can be selected to statistically represent at least some aspect of the survey population.

5. *Split Panel Tests.* A technique for controlled experimental testing of alternatives. Thus, they allow one to choose from among competing questions, questionnaires, definitions, error messages, surveys, or survey improvement methodologies with greater confidence than other methods alone. Split panel tests conducted during the actual fielding of the survey are superior in that they support both internal validity (controlled comparisons of variables under investigation) and external validity (represent the population under study). Nearly any of the previously mentioned survey improvement methods can be strengthened when teamed with this method.

6. *Behavior Coding.* A quantitative technique in which a standard set of codes is systematically applied to respondent/interviewer interactions in interviewer-administered surveys or respondent/questionnaire interactions in self-administered surveys. Though this technique can quantifiably identify problems with the wording of questions, it does not necessarily illuminate the underlying causes.

Use of the Information: The information obtained from these efforts will be used to develop new NSF surveys and improve current ones. These surveys will generally be used to monitor outputs and outcomes of NSF funding over time (particularly data that is not being collected in annual and final reports), and manage and improve programs. Data collected through survey questionnaires can be used in program evaluation studies and can be matched to administrative data to understand NSF's portfolio of investments. Specifically, the information from the survey questionnaire improvement projects will be used to reduce respondent burden and to improve the quality of the data collected in these surveys. These objectives are met when respondents are presented with plain, coherent, and unambiguous questionnaires asking for data compatible with respondents' memory and/or current reporting and recordkeeping practices. The purpose of the survey improvement projects will be to ensure that NSF surveys are continuously attempting to meet these standards of excellence.

Improved NSF surveys will help policy makers make decisions on R&D funding, STEM education, scientific and technical workforce, innovation, as well as contribute to increased agency efficiency and reduced survey costs. In addition, methodological findings have broader implications for survey research and may be presented in technical papers at conferences or published in the proceedings of conferences or in journals.

Estimate of Burden

NSF estimates that a total reporting burden of 171,000 hours over the three years of the requested generic clearance is possible from working to evaluate/improve existing surveys and to develop new ones. This includes both the burden placed on respondents participating in each activity as well as burden imposed on potential respondents during screening activities. Table 1 provides a list of potential improvement projects for which generic clearance activities might be conducted, along with estimates of the number of respondents and burden hours that might be involved in each.

TABLE 1—POTENTIAL IMPROVEMENT PROJECTS

Improvement project type	Number of respondents [2]	Hours
Cognitive Testing	5,000	15,000
Focus Groups	5,000	10,000
Card Sorting	5,000	5,000
Interviews	5,000	5,000
Panelist Survey	7,000	12,000
Past Awardee Survey	9,000	14,000
Usability Testing	5,000	10,000
Additional surveys not specified	35,000	100,000
Total	76,000	171,000

Respondents

The respondents are PIs, program coordinators, or participants in NSF-funded activities.

Estimates of Annualized Cost to Respondents for the Hour Burdens

The cost to respondents generated by the list of potential projects is estimated to be $7,212,780 over the three years of the clearance. No one year's cost would exceed $7,212,780. In other words, if all work were done in one year, costs in that one year would be $7,212,780 and the costs in each of the other 2 years would be zero. As in previous requests for generic clearance authority, the total cost was estimated by summing all the hours that might be used on all projects over the three years (171,000) wage amount is the May 2011 national cross-industry estimate of the mean hourly wage for a financial analyst, or Job Category 13–2051, by the Bureau of Statistics. *http://www.bls.gov/oes/#data.* The total hours are based on similar NSF projects over the past few years.

There are no capital, startup, operation or maintenance costs to the respondents. The costs generated by future data collections will be described in the clearance request for each specific data collection. NSF does not anticipate any capital, startup, operation, or maintenance costs for future surveys.

[2] Number of respondents listed for any individual survey may represent several methodological improvement projects.

Dated: June 29, 2015.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2015–16369 Filed 7–1–15; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0220]

Standard Review Plan for Fuel Cycle Facilities License Applications

AGENCY: Nuclear Regulatory Commission.

ACTION: NUREG; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing NUREG–1520, Revision 2, ''Standard Review Plan for Fuel Cycle Facilities License Applications,'' dated June 2015.

ADDRESSES: Please refer to Docket ID NRC–2012–0220 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0220. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* NUREG–1520, Revision 2, ''Standard Review Plan for Fuel Cycle Facilities License Applications,'' is available in ADAMS under accession number ML15176A258.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Soly I. Soto, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–7528; email: *Soly.Soto@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

Licenses to possess and use special nuclear material (SNM) are governed by Part 70 of Title 10 of the *Code of Federal Regulations* (10 CFR). The revised Standard Review Plan (SRP) now being made available provides NRC staff guidance for reviewing and evaluating the safety, health, security, and environmental protection aspects of applications for licenses to possess and use SNM at fuel cycle facilities.

The SRP has been revised to ensure consistency among the chapters, improve clarity of the text, reduce redundancies, and assure that statutory, regulatory, and guidance document references are accurate and up to date. Additionally, the SRP was revised to clarify the existing SRP discussion in several technical areas such as nuclear criticality safety and management measures, as summarized below. Chapter 5, ''Nuclear Criticality Safety,'' contains an expanded discussion of the double contingency principle and double contingency protection, including a description of what constitutes a loss of double contingency. Chapter 11, ''Management Measures,'' includes a discussion of graded management measures and the selection of items relied on for safety that relates to the application of graded management measures. Additionally, the SRP contains two new chapters, Chapter 12, ''Material Control and Accounting,'' which includes guidance associated with 10 CFR part 74 requirements; and Chapter 13, ''Physical Protection,'' which includes guidance associated with 10 CFR part 73 requirements. These new chapters were added to address the requirements in 10 CFR paragraphs 70.22(b), (g), (h), (j), and (k). The title of the SRP was revised from ''Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility'' to ''Standard Review Plan for License Applications for Fuel Cycle Facilities.''

On June 5, 2014 (79 FR 32579), the NRC announced the availability of draft NUREG–1520, Revision 2, and requested comments on it. The comment period originally closed on September 3, 2014. In a second notice, dated August 6, 2014 (79 FR 45849), the NRC extended the comment period to November 3, 2014. A public meeting with the industry was held on September 23, 2014, to discuss the proposed changes to the SRP. A comment resolution table listing all comments and the NRC staff's responses was made publicly available in ADAMS on March 23, 2015 (ML15065A286). Suggestions to improve the SRP were considered by the NRC staff in the preparation of the final NUREG report. After further consideration, the NRC staff revised the title of NUREG–1520, Revision 2, for final issuance. This change was performed after publication of the comments resolution. The title was revised from ''Standard Review Plan for License Applications for Fuel Cycle Facilities'' to ''Standard Review Plan for Fuel Cycle Facilities License Applications.''

The final version of NUREG–1520, Revision 2, is now available for use by applicants, licensees, NRC license reviewers, and other NRC staff. Revision 2 supersedes the last official revision published on May 2010.

Dated at Rockville, Maryland, this 26th day of June, 2015.

For the Nuclear Regulatory Commission.

Marissa G. Bailey,

Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–16363 Filed 7–1–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0161]

Comprehensive Vibration Assessment Program for Reactor Internals During Preoperational and Startup Testing

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–1323, ''Comprehensive Vibration Assessment Program for Reactor Internals During Preoperational and Startup Testing.'' This guide describes methods and procedures that the staff of the NRC considers acceptable when a developing a comprehensive vibration assessment program (CVAP) for power reactor internals during preoperational and startup testing.

DATES: Submit comments by August 31, 2015. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specified subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0161. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop:

OWFN–12H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Thomas Scarbrough, Office of New Reactors, telephone: 301–415–2794, email: *Thomas.Scarbrough@nec.gov* or Yuken Wong, Office of New Reactors, telephone: 301–415–0500, email: *Yuken.Wong@nrc.gov;* and Stephen Burton, Office of Nuclear Regulatory Research, telephone: 301–415–7000, email: *Stephen.Burton@nrc.gov.* All are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0161 when contacting the NRC about the availability of information regarding this document. You may obtain publically-available information related to this document, by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0161. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The DG is electronically available in ADAMS under Accession No. ML15083A390.

- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0161 in your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information in their comment submissions that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, entitled, ''Comprehensive Vibration Assessment Program for Reactor Internals During Preoperational and Startup Testing'' is a proposed revision temporarily identified by its task number, DG–1323. This DG–1323 is proposed Revision 4 of Regulatory Guide 1.20, ''Comprehensive Vibration Assessment Program for Reactor Internals During Preoperational and Startup Testing.'' This regulatory guide describes methods and procedures that the staff of the NRC considers acceptable when developing a comprehensive vibration assessment program (CVAP) for power reactor internals during preoperational and startup testing. The DG describes methodology the NRC staff considers acceptable to support its review of applications for (1) nuclear reactor construction permits or operating licenses under part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR); (2) design certifications and combined licenses under 10 CFR part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants;'' and (3) license amendment requests for extended power uprates at operating reactors. The DG also describes methodology the staff considers acceptable for use by licensees of operating plants planning significant plant modifications that might induce potential adverse flow effects on structures, systems, and components within the scope of the DG.

This proposed regulatory guide has been revised to expand the guidance related to flow-induced vibration, acoustic resonance, acoustic-induced vibration, and mechanical-induced vibration for boiling water reactors, pressurized water reactors, and small modular reactors. For small modular reactors, this includes guidance for the control rod drive system and mechanisms which might be contained in an integral reactor vessel. The additional guidance in this proposed revision is based in part on lessons learned from the review of recent applications, including both new plant applications and extended power uprate applications. In addition, the proposed revision re-defines and clarifies the prototype, limited prototype, and non-prototype classifications of reactor internal configurations. Also, the proposed revision aligns the format and content of the guide with the current program guidance for regulatory guides since Revision 3 of RG 1.20 was issued.

III. Backfitting and Issue Finality

Issuance of this regulatory guide, if finalized, does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. This regulatory guide would not apply to any nuclear reactor construction permits or operating licenses under 10 CFR part 50, design certifications and combined licenses under 10 CFR part 52, or license amendment requests for extended power uprates at operating reactors already issued by the NRC prior to issuance of the regulatory guide. The NRC has already completed its review of CVAPs for power reactor internals for these construction permits, operating licenses, design certifications, combined operating licenses, and license amendments for extended power uprates. Therefore, no further NRC regulatory action with respect to CVAPs will occur for those licenses, permits, certifications, and authorizations for

which the guidance in the regulatory guide would be relevant, absent voluntary action by the licensees to use the guidance to demonstrate compliance with the underlying NRC regulations.

The regulatory guide, if finalized, may be applied to applications for construction permits, operating licenses, design certifications, combined licenses, and license amendments for extended power uprates, any of which are docketed and under review by the NRC as of the date of issuance of the final regulatory guide. If finalized, the regulatory guide may also be applied to applications for construction permits, operating licenses, design certifications, combined licenses, and license amendments for extended power uprates, any of which are submitted after the issuance of the final regulatory guide. Such action would not constitute backfitting as defined in 10 CFR 50.109(a)(1) and is not otherwise inconsistent with the applicable issue finality provisions in 10 CFR part 52 because such applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under part 52. This is because neither the Backfit Rule nor the issue finality provisions under part 52—with certain exclusions discussed below—was intended to apply to every NRC action that substantially changes the expectations of current and future applicants. The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (*e.g.,* an early site permit), NRC regulatory approval (*e.g.,* a design certification rule), or both, with specified issue finality provisions. The NRC does not, at this time, intend to impose the positions represented in the regulatory guide, if finalized, in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the regulatory guide, if finalized, in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Dated at Rockville, Maryland, this 26th day of June, 2015.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2015–16284 Filed 7–1–15; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is modifying an existing information collection for OMB review and approval and requests public review and comment on the submission. Comments are being solicited on the need for the information; the accuracy of OPIC's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

The proposed changes to OPIC–248 clarifies existing questions, incorporates sector-specific development impact questions, and eliminates ineffective questions in an effort to harmonize development impact indicators with other Development Finance Institutions (''DFIs''). OPIC is a signatory to a ''Memorandum of Understanding'' with 25 partnering DFIs to harmonize developmental impact metrics where possible. The goal of this effort is to reduce the burden on clients that seek financing from multiple DFIs and to instill best practices in the collection and the reporting on OPIC's developmental impacts. In order to minimize the reporting burden on respondents, OPIC has designed OPIC–248 as an electronic form that has multiple drop-down options, in which the respondent only responds to questions that are applicable to their investment.

DATES: Comments must be received within sixty (60) calendar days of publication of this Notice.

ADDRESSES: Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: James Bobbitt, (202) 336–8558.

SUPPLEMENTARY INFORMATION: All mailed comments and requests for copies of the subject form should include form number [OPIC–248] on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to *James.Bobbitt@opic.gov,* subject line [OPIC–248].

Summary Form Under Review

Type of Request: Revision of a currently approved information collection.

Title: Office of Investment Policy Questionnaire.

Form Number: OPIC–248.

Frequency of Use: One per investor per project.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 644 (2.8 hours per form).

Number of Responses: 230 per year.

Federal Cost: $28,389.

Authority for Information Collection: Sections [231, 231A, 239(d), and 240A] of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The Office of Investment Policy Questionnaire is the principal document used by OPIC to prepare a developmental impact profile and determine the projected impact on the United States, as well as to determine the project's compliance with environmental and labor policies, as consistent with OPIC's authorizing legislation.

Dated: June 26, 2015.

Nichole Skoyles,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2015–16263 Filed 7–1–15; 8:45 am]

BILLING CODE 3210–01–P

PEACE CORPS

Privacy Act of 1974: New System of Records

AGENCY: Peace Corps.

ACTION: Notice of a new system of records.

SUMMARY: Peace Corps proposes to add a new system of records to its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and the requirements of the Privacy Act to publish in the

Federal Register notice of the existence and character of records maintained by the agency (5 U.S.C. 552a(e)(4)).

DATES: This action will be effective without further notice on August 11, 2015 unless comments are received that would result in a contrary determination.

ADDRESSES: Send written comments to the Peace Corps, ATTN: Denora Miller, FOIA/Privacy Act Officer, 1111 20th Street NW., Washington, DC 20526 or by email at *pcfr@peacecorps.gov.* Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Denora Miller, FOIA/Privacy Act Officer, 202–692–1236.

SUPPLEMENTARY INFORMATION: The purpose of this system of records is to record actions taken on complaints made under the Peace Corps Interim Policy Statement (IPS) 1–12 Procedures for Handling Complaints of Volunteer/Trainee Sexual Misconduct or the section of the Peace Corps Manual into which its provisions are subsequently incorporated.

Dated: June 26, 2015.

Denora Miller,

FOIA/Privacy Act Officer.

PC–35—PEACE CORPS

SYSTEM NAME:

PCLive (also referred to as ''Peace Corps Live'').

SYSTEM LOCATION:

Office of the Chief Information Officer, Peace Corps, 1111 20th Street NW., Washington, DC 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any current Peace Corps employees or Volunteers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Volunteers: Name, country of service, years of service (start year and end year), email address, and Sector. Staff: Name, job title, and email address. If staff is also a returned Volunteer: country of service and years of service (start year and end year).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 22 U.S.C. 2501 *et seq.*

PURPOSE(S):

To serve as a centralized, knowledge-sharing platform for the global Peace Corps community. Users (Peace Corps staff and Volunteers) will create user profiles on PCLive. These users create profiles for the purpose of connecting with other staff and Volunteers around the world (sharing information, best practices, and institutional knowledge).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General routine uses A through M apply to this system. In addition to general routine uses, the Peace Corps will use the data collected during the account registration process to confirm the user is a current Peace Corps employee or Volunteer.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SECURING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In a password protected electronic database.

RETRIEVABILITY:

By name, email address, username or a unique identifier (which is assigned at registration).

SAFEGUARDS:

Records are maintained in a secure, password-protected computer system. Only server administrators have access to the physical database where this information is stored.

RETENTION AND DISPOSAL:

All user profile data will be stored in an electronic database and retained for a period of up to 24 months (pending National Archives disposition authority) after the Peace Corps Volunteer or staff member has separated from service or employment.

SYSTEM MANGER(S) AND ADDRESS:

Director, Overseas Programming & Training Support (OPATS), Peace Corps, 1111 20th Street NW., Washington, DC 20526.

NOTIFICATION PROCEDURE:

Any individual who wants notification that this system of records contains a record about him or her should make a written request to the System Manager. Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying documentation. Additional identification may be required in some instances. Complete Peace Corps Privacy Act procedures are set out in 22 CFR part 308.

RECORD ACCESS PROCEDURES:

Any individual who wants access to his or her record should make a written request to the System Manager. Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying documentation. Additional identification may be required in some instances. Complete Peace Corps Privacy Act procedures are set out in 22 CFR part 308.

CONTESTING RECORD PROCEDURES:

Any individual who wants to contest the contents of a record should make a written request to the System Manager. Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying documentation. Additional identification may be required in some instances. Requests for correction or amendment must identify the record to be changed and the corrective action sought. Complete Peace Corps Privacy Act procedures are set out in 22 CFR part 308.

RECORD SOURCE CATEGORIES:

Record subject.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

[FR Doc. 2015–16282 Filed 7–1–15; 8:45 am]

BILLING CODE 6051–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–60 and CP2015–90; Order No. 2554]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Contract 127 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 7, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 127 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–60 and CP2015–90 to consider the Request pertaining to the proposed Priority Mail Contract 127 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than July 7, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Cassie D'Souza to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–60 and CP2015–90 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Cassie D'Souza is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than July 7, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–16350 Filed 7–1–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Request of the United States Postal Service to Add Priority Mail Contract 127 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, June 26, 2015 (Request).

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–59 and CP2015–89; Order No. 2553]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Parcel Return Service Contract 10 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 7, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Parcel Return Service Contract 10 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–59 and CP2015–89 to consider the Request pertaining to the proposed Parcel Return Service Contract 10 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than July 7, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–59 and CP2015–89 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than July 7, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–16349 Filed 7–1–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Request of the United States Postal Service to Add Parcel Return Service Contract 10 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, June 26, 2015 (Request).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75315; File No. SR–ISE Gemini–2015–12]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Penny Pilot Program

June 26, 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 22, 2015, ISE Gemini, LLC (the ''Exchange'' or ''ISE Gemini'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I 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

ISE Gemini proposes to amend its rules relating to a pilot program to quote and to trade certain options in pennies (''Penny Pilot Program''). The text of the proposed rule change is available on the Exchange's Web site *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

Under the Penny Pilot Program, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock (''QQQQ''), the SPDR S&P 500 Exchange Traded Fund (''SPY'') and the iShares Russell 2000 Index Fund (''IWM''), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot Program is currently scheduled to expire on June 30, 2015.[3] The Exchange proposes to extend the time period of the Penny Pilot Program through June 30, 2016, and to provide revised dates for adding replacement issues to the Penny Pilot Program. The Exchange proposes that any Penny Pilot Program issues that have been delisted may be replaced on the second trading day following July 1, 2015, and the second trading day following January 1, 2016.[4] The replacement issues will be selected based on trading activity for the six month period beginning 1) December 1, 2014, and ending May 31, 2015, and 2) June 1, 2015, and ending November 30, 2015, respectively. This filing does not propose any substantive changes to the Penny Pilot Program: All classes currently participating will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the increase in quote traffic.

2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the ''Exchange Act'') for this proposed rule change is found in Section 6(b)(5), in that the proposed rule change is designed to promote just and equitable principles of trade, 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 rule change, which extends the Penny Pilot Program for an additional one year, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition. Specifically, the Exchange believes that, by extending the expiration of the Penny Pilot Program, the proposed rule change will allow for further analysis of the Penny Pilot Program and a determination of how the Penny Pilot Program should be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[5] and Rule 19b–4(f)(6) thereunder.[6] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[7] normally does not become operative prior to 30 days after the date of the filing.[8] However, pursuant to Rule 19b–4(f)(6)(iii),[9] the Commission may 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 Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 73756 (Dec. 5, 2014), 79 FR 73652 (Dec. 11, 2014) (SR–ISE Gemini-2014–29).

[4] Please note, the month immediately preceding a replacement class's addition to the Penny Pilot Program will not be used for purposes of the six month analysis.

[5] 15 U.S.C. 78s(b)(3)(A)(iii).

[6] 17 CFR 240.19b–4(f)(6).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[9] 17 CFR 240.19b–4(f)(6)(iii).

approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program.[10] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[11]

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)[12] 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–ISE Gemini–2015–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE Gemini–2015–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549–1090 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 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–ISE Gemini–2015–12 and should be submitted on or before July 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–16273 Filed 7–1–15; 8:45 am]

BILLING CODE 8011–01–P

[10] *See* Securities Exchange Act Release No. 61061 (November 24, 2009), 74 FR 62857 (December 1, 2009) (SR–NYSEArca–2009–44).

[11] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75316; File No. SR–NASDAQ–2015–064]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Recent Changes to Rules 4751(h) and 4754(b)

June 26, 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 19, 2015, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to modify recent changes to Rules 4751(h) and 4754(b), which are effective but not yet implemented.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing to modify certain recent changes made to Rules 4751(h) and 4754(b), which are effective but not yet implemented. On December 16, 2014, the Exchange filed an immediately effective filing[3] to amend the processing of the Closing Cross under Rule 4754(b) to adopt a ''Lockdown Period,'' the point at which NASDAQ would close the order book for participation in the Closing Cross and the continuous market, and which would represent the close of the Regular Market Session.[4] The Exchange also amended Rule 4751(h) to harmonize the processing of Market Hours Day orders[5] and Good-til-market close orders[6] upon initiation of the Lockdown Period.

The Exchange had originally anticipated implementing the changes in mid-February 2015, after the expiration of the 30-day operative delay provided by Rule 19b–4(f)(6)(iii) under the Act.[7] The Exchange subsequently

[3] Securities Exchange Act Release No. 73943 (December 24, 2014), 80 FR 69 (January 2, 2015) (SR–NASDAQ–2014–123).

[4] As defined by Rule 4120(b)(4)(D).

[5] *See* Rule 4751(h)(6).

[6] *See* Rule 4751(h)(8).

[7] 17 CFR 240.19b–4(f)(6)(iii).

extended the period for implementation to Monday, April 13, 2015,[8] and then again until successful completion of a User Acceptance Test to ensure the proper function of the proposed changes.[9] Upon successful completion of that test, the Exchange committed to announce a new implementation date and provide notice of that date to the industry.

The Exchange originally proposed to adopt the Lockdown Period so that there would be a time at which no further orders would be accepted for participation in the regular hours market including the Closing Cross.[10] The Closing Cross is the process by which NASDAQ determines the price at which orders will be executed at market close. Each trading day, NASDAQ accepts orders designated to participate in the Closing Cross.[11] Beginning at 3:50 p.m. Eastern Time, NASDAQ disseminates an Order Imbalance Indicator [12] every five seconds until market close, which allows market participants to see the nature of interest in a security and make investment decisions accordingly. The NASDAQ closing process is initiated at 4:00 p.m. Eastern Time, after which individual Closing Crosses are conducted for each security traded on NASDAQ.[13] During the brief period between the initiation of the closing process and the conclusion of the last Closing Cross,[14] the continuous order book is open to accept orders and cancellations in a security until the Closing Cross for that security is complete. These orders can affect the ultimate closing price of the security.

The Exchange proposed adopting the Lockdown Period in an effort to avoid a potential risk, albeit slight, that the closing price of a security may be significantly altered by an aberrant order in a security due to an error.[15] The Exchange had balanced the benefits of allowing orders up to the completion of the cross in an individual security against the potential risk of an aberrant order affecting the closing price of a security, and determined that setting a time after which orders for participation in the cross would no longer be accepted was the best approach to minimize risk. As the Exchange prepared to implement the new process, a further review from technological and broader market impact perspectives was conducted. This additional in-depth review raised concerns regarding the challenges with maintaining a lockdown state on the Exchange. In particular, the Exchange reevaluated whether market participants, including other exchanges, would react negatively to the brief Lockdown Period during which the Exchange would not accept orders. Additionally, the Lockdown Period introduced technological challenges that the Exchange believes were addressed successfully. Nonetheless even successful solutions to difficult challenges can create unforeseen risks. As such, the Exchange has determined that the risk associated with making a broad change such as the Lockdown Period outweighs the risk associated with isolated events in which an order may have an undesirable impact on a particular security. As a consequence, the Exchange is eliminating from Rule 4754(b) text stating that, beginning at 4:00 p.m. Eastern Time, no further orders will be accepted for participation in the Closing Cross or the continuous market, and is replacing it with new rule text which makes it clear that the Exchange will accept orders for participation in the Closing Cross or the continuous market after 4:00 p.m. Eastern Time up to the conclusion of the Closing Cross in the individual security.

As a consequence of the proposed changes to Rule 4754(b), the Exchange is proposing to modify rule text in Rules 4751(h)(6) and (8), which note that the Exchange will not accept MDAY and GTMC Orders, respectively, after 4:00 p.m. Eastern Time. The Exchange is amending this language to make it clear that the System will accept such orders up to the conclusion of the Closing Cross in the individual security, which will occur sometime after 4:00 p.m. Eastern Time. A MDAY or GTMC order entered after completion of the Closing Cross in the security for which the order was designated will not be accepted.

The Exchange will begin implementation of the proposed changes the week of August 17, 2015 and will complete the implementation the week of August 31, 2015. The Exchange will issue an Equity Trader Alert notifying Exchange member firms of the changes.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of section 6 of the Act,[16] in general, and with section 6(b)(5) of the Act,[17] in particular, because 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed changes to Rules 4751(h) and 4754(b) further perfect the NASDAQ market and serve to protect investors because they are designed to minimize risk and promote consistency in the closing process. Although the Exchange had originally adopted the Lockdown Period to address a potential and slight risk that an aberrant trade could affect the closing price of a security, it has since determined that instituting such a change would introduce new risks to the closing process, which would outweigh the benefit of adopting the Lockdown Period. As such, the Exchange believes the proposed changes protect investors and the public interest because they will serve to minimize risk in the closing process while also promoting both consistency in how MDAY and GTMC orders are handled in the closing process and transparency in the process for handling orders at the close.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[18] The Exchange believes that the proposal is irrelevant to competition because it is not driven by, and will have no impact on, competition. Specifically, the proposal is

[8] Securities Exchange Act Release No. 74342 (February 20, 2015), 80 FR 10562 (February 26, 2015) (SR–NASDAQ–2015–014).

[9] Securities Exchange Act Release No. 74795 (April 23, 2015), 80 FR 23839 (April 29, 2015) (SR–NASDAQ–2015–038).

[10] *See* Rule 4754.

[11] *See* Rule 4754(a)(1) for a description of quotes and orders eligible for participation in the Closing Cross.

[12] The Order Imbalance Indicator provides information about orders eligible to participate in the Closing Cross and the price at which those orders would execute at the time of dissemination.

[13] Once the closing process is initiated, the System will execute crosses in each individual security traded on NASDAQ one by one. The order in which each security is processed is random and differs day by day.

[14] This brief period is normally well under one second.

[15] For example, a member firm that enters an order that is erroneous in price and/or size may cause significant order imbalances, which may cause the closing price of the security to be significantly different from what is anticipated.

[16] 15 U.S.C. 78f.

[17] 15 U.S.C. 78f(b)(5).

[18] 15 U.S.C. 78f(b)(8).

representative of the Exchange's efforts to minimize risk in its market during the closing process, and to harmonize and simplify the processing of MDAY and GTMC orders during the closing process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A)(iii) of the Act [19] and subparagraph (f)(6) of Rule 19b–4 thereunder.[20] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–064 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–NASDAQ–2015–064. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–064, and should be submitted on or before July 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–16274 Filed 7–1–15; 8:45 am]

BILLING CODE 8011–01–P

[19] 15 U.S.C. 78s(b)(3)(a)(iii).

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75313; File No. SR–BATS–2015–46]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of BATS Exchange, Inc.

June 26, 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 19, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fee schedule applicable to its equity options platform to: (i) Establish fees for the Multicast PITCH market data feed; and (ii) add definitions for terms that apply to market data fees.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule applicable to its equity options platform to: (i) Establish fees for the Multicast PITCH market data feed; and (ii) add definitions for terms that apply to market data fees.

Definitions Applicable to Market Data Fees

The Exchange proposes to include in its fee schedule the following defined terms that relate to the Exchange's

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

market data fees. The proposed definitions are designed to provide greater transparency with regard to how the Exchange assesses fees for market data.

First, the Exchange proposes to define a ''Distributor'' as ''any entity that receives an Exchange Market Data product directly from the Exchange or indirectly through another entity and then distributes it internally or externally to a third party.'' [5] In turn, an Internal Distributor and External Distributor will be separately defined. An Internal Distributor will be defined as a ''Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity.'' [6] An External Distributor will be defined as a ''Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity.'' [7]

Secondly, the Exchange proposes to add a definition of ''User'' to its fee schedule. A User will be defined as a ''natural person, a proprietorship, corporation, partnership, or entity, or device (computer or other automated service), that is entitled to receive Exchange data.'' For purposes of its market data fees, the Exchange will distinguish between ''Non-Professional Users'' and ''Professional Users.'' Specifically, a Non-Professional User will be defined as ''a natural person who is not: (i) Registered or qualified in any capacity with the Commission, the Commodity Futures Trading Commission, any state securities agency, any securities exchange or association; any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in section 202(a)(11) of the Investment Advisers Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that will require registration or qualification if such functions were performed for an organization not so exempt.'' [8] A Professional User will be defined as ''any User other than a Non-Professional User.'' [9]

Multicast PITCH Fees

Multicast PITCH is a market data feed that includes depth of book quotations and execution information based on options orders traded on the Exchange.[10] Currently, the Exchange does not charge any fees for receipt of Multicast PITCH. The Exchange now proposes to amend its fee schedule to incorporate fees related to Multicast PITCH. These fees include the following, each of which are described in detail below: (i) A Distribution Fee; (ii) Usage Fees for both Professional and Non-Professional Users; and (iii) an Enterprise Fee.

Distribution Fee. As proposed, each Distributor that receives Multicast PITCH shall pay a fee of $1,500 per month. The proposed Distribution Fee would apply equally to both Internal Distributors and External Distributors.

User Fees. The Exchange proposes to charge those who receive Multicast PITCH from either an Internal or External Distributor different fees for both their Professional Users and Non-Professional Users. The Exchange will assess a monthly fee for Professional Users of $30.00 per User. Non-Professional Users will be assessed a monthly fee of $1.00 per User.

Both Internal and External Distributors would be required to count every Professional User and Non-Professional User to which they provide Multicast PITCH, the requirements for which are similar to that currently in place for the BATS One Feed.[11] Thus, the Distributor's count will include every person and device that accesses the data regardless of the purpose for which the individual or device uses the data. Distributors must report all Professional and Non-Professional Users in accordance with the following:

- In connection with a Distributor's distribution of Multicast PITCH, the Distributor should count as one User each unique User that the Distributor has entitled to have access to Multicast PITCH. However, where a device is dedicated specifically to a single individual, the Distributor should count only the individual and need not count the device.
- The Distributor should identify and report each unique User. If a User uses the same unique method to gain access to Multicast PITCH, the Distributor should count that as one User. However, if a unique User uses multiple methods to gain access to Multicast PITCH (*e.g.,* a single User has multiple passwords and user identifications), the Distributor should report all of those methods as an individual User.
- Distributors should report each unique individual person who receives access through multiple devices as one User so long as each device is dedicated specifically to that individual.
- If a Distributor entitles one or more individuals to use the same device, the Distributor should include only the individuals, and not the device, in the count.

Enterprise Fee. The Exchange also proposes to establish a $3,500 per month Enterprise Fee that will permit a recipient firm who receives Multicast PITCH from a Distributor to receive the data for an unlimited number of Professional and Non-Professional Users. For example, if a recipient firm had 500 Professional Users who each receive Multicast PITCH at $30.00 per month, then that recipient firm will pay $15,000 per month in Professional Users fees. Under the proposed Enterprise Fee, the recipient firm will pay a flat fee of $3,500 per month for an unlimited number of Professional and Non-Professional Users for Multicast PITCH. A recipient firm must pay a separate Enterprise Fee for each Distributor that controls display of Multicast PITCH if it wishes such User to be covered by an Enterprise Fee rather than by per User fees. A recipient firm that pays the Enterprise Fee will not have to report its

[5] The proposed definition of ''Distributor'' is based on the definition of Distributor in fee schedules of the BATS Exchange, Inc. (''BATS Equities''), the BATS Y–Exchange, Inc. (''BYX''), the EDGX Exchange, Inc. (''EDGX''), and the EDGA Exchange, Inc. (''EDGA'' together with BATS Equities, BYX, and EDGX, the ''BATS Exchanges''). *See* the BATS Equities fee schedule *available at http://batstrading.com/support/fee_schedule/bzx/,* BYX fee schedule *available at http://batstrading.com/support/fee_schedule/byx/,* EDGX fee schedule *available at http://batstrading.com/support/fee_schedule/edgx/,* and EDGA fee schedule *available at http://batstrading.com/support/fee_schedule/edga/* (collectively, the ''BATS Exchange Fee Schedules'').

[6] The proposed definition of ''Internal Distributor'' is similar to the definition of Internal Distributor in fee schedules of the BATS Exchanges. *Id.*

[7] The proposed definition of ''External Distributor'' is similar to the definition of External Distributor in fee schedules of the BATS Exchanges. *Id.*

[8] The proposed definition of ''Professional User'' is similar to the definition of Professional User in fee schedules of the BATS Exchanges. *Id.*

[9] The proposed definition of ''Non-Professional User'' is similar to the definition of Professional User in fee schedules of the BATS Exchanges. *See* BATS Exchange Fee Schedules, *supra* note 6.

[10] *See* Exchange Rule 21.15(a).

[11] *See* Securities Exchange Act Release Nos. 74285 (February 18, 2015), 80 FR 9828 (February 24, 2015) (SR–BATS–2015–11); 74283 (February 18, 2015), 80 FR 9809 (February 24, 2015) (SR–EDGA–2015–09); 74282 (February 17, 2015), 80 FR 9487 (February 23, 2015) (SR–EDGX–2015–09); *and* 74284 (February 18, 2015), 80 FR 9792 (February 24, 2015) (SR–BYX–2015–09) (''Initial BATS One Feed Fee Filings''). The only difference is that the counting requirements proposed herein would require the counting of Users receiving Multicast PITCH through both internal and external distribution. Because Usage Fees are solely charged to recipient firms who's Users receive the BATS One Feed from an External Distributor and not through internal distribution, the BATS One Feed counting requirements only require the counting of Users by Distributors that disseminate the BATS One Feed externally.

number of Users on a monthly basis. However, every six months, a recipient firm must provide the Exchange with a count of the total number of natural person users of each product, including both Professional and Non-Professional Users.

Implementation Date

The Exchange proposes to implement these amendments to its fee schedule on July 1, 2015.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of section 6 of the Act,[12] in general, and furthers the objectives of section 6(b)(4),[13] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all recipients of Exchange data. The Exchange believes the proposed fees are competitive with those charged by other venues and, therefore, reasonable and equitably allocated to recipients. Lastly, the Exchange also believes that the proposed fees are reasonable and non-discriminatory because they will apply uniformly to all recipients.

The Exchange also believes that the proposed rule change is consistent with section 11(A) of the Act[14] in that it supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603 of Regulation NMS,[15] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory. In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data.

In addition, the proposed fees would not permit unfair discrimination because all of the Exchange's customers and market data vendors will be subject to the proposed fees on an equivalent basis. Multicast PITCH is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Accordingly, Distributors and Users can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other exchanges and consolidated data. Moreover, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

In addition, the fees that are the subject of this rule filing are constrained by competition. As explained below in the Exchange's Statement on Burden on Competition, the existence of alternatives to Multicast PITCH further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives. That is, the Exchange competes with other exchanges (and their affiliates) that provide similar market data products. If another exchange (or its affiliate) were to charge less to consolidate and distribute its similar product than the Exchange charges to consolidate and distribute Multicast PITCH, prospective Users likely would not subscribe to, or would cease subscribing to, the Multicast PITCH.

The Exchange notes that the Commission is not required to undertake a cost-of-service or rate-making approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically.[16]

User Fees. The Exchange believes that implementing the Professional and Non-Professional User fees for Multicast PITCH is equitable and reasonable because it will result in greater availability to Professional and Non-Professional Users. Moreover, introducing a modest Non-Professional User fee for Multicast PITCH is reasonable because it provides an additional method for retail investors to access Multicast PITCH data by providing the same data that is available to Professional Users. The Exchange believes that the proposed fees are equitable and not unfairly discriminatory because they will be charged uniformly to recipient firms and Users. The fee structure of differentiated Professional and Non-Professional fees is utilized for by the Exchange for the BATS One Feed and has long been used by other exchanges for their proprietary data products, and by the Nasdaq UTP and the CTA and CQ Plans in order to reduce the price of data to retail investors and make it more broadly available.[17] Offering Multicast PITCH to Non-Professional Users with the same data available to Professional Users results in greater equity among data recipients.

In addition, the proposed fees are reasonable when compared to similar fees for comparable products offered by the NYSE Arca, Inc. (''NYSE Arca''). Specifically, NYSE Arca offers NYSE ArcaBook for Arca Options—Depth of Book, which includes depth of book information for options traded on NYSE Arca, for a monthly fee of $50.00 per professional subscriber and $1.00 per

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78k–1.

[15] *See* 17 CFR 242.603.

[16] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties, including the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's Web site at *http://www.sec.gov/rules/concept/s72899/buck1.htm. See also* Securities Exchange Act Release No. 73816 (December 11, 2014), 79 FR 75200 (December 17, 2014) (SR–NYSE–2014–64) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Establish an Access Fee for the NYSE Best Quote and Trades Data Feed, Operative December 1, 2014).

[17] *See* the Initial BATS One Feed Fee Filings, *supra* note 12. *See also, e.g.,* Securities Exchange Act Release No. 20002, File No. S7–433 (July 22, 1983) (establishing nonprofessional fees for CTA data); Nasdaq Rules 7023(b), 7047.

non-professional subscriber.[18] The Exchange's proposed per User Fees for Multicast PITCH is less than or equal to the NYSE Arca's fees for NYSE ArcaBook for Arca Options—Depth of Book.

Enterprise Fee. The proposed Enterprise Fee for Multicast PITCH is equitable and reasonable as the fees proposed are less than the enterprise fees currently charged for NYSE ArcaBook for Arca Options—Depth of Book. NYSE Arca provides a fee cap $5,000 per month for NYSE ArcaBook for Arca Options—Depth of Book for non-professional user only,[19] while the Exchange is proposing a monthly Enterprise Fee of $3,500 per month for both Professional and Non-Professional Users. In addition, the Enterprise Fee proposed by the Exchange could result in a fee reduction for recipient firms with a large number of Professional and Non-Professional Users. If a recipient firm has a smaller number of Professional Users of the Multicast PITCH, then it may continue using the per User structure and benefit from the per User Fee reductions. By reducing prices for recipient firms with a large number of Professional and Non-Professional Users, the Exchange believes that more firms may choose to receive and to distribute the Multicast PITCH, thereby expanding the distribution of this market data for the benefit of investors.

The Exchange further believes that the proposed Enterprise Fee is reasonable because it will simplify reporting for certain recipients that have large numbers of Professional and Non-Professional Users. Firms that pay the proposed Enterprise Fee will not have to report the number of Users on a monthly basis as they currently do, but rather will only have to count natural person users every six months, which is a significant reduction in administrative burden. Finally, the Exchange believes that it is equitable and not unfairly discriminatory to establish an Enterprise Fee because it reduces the Exchange's costs and the Distributor's administrative burdens in tracking and auditing large numbers of Users.

Distributor Fee. The Exchange believes that the proposed Distributor Fees are also reasonable, equitably allocated, and not unreasonably discriminatory. The fees for Members and non-Members are uniform except with respect to reasonable distinctions between internal and external distribution.[20] The Exchange believes that the Distributor Fees for Multicast PITCH are reasonable and fair in light of alternatives offered by other market centers. For example, NYSE Arca charges an internal distribution fee of $3,000 per month and an external distribution fee of $2,000 per month for NYSE ArcaBook for Arca Options—Depth of Book,[21] while the Exchange is proposing a monthly Distribution Fee of $1,500 per month for both Internal and External Distribution.

Definitions Applicable to Market Data Fees

The Exchange believes that the proposed definitions are consistent with section 6(b) of the Act,[22] in general, and section 6(b)(4) of the Act,[23] in particular, in that it provides for an equitable allocation of reasonable fees among recipients of the data and is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange believes that the proposed definitions are reasonable because they are designed to provide greater transparency with regard to how the Exchange assesses fees for market data. The Exchange believes that recipients of Exchange data would benefit from clear guidance in its fee schedule that describes the manner in which the Exchange would assess fees. These definitions are intended to make the fee schedule clearer and less confusing for investors, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest. Lastly, the proposed definitions are based on existing definitions in fee schedules of the BATS Exchanges.[24]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

Multicast PITCH Fees

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange's ability to price Multicast PITCH is constrained by: (i) Competition among exchanges, other trading platforms, and Trade Reporting Facilities (''TRF'') that compete with each other in a variety of dimensions; (ii) the existence of inexpensive real-time consolidated data and market-specific data and free delayed data; and (iii) the inherent contestability of the market for proprietary data.

The Exchange and its market data products are subject to significant competitive forces and the proposed fees represent responses to that competition. To start, the Exchange competes intensely for order flow. It competes with the other national securities exchanges that currently trade equities, with electronic communication networks, with quotes posted in FINRA's Alternative Display Facility, with alternative trading systems, and with securities firms that primarily trade as principal with their customer order flow.

In addition, Multicast PITCH competes with a number of alternative products. For instance, Multicast PITCH does not provide a complete picture of all trading activity in a security. Rather, the other national securities exchanges, the Options Price Reporting Authority (''OPRA''), the several TRFs, and Electronic Communication Networks (''ECN'') that produce proprietary data all produce trades and trade reports. Each is currently permitted to produce similar data products, and many currently do, including the Nasdaq Stock Market LLC (''Nasdaq'') and the New York Stock Exchange, Inc. (''NYSE'').

In sum, the availability of a variety of alternative sources of information imposes significant competitive pressures on Exchange data products and the Exchange's compelling need to attract order flow imposes significant competitive pressure on the Exchange to act equitably, fairly, and reasonably in setting the proposed data product fees. The proposed data product fees are, in part, responses to that pressure. The

[18] *See* NYSE Market Data Pricing dated May 2015 *available at http://www.nyxdata.com/.*

[19] *Id.*

[20] The Exchange notes that distinctions based on external versus internal distribution have been previously filed with the Commission by Nasdaq, Nasdaq OMX BX, and Nasdaq OMX PSX. *See* BATS Exchange Fee Schedules, *supra* note 6. *See also* Nasdaq Rule 019(b); Securities Exchange Act Release No. 62876 (September 9, 2010), 75 FR 56624 (September 16, 2010) (SR–PHLX–2010–120); Securities Exchange Act Release No. 62907 (September 14, 2010), 75 FR 57314 (September 20, 2010) (SR–NASDAQ–2010–110); Securities Exchange Act Release No. 63442 (December 6, 2010), 75 FR 77029 (December 10, 2010) (SR–BX–2010–081).

[21] *See* NYSE Market Data Pricing dated May 2015 *available at http://www.nyxdata.com/.*

[22] 15 U.S.C. 78f.

[23] 15 U.S.C. 78f(b)(4).

[24] *See* BATS Exchange Fee Schedules, *supra* note 6.

Exchange believes that the proposed fees would reflect an equitable allocation of its overall costs to users of its facilities.

In addition, when establishing the proposed fees, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all Users. The existence of alternatives to Multicast PITCH, including existing similar feeds by other exchanges, consolidated data, and proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if its cost to purchase is not justified by the returns any particular vendor or subscriber would achieve through the purchase.

Definitions Applicable to Market Data Fees

The proposed definitions applicable to market data fees will not result in any burden on competition. The proposed definitions are not designed to amend any fee, nor alter the manner in which it assesses fees. The Exchange believes that recipients of Exchange data would benefit from clear guidance in its fee schedule that describes the manner in which the Exchange would assess fees for market data. These definitions are intended to make the Fee Schedule clearer and less confusing for investors and are not designed to have a competitive impact.

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 written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act [25] and paragraph (f)(2) of Rule 19b–4 thereunder.[26] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2015–46 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2015–46. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2015–46 and should be submitted on or before July 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–16271 Filed 7–1–15; 8:45 am]

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[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f)(2).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75312; File No. SR–ISE–2015–21]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Penny Pilot Program

June 26, 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 22, 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 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 ISE proposes to amend its rules relating to a pilot program to quote and to trade certain options in pennies (''Penny Pilot Program''). The text of the proposed rule change is available on the Exchange's Web site *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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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

Under the Penny Pilot Program, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock (''QQQQ''), the SPDR S&P 500 Exchange Traded Fund (''SPY'') and the iShares Russell 2000 Index Fund (''IWM''), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot Program is currently scheduled to expire on June 30, 2015.[3] The Exchange proposes to extend the time period of the Penny Pilot Program through June 30, 2016, and to provide revised dates for adding replacement issues to the Penny Pilot Program. The Exchange proposes that any Penny Pilot Program issues that have been delisted may be replaced on the second trading day following July 1, 2015, and the second trading day following January 1, 2016.[4] The replacement issues will be selected based on trading activity for the six month period beginning 1) December 1, 2014, and ending May 31, 2015, and 2) June 1, 2015, and ending November 30, 2015, respectively. This filing does not propose any substantive changes to the Penny Pilot Program: All classes currently participating will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the increase in quote traffic.

2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the ''Exchange Act'') for this proposed rule change is found in section 6(b)(5), in that the proposed rule change is designed to promote just and equitable principles of trade, 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 rule change, which extends the Penny Pilot Program for an additional one year, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition. Specifically, the Exchange believes that, by extending the expiration of the Penny Pilot Program, the proposed rule change will allow for further analysis of the Penny Pilot Program and a determination of how the Penny Pilot Program should be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Act[5] and Rule 19b–4(f)(6) thereunder.[6] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[7] normally does not become operative prior to 30 days after the date of the filing.[8] However, pursuant to Rule 19b–4(f)(6)(iii),[9] the Commission may 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 Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program.[10] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[11]

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)[12] 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:

[3] *See* Exchange Act Release No. 73757 (Dec. 5, 2014), 79 FR 73672 (Dec. 11, 2014) (SR–ISE–2014–55).

[4] Please note, the month immediately preceding a replacement class's addition to the Penny Pilot Program (*i.e.,* June) will not be used for purposes of the six month analysis.

[5] 15 U.S.C. 78s(b)(3)(A)(iii).

[6] 17 CFR 240.19b–4(f)(6).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] *See* Securities Exchange Act Release No. 61061 (November 24, 2009), 74 FR 62857 (December 1, 2009) (SR–NYSEArca–2009–44).

[11] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78s(b)(2)(B).

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–2015–21 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2015–21. 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 20549–1090 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 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–ISE–2015–21 and should be submitted on or before July 22, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–16270 Filed 7–1–15; 8:45 am]

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[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75311; File No. SR–NYSEArca–2015–50]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to Listing and Trading of Shares of the Cambria Sovereign High Yield Bond ETF and the Cambria Value and Momentum ETF Under NYSE Arca Equities Rule 8.600

June 26, 2015.

Pursuant to section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on June 19, 2015, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the Cambria Sovereign High Yield Bond ETF and the Cambria Value and Momentum ETF under NYSE Arca Equities Rule 8.600 (''Managed Fund Shares''). 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the following under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares: [4] Cambria Sovereign High Yield Bond ETF and the Cambria Value and Momentum ETF (each a ''Fund'' and, collectively, the ''Funds'').[5] The Shares will be offered by the Cambria ETF Trust (the ''Trust''), a Delaware statutory trust which is registered with the Commission as an open-end management investment company.[6] Cambria Investment Management, L.P. (''Cambria'' or the ''Adviser'') will serve as the investment adviser of the Funds. SEI Investments Distribution Co. (the ''Distributor'' or ''SEI'') will be the principal underwriter and distributor of the Funds' Shares. SEI Investments Global Funds Services (''SEI GFS'') will serve as the accountant and administrator of the Funds. Brown Brothers Harriman & Co. will serve as

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Commission has previously approved listing and trading on the Exchange of a number of actively managed funds under Rule 8.600. *See, e.g.,* Securities Exchange Act Release Nos. 71999 (April 23, 2014), 79 FR 24040 (April 29, 2014) (SR–NYSEArca–2014–19) (order approving Exchange listing and trading of shares of four actively-managed asset allocation funds of iShares U.S. ETF Trust); 57801 (May 8, 2008), 73 FR 27878 (May 14, 2008) (SR–NYSEArca–2008–31) (order approving Exchange listing and trading of shares of twelve actively-managed funds of the WisdomTree Trust); 73004 (September 5, 2014), 79 FR 54333 (September 11, 2014) (SR–NYSEArca–2014–76) (order approving Exchange listing and trading of Shares of the Cambria Global Momentum ETF).

[6] The Trust will be registered under the 1940 Act. On August 27, 2014, the Trust filed an amendment to the Trust's registration statement on Form N–1A under the Securities Act of 1933 (the ''1933 Act'') (15 U.S.C. 77a), and under the 1940 Act relating to the Funds (File Nos. 333–180879 and 811–22704) (the ''Registration Statement''). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 30340 (January 4, 2013) (''Exemptive Order''). Investments made by the Funds will comply with the conditions set forth in the Exemptive Order.

the ''Custodian'' and ''Transfer Agent'' of the Funds' assets.

Commentary .06 to Rule 8.600 provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio. In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio.[7] The Adviser is not registered as a broker-dealer or affiliated with a broker-dealer. In the event (a) the Adviser or any sub-adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

Cambria Sovereign High Yield Bond ETF

Principal Investment Policies

According to the Registration Statement, the Fund will seek income and capital appreciation from investments in securities and instruments that provide exposure to sovereign and quasi-sovereign bonds.

Under normal market conditions[8], at least 80% of the value of the Fund's net assets (plus borrowings for investment purposes) will be invested in sovereign and quasi-sovereign high yield bonds (commonly known as ''junk bonds'').[9] For the purposes of this policy, sovereign and quasi-sovereign high yield bonds include exchange-traded funds (''ETFs'')[10] and exchange-traded notes (''ETNs'')[11] that invest in or have exposure to such bonds. The Fund will invest in emerging and developed countries, including countries located in the G–20 and other countries. Potential countries include, but are not limited to, Argentina, Australia, Brazil, Canada, Chile, China, Colombia, members of the European Union, Hong Kong, India, Israel, Indonesia, Japan, Malaysia, Mexico, New Zealand, Norway, Peru, the Philippines, Russia, Saudi Arabia, Singapore, South Africa, South Korea, Sweden, Switzerland, Taiwan, Thailand, Turkey, the United Kingdom and the United States.

Sovereign bonds include debt securities issued by a national government, instrumentality or political sub-division. Quasi-sovereign bonds include debt securities issued by a supra-national government or a state-owned enterprise or agency. The sovereign and quasi-sovereign bonds that the Fund will invest in may be denominated in local and foreign currencies. The Fund may invest in securities of any duration or maturity.

The Fund may invest up to 20% of its net assets in money market instruments or other high quality debt securities, cash or cash equivalents, or ETFs and ETNs that invest in, or provide exposure to, such instruments or securities.

Cambria will utilize a quantitative model to select sovereign and quasi-sovereign bond exposures for the Fund. The model will review various characteristics of potential investments, with yield as the largest determinant. By considering together the various characteristics of potential investments, the model will identify potential allocations for the Fund, as well as opportune times to make such allocations. Screens will exclude foreign issuers whose securities are highly restricted or illegal for U.S. persons to own, including due to the imposition of sanctions by the U.S. Government.

Cambria Value and Momentum ETF

Principal Investments

According to the Registration Statement, the Fund will seek income and capital appreciation from investments in the U.S. equity market. The Fund will seek to achieve its investment objective by investing, under normal market conditions, at least 80% of the value of the Fund's net assets in U.S. exchange-listed equity securities that are undervalued according to various valuation metrics, including cyclically adjusted valuation metrics. These valuation metrics are derived by dividing the current market value of a reference index or asset by an inflation-adjusted normalized factor (typically earnings, book value, dividends, cash flows or sales) over the past seven to ten years. The Adviser intends to employ systematic quantitative strategies in an effort to avoid overvalued and downtrending markets.

In attempting to avoid overvalued and downtrending markets, the Fund may use U.S. exchange-traded stock index futures or options thereon, or take short positions in ETFs to attempt to hedge the long equity portfolio during times when Cambria believes that the U.S. equity market is overvalued from a valuation standpoint, or Cambria's models identify unfavorable trends and momentum in the U.S. equity market. The Fund may hedge up to 100% of the

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[8] The term ''under normal market conditions'' includes, but is not limited to, the absence of extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[9] Sovereign and quasi-sovereign bonds include securities issued or guaranteed by foreign governments (including political subdivisions) or their authorities, agencies, or instrumentalities or by supra-national agencies. Supra-national agencies are agencies whose member nations make capital contributions to support the agencies' activities. Examples include the International Bank for Reconstruction and Development (the World Bank), the Asian Development Bank, the European Coal and Steel Community, and the Inter-American Development Bank. In addition to investing directly in foreign government securities, the Fund may purchase instruments evidencing undivided ownership interests in interest payments and/or principal payments of foreign government securities.

[10] For purposes of this filing, the term ''ETFs'' includes Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100); and Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600). All ETFs will be listed and traded in the U.S. on a national securities exchange. While the Funds may invest in inverse ETFs, the Funds will not invest in leveraged (*e.g.,* 2X, -2X, 3X or -3X) ETFs.

[11] For purposes of this filing, the term ''ETNs'' includes Index-Linked Securities (as described in NYSE Arca Equities Rule 5.2(j)(6)). All ETNs will be listed and traded in the U.S. on a national securities exchange. The Funds will not invest in leveraged (*e.g.,* 2X, -2X, 3X or -3X) ETNs.

value of the Fund's long portfolio using these strategies. During certain periods, including to collateralize the Fund's investments in futures contracts, the Fund may invest up to 20% of the value of its net assets in U.S. dollar and non-U.S. dollar denominated money market instruments or other high quality debt securities, or ETFs that invest in these instruments.

The Fund may invest in securities of companies in any industry, and will limit the maximum allocation to any particular sector. Although the Fund generally expects to invest in companies with larger market capitalizations, the Fund may also invest in small- and mid-capitalization companies. Filters will be implemented to screen for companies that pass sector concentration and liquidity requirements. Screens also will exclude foreign issuers whose securities are highly restricted or illegal for U.S. persons to own, including due to the imposition of sanctions by the U.S. Government.

Cambria will utilize a quantitative model that combines value and momentum factors to identify which securities the Fund may purchase and sell and opportune times for purchases and sales. The Fund will look to allocate to the top performing value stocks based on value factors as well as absolute and relative momentum. Valuation will typically be measured on a longer time horizon (five to ten years) than momentum (typically less than one year).

The Fund may invest in U.S. exchange-listed preferred stocks. Preferred stocks include convertible and non-convertible preferred and preference stocks that are senior to common stock.

The Fund may invest in U.S. exchange-listed real estate investment trusts (''REITs'').

The Fund may engage in short sales of securities.

Other Investments

While each Fund, under normal market conditions, will invest at least 80% of the value of its net assets (plus borrowings for investment purposes) in the securities and other assets described above, each Fund may invest its remaining assets in the securities and financial instruments described below.

A Fund may invest a portion of its assets in cash or cash items pending other investments or to maintain liquid assets required in connection with some of a Fund's investments. These cash items and other high quality debt securities may include money market instruments, securities issued by the U.S. Government and its agencies, bankers' acceptances, commercial paper, bank certificates of deposit and shares of investment companies that invest primarily in such instruments.

A Fund may invest in corporate debt securities. A Fund may invest in commercial paper, master notes and other short-term corporate instruments that are denominated in U.S. dollars. Commercial paper consists of short-term promissory notes issued by corporations. Master notes are demand notes that permit the investment of fluctuating amounts of money at varying rates of interest pursuant to arrangements with issuers who meet the quality criteria of a Fund. Master notes are generally illiquid and therefore subject to a Fund's percentage limitations for investments in illiquid securities.

A Fund may invest in the following types of debt securities in addition to those described under ''Principal Investments'' above for each Fund: Securities issued or guaranteed by the U.S. Government, its agencies, instrumentalities, and political subdivisions; securities issued or guaranteed by foreign governments, their authorities, agencies, instrumentalities and political subdivisions; securities issued or guaranteed by supra-national agencies; corporate debt securities; time deposits; notes; inflation-indexed securities; and repurchase agreements.

Such debt securities may be investment grade securities or high yield securities. Investment grade securities include securities issued or guaranteed by the U.S. Government, its agencies and instrumentalities, as well as securities rated in one of the four highest rating categories by at least two Nationally Recognized Statistical Rating Organizations (''NRSROs'') rating that security, such as Standard & Poor's Ratings Services (''Standard & Poor's''), Moody's Investors Service, Inc. (''Moody's'') or Fitch Ratings Ltd. (''Fitch''), or rated in one of the four highest rating categories by one NRSRO if it is the only NRSRO rating that security or, if unrated, deemed to be of comparable quality by Cambria and traded publicly on the world market. The Fund, at the discretion of Cambria, may retain a debt security that has been downgraded below the initial investment criteria.

A Fund may invest in securities rated lower than Baa by Moody's, or equivalently rated by S&P or Fitch.

The debt and other fixed income securities in which a Fund may invest include fixed and floating rate securities of any maturity. Fixed rate securities pay a specified rate of interest or dividends. Floating rate securities pay a rate that is adjusted periodically by reference to a specified index or market rate. A Fund may invest in indexed bonds, which are a type of fixed income security whose principal value and/or interest rate is adjusted periodically according to a specified instrument, index, or other statistic (*e.g.,* another security, inflation index, currency, or commodity).

A Fund may invest in zero coupon securities.

A Fund gain exposure to foreign securities by purchasing U.S. exchange-listed and traded American Depositary Receipts (''ADRs''), and exchange-traded European Depositary Receipts (''EDRs'') and Global Depositary Receipts (''GDRs'', together with ADRs and EDRs, ''Depositary Receipts'').[12]

The Cambria Sovereign High Yield Bond ETF may enter into forward foreign currency contracts.

Investment Restrictions

To respond to adverse market, economic, political or other conditions, each of the Funds may invest up to 100% of its total assets, without limitation, in high-quality debt securities and money market instruments. The Funds may be invested in these instruments for extended periods, depending on Cambria's assessment of market conditions. Cambria deems high-quality debt securities and money market instruments to include commercial paper, certificates of deposit, bankers' acceptances, U.S. Government and agency securities, repurchase agreements and bonds that are BBB or higher, and registered investment companies that invest in such instruments.

The Funds may invest in the securities of other investment

[12] Depositary Receipts are receipts, typically issued by a bank or trust issuer, which evidence ownership of underlying securities issued by a non-U.S. issuer. Generally, ADRs, in registered form, are denominated in U.S. dollars and are designed for use in the U.S. securities markets. GDRs, in bearer form, are issued and designed for use outside the United States and EDRs, in bearer form, may be denominated in other currencies and are designed for use in European securities markets. ADRs are receipts typically issued by a U.S. bank or trust company evidencing ownership of the underlying securities. EDRs are European receipts evidencing a similar arrangement. GDRs are receipts typically issued by non-United States banks and trust companies that evidence ownership of either foreign or domestic securities. Not more than 10% of the net assets of a Fund in the aggregate invested in exchange-traded equity securities shall consist of equity securities whose principal market is not a member of the Intermarket Surveillance Group (''ISG'') or party to a comprehensive surveillance sharing agreement (''CSSA'') with the Exchange. *See* note 23, *infra.*

companies to the extent that such an investment would be consistent with the requirements of section 12(d)(1) of the 1940 Act, or any rule, regulation or order of the Commission or interpretation thereof.

According to the Registration Statement, each Fund will seek to qualify for treatment as a Regulated Investment Company (''RIC'') under the Internal Revenue Code.[13]

A Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), consistent with Commission guidance. Each Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of a Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[14]

Each Fund's investments will be consistent with its investment objective and will not be used to enhance leverage.

Creation and Redemption of Shares

According to the Registration Statement, the Funds will sell and redeem Shares in aggregations of 50,000 Shares (each, a ''Creation Unit'') on a continuous basis through the Distributor, without a sales load, at the net asset value (''NAV'') next determined after receipt of an order in proper form on any business day. The size of a Creation Unit is subject to change.

The purchase or redemption of Creation Units from a Fund must be effected by or through an ''Authorized Participant'' (*i.e.,* either a broker-dealer or other participant in the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC'') or a participant in the Depository Trust Company (''DTC'') with access to the DTC system, and who has executed an agreement (''Participant Agreement'') with the Distributor that governs transactions in a Fund's Creation Units.

The consideration for a Creation Unit of a Fund will be the ''Fund Deposit''. The Fund Deposit will consist of the ''In-Kind Creation Basket'' and ''Cash Component'', or an all cash payment (''Cash Value''), as determined by Cambria to be in the best interest of a Fund. The Cash Component will typically include a ''Balancing Amount'' reflecting the difference, if any, between the NAV of a Creation Unit and the market value of the securities in the ''In-Kind Creation Basket''. The Fund Deposit for the Cambria Value and Momentum ETF generally will consist of the In-Kind Creation Basket and Cash Component and the Fund Deposit for the Cambria Sovereign High Yield Bond ETF generally will consist of the Cash Value.

If the NAV per Creation Unit exceeds the market value of the securities in the In-Kind Creation Basket, the purchaser will pay the Balancing Amount to a Fund. By contrast, if the NAV per Creation Unit is less than the market value of the securities in the In-Kind Creation Basket, a Fund will pay the Balancing Amount to the purchaser.

The Transfer Agent, in a portfolio composition file sent via the NSCC, generally will make available on each business day, immediately prior to the opening of business on the Exchange (currently 9:30 a.m., Eastern time), a list of the names and the required number of shares of each security in the In-Kind Creation Basket to be included in the current Fund Deposit for each Fund (based on information about a Fund's portfolio at the end of the previous business day) (subject to amendment or correction). If applicable, the Transfer Agent, through the NSCC, also will make available on each business day, the estimated Cash Component or Cash Value, effective through and including the previous business day, per Creation Unit.

The announced Fund Deposit will be applicable, subject to any adjustments as described below, for purchases of Creation Units of a Fund until such time as the next-announced Fund Deposit is made available. From day to day, the composition of the In-Kind Creation Basket may change as, among other things, corporate actions and investment decisions by Cambria are implemented for a Fund's portfolio. Each Fund reserves the right to accept a nonconforming (*i.e.,* custom) Fund Deposit.

The Fund may, in its sole discretion, permit or require the substitution of an amount of cash (''cash in lieu'') to be added to the Cash Component to replace any security in the In-Kind Creation Basket. The Fund may permit or require cash in lieu when, for example, the securities in the In-Kind Creation Basket may not be available in sufficient quantity for delivery or may not be eligible for transfer through the systems of DTC. Similarly, a Fund may permit or require cash in lieu when, for example, the Authorized Participant or its underlying investor is restricted under U.S. or local securities law or policies from transacting in one or more securities in the In-Kind Creation Basket.[15]

To compensate the Trust for costs incurred in connection with creation and redemption transactions, investors will be required to pay to the Trust a ''Transaction Fee'' as described in the Registration Statement.

According to the Registration Statement, Fund Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by a Fund through the Transfer Agent and only on a business day. The redemption proceeds for a Creation Unit will consist of the ''In-Kind Redemption Basket'' and a ''Cash Redemption Amount'', or the Cash Value, in all instances equal to the value of a Creation Unit. The redemption proceeds for the Cambria Value and Momentum ETF generally will consist of the In-Kind Redemption Basket and the Cash Redemption Amount and the redemption proceeds for the Cambria Sovereign High Yield Bond ETF generally generally [sic] will consist of the Cash Value.

The Cash Redemption Amount will typically include a Balancing Amount, reflecting the difference, if any, between the NAV of a Creation Unit and the market value of the securities in the In-Kind Redemption Basket. If the NAV per Creation Unit exceeds the market value of the securities in the In-Kind Redemption Basket, a Fund will pay the Balancing Amount to the redeeming investor. By contrast, if the NAV per

[13] 26 U.S.C. 851.

[14] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the 1933 Act).

[15] The Adviser represents that, to the extent the Trust effects the creation of Shares in cash, such transactions will be effected in the same manner for all Authorized Participants.

Creation Unit is less than the market value of the securities in the In-Kind Redemption Basket, the redeeming investor will pay the Balancing Amount to a Fund.

The composition of the In-Kind Creation Basket will normally be the same as the composition of the In-Kind Redemption Basket. Otherwise, the In-Kind Redemption Basket will be made available by the Adviser or Transfer Agent. The Fund reserves the right to accept a nonconforming (*i.e.,* custom) ''Fund Redemption''.

In lieu of an In-Kind Redemption Basket and Cash Redemption Amount, Creation Units may be redeemed consisting solely of cash in an amount equal to the NAV of a Creation Unit, which amount is referred to as the Cash Value. If applicable, information about the Cash Value will be made available by the Adviser or Transfer Agent.

The right of redemption may be suspended or the date of payment postponed: (i) For any period during which the New York Stock Exchange (''NYSE'') is closed (other than customary weekend and holiday closings); (ii) for any period during which trading on the NYSE is suspended or restricted; (iii) for any period during which an emergency exists as a result of which disposal of the Shares or determination of a Fund's NAV is not reasonably practicable; or (iv) in such other circumstances as permitted by the Commission.

A Fund may, in its sole discretion, permit or require the substitution of an amount of cash (''cash in lieu'') to be added to the Cash Redemption Amount to replace any security in the In-Kind Redemption Basket. A Fund may permit or require cash in lieu when, for example, the securities in the In-Kind Redemption Basket may not be available in sufficient quantity for delivery or may not be eligible for transfer through the systems of DTC. Similarly, a Fund may permit or require cash in lieu when, for example, the Authorized Participant or its underlying investor is restricted under U.S. or local securities law or policies from transacting in one or more securities in the In-Kind Redemption Basket.

If it is not possible to effect deliveries of the securities in the In-Kind Redemption Basket, the Trust may in its discretion exercise its option to redeem Shares in cash, and the redeeming beneficial owner will be required to receive its redemption proceeds in cash. In addition, an investor may request a redemption in cash that a Fund may, in its sole discretion, permit. In either case, the investor will receive a cash payment equal to the NAV of its Shares based on the NAV of Shares of the relevant Fund next determined after the redemption request is received in proper form (minus a Transaction Fee, including a variable charge, if applicable, as described in the Registration Statement).[16]

The Fund may also, in its sole discretion, upon request of a shareholder, provide such redeemer a portfolio of securities that differs from the exact composition of the In-Kind Redemption Basket, or cash in lieu of some securities added to the Cash Component, but in no event will the total value of the securities delivered and the cash transmitted differ from the NAV. Redemptions of Fund Shares for the In-Kind Redemption Basket will be subject to compliance with applicable federal and state securities laws and a Fund (whether or not it otherwise permits cash redemptions) reserves the right to redeem Creation Units for cash to the extent that the Trust could not lawfully deliver specific securities in the In-Kind Redemption Basket upon redemptions or could not do so without first registering the securities in the In-Kind Redemption Basket under such laws.

When cash redemptions of Creation Units are available or specified for a Fund, they will be effected in essentially the same manner as in-kind redemptions. In the case of a cash redemption, the investor will receive the cash equivalent of the In-Kind Redemption Basket minus any Transaction Fees.

Additional information regarding creation and redemption procedures is included in the Registration Statement.

Net Asset Value

The NAV of Shares will be calculated each business day by SEI GFS as of the close of regular trading on the NYSE, generally 4:00 p.m., Eastern time on each day that the NYSE is open. The Fund will calculate its NAV per Share by taking the value of its total assets, subtracting any liabilities, and dividing that amount by the total number of Shares outstanding, rounded to the nearest cent. Expenses and fees, including the management fees, will be accrued daily and taken into account for purposes of determining NAV.

When calculating the NAV of a Fund's Shares, expenses will be accrued and applied daily and U.S. exchange-traded equity securities will be valued at their market value when reliable market quotations are readily available. Exchange-traded equity securities will be valued at the closing price on the relevant exchange, or, if the closing price is not readily available, the mean of the closing bid and asked prices. Certain equity securities, debt securities and other assets will be valued differently. For instance, fixed-income investments maturing in 60 days or less may be valued using the amortized cost method or, like those maturing in excess of 60 days, at the readily available market price, if available. Investments in securities of investment companies (other than ETFs) will be valued at NAV.

Forward foreign currency contracts generally will be valued based on the marked-to-market value of the contract provided by pricing services. Pricing services, approved and monitored pursuant to a policy approved by the Funds' Board of Trustees (''Board''), provide market quotations based on both market prices and indicative bids.

Sovereign and quasi-sovereign bonds, U.S. government securities, corporate debt securities, commercial paper, commercial interests, bankers' acceptances, bank certificates of deposit, repurchase agreements, fixed and floating rate securities, indexed bonds, master notes, zero coupon securities will be valued based on price quotations obtained from a third-party pricing service or from a broker-dealer who makes markets in such securities.

U.S. exchange-traded stock index futures contracts and U.S. exchange-traded options thereon will be valued at the settlement or closing price determined by the applicable U.S. futures exchange.

If a market quotation is not readily available or is deemed not to reflect market value, a Fund will determine the price of the security held by a Fund based on a determination of the security's fair value pursuant to policies and procedures approved by the Board. In addition, a Fund may use fair valuation to price securities that trade on a foreign exchange, if any, when a significant event has occurred after the foreign exchange closes but before the time at which a Fund's NAV is calculated. Such significant events may include, but are not limited to: governmental action that affects securities in one sector or country; natural disasters or armed conflicts affecting a country or region; or significant domestic or foreign market fluctuations.

Availability of Information

The Funds' Web site (*www.cambriafunds.com*), which will

[16] The Adviser represents that, to the extent the Trust effects the redemption of Shares in cash, such transactions will be effected in the same manner for all Authorized Participants.

be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Funds that may be downloaded. The Funds' Web site will include additional quantitative information updated on a daily basis, including, for the Funds (1) 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 (the ''Bid/Ask Price''),[17] and a calculation of the premium and discount of the closing price or Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily closing price or Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, each Fund will disclose on its Web site the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) that will form the basis for a Fund's calculation of NAV at the end of the business day.[18]

On a daily basis, the Funds will disclose on the Funds' Web site the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in a Fund's portfolio.

The Web site information will be publicly available at no charge.

In addition, a basket composition file, which includes the security names and share quantities required to be delivered in exchange for a Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the NYSE via NSCC. The basket represents one Creation Unit of a Fund.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), a Fund's Shareholder Reports, and the Trust's Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov*. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Quotation and last sale information for the Shares will be available via the Exchange proprietary quote and trade services and via the Consolidated Tape Association (''CTA'') high-speed line.

Quotation and last sale information for the equity portfolio holdings of a Fund that are U.S. exchange listed, including common stocks, preferred stocks, ETFs, ETNs, Depositary Receipts, and REITs will be available via the CTA high speed line. Quotation and last sale information for such U.S. exchange-listed securities, as well as futures and options on futures will be available from the exchange on which they are listed. Information relating to non-exchange listed securities of investment companies will be available from major market data vendors.

Quotation information for sovereign and quasi-sovereign bonds, U.S. government securities, corporate debt securities, commercial paper, commercial interests, bankers' acceptances, bank certificates of deposit, repurchase agreements, fixed and floating rate securities, indexed bonds, master notes, zero coupon securities, and forward foreign currency contracts may be obtained from brokers and dealers who make markets in such securities or through nationally recognized pricing services through subscription agreements.

In addition, the Intraday Indicative Value (''IIV''),[19] which is the Portfolio Indicative Value as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated at least every 15 seconds during the Exchange's Core Trading Session by one or more major market data vendors.[20] The dissemination of the IIV, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of a Fund and provide a close estimate of that value throughout the trading day.

Additional information regarding the Trust and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions and taxes is included in the Registration Statement. All terms relating to a Fund that are referred to, but not defined, in this proposed rule change are defined in the Registration Statement.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Funds.[21] Trading in Shares of the Funds will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of the Funds; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of a Fund may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. Eastern time in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has

[17] The Bid/Ask Price of the Funds will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of a Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Funds and their service providers.

[18] Under accounting procedures followed by the Funds, 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.

[19] The IIV is an approximate per Share value of a Fund's portfolio holdings, which is disseminated every fifteen seconds throughout the trading day by one or more market data vendors. The IIV will be based on the current market value of a Fund's ''Disclosed Portfolio'' as defined in Rule 8.600(c)(2). The IIV does not necessarily reflect the precise composition of the current portfolio of securities held by a Fund at a particular point in time. The IIV should not be viewed as a ''real-time'' update of the NAV of a Fund because the approximate value may not be calculated in the same manner as the NAV. The quotations for certain investments may not be updated during U.S. trading hours if such holdings do not trade in the U.S., except such quotations may be updated to reflect currency fluctuations.

[20] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available IIVs taken from CTA or other data feeds.

[21] *See* NYSE Arca Equities Rule 7.12.

appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600. The Exchange represents that, for initial and/or continued listing, a Fund will be in compliance with Rule 10A–3 [22] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for a Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[23] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, common stocks, preferred stocks, Depositary Receipts, REITs, ETFs, ETNs, futures and options on futures with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, common stocks, preferred stocks, Depositary Receipts, REITs, ETFs, ETNs, futures and options on futures from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, common stocks, preferred stocks, Depositary Receipts, REITs, ETFs, ETNs, futures and options on futures from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[24] FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by a Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'').

Not more than 10% of the net assets of a Fund in the aggregate invested in exchange-traded equity securities shall consist of equity securities whose principal market is not a member of the ISG or party to a CSSA with the Exchange.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated; (4) how information regarding the Portfolio Indicative Value and the Disclosed Portfolio is disseminated; (5) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that each Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. Eastern time each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under section 6(b)(5) [25] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Adviser is not registered as a broker-dealer or affiliated with a broker-dealer. A Fund's investments will be consistent with its investment objective and will not be used to enhance leverage. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, common stocks, preferred stocks, Depositary Receipts, REITs, ETFs, ETNs, futures and options on futures with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, ETFs, ETNs, futures and options on futures from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, common stocks, preferred stocks, Depositary Receipts, REITs, ETFs, ETNs, futures and options on futures from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. FINRA, on behalf of the Exchange, is able to

[22] 17 CFR 240.10A–3.

[23] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[24] For a list of the current members of ISG, *see www.isgportal.org*. The Exchange notes that not all components of the Disclosed Portfolio for a Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[25] 15 U.S.C. 78f(b)(5).

access, as needed, trade information for certain fixed income securities held by a Fund reported to FINRA's TRACE. All futures contracts and options on futures contracts in which a Fund will invest will be traded on a U.S. board of trade. Not more than 10% of the net assets of a Fund in the aggregate invested in exchange-traded equity securities shall consist of equity securities whose principal market is not a member of the ISG or party to a CSSA with the Exchange.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding a Fund and the Shares, thereby promoting market transparency. A Fund's portfolio holdings will be disclosed on its Web site daily after the close of trading on the Exchange and prior to the opening of trading on the Exchange the following day. Moreover, the IIV applicable to each Fund will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, a Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for a Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The Web site for the Funds will include a form of the prospectus for the Funds and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of a Fund may be halted. The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of actively-managed exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding a Fund's holdings, the IIV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of additional types of actively-managed exchange-traded products that will principally hold fixed income or equity securities and that will enhance competition among market participants, to the benefit of investors and the marketplace.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2015–50 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–2015–50. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange 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–2015–50, and should be submitted on or before July 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–16269 Filed 7–1–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75314; File No. SR–CBOE–2015–058]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

June 26, 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 9, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make certain changes to its Fees Schedule.[3] First, the Exchange proposes to amend its Volume Incentive Program (''VIP''). Under VIP, the Exchange credits each Trading Permit Holder (''TPH'') the per contract amount set forth in the VIP table resulting from each public customer (''C'' origin code) order transmitted by that TPH (with certain exceptions) which is executed electronically on the Exchange in all underlying symbols excluding Underlying Symbol List A,[4] DJX, MXEA, MXEF, XSP, XSPAM, and mini-options, provided the TPH meets certain volume thresholds in a month.[5] The Exchange proposes to increase the VIP credit for complex orders in Tier 2 from $0.16 per contract to $0.21 per contract, in Tier 3 from $0.16 per contract to $0.22 per contract and in Tier 4 from $0.17 per contract to $0.23 per contract. The purpose of this change is to incentivize the sending of complex orders to the Exchange and to adjust the incentive tiers accordingly as competition requires while maintaining an incremental incentive for TPH's to strive for the highest tier level.

The Exchange next proposes to amend the Complex Order Book (''COB'') Taker Surcharge. By way of background, the COB Taker Surcharge (''Surcharge'') is a $0.05 per contract per side surcharge for non-customer complex order executions that take liquidity from the COB in all underlying classes except Underlying Symbol List A and mini-options. Additionally, the Surcharge is not assessed on non-customer complex order executions in the Complex Order Auction (''COA''), the Automated Aim Mechanism (''AIM''), orders originating from a Floor Broker PAR, electronic executions against single leg markets, or stock-option order executions. The Exchange first proposes to increase the amount of the Surcharge from $0.05 per contract to $0.08 per contract. Additionally, the Exchange proposes to eliminate the exclusion of non-customer complex order executions in the COA and AIM mechanisms from the Surcharge. Specifically, the Exchange notes that all complex order auction responses executed in COA and AIM will be assessed the Surcharge (*i.e.,* initiating orders and AIM Contra orders will not be assessed the Surcharge). The Exchange proposes these changes in order to help offset the increased rebates given to complex orders under VIP. In light of the abovementioned changes, the Exchange also proposes to rename the COB Taker Surcharge to ''Complex Taker Fee.'' Particularly, the surcharge is no longer limited to COB executions as the Surcharge will now include auction responses in COA and AIM. As such, the Exchange believes it is appropriate to rename the Surcharge to more accurately reflect what transactions are being charged and avoid potential confusion. Additionally, the Exchange proposes to change the term ''Surcharge'' to ''Fee'' to avoid confusion with other surcharges currently listed in the Fees Schedule.

The Exchange next notes that it currently assesses a $0.65 per contract fee for electronic executions by Broker-Dealers, non-Trading Permit Holders (''non-TPHs'') Market-Makers, Professionals/Voluntary Professionals and Joint Back-Offices (''JBOs'') in non-Penny Pilot equity, ETF, ETN and index options (excluding Underlying Symbol List A) classes. The Exchange proposes increasing this transaction fee from $0.65 per contract to $0.75 per contract. The Exchange also proposes to increase the Marketing Fee for all non-Penny Pilot option classes from $0.65 per contract to $0.70 per contract. The Exchange notes that these increases are similar to, and in line with, the amounts assessed by another exchange for similar transactions.[6]

Lastly, the Exchange proposes to amend language in the Fees Schedule relating to the VIX Tier Appointment Surcharge. The VIX Tier Appointment is assessed to any Market-Maker that either (a) has a VIX Tier Appointment at any time during a calendar month and trades at least 100 VIX options contracts electronically while that appointment is active; or (b) trades at least 1,000 VIX options contracts in

[26] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee changes on June 1, 2015 (SR–CBOE–2015–054). On June 9, 2015, the Exchange withdrew that filing and submitted this filing.

[4] The following products are included in ''Underlying Symbol List A'': OEX, XEO, RUT, SPX (including SPXw), SPXpm, SRO, VIX, VXST, VOLATILITY INDEXES and binary options.

[5] Excluded from the VIP credit are options in Underlying Symbol List A, DJX, MXEA, MXEF, XSP, XSPAM, mini-options, QCC trades, public customer to public customer electronic complex order executions, and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Rule 6.80 (*see* CBOE Fees Schedule, Volume Incentive Program).

[6] *See* NASDAQ OMX PHLX LLC (''PHLX'') Pricing Schedule, Section II, Multiply Listed Options Fees.

open outcry during a calendar month. Additionally, a description of the VIX Tier Appointment Fee in the Fees Schedule provides that ''In order for a Market-Maker Trading Permit to be used to act as a Market-Maker in VIX, the Trading Permit Holder must obtain a VIX Tier Appointment for that Market-Maker Trading Permit.'' The Exchange seeks to add clarifying language to this sentence in the Fees Schedule. Particularly, the Exchange seeks to clarify that Trading Permit Holders must obtain a VIX Tier Appointment in order for a Market-Maker Trading Permit to be used to act electronically as a Market-Maker in VIX. The Exchange notes that Rule 8.3(i) provides that during Regular Trading Hours, a Market-Maker has an appointment to trade open outcry in all Hybrid classes traded on the Exchange. As VIX is a Hybrid class, a Market-Maker does not need an appointment to trade open outcry. Accordingly, the Exchange seeks to amend the first sentence of the VIX Tier Appointment description to clarify in the Fees Schedule that a VIX Tier Appointment is only necessary for acting as a Market-Maker electronically.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation 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. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[9] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes that increasing the VIP complex order credits is reasonable because it will allow all TPHs transmitting public customer complex orders that reach certain volume thresholds to receive an increased credit for doing so. The amounts of the credits being proposed are also closer to the amounts of credits paid to market participants by another exchange for similar transactions.[10] Additionally, the Exchange notes that increasing the credit (and providing higher credits for complex orders than for simple orders) is reasonable, equitable and not unfairly discriminatory because it is intended to incentivize the sending of more complex orders to the Exchange. This should provide greater liquidity and trading opportunities, including for market participants who send simple orders to the Exchange (as simple orders can trade with the legs of complex orders). The greater liquidity and trading opportunities should benefit not just public customers (whose orders are the only ones that qualify for the VIP) but all market participants.

The Exchange believes that the proposed increase to the amount of the COB Contra Surcharge from $0.05 per contract per side to $0.08 per contract per side is reasonable because the total amount assessed to these transactions, including the Surcharge, is still within the range of fees paid by other market participants for similar transactions.[11] Further, other exchanges assess higher fees for complex orders than for noncomplex ones.[12] Applying the Surcharge to all market participants except customers is equitable and not unfairly discriminatory because customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Specifically, Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market-Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. By exempting customer orders, the Surcharge will not discourage the sending of customer orders, and therefore there should still be plenty of customer orders for other market participants to trade with. The Exchange believes it's reasonable, equitable and not unfairly discriminatory to assess the Surcharge to complex order auction responses executed in COA and AIM (and not on initiating orders or AIM contra orders) because auction responses in COA and AIM, like other non-customer complex order executions that take liquidity from the COB and are assessed the Surcharge, remove liquidity from the market and because the proposed change applies uniformly to all TPHs. The Exchange believes renaming the surcharge from ''COB Taker Surcharge'' to ''Complex Taker Fee'' alleviates potential confusion as to what transactions the surcharge applies to and therefore prevents potential confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest.

Increasing the fee for electronic executions by broker-dealers, non-TPHs, Market-Makers, Professionals/Voluntary Professionals and JBOs in non-Penny Pilot equity, ETF, ETN and Index options (excluding Underlying Symbol List A) classes is reasonable because the proposed fee amount is similar to the amount assessed by another exchange for similar transactions.[13] The Exchange believes that the proposed increase is also equitable and not unfairly discriminatory because the Exchange will assess broker-dealers, non-TPH Market-Makers, Professionals/Voluntary Professionals and JBOs the same electronic options transaction fees in Non-Penny Pilot options classes. The Exchange notes that it does not assess Customers the electronic options transaction fees in Non-Penny Pilot options because Customer order flow enhances liquidity on the Exchange for the benefit of all market participants, as discussed above. The Exchange notes that Market-Makers are assessed lower electronic options transaction fees in Non-Penny Pilot options as compared to Professionals, JBOs, Broker Dealers and

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(4).

[10] *See* International Securities Exchange, LLC (''ISE'') Schedule of Fees, Section II (which lists complex order fees and rebates). For each public customer order transmitted by a market participant (with certain exceptions) a rebate of between $0.30 per contract and $0.46 per contract in Select Symbols and between $0.63 per contract and $0.83 per contract is given to that market participant, depending on the qualifying thresholds that market participant meets.

[11] *See e.g.,* NYSE Arca, Inc. (''Arca'') Options Fees Schedule, page 7 (Electronic Complex Order Executions) which provides that for complex order-to-complex order transactions, non-customers are assessed $0.50 in penny pilot options and $0.85 in non-penny pilot options. Depending upon the type of market participant a CBOE TPH is, non-customer CBOE TPHs would be assessed between $0.11 and $0.73 (which includes the proposed COB Contra Surcharge increase) for such transactions (*see* CBOE Fees Schedule).

[12] *See* ISE Schedule of Fees, Section I (which lists regular Maker rebates and fees and Taker fees for Select Symbols) as compared to Section II (which lists complex order fees and rebates for Select Symbols). Market participants are assessed higher fees for executing complex orders.

[13] *See* PHLX Pricing Schedule, Section II, Multiply Listed Options Fees.

non-Trading Permit Holder Market-Makers because they have obligations to the market and regulatory requirements, which normally do not apply to other market participants (*e.g.,* obligations to make continuous markets). Further, Market-Makers will pay a $0.70 per contract Marketing Fee for many non-Penny Pilot transactions, which broker-dealers, non-Trading Permit Holder Market-Makers, Professionals/Voluntary Professionals and JBOs do not pay.[14] Clearing Trading Permit Holder Proprietary orders are assessed lower options transaction fees in Non-Penny Pilot options because they also have obligations, which normally do not apply to other market participants (*e.g.,* must have higher capital requirements, clear trades for other market participants, must be members of the Options Clearing Corporation). Accordingly, the differentiation between electronic transaction fees for Customers, Market-Makers, Clearing Trading Permit Holders and other market participants recognizes the differing obligations and contributions made to the liquidity and trading environment on the Exchange by these market participants. Assessing higher fees for transactions in electronic, non-Penny Pilot classes is equitable and not unfairly discriminatory because in non-Penny Pilot classes the spreads are naturally larger than in Penny Pilot classes, and these wider spreads allow for greater profit potential. Limiting this fee increase to electronic transactions is equitable and not unfairly discriminatory because electronic trading requires constant system development and maintenance.

Increasing the Marketing Fee for all non-Penny Pilot options classes is reasonable, equitable and not unfairly discriminatory because the proposed fee amount is in line with the amount assessed by another exchange for similar transactions and because it applies to all Market-Makers.[15] Additionally, assessing higher fees for transactions in non-Penny Pilot classes is equitable and not unfairly discriminatory because in non-Penny Pilot classes the spreads are naturally larger than in Penny Pilot classes, and these wider spreads allow for greater profit potential.

Finally, the Exchange believes clarifying its Fees Schedule with regards to when a VIX Tier Appointment is necessary (*i.e.,* acting as a Market-Maker electronically versus on-floor) maintains clarity in the rules and eliminates potential confusion. The alleviation of potential confusion will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, 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 changes will impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while different fees and rebates are assessed to different market participants in some circumstances, these different market participants have different obligations and different circumstances (as described in the ''Statutory Basis'' section above). For example, Clearing TPHs have clearing obligations that other market participants do not have. Market-Makers have quoting obligations that other market participants do not have. There is a history in the options markets of providing preferential treatment to Customers. Further, the Exchange fees and rebates, both current and those proposed to be changed, are intended to encourage market participants to bring increased volume to the Exchange (which benefits all market participants), while still covering Exchange costs (including those associated with the upgrading and maintenance of Exchange systems).

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes are intended to promote competition and better improve the Exchange's competitive position and make CBOE a more attractive marketplace in order to encourage market participants to bring increased volume to the Exchange (while still covering costs as necessary). Further, the proposed changes only affect trading on CBOE. To the extent that the proposed changes make CBOE a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become CBOE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[16] and paragraph (f) of Rule 19b–4[17] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will 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–CBOE–2015–058 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–CBOE–2015–058. 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

[14] *See* CBOE Fees Schedule, Marketing Fee.

[15] *See* PHLX Pricing Schedule, Section II, Multiply Listed Options Fees.

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–058 and should be submitted on or before July 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Robert W Errett,

Deputy Secretary.

[FR Doc. 2015–16272 Filed 7–1–15; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Form 8–A, OMB Control No. 3235–0056, SEC File No. 270–54.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 8–A (17 CFR 249.208a) is a registration statement used to register a class of securities under Section 12(b) or Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(b) and 78*l*(g)) (''Exchange Act''). Section 12(a) (15 U.S.C. 78*l*(a)) of the Exchange Act makes it unlawful for any member, broker, or dealer to effect any transaction in any security (other than an exempted security) on a national securities exchange unless such security has been registered under the Exchange Act (15 U.S.C. 78a *et seq.*). Exchange Act Section 12(b) establishes the registration procedures. Exchange Act Section 12(g) requires an issuer that is not a bank or bank holding company to register a class of equity securities (other than exempted securities) within 120 days after its fiscal year end if, on the last day of its fiscal year, the issuer has total assets of more than $10 million and the class of equity securities is ''held of record'' by either (i) 2,000 persons, or (ii) 500 persons who are not accredited investors. An issuer that is a bank or a bank holding company, must register a class of equity securities (other than exempted securities) within 120 days after the last day of its first fiscal year ended after the effective date of the JOBS Act if, on the last day of its fiscal year, the issuer has total assets of more than $10 million and the class of equity securities is ''held of record'' by 2,000 or more persons. Form 8–A takes approximately 3 hours to prepare and is filed by approximately 951 respondents for a total annual reporting burden of 2,853 hours (3 hours per response x 951 responses).

Written comments are invited on: (a) Whether this 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 imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Pamela C. Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 29, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–16407 Filed 7–1–15; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 9180]

Culturally Significant Objects Imported for Exhibition Determinations: ''Making Place: The Architecture of David Adjaye'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E. O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Making Place: The Architecture of David Adjaye,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Art Institute of Chicago, Chicago, Illinois, from on or about September 19, 2015, until on or about January 3, 2016, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: June 22, 2015.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2015–16357 Filed 7–1–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9179]

Culturally Significant Objects Imported for Exhibition Determinations: ''Holocaust Center for Humanity Exhibit''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Holocaust Center for Humanity Exhibit,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Holocaust Center for Humanity, Seattle, Washington, from on or about October 18, 2015, until on or about July 1, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: June 22, 2015.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2015–16362 Filed 7–1–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–26367]

Medical Review Board (MRB) Meeting: Public Meeting

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Announcement of advisory committee public meeting.

SUMMARY: FMCSA announces a meeting of its Medical Review Board (MRB) on Tuesday and Wednesday, July 21–22, 2015. The MRB will identify factors the Agency should consider with regard to regulatory actions concerning Type I diabetes and vision standards for interstate commercial motor vehicle (CMV) drivers. This follows the Agency's issuance of a Notice of Proposed Rulemaking (NPRM) on May 4, 2015, that would permit drivers with stable, well-controlled insulin-treated diabetes mellitus (ITDM) to be qualified to operate CMVs in interstate commerce. The MRB discussions would precede the Agency's consideration of a rulemaking concerning the vision standard. Meetings are open to the public for their entirety, and the public will be allowed to comment during the proceedings.

DATES: The meeting will be held on Tuesday and Wednesday, July 21–22, 2015, from 9 a.m. to 4:30 p.m., Eastern Daylight Time (E.T.), at the FMCSA National Training Center, 1310 N. Courthouse Road, Arlington, VA. Copies of the task statement and an agenda for the entire meeting will be made available in advance of the meeting at *http://mrb.fmcsa.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Shannon L. Watson, Senior Advisor to the Associate Administrator for Policy, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366–5221, *mrb@dot.gov.*

Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Eran Segev at (617) 494–3174, *eran.segev@dot.gov,* by Wednesday, July 15.

SUPPLEMENTARY INFORMATION:

I. Background

The MRB is composed of five medical experts who each serve 2-year terms. Section 4116 of SAFETEA–LU requires the Secretary of Transportation, with the advice of the MRB and the chief medical examiner, to establish, review, and revise ''medical standards for operators of commercial motor vehicles that will ensure that the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely.'' The MRB operates in accordance with FACA under the terms of its charter, filed November 25, 2013.

II. Meeting Participation

Oral comments from the public will be heard during the meeting, subject to the discretion of the Chairman. Members of the public may submit written comments on the topics to be considered during the meeting by Wednesday, July 15, to Federal Docket Management System (FDMC) Docket Number FMCSA–2008–0362 for the MRB using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., E.T. Monday through Friday, except Federal holidays.

Issued on: June 29, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–16393 Filed 7–1–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Request for Transit Advisory Committee for Safety (TRACS) Nominations

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice to solicit TRACS nominees.

SUMMARY: The Federal Transit Administration (FTA) is seeking nominations for individuals to serve as members for two-year terms on the Transit Advisory Committee for Safety (TRACS). The TRACS provides information, advice, and recommendations to the Secretary of

Transportation (Secretary) and the FTA Administrator in response to tasks assigned to the committee. The TRACS does not exercise program management responsibilities and makes no decisions directly affecting the programs on which it provides advice. The Secretary may accept or reject a recommendation made by TRACS and is not bound to pursue any recommendation from TRACS.

FOR FURTHER INFORMATION CONTACT: Bridget Zamperini, Office of Transit Safety and Oversight (TSO), Federal Transit Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001 (telephone: 202–366–0306; or email: *Bridget.Zamperini@dot.gov).*

SUPPLEMENTARY INFORMATION:

I. Background

On December 8, 2009, TRACS was originally chartered by the Secretary for the purpose of providing a forum for the development, consideration, and communication of information from knowledgeable and independent perspectives regarding modes of public transit safety. The TRACS consists of members representing key constituencies affected by transit safety requirements, including transit rail and bus safety experts, research institutions, industry associations, labor unions, transit agencies, and State Safety Oversight Agencies.

With passage of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141 (2012), FTA's safety oversight authority is expanded to include all modes of public transportation. Therefore, TRACS membership is configured to reflect a broad range of safety constituents representative of the public transportation industry and include key constituencies affected by safety requirements for transit rail and/or transit bus. Individuals representing labor unions, rail and bus transit agencies, paratransit service providers (both general public and Americans with Disabilities Act complementary service), State Safety Oversight Agencies, State Departments of Transportation, transit safety research organizations and the rail and bus transit safety industry are invited to apply for membership.

The TRACS meets approximately twice a year, usually in Washington, DC, but may meet more frequently or via conference call as needed. Members serve at their own expense and receive no salary from the Federal Government. The FTA retains authority to review the participation of any TRACS member and to recommend changes at any time. The TRACS meetings will be open to the public and one need not be a member of TRACS to attend. Interested parties may view the information about the committee at: *http://www.fta.dot.gov/about/13099.html.*

II. Nominations

Qualified individuals interested in serving on this committee are invited to apply to FTA for appointment. The FTA Administrator will recommend nominees for appointment by the Secretary. Appointments are for two-year terms; however, the Secretary may reappoint a member to serve additional terms. Nominees should be knowledgeable of trends or issues related to rail transit and bus transit safety. Along with their experience in the bus transit or rail transit industry, nominees will also be evaluated on factors including leadership and organizational skills, region of the country represented, diversity characteristics, and the overall balance of industry representation.

Each nomination should include the nominee's name and organizational affiliation, a cover letter describing the nominee's qualifications and interest in serving on the committee, a curriculum vitae or resume of the nominee's qualifications, and contact information including the nominee's name, address, phone number, fax number, and email address. Self-nominations are acceptable. The FTA prefers electronic submissions for all applications to *TRACS@dot.gov.* Applications will also be accepted via U.S. mail at the address identified in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

In the near-term, FTA expects to nominate up to eight representatives from the public transportation safety community for immediate TRACS membership. In order to be considered for this round of appointments, applications should be submitted by August 31, 2015. The Secretary, in consultation with the FTA Administrator, will make the final decision regarding committee membership selections.

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2015–16288 Filed 7–1–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2015–0139]

Pipeline Safety: Risk Modeling Methodologies Public Workshop

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: Call for abstracts; preliminary notice of public workshop.

SUMMARY: This preliminary notice is to announce a public workshop to advance risk modeling methodologies of gas transmission and hazardous liquid pipelines and non-pipeline systems. This workshop will bring industry, Federal and state regulators, interested members of the public, and other stakeholders together to share knowledge and experience on risk modelling within the pipeline industry and other fields, ways to advance pipeline risk models, and practical ways that operators can adopt and/or adapt them to the analyses of their systems.

Additionally, through this notice, and in preparation for this public meeting, we are inviting abstracts on relevant engineering and technical modeling considerations related to advancing pipeline risk models, and risk modeling methodologies used in other non-pipeline applications. PHMSA recognizes that other industries may offer potential ideas and solutions to risk modelling that are applicable to pipelines and therefore encourages participation in the solicitation from outside of the pipeline industry and outside of industrial applications. Each author of an accepted abstract will be invited to make a short presentation at the workshop.

DATES: The public workshop will be held on Wednesday, September 9, 2015, and Thursday, September 10, 2015, times TBD. To be considered for presentation at the upcoming workshop, authors must submit abstracts to the docket PHMSA–2015–0139 and email Kenneth Lee at *Kenneth.lee@dot.gov* by July 15, 2015.

ADDRESSES: Washington, DC Metro area—venue TBD.

Comments: To be considered for presentation at the upcoming workshop, authors must submit abstracts to the docket PHMSA–2015–0139 and email Kenneth Lee at *Kenneth.lee@dot.gov* by July 15, 2015. PHMSA will notify authors by email by July 31, 2015, whether their abstracts were accepted for presentation. Each author of an accepted abstract will be invited to

make a short presentation at the workshop.

Members of the public may also submit written comments either before or after the workshop. Comments should reference Docket No. PHMSA–2015–0139. Comments may be submitted in the following ways:

- *E-Gov Web site: http://www.regulations.gov*. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590.

Hand Delivery: DOT Docket Management System, Room W12–140, on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA has received your comments, include a self-addressed stamped postcard. Internet users may submit comments at *http://www.regulations.gov.*

Note: Comments will be posted without changes or edits to *http://www.regulations.gov* including any personal information provided. Please see the Privacy Act Statement heading below for additional information.

Privacy Act Statement

Anyone may search the electronic form of all comments received for any of our dockets. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19476).

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, please contact Mr. Kenneth Lee, Director, Engineering and Research Division, at (202) 366–2694 or *Kenneth.lee@dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kenneth Lee, Director, Engineering and Research Division, at 202–366–2694 or *Kenneth.lee@dot.gov* about the subject matter in this notice and for abstract submittal.

SUPPLEMENTARY INFORMATION:

Introduction

An integral part of requirements to manage the integrity of pipeline systems (49 CFR part 192, subpart O; 49 CFR 195.452) is the continual examination of ways to reduce the threats to pipelines in order to minimize the likelihood of a release, and ways to reduce the consequences of potential releases. A primary tool to implement this process is generally referred to as a ''risk analysis'' or ''risk assessment.''

To support integrity management requirements, a risk analysis modeling approach must be able to adequately characterize all pipeline integrity threats and consequences concurrently, and the impact of measures to reduce risk must be evaluated.

This workshop will focus on advancing risk modeling approaches by looking at risk modelling methodologies for pipeline and non-pipeline systems, and practical ways that operators can adopt and/or adapt them to the analyses of their systems.

Background

Subsequent to implementation of the integrity management rules, industry has adopted a variety of approaches to risk analysis. Many of these approaches are variations of the ''risk index'' models.

While index models and other basic approaches to risk modeling have been implemented by industry for purposes such as risk-ranking pipeline segments to prioritize initial integrity management-required baseline assessments, the ability of many of these approaches to do more investigative oriented analyses in order to identify specific ways to reduce risk is limited.

As summarized and discussed in past public forums and workshops on pipeline safety (*e.g.,* 2014 *Government/Industry Pipeline R&D Forum*), industry and PHMSA are in general agreement that risk models need to evolve in such a way as to be more investigative in nature.

PHMSA believes that improving risk models is important for further reducing the risk of pipelines to the public health and safety. In particular, PHMSA is interested in specific ways to advance pipeline risk models, and in practical ways that operators can adopt and/or adapt risk models to the analyses of their systems.

Call for Abstracts

We invite abstracts which present ways to advance pipeline risk models, risk modeling methodologies used in other non-pipeline applications, and practical ways that operators can adopt and/or adapt them to the analyses of their systems.

Specific examples of applications are encouraged. PHMSA is interested in engineering and technical modeling considerations including, but not limited to:

- Quantitative and semi-quantitative risk approaches.
- Interacting integrity threats.
- Applicability to evaluating preventive measures and mitigative measures.
- Availability of data to support identified risk modeling approach.
- Risk models.
- Approaches to pipeline facility risk.
- Investigative performance of the example potential approach.
- Adaptation of model approaches from non-pipeline systems.
- Cost.

Authority: 49 U.S.C. Chapter 601 and 49 CFR 1.97.

Issued in Washington, DC, on June 26, 2015.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2015–16265 Filed 7–1–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Application for Modification of Special Permit

AGENCY: Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modification of special permits (*e.g.* to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the

application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new application for special permits to facilitate processing.

DATES: Comments must be received on or before July 17, 2015.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(1)); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 23, 2015.

Ryan Paquet,

Director, Approvals and Permits Division.

MODIFICATION SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special thereof
10915–M		Luxfer Gas Cylinders Riverside, CA.	49 CFR 173.302a, 173.304a and 180.205.	To modify the special permit to allow cylinders of pressurized oxygen to exceed 3000 psig at 21°C (70 °F).
13997–M		Maritime Helicopters, Inc. Homer, AK.	49 CFR 172.101(9b)m 172.204(c)(3), 173.27(b)(2), 175.30(a)(1), 172.200, 172.300, 172.400, 175.75, 172.301(c), 172.302(c), and Part 178.	To modify the special permit to authorize additional hazardous materials.
14349–M		Matheson Tri-Gas Baskking Ridge, NJ.	49 CFR 173.3(d)(2)(ii)	To modify the special permit to authorize additional hazardous materials to be transported in a salvage cylinder.
15515–M		National Aeronautics and Space Administration (NASA) Houston, TX.	49 CFR 173.302a, 173.301(f)(1), 173.301(h)(3), 173.302(f)(2) and 173.302(f)(4).	To authorize an active PRD and add operational controls to authorized an alternative to the requirement for a rigid outer packaging.
15689–M		AVL Test Systems Inc. Plymouth, MI.	49 CFR 172.200, 177.834	To modify the special permit to authorize additional packaging and mounting system for optional use.
15747–M		United Parcel Service, Inc. Atlanta, GA.	49 CFR 177.817(a), 177.817(e), 172.606(b), and 172.203(a).	To modify the special permit to authorize marking on two sides of certain trailers.
16340–M		Praxair Distribution, LLC Newark, NJ.	49 CFR 171.2 and 177.801 ...	To reissue the special permit that was originally issued on an emergency basis with a 2 Year renewal.

[FR Doc. 2015–15847 Filed 7–1–15; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Actions on Special Permit Applications

AGENCY: Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given of the actions on special permits applications in (October to October 2014). The mode of transportation involved are identified by a number in the ''Nature of Application'' portion of the table below as follows: 1-Motor vehicle, 2-Rail freight, 3-Cargo vessel, 4-Cargo aircraft only, 5-Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Special Permits. It should be noted that some of the sections cited were those in effect at the time certain special permits were issued.

Issued in Washington, DC, on June 23, 2015.

Ryan Paquet,

Director, Approvals and Permits Division.

S.P No.	Applicant	Regulation(s)	Nature of special permit thereof
MODIFICATION SPECIAL PERMIT GRANTED			
15642–M	Praxair Distribution, Inc., Danbury, CT.	49 CFR 180.205 and 180.209(a)(b), 180.213(b), and 180.213(f)(2).	To modify the special permit to waive the requirement for the special permit number being marked on shipping papers, modification of the proper shipping names, modification of wording to clarify authorized locations of UE testing, and waive the requirement for the special permit to be carried on each motor vehicle.

S.P No.	Applicant	Regulation(s)	Nature of special permit thereof
11903–M	Comptank Corporation, Bothwell, ON.	49 CFR 107.503(b),172.102(c)(3) SP B15 and B23, 173.241, 173.242, 173.243, 178.345–1, –2, –3, –4, –7, –14 and –15, 180.405, and 180.413(d).	To modify the special permit to authorize a 54-inch diameter, 312-inch length, single rib vessel with a design pressure of 35 psig.
11253–M	DPC Industries, Inc., Houston, TX.	49 CFR 172.101, Special Provision B14; 173.315, Notes 4, 24.	To modify the special permit to add an additional cargo tank.
12084–M	Honeywell International, Inc., Morristown, NJ.	49 CFR 180.209	To modify the special permit to authorize the transportation in commerce of additional Division 2.2 gases in DOT 4B, 4BA and 4BW cylinders.
12116–M	Proserv UK Ltd, East Tullos Aberdeen.	49 CFR 178.36	To modify the special permit to authorize use of a stronger and more corrosion resistant material to be used to manufacture certain parts of the cylinders.
16311–M	Raytheon Missile Systems, Tucson, AR.	49 CFR 172.101 Column (9B), 172.204(c)(3), 173.27(6)(2) and (3).	To modify the special permit originally issued on an emergency basis to authorize an additional two year.
16219–M	Structural Composites Industries (SCI), Pomona, CA.	49 CFR 173.302a and 173.304a	To modify the special permit originally issued on an emergency basis to authorize an additional two years.
15848–M	Ambri, Inc., Cambridge, MA.	49 CFR 173.222(c)(1)	To modify the special permit to authorize cargo vessel as a mode of transportation, add a new 8″ cell design for the lithium battery and add a new shipping location.
12187–M	ITW Sexton, Decatur, AL.	49 CFR 173.304(a); 175.3; 178.65	To modify the special permit to raise the size for inner non-refillable metal receptacles to a water capacity of 61.0 cubic inches and add additional hazardous material.
15869–M	Mercedes Benz US. International Inc., Vance, AL.	49 CFR 172.102, Special provision A54 and ICAO Special provision A99.	To modify the special permit by adding ICAO cites for international transportation by air.
10597–M	Thermo King Corporation, Minneapolis, MN.	49 CFR 177.834(1)(2)(i)	To modify the special permit to authorize a new series of heaters containing Class 3 liquids and/or Division 2.1 gases.
		NEW SPECIAL PERMIT GRANTED	
16292–N	Standard Technologies, LLC, Fremont, OH.	49 CFR 177.834(h), 178.700(c)(1)	To authorize the manufacture, mark, sale and use of certain metal non-DOT specification tanks containing certain Class 3 liquids which may be discharged without removal from the motor vehicle. (mode 1)
16238–N	Entegris, Inc., Billerica, MA.	49 CFR 173.212, 173.213, 173.240, 173.241, 176.83, Packing Instructions 449 and 470 of the ICAO TI, Section 7.2.3.2.2 and Packing Instructions P002 and P410 of the IMDG Code.	To authorize the transportation in commerce of certain Division 4.1 and Division 4.2 hazardous materials in alternative packagings and alternative segregation by cargo vessel. (modes 1, 2, 3, 4)
16241–N	Linde Gas North America LLC, Murry Hill, NJ.	49 CFR 173.301(f)(3), 173.301(g)	To authorize the transportation in commerce of hydrogen chloride, anhydrous in cylinders without pressure relief devices. (modes 1, 2, 3)
16274–N	Matheson Tr-Gas, Inc., Longmont, CO.	49 CFR 173.13(c)(2)(i), 173.13(c)(2)00, 173.13(c)(2)(iii), Packing Instruction 487 and 5; 3.1.1 of the ICAO TI.	To authorize the transportation in commerce of certain Division 4.2 and 4.3 materials in specially-designed packagings shipped without labels. (modes 1, 4)
16321–N	China Oilfield Services Limited, Beijing.	49 CFR 173.201, 173.301(f), 173.302, 173.304a	To authorize the manufacture, mark, sale, and use of certain non-DOT specification cylinders oil well sampling cylinders containing certain Class 2 and 3 hazardous materials. (modes 1, 2, 3, 4)
16331–N	Airgas Specialty Products, Inc., Lawrenceville, GA.	49 CFR 173.301(f), 173.301(g)	To authorize the transportation in commerce of DOT specification cylinders, UN cylinders, tube trailers, and multi-element gas containers containing hydrogen chloride without pressure relief devices. (modes 1, 2, 3)
16334–N	ICL Performance Products LP, St Louis, MO.	49 CFR 178.255–11, 178.274(h)(l)	To authorize the one-way transportation in commerce of an ISO tank with a damaged frame. (mode 1)
16302–N	Ametek Inc., Pittsburgh, PA.	49 CFR 171.1	To authorize the transportation in commerce of gases contained in glass ampules as not subject to the Hazardous Materials Regulations. (modes 1, 2, 3, 4, 5)

S.P No.	Applicant	Regulation(s)	Nature of special permit thereof
NEW SPECIAL PERMIT GRANTED			
16308–N	GeNO LLC, Cocoa, FL	49 CFR 173.175	To authorize the transportation in commerce of permeation devices that are used in medical devices in lieu of use for calibrating air quality monitoring devices. (modes 1, 2, 3, 4, 5)
16323–N	Fibre Drum Sales Inc., Blue Island, IL.	49 CFR 172.203(a), 180.352(d)(1)(ii)	To authorize installation of a tested inner receptacle of a composite IBC without subjecting the inner receptacle to a leakproofness test after installation. (modes 1, 2, 3)
16351–N	VSL B.V., Thijsseweg	49 CFR 173.302a	To authorize the transportation in commerce of certain Division 2.1 and 2.2 hazardous materials in non-DOT specification cylinders manufactured to a foreign specification. (modes 1, 4)
16338–N	Orion Polyurethanes, sp. z.o.o. S.K.A., Dzierzoniow.	49 CFR 173.306(a)(3)(v)	To authorize the transportation in commerce of Division 2.1 hazardous materials in certain DOT Specification 2Q non-refillable inside containers which have been tested by an alternative method in lieu of the hot water bath test. (modes 1, 2, 3, 4, 5)
16361–N	The University of Cincinnati, Cincinnati, OH.	49 CFR 173.196	To authorize the transportation in commerce of certain Division 6.2 Category A infectious substances in alternative packaging (a freezer). No more than one freezer may be transported. (mode 1)
16359–N	Department of Defense, Scott AFB, IL.	49 CFR 172.101(k)(6), 172.101(k)(7), 172.101(k)(8), 172.101(k)(9), 172.101(k)(10), 176.84(c)(1), 176.84(c)(2) Notes 14E, 15E, 26E, and 27E, IMIDG Code 3.2.1 Column 16, IMDG Code 7.1.3.1.	To authorize the transportation in commerce of Division 1.1, 1.2, 1.3, and 1.4 hazardous materials in cargo transport units that are not closed and are not stowed in accordance with the Hazardous Materials Table or the Dangerous Goods List. (mode 3)
16413–N	Amazon.com, Inc., Seattle, WA.	49 CFR 172.301(c), 173.185(c)(1)(iii), 173.185(c)(3)(i).	To authorize the transportation in commerce of packages containing lithium cells and batteries without the markings required in §§ 173.185(c)(1)(iii) and 173.185(c)(3)(i) when contained in overpacks and transported via motor vehicle between the grantee and Amazon.com, Inc.'s distribution centers that hold party status to this special permit. (mode 1)
16429–N	Construction Helicopters, Inc., Howell, MI.	49 CFR 172.101 Hazardous Materials Table Column (9B), Subpart C of Part 172, 172.301(c), 175.30.	To authorize the transportation in commerce of certain hazardous materials by 14 CFR part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft. Such transportation is in support of construction operations when the use of cranes or other lifting devices is impracticable or unavailable, without being subject to certain hazard communication requirements and quantity limitations. (mode 4)
16410–N	Snap-on, Inc., Kenosha, WI.	49 CFR 172.301(c), 173.185(c)(1)(iii), 173.185(c)(3)(i).	To authorize the transportation in commerce of packages containing lithium cells and batteries without the markings required in §§ 173.185(c)(1)(iii) and 173.185(c)(3)(i) when contained in overpacks and transported via motor vehicle between Snap-on, Inc. distribution centers. (mode 1)
EMERGENCY SPECIAL PERMIT GRANTED			
16427–N	Washington Department of Transportation, Ferries Division, Seattle, WA.	49 CFR 172.101 Hazardous Materials Table Column (10A), stowage categories "01", "02", "04", and "05".	To authorize the transportation in commerce of certain Class 1 hazardous materials contained within vehicles owned and operated by the United States Military, vehicles owned and operated by the Washington State Patrol, and vehicles owned and operated by other local law enforcement agencies within Puget Sound on passenger-ferry vessels. (mode 6)
16465–N	Atlas Air, Inc., Purchase, NY.	49 CFR 172.101 Table Column (9B), 172.204(c)(3), 173.27, and 175.30(a)(1).	To authorize the one-time transportation in commerce of certain explosives that are forbidden for transportation by cargo only aircraft. (mode 4)

S.P No.	Applicant	Regulation(s)	Nature of special permit thereof
16494–N	BP Exploration, (Alaska) Inc. (BPXA), Anchorage, AK.	49 CFR 172.101 Column (9B)	To authorize the transportation in commerce of a corrosive material that exceeds the quantity limitation for cargo aircraft. (mode 4)
MODIFICATION SPECIAL PERMIT WITHDRAWN			
15491–M	Sea-Fire Marine, Baltimore, MD.	49 CFR 173.301(f)	To modify the special permit to authorize non-DOT specification cylinders being used on foreign vessel to be transported for service while the vessel is in USA water.
14778–M	Sea-Fire Marine, Baltimore, MD.	49 CFR 173.301(f)	To modify the special permit to authorize non-DOT specification cylinders being used on foreign vessel to be transported for service while the vessel is in USA water.
NEW SPECIAL PERMIT WITHDRAWN			
16460–N	Florida Power and Light Company, West Palm Beach, FL.	49 CFR 172.201(e)	To authorize the transportation in commerce of lithium ion batteries that are permanently mounted in small trailers without having to retain a record of each shipment made when using a ''permanent shipping paper.'' (mode 1)
16476–N	Construction Helicopters, Inc., Howell, MI.	49 CFR parts 171–180	To authorize the transportation in commerce by 14 CFR part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft as not subject to the LIMR under certain conditions. (mode 4)
DENIED			
16353–N	Request by Candle Lamp Company, LLC Corona, CA May 13, 2015. To authorize the transportation in commerce of a Division 2.1 hazardous material in non-refillable non-DOT specification inside containers conforming with DOT Specification 2P except for size and testing requirements.		
16350–N	Request by Arc Process, Inc. Austin, TX May 15, 2015. To authorize the manufacture, mark, sale and use of a non-DOT specification cylinder conforming in part with DOT specification 48.		
16408–N	Request by Carleton Technologies, Inc. Westminster, MD May 28, 2015. To authorize the manufacture, mark, sale and use of carbon and glass fiber reinforced, non-refillable, aluminum lined composite non-DOT specification cylinders.		
I6425–N	Request by Cabot Corporation Tuscola, IL May 22, 2015. To authorize personnel to observe loading and unloading of cargo tank motor vehicles through two windows in a control center instead of being physically located within 25 feet of the cargo tanks.		
16431–N	Request by Arnold Aviation and Thunder Mountain Express, Inc. Cascade, ID May 22, 2015. To authorize the transportation in commerce of certain cylinders containing certain Division 2.1 gases aboard passenger-carrying aircraft to remote locations.		

[FR Doc. 2015–15846 Filed 7–1–15; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Application for Special Permits

AGENCY: Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before August 3, 2015.

ADDRESSES: Record Center, Pipeline and Hqzardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.* This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR I.53(b)).

Issued in Washington, DC, on June 23, 2015.

Ryan Paquet,

Director, Approvals and Permits Division.

NEW SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affeceted	Nature of special thereof
16474–N		Retriev Technologies Inc. Anaheim, CA.	49 CFR Subparts C, D, and E of part 172, 172.102(c)(1) Special Provision 130(d), 173.185(c), 173.185(d).	To authorize the manufacture, mark sale and use of specifically designed packagings for the transportation in commerce of certain batteries without shipping papers, and certain marking and labeling when transported for recycling or disposal (modes 1, 2, 3)
16475–N		Volga-Dnepr Airlines, LLC Ulyanovsk, Russian Federation.	49 CFR 172.101 Hazardous Materials Table Column (9B), 173.27, 175.30(a)(1), Columns 12 and 13 of Table 3–1 of the ICAO TI.	To authorize the transportation in commerce of certain hazardous materials forbidden aboard cargo aircraft only (mode 4)
16477–N		Hydroid, Inc. Pocassset, MA.	49 CFR 173.185(e)	To authorize the transportation in commerce of prototype and low production lithium ion batteries contained in equipment. (modes 1, 2, 3)
16478–N		Sentry Equipment Corp. Oconomowoc, WI.	49 CFR 173.201, 173.301(f), 173.302a, 173.304a.	To authorize the manufacture, mark, sale and use of stainless steel non-DOT specification cylinders manufactured in accordance with ASME Section VIII. (modes 1, 2, 3, 4)
16485–N		Entegris, Inc. Billerica, MA.	49 CFR 173.302c, 180205(f), 180.205(g), 180.209a.	To authorize the transportation in commerce of adsorbed gases in certain DOT specification cylinders. (modes 1, 2, 3, 4, 5)
16492–N		Construction Helicopters, Inc. Howell, MI.	49 CFR 172.101 Hazardous Materials Table Column (9B), Subpart C of Part 172, 172.301(c), 172.302(c) 173.27(b)(2), 175.30, Part 178.	To authorize the transportation in commerce of certain hazardous materials by 14 CFR part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft and 14 CFR part 135 operations transporting hazardous materials on board an aircraft. Such transportation is in support of construction operations when the use of cranes or other lifting devices is impracticable or unavailable or when aircraft is the only means of transportation, without being subject to certain hazard communication requirements, packaging and loading and storage requirements. (mode 4)
16495–N		TransRail Innovatioin Inc. Calgary, Canada.	40 CFR 179.7	To authorize the manufacture, installation, and service trials of 50 rail tank cars containing Class 3 hazardous materials each with a sensor device mounted to the rail tank car prior to, or in conjunction with, the completion of the quality assurance program for the tank car facility. (mode 2)

[FR Doc. 2015–15848 Filed 7–1–15; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 55 (Sub-No. 743X)]

CSX Transportation, Inc.—Discontinuance of Service Exemption—in Raleigh County, W. Va.

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over approximately 3.80 miles of railroad line (the Line), on its Southern Region, Huntington Division, Piney Creek Subdivision, between mileposts CAV 0.0 and CAV 3.80 near Surveyor, in Raleigh County, W. Va. The Line traverses United States Postal Service Zip Codes 25932 and 25844.

CSXT has certified that: (1) No freight traffic has moved over the Line for at least two years; (2) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (3) the requirements at 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.[1]

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will become effective on August 1, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2)[2] must be

[1] On June 17, 2015, CSXT submitted corrected certificates of service and publication.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

filed by July 13, 2015.[3] Petitions to reopen must be filed by July 22, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Ave., Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: June 25, 2015.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Raina S. Contee,

Clearance Clerk.

[FR Doc. 2015–16240 Filed 7–1–15; 8:45 am]

BILLING CODE 4915–01–P

[3] Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 156 (Sub-No. 27X)]

Delaware and Hudson Railway Company, Inc.—Discontinuance of Trackage Rights Exemption—in Broome County, NY, Middlesex, Essex, Union, Somerset, Hunterdon, and Warren Counties, NJ, Cumberland, Chester, Luzerne, Perry, York, Lancaster, Northampton, Lehigh, Carbon, Berks, Montgomery, Northumberland, Dauphin, Lebanon, and Philadelphia Counties, PA, Cecil, Harford, Baltimore, Anne Arundel, and Prince George's Counties, and Baltimore City, MD, the District of Columbia, Arlington County, and the City of Alexandria, VA

Delaware and Hudson Railway Company, Inc. (D&H), a wholly-owned indirect subsidiary of Canadian Pacific Railway Company, has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue its overhead and local trackage rights over approximately 670 miles of rail line (the Lines) owned and/or operated by Norfolk Southern Railway Company, Reading Blue Mountain and Northern Railroad Company, CSX Transportation, Inc., Consolidated Rail Corporation, Wilkes-Barre Connecting Railroad Company, Pocono Northeast Railway, Inc., and National Railroad Passenger Corporation.[1] The Lines are located: (1) In Binghamton, N.Y., (2) in Wilkes-Barre, Pa., (3) between Hudson (Plains), Pa., and Buttonwood, Pa., (4) between Sunbury, Pa., and Harrisburg, Pa., (5) between Harrisburg and Potomac Yard, Va., via Perryville, Md., (6) between Harrisburg and Philadelphia, Pa., via Reading, Pa., (7) between Reading and Allentown, Pa., (8) between Dupont, Pa., and Allentown, and (9) between Allentown and Oak Island, N.J.

The Lines traverse United States Postal Service Zip Codes as follows: (1) Pennsylvania—17110, 17020, 17053, 17025, 17011, 17043, 17070, 17319, 17370, 17345, 17347, 17406, 17547, 17512, 17582, 17516, 17565, 17532, 17518, 17563, 17101, 17102, 17104, 17113, 17057, 17502, 17801, 17823, 17830, 17017, 17061, 17032, 17018, 17112, 18240, 18229, 18235, 18071, 18080, 18088, 18059, 18067, 18052, 18032, 18109, 18018, 18015, 18042, 18103, 18049, 18062, 18011, 19539, 19562, 19530, 19522, 19510, 19605, 19604, 19601, 19602, 19606, 19508, 19518, 19464, 19468, 19460, 19406, 19428, 19035, 19072, 19004, 19131, 19121, 19147, 19148, 19145, 19112, 17103, 17111, 17036, 17033, 17078, 17042, 17046, 17067, 17087, 17073, 19567, 19551, 19565, 19608, 19609, 19610, 19611, 18641, 18640, 18702, 18706, 18707, 18661, 18701, 18704, 18705, 17003, 17034, 17105, 17121, 18030, 18037, 18055, 18101, 18102, 19103, 19104, 19130, 19146, 19405, 19560, and 19607; (2) Maryland—21918, 21904, 21903, 21078, 21001, 21040, 21010, 21220, 21221, 21237, 21224, 21205, 21201, 21217, 21223, 21229, 21227, 21090, 21076, 21240, 21077, 21144, 21113, 20755, 20715, 20720, 20769, 20706, 20784, 20785, 20743, 21085, 21213, 21202, and 21216; (3) District of Columbia—20003, 20019, 20024, 20472, 20260, and 20585; (4) Virginia—22202, 22301, and 22314; (5) New Jersey—07105, 07114, 07112, 07205, 07083, 07204, 07203, 07016, 07027, 07090, 07076, 07023, 07062, 07060, 07063, 08812, 08846, 08805, 08807, 08835, 08844, 08853, 08822, 08887, 08801, 08867, 08827, 08802, 08804, 08865, 08821, 08854, 07080, 08820, 07066, 08826, 08829, 08801, 08833, 08889, 08876, 08869, 07036, 07202, 07206, and 07201; and (6) New York—13790, 13901, 13905, 13795, and 13904.

D&H has certified that (1) no local traffic has moved over the Lines for at least two years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Lines (or by a state or local government entity acting on behalf of such user) regarding cessation of service on the Lines either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.[2]

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will be effective on August 4, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2)[3] must be filed by July 13, 2015. Petitions to reopen must be filed by July 22, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.[4]

A copy of any petition filed with the Board should be sent to D&H's representative: W. Karl Hansen, Stinson Leonard Street LLP, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: June 29, 2015.

[1] This is a republication of the notice of exemption originally served and published in the **Federal Register** on April 8, 2015 (80 FR 18,937). This notice contains corrected information.

[2] D&H made these certifications in its verified notice of exemption filed March 19, 2015. In a supplement filed June 15, 2015, D&H amended its verified notice, providing corrected information and stating that it is republishing the newspaper notices and providing corrected notices to the governmental agencies to which notice is required under 49 CFR 1152.50(d)(1).

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,600. *See* 49 CFR 1002.2(f)(25).

[4] The Board intends to address pleadings previously filed in this proceeding in a separate decision.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Raina S. Contee,

Clearance Clerk.

[FR Doc. 2015–16361 Filed 7–1–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of four individuals and two entities whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, ''Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers.''

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (SDN List) of the four individuals and two entities identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on June 24, 2015.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. §§ 1701–1706) (IEEPA), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the Order). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The foreign persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and the Secretary of State: (a) To play a significant role in international narcotics trafficking centered in Colombia; or (b) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order; and (3) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to the Order.

On June 24, 2015, the Associate Director of the Office of Global Targeting removed from the SDN List the individuals and entities listed below, whose property and interests in property were blocked pursuant to the Order:

Individuals

1. PARDO OJEDA, Mauricio, Carrera 18C No. 149–33, Apt. 309, Bogota, Colombia; c/o COMPANIA AGROPECUARIA DEL SUR LTDA., Bogota, Colombia; c/o INVERSIONES AGROINDUSTRIALES DEL OCCIDENTE LTDA., Bogota, Colombia; c/o COLOMBO ANDINA COMERCIAL COALSA LTDA., Bogota, Colombia; c/o AGRONILO S.A., Toro, Valle, Colombia; c/o ALMACAES S.A., Bogota, Colombia; c/o BLACKMORE INVESTMENTS A.V.V., Oranjestad, Aruba; c/o CRETA S.A., La Union, Valle, Colombia; c/o G.L.G. S.A., Bogota, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o JOSAFAT S.A., Tulua, Valle, Colombia; c/o RAMAL S.A., Bogota, Colombia; c/o CANADUZ S.A., Cali, Colombia; c/o COPORACION HOTELERA DEL CARIBE LIMITADA, San Andres, Providencia, Colombia; c/o KUTRY MANAGEMENT INC., Panama City, Panama; c/o TARRITOS S.A., Cali, Colombia; DOB 27 Jul 1961; nationality Colombia; citizen Colombia; Cedula No. 19445690 (Colombia) (individual) [SDNT].

2. PRIETO SANTIAGO, Sandra Milena, c/o CRETA S.A., La Union, Valle, Colombia; c/o FRUTAS EXOTICAS COLOMBIANOS S.A., La Union, Valle, Colombia; c/o ASESORES CONSULTORES ASOCIADOS LTDA., Cali, Colombia; DOB 21 Jan 1970; POB Roldanillo, Valle, Colombia; Cedula No. 66702878 (Colombia); Passport AG784916 (Colombia) (individual) [SDNT].

3. CAMACHO VALLEJO, Javier, Carrera 65 No. 14C–90, Casa 65, Cali, Colombia; c/o COMPANIA AGROPECUARIA DEL SUR LTDA., Bogota, Colombia; c/o INVERSIONES AGROINDUSTRIALES DEL OCCIDENTE LTDA., Bogota, Colombia; c/o CAMACHO VALLEJO ASESORES E.U., Cali, Colombia; nationality Colombia; citizen Colombia; Cedula No. 16614154 (Colombia) (individual) [SDNT].

4. CAMACHO VALLEJO, Francisco Jose, Calle 23 BN No. 5–37 of. 202, Cali, Colombia; Carrera 37 No. 6–36, Cali, Colombia; Cedula No. 14443381 (Colombia) (individual) [SDNT] (Linked To: CRETA S.A.; Linked To: ILOVIN S.A.; Linked To: JOSAFAT S.A.; Linked To: CAMACHO VALLEJO ASESORES E.U.; Linked To: CANADUZ S.A.; Linked To: AGROPECUARIA EL NILO S.A.).

Entities

1. BLACKMORE INVESTMENTS A.V.V., L.G. Smith Blvd. 48, Oranjestad, Aruba; P.O. Box 1060, Oranjestad, Aruba; C.R. No. 12128.0 (Aruba) [SDNT].

2. CAMACHO VALLEJO ASESORES E.U. (a.k.a. CAMACHO VALLEJO CONTADORES), Calle 23BN No. 5N–37, Ofc. 202, Cali, Colombia; NIT # 805031109–7 (Colombia) [SDNT].

Dated: June 24, 2015.

Gregory T. Gatjanis,

Associate Director, Office of Global Targeting, Office of Foreign Assets Control.

[FR Doc. 2015–16339 Filed 7–1–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of four individuals and eight entities whose property and interests in property have been unblocked pursuant to the Foreign Narcotics Kingpin

Designation Act (Kingpin Act) (21 U.S.C. Sections 1901–1908, 8 U.S.C. Section 1182).

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (SDN List) of the individuals and entities identified in this notice whose property and interests in property were blocked pursuant to the Kingpin Act, is effective on June 24, 2015.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2420.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site at *www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On December 3, 1999, the Kingpin Act was signed into law by the President of the United States. The Kingpin Act provides a statutory framework for the President to impose sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and to the benefits of trade and transactions involving U.S. persons and entities.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury consults with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security when designating and blocking the property or interests in property, subject to U.S. jurisdiction, of persons or entities found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; and/or (3) playing a significant role in international narcotics trafficking.

On June 24, 2015, the Associate Director of the Office of Global Targeting removed from the SDN List the individuals and entities listed below, whose property and interests in property were blocked pursuant to the Kingpin Act:

Individuals

1. ECHEVERRY CADAVID, Nebio De Jesus (a.k.a. ECHEVERRI, Nevio; a.k.a. ECHEVERRY, Nevio), Carrera 10 No. 46–43, Pereira, Colombia; Carrera 38 No. 26B–11, Villavicencio, Colombia; La Pastora, Vereda La Union, Dosquebradas, Risaralda, Colombia; DOB 28 Nov 1944; Cedula No. 10056431 (Colombia) (individual) [SDNTK] (Linked To: PROVEEDORES Y DISTRIBUIDORES NACIONALES S.A.; Linked To: COMERCIALIZADORA AUTOMOTORA MATECANA LTDA.; Linked To: LADRILLERA EL PORVENIR LTDA.).

2. LOPEZ CADAVID, Oscar De Jesus, Hacienda San Lorenzo, Paratebueno, Cundinamarca, Colombia; DOB 21 Jun 1956; Cedula No. 15502188 (Colombia) (individual) [SDNTK] (Linked To: PROVEEDORES Y DISTRIBUIDORES NACIONALES S.A.; Linked To: COLOMBIAN GREEN STONE CORPORATION LTDA.; Linked To: LADRILLERA EL PORVENIR LTDA.).

3. PENA TORRES, Miguel de los Santos, c/o COMERCIALIZADORA EL PROVEEDOR LTDA., Villavicencio, Colombia; c/o HACIENDA VENDAVAL, Paratebueno, Cundinamarca, Colombia; c/o INVERSIONES Y DISTRIBUCIONES COLOMBIANAS EL OASIS LTDA., Villavicencio, Colombia; c/o PROVEEDORES Y DISTRIBUIDORES NACIONALES S.A., Bogota, Colombia; Carrera 47A No. 22–40 Apto. 504, Bogota, Colombia; DOB 07 Jul 1941; POB Santa Rosa de Viterbo, Boyaca, Colombia; Cedula No. 5549825 (Colombia) (individual) [SDNTK].

4. VARGAS SOLER, Sandra Milena, c/o COMERCIALIZADORA COLOMBIAN MONEY EXCHANGE LTDA., Bogota, Colombia; DOB 05 Jan 1980; POB Colombia; nationality Colombia; citizen Colombia; Cedula No. 40047576 (Colombia) (individual) [SDNTK].

Entities

1. COMERCIALIZADORA AUTOMOTORA MATECANA LTDA., Carrera 13 No. 69–00 Avenida 30 de Agosto, Pereira, Colombia; NIT # 816002220–3 (Colombia) [SDNTK].

2. COMERCIALIZADORA EL PROVEEDOR LTDA., Carrera 38 No. 26B–11 Of. 201, Villavicencio, Colombia; NIT # 860524177–4 (Colombia) [SDNTK].

3. HACIENDA VENDAVAL, Vereda Paloma Km. 2, Paratebueno, Cundinamarca, Colombia; Matricula Mercantil No 1473503 (Colombia) [SDNTK].

4. INVERSIONES BUENOS AIRES LTDA. (a.k.a. HOTEL CABANAS EL OTUN), Avenida 30 de Agosto No. 87–580, Pereira, Colombia; NIT # 800002386–9 (Colombia) [SDNTK].

5. INVERSIONES Y DISTRIBUCIONES COLOMBIANAS EL OASIS LTDA. (a.k.a. ALMACEN EL OASIS; a.k.a. INDISCOL LTDA.), Calle 18 No. 13–85, Granada, Meta, Colombia; Carrera 43 No. 18–50 Casa E–8, Villavicencio, Colombia; NIT # 800040864–1 (Colombia) [SDNTK].

6. COLOMBIAN GREEN STONE CORPORATION LTDA., Calle 136 No. 30–49, Bogota, Colombia; NIT # 830112015–2 (Colombia) [SDNTK].

7. LADRILLERA EL PORVENIR LTDA., Km. 5 Via al Retorno, San Jose del Guaviare, Colombia; NIT # 900054472–1 (Colombia) [SDNTK].

8. PROVEEDORES Y DISTRIBUIDORES NACIONALES S.A. (a.k.a. NACIONAL DISTRIBUCIONES; a.k.a. PRODISNAL S.A.; a.k.a. PROVEEDOR HOGAR; a.k.a. SUPERMERCADOS EL PROVEEDOR), Calle 15 No. 18–50, Yopal, Casanare, Colombia; Calle del Comercio, Puerto Inirida, Guainia, Colombia; Carrera 5 No. 16–45, Puerto Inirida, Guainia, Colombia; Carrera 14 No. 29–97, Granada, Meta, Colombia; Carrera 22 No. 6–21, San Jose del Guaviare, Guaviare, Colombia; Carrera 22 No. 7–55, San Jose del Guaviare, Guaviare, Colombia; Carrera 29 No. 20–38, Yopal, Casanare, Colombia; Carrera 38 No. 26C–95, Villavicencio, Colombia; Corabastos Bod. 3 Loc. 12, Bogota, Colombia; NIT # 830511666–9 (Colombia) [SDNTK].

Dated: June 24, 2015.

Gregory T. Gatjanis,

Associate Director, Office of Global Targeting, Office of Foreign Assets Control.

[FR Doc. 2015–16332 Filed 7–1–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to Executive Order 13224

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (OFAC) is publishing the name of one individual and supplemental information for four individuals whose property and interests in property are blocked pursuant to Executive Order (E.O.) 13224 and whose names have been added to OFAC's list of Specially Designated Nationals and Blocked Persons (SDN List). OFAC is also removing the name of one individual, whose property and interests in property were blocked pursuant to Executive Order 13224, from the list of SDN List.

DATES: OFAC's actions described in this notice were effective June 24, 2015.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202/622–2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, 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

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

Notice of OFAC Actions

On June 24, 2015, OFAC blocked the property and interests in property of the following individual pursuant to E.O. 13224, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism'':

RASHID BALUCH, Abdul (a.k.a. RASHID BAHRAWI, Abdul; a.k.a. RASHID BALOCH, Abdul; a.k.a. RASHID, Abdul; a.k.a. RASHID, Hafiz Abdul; a.k.a. RASHID, Mullah Abdul; a.k.a. RASHID, Qari Abdul), Dalbandin, Balochistan Province, Pakistan; Afghanistan; DOB 1970 to 1972; POB Dishu District, Helmand Province, Afghanistan; Maulawi (individual) [SDGT]

OFAC supplemented the identification information for four individuals whose property and interests in property are blocked pursuant to Executive Order 13224. The supplemental identification information for the individuals is as follows:

1. ABDUL MAJID, Afif (a.k.a. ABDUL AL MAJID, Afif; a.k.a. ABDUL MADJID, Afif; a.k.a. BIN ABDUL MADJID, Afief; a.k.a. BIN ABDUL MAJID, Afif); DOB 26 Apr 1952; POB Pacitan, East Java, Indonesia; nationality Indonesia (individual) [SDGT]

2. RUSDAN, Abu (a.k.a. ''ABU THORIQ''; a.k.a. ''RUSDJAN''; a.k.a. ''RUSJAN''; a.k.a. ''RUSYDAN''; a.k.a. ''THORIQUDDIN''; a.k.a. ''THORIQUIDDIN''; a.k.a. ''THORIQUIDIN''; a.k.a. ''TORIQUDDIN''); DOB 16 Aug 1960; POB Kudus, Central Java, Indonesia; citizen Indonesia; National ID No. 1608600001 (Indonesia) (individual) [SDGT]

3. SYAWAL, Yassin (a.k.a. IDA, Laode; a.k.a. KHAN, Mohd Shahwal; a.k.a. MOCHTAR, Yasin Mahmud; a.k.a. MUBARAK, Laode Agussalim; a.k.a. MUBAROK, Muhamad; a.k.a. MUHAMMAD, Ustad Haji Laudi Agus Salim; a.k.a. SYAWAL, Muhammad; a.k.a. YASIN, Abdul Hadi; a.k.a. YASIN, Salim; a.k.a. YASIN, Syawal; a.k.a. ''ABU MUAMAR''; a.k.a. ''ABU SETA''; a.k.a. ''AGUS SALIM''; a.k.a. ''MAHMUD''); DOB 03 Sep 1962; POB Makassar, Indonesia; nationality Indonesia; citizen Indonesia (individual) [SDGT]

4. AMEEN AL-PESHAWARI, Fazeel-A-Tul Shaykh Abu Mohammed (a.k.a. AL-BISHAURI, Abu Mohammad Shaykh Aminullah; a.k.a. AL-PESHAWARI, Shaykh Abu Mohammed Ameen; a.k.a. AL-PESHAWARI, Shaykh Aminullah; a.k.a. BISHAWRI, Abu Mohammad Amin; a.k.a. GUL AL-PAKISTANI, Niaz Muhammad Muhammada; a.k.a. MUHAMMAD, Niaz; a.k.a. PESHAWARI, Abu Mohammad Aminullah; a.k.a. ''AMINULLAH, Shaykh''; a.k.a. ''AMINULLAH, Sheik''; a.k.a. ''SHAYKH AMEEN''), Ganj District, Peshawar, Khyber Pakhtunkhwa, Pakistan; House number T–876 Galli Mohallah, Sheikh Abad number 4, Peshawar, Khyber Pakhtunkhwa, Pakistan; Saudi Arabia; DOB circa 01 Jan 1961; POB Shunkrai village, Sarkani District, Konar Province, Afghanistan; Passport FU0152122 (Pakistan) expires 24 Apr 2017; alt. Passport FU0152121 (Pakistan) (Linked To: JAMIA TALEEM-UL-QURAN-WAL-HADITH MADRASSA; Linked To: TALIBAN; Linked To: LASHKAR E-TAYYIBA) (individual) [SDGT]

OFAC removed the following individual from the SDN List:

BIN MUHADJIR, Son Hadi (a.k.a. BIN MUHADJR, Son Hadi; a.k.a. BIN MUJAHIR, Son Hadi; a.k.a. MUHADJIR, Son bn Hadi), Jalan Raya Gongdanglegi, RT/RW 1/13, Cangkring Malang, Beji, Pasuran 67154, Indonesia; DOB 12 May 1971; POB Pasuran, East Java, Indonesia; nationality Indonesia; Passport R057803 (Indonesia); National ID No. 3514131205710004 (Indonesia) (individual) [SDGT].

Dated: June 24, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–16328 Filed 7–1–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Proposed Collection; Comment Request for Iranian Financial Sanctions Regulations Report on Closure by U.S. Financial Institutions of Correspondent Accounts and Payable-Through Accounts

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Office of Foreign Assets Control (OFAC) within the Department of the Treasury is soliciting comments concerning OFAC's Iranian Financial Sanctions Regulations Report on Closure by U.S. Financial Institutions of Correspondent Accounts and Payable-Through Accounts.

DATES: Written comments must be submitted on or before August 31, 2015 to be assured of consideration.

ADDRESSES: You may submit comments by any of the following methods:

Federal eRulemaking Portal: www.regulations.gov. Follow the instructions on the Web site for submitting comments.

Fax: Attn: Request for Comments (Iranian Financial Sanctions Regulations Report on Closure by U.S. Financial Institutions of Correspondent Accounts and Payable-Through Accounts) 202–622–1657.

Mail: Attn: Request for Comments (Iranian Financial Sanctions Regulations Report on Closure by U.S. Financial Institutions of Correspondent Accounts and Payable-Through Accounts), Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Instructions: All submissions received must include the agency name and the **Federal Register** Doc. number that appears at the end of this document. Comments received will be made available to the public via regulations.gov or upon request, without change and including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Policy, tel.: 202–622–2746, 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:

Title: Iranian Financial Sanctions Regulations Report on Closure by U.S. Financial Institutions of Correspondent Accounts and Payable-Through Accounts.

OMB Number: 1505–0243.

Abstract: Section 561.504(b) of the Iranian Financial Sanctions Regulations, 31 CFR part 561 (the IFSR), specifies that a U.S. financial institution that maintained a correspondent account or payable-through account for a foreign financial institution whose name is added to the part 561 List on OFAC's Web site (*www.treasury.gov/ofac*) as subject to a prohibition on the maintaining of such accounts must file a report with OFAC that provides full details on the closing of each such account within 30 days of the closure of the account. This collection of information assists in verifying that U.S. financial institutions are complying with prohibitions on maintaining correspondent accounts or payable-through accounts for foreign financial institutions listed on the part 561 List. The reports will be reviewed by the U.S. Department of the Treasury and may be used for compliance and enforcement purposes by the agency.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: U.S. financial institutions operating correspondent or payable-through accounts for foreign financial institutions.

Estimated Number of Respondents: The likely respondents and record-keepers affected by this collection of information in § 561.504(b) are U.S. financial institutions operating correspondent accounts or payable through accounts for foreign financial institutions. Since the date this reporting requirement was added to the IFSR (February 27, 2012) through June 18, 2015, OFAC added the names of two foreign financial institutions to the part 561 List, of which one remains. The number of respondents to this collection has been zero. For future notices, OFAC will continue to report retrospectively on the number of respondents during the reporting period.

Estimated Time per Respondent: 2 hours per response.

Estimated Total Annual Burden Hours: Because the § 561.504(b) reporting requirement applies to those U.S. financial institutions that operate correspondent or payable-through accounts for a foreign financial institution whose name is added to the part 561 List, OFAC cannot predict the response rate for the § 561.504(b) reporting requirement at this time. Since the date this reporting requirement was added to the IFSR (February 27, 2012) through June 18, 2015, the number of respondents to this collection has been zero. For future notices, OFAC will continue to report retrospectively on the response rate during the previous reporting period.

The following paragraph applies to all of the collections of information covered by this notice:

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 Office of Management and Budget (OMB) control number. Books or records relating to a collection of information must be retained for five years.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has 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; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–16370 Filed 7–1–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Monitoring Availability and Affordability of Auto Insurance

AGENCY: Federal Insurance Office, Departmental Offices, Treasury.

ACTION: Notice; Request for Information.

SUMMARY: The Federal Insurance Office (FIO) of the Department of the Treasury (Treasury) issues this notice pursuant to its authority to monitor the extent to which traditionally underserved communities (including rural areas) and consumers, minorities, and low- and moderate-income (LMI) persons (collectively ''Affected Persons'') have access to affordable personal auto insurance. In particular, FIO seeks comments from state insurance regulators, consumer organizations, representatives of the insurance industry, policyholders, academia, and others regarding: FIO's proposed working definition of ''affordability'' in relation to personal auto insurance (which, at this stage, is solely for the purpose of inviting further comment); the key factors FIO proposes to use to calculate an affordability index for Affected Persons (*e.g.,* premium, income, and other metrics); and how best to obtain appropriate data to monitor effectively the affordability of personal auto insurance for Affected Persons.

DATES: Comments must be received on or before August 31, 2015.

ADDRESSES: Please submit comments electronically through the Federal eRulemaking Portal: *http://www.regulations.gov* or by mail (if hard copy, preferably an original and two copies) to the Federal Insurance Office, Attention: Lindy Gustafson, Room 1319 MT, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220. As postal mail may be subject to processing delay, it is recommended that comments be submitted electronically. All comments should be captioned with ''Monitoring Availability and Affordability of Auto Insurance.'' Please include your name, group affiliation, if any, address, email address and telephone number(s) in your comment. In general, comments received will be posted on *http://www.regulations.gov* without change, including any business or personal information provided. Comments received, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider

confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Lindy Gustafson, Federal Insurance Office, 202–622–6245 (not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

Subtitle A of Title V of the Dodd-Frank Wall Street Reform and Consumer Protection Act established FIO and provides it with the authority to monitor the extent to which Affected Persons have access to affordable insurance products, other than health insurance.[1]

For this purpose, FIO is monitoring the availability and affordability of personal auto insurance for Affected Persons due to several factors, namely:

1. Nearly all jurisdictions of the United States generally require a driver or owner of a motor vehicle to maintain auto liability insurance or financial security that may be satisfied by auto liability insurance and is applicable at the time of an accident, while operating a motor vehicle, or at the time of registering a motor vehicle.

2. On a nationwide basis, the percentage of uninsured motorists was approximately 14 percent between 2002 and 2009 dropping to 12.3 percent in 2010, 12.2 percent in 2011, and 12.6 percent in 2012; however, in 2012, a significantly higher percentage of uninsured motorists resided in 10 states.[2]

3. Owning an automobile gives low-income commuters greater access to jobs since public ''transit only enables [low-income commuters] to reach less than one-third of metro-wide jobs within 90 minutes while the automobile enables them to reach all jobs in the 51 largest metropolitan areas within 60 minutes.'' [3]

4. Insurance industry representatives assert that auto insurance has become more affordable over time, but representatives for consumers assert that auto insurance has become less affordable for LMI consumers and for minorities.

In April 2014, FIO issued a notice inviting comments regarding: (1) A reasonable and meaningful definition of affordability of personal auto insurance; and (2) the metrics and data FIO should use to monitor the extent to which Affected Persons have access to affordable personal auto insurance (2014 Affordability Notice).[4] Eighteen individuals and organizations submitted comments in response to the 2014 Affordability Notice. Three respondents offered the following specific definitions of affordability: (1) Auto liability insurance is affordable if its price does not preclude a person or family from the purchase of other necessities; [5] (2) auto liability insurance is affordable if its price does not impose any financial difficulties greater than the costs of other necessities; [6] and (3) affordable means being within the financial means of most people.[7]

Three respondents to the 2014 Affordability Notice cautioned that any definition of affordable personal auto insurance is subjective.[8] One respondent noted that a single, widely-accepted methodology for defining or determining affordability does not exist and, of the methods available to develop a definition, each has its drawbacks.[9] For example, affordability could be defined: (1) Using a normative standard, establishing a specific amount or percentage of income individuals believe others should pay for personal auto insurance; (2) using an external benchmark as is done with the housing affordability index of the U.S. Department of Housing and Urban Development (HUD); or (3) based on the price at which at least 50 percent of individuals with certain socio-economic characteristics purchase a personal auto insurance policy.[10]

Others encouraged FIO, when defining affordability, to: (1) Recognize flexibility and consumer choice; [11] (2) base the definition on premiums charged to lower income drivers; [12] (3) base the definition on the cost of mandatory personal injury protection, bodily injury, and property damage coverages; [13] (4) recognize that insurers may not charge a premium that is excessive, inadequate, or unfairly discriminatory; [14] (5) include premium and finance charges; [15] or (6) recognize auto insurance should not claim more than two percent of a low-income family's take-home pay.[16]

Respondents identified a number of metrics FIO could use to monitor the extent to which Affected Persons have access to affordable auto insurance. These suggested metrics include: (1) Competitiveness of the auto insurance market; [17] (2) market share of the residual market, which is the insurance market for individuals denied a policy by one or more auto insurers; [18] (3) unemployment rate; [19] (4) injury compensation system; [20] (5) uninsured motorists; [21] (6) various service measures such as cancellations, retention, claims payment data, and agent location; [22] (7) the ratio of average auto insurance expenditure (premium) to median household income; [23] (8) the

[1] 31 U.S.C. 313 (c)(1)(B).

[2] More specifically, in these 10 states the percentage of uninsured motorists ranged from about 16 percent to 26 percent. *See* Insurance Research Council (IRC), *Uninsured Motorists: 2014 Edition,* at 8, 10 (August 2014).

[3] Clifford Winston, ''On the Performance of the U.S. Transportation System: Caution Ahead,'' *Journal of Economic Literature,* Vol. 51, No. 3 at 805 (2013).

[4] Monitoring Availability and Affordability of Auto Insurance, 79 FR 19,969 (Apr. 10, 2014).

[5] Center for Economic Justice (CEJ), at 5, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0014.*

[6] Property Casualty Insurers (PCI), (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0020.*

[7] IRC, (June 6, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0007.*

[8] *See* National Association of Insurance Commissioners (NAIC), (June 9, 2014) *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0018;* Allstate, (May 29, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0006;* and Insurance Information Institute (III), (June 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0016.*

[9] Insurance Information Institute, (June 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0016.*

[10] *Id.* at 3–4.

[11] *See* Financial Services Roundtable (FSR), (June 6, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0019* and American Insurance Association (AIA), (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0015.*

[12] Consumer Federation of America (CFA), (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0011.*

[13] PCI, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0020,* III, (June 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0016.*

[14] AIA, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0015.*

[15] CEJ, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0014.*

[16] Vehicles for Change, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0013,* and CFA, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0011.*

[17] NAIC, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0018.*

[18] Allstate, (May 29, 2014) *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0006;* and IRC, *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0007.*

[19] III, (June 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0016.*

[20] *Id.*

[21] CEJ, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0014,* and IRC, *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-000.*

[22] *Id.*

[23] IRC, at 5 (June 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0007.*

ratio of premium paid by LMI drivers to household income of LMI drivers;[24] (9) consumer views of affordable insurance premiums as measured by surveys;[25] (10) quote prices;[26] (11) payment options;[27] and (12) percent of income spent on other goods and services.[28]

State insurance regulators and industry representatives generally suggested that FIO rely on existing data sources to monitor the extent to which Affected Persons have access to affordable auto insurance. Existing data sources include: the Bureau of Labor Statistics Consumer Expenditure Survey (CES); the National Association of Insurance Commissioners (NAIC); statistical agents that collect and aggregate data from insurers; and data collected by certain states, such as California. In addition, these respondents noted that FIO should review studies conducted by others such as the NAIC, individual states, the Insurance Research Council (IRC), and the Insurance Information Institute (III).

By contrast, consumer organizations urged FIO to collect transactional data directly from insurers relating to auto insurance policies or, indirectly, from price information on the insurers' Web sites and/or from third-party vendors. Consumer organizations also noted that state insurance regulators could collect from insurers the premiums charged by those insurers, and organize that premium data based on the ZIP codes of the insureds.

II. Proposed Working Definition of Affordable Personal Auto Insurance

This section sets out to derive a proposed working definition of affordable personal auto insurance based on an affordability index. To do so, it sets out in sequence: (1) A definition of affordability; (2) a definition and calculation of an affordability index; (3) a calculation of average premium; (4) a definition of the market scope for an affordability index; and (5) a definition of Affected Persons.

At this time, FIO does not have access to information sufficient to establish a final definition of affordable personal auto insurance for Affected Persons based on a normative standard, external benchmark, or percentages of individuals purchasing personal auto insurance. However, a working definition of affordability is needed to guide further analysis of the cost of personal auto insurance in order to monitor access to that line of insurance for Affected Persons.

FIO considered the definitions of affordability submitted by three respondents to the 2014 Affordability Notice and proposes adopting the definition of affordable derived from a dictionary and submitted by one respondent: Affordable means being within the financial means of most people. As the respondent observed, this common sense definition may be used to develop ''a practical and effective approach to monitoring access to affordable personal auto insurance.''[29] Developing a complete working definition of affordable personal auto insurance also involves identification of ''the criteria used to measure the affordability of auto insurance and the standard applied to determine whether auto insurance is or is not affordable.''[30]

Two respondents recommended that FIO use an affordability index to measure the affordability of personal auto insurance. These respondents suggested different calculations for an affordability index: (1) The ratio of the average insurance expenditure (premium) to national and state median household income[31]; or (2) the ratio of average premium paid by LMI drivers (presumably in geographic areas where LMI drivers reside) to median household income of LMI drivers.[32]

Some federal agencies use an index to measure other kinds of affordability. For example, HUD has a publicly available location affordability index that estimates the percentage of a family's income dedicated to the combined cost of housing and transportation in a given location.[33] The Consumer Financial Protection Bureau recently defined a qualified mortgage based, in part, on the ratio of the consumer's total monthly debt to total monthly income.[34] Given the use of indices by other federal agencies and FIO's statutory authority to monitor affordability for Affected Persons, FIO endorses the concept of an affordability index for personal auto insurance and proposes to calculate an affordability index for personal auto insurance for each type of Affected Persons.

An affordability index for Affected Persons may be derived from a broad set of criteria, such as the average premium for personal liability insurance, personal injury protection, comprehensive insurance, collision insurance, uninsured motorist insurance, and underinsured motorist insurance; or more narrow criteria, such as the average premium for personal auto liability insurance for a given year.[35] Two respondents suggested FIO only consider personal auto liability insurance when monitoring the affordability of personal auto insurance as states generally require only the purchase of personal auto liability insurance as a condition of driving or owning a motor vehicle. FIO proposes to accept this suggestion and limit the calculation of an affordability index to the average annual personal auto liability insurance premium for Affected Persons.

Studies of the affordability of personal auto insurance may calculate the average premium in one of the following ways: (1) The total annual written premium for all insurers writing personal auto insurance divided by the total number of policies;[36] or (2) the total annual premium quoted by a sample of insurers writing personal auto insurance divided by the number of insurers in the sample.[37] FIO proposes to use one or both of these metrics for annual premium, depending on the data sources FIO may use in future analysis (as discussed in more detail in section

[24] CFA, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0011;* Ways to Work, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0010;* IRC, (June 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0007;* and AIA, (June 9, 2014) *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0015.*

[25] CFA, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0011.*

[26] CEJ, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0014.*

[27] *Id.*

[28] AIA, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0015;* III, *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0016;* and National Association of Mutual Insurance Companies (NAMIC), (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0009.*

[29] PCI (June 9, 2014), at 1.

[30] *Id.,* at 2.

[31] IRC, (June 6, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0007.*

[32] CFA, (June 9, 2014), *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0011.*

[33] Location Affordability Portal *available at http://www.locationaffordability.info/lai.aspx.*

[34] 12 CFR 1026.43(e)(2)(iv).

[35] For a detailed discussion of the calculation of an affordability index, *see* IRC, ''Auto Insurance Affordability,'' (November 2013).

[36] *See* IRC, ''Auto Insurance Affordability,'' (November 2013) and Missouri Department of Insurance, ''Affordability and Availability of Personal Lines Insurance in Underserved Communities,'' (December 2004).

[37] *See* Paul M. Ong and Michael A. Stoll, ''Redlining or Risk? A Spatial Analysis of Auto Insurance Rates in Los Angeles,'' *Journal of Policy Analysis and Management,* Vol. 26, No. 4, 811–829 (2007) and CFA Supplemental Comments (June 9, 2014) *available at http://www.regulations.gov/#!documentDetail;D=TREAS-DO-2014-0001-0012.*

III). Given FIO's proposed working definition of affordable personal auto insurance (provided below), the metric of annual premium should be solely based on an annual price quote for personal auto liability insurance or the annual written premium for personal auto liability insurance.

An affordability index may be calculated for the entire market for personal auto liability insurance or a specific market within personal auto insurance. Historically, the auto insurance market has been divided into three segments: (i) The standard market; (ii) the non-standard market; and (iii) the residual market. The residual market is generally comprised of the highest risk drivers, *i.e.,* drivers who do not qualify for personal auto insurance offered in the standard market or non-standard market. The non-standard market is comprised of high risk drivers, such as new drivers, drivers with moving violations, drivers with a rare or unusual motor vehicle, or drivers with a high auto insurance policy cancellation or non-renewal rate. The standard market is comprised of all other drivers. Generally, annual premiums for personal auto insurance are highest in the residual market, followed by the non-standard market, and the standard market.[38] FIO proposes to limit the calculation of an affordability index for personal auto liability insurance to the standard market in order to diminish the impact of the annual premiums charged to the highest risk drivers.

In addition, any definition of affordability must include parameters that adequately account for Affected Persons (*i.e.,* traditionally underserved communities and consumers, minorities, and LMI persons). In the 1990s, the NAIC studied the availability and affordability of personal auto insurance and noted ''[t]here is considerable evidence that residents of some urban communities, particularly low-income and minority neighborhoods, face greater difficulty in obtaining high quality auto and homeowners insurance coverage through the voluntary market than residents of other areas.'' [39] FIO proposes to use ''urban area'' as the proxy for traditionally underserved communities and consumers, following the U.S. Census Bureau (Census Bureau) definition of urban area, as densely developed territory that encompasses at least 2,500 people of which at least 1,500 reside outside institutional group quarters.[40]

The Federal Deposit Insurance Corporation (FDIC) defines low-income as ''individuals and geographies having a median family income less than 50 percent of the area median income'' and moderate income as ''individuals and geographies having a median family income of at least 50 percent and less than 80 percent of the area median income.'' [41] The area median income is: (1) The median family income for the [metropolitan statistical area]; or (2) the statewide non-metropolitan median family income, if a person or geography is located outside a [metropolitan statistical area].'' [42] FIO proposes to adapt this definition based on the general use of median household income, as defined and identified by the Census Bureau,[43] in studies of affordability of personal auto insurance. For the purposes of FIO's working definition, LMI persons are individuals living in areas where the annual income of the geographic area is less than 80 percent of the median household income of a metropolitan statistical area or state.[44]

The term ''minorit[y]'' is defined, by law, as ''Black American, Native American, Hispanic American, or Asian American.'' [45] FIO proposes to use ZIP codes in which the minority population exceeds 50 percent as the standard for majority minority geographic areas.

Using these parameters, a definition of affordability can be constructed. One respondent suggested personal auto insurance is affordable if personal auto insurance does not claim more than two percent of a low-income family's take-home pay. A recent study of the affordability of personal auto insurance found the national average insurance expenditures divided by national median income has been under two percent since 1995.[46] CES reports the average expenditure for all households for auto insurance and the average income after taxes for all households and the data for 2013 indicate all consumers spent about 1.6 percent of average income after taxes on auto insurance. FIO proposes to presume personal auto liability insurance is affordable if, for Affected Persons, the affordability index is less than or equal to two percent of household income.

Combining these elements, FIO proposes the following working definition of affordable personal auto liability insurance for Affected Persons:

A personal auto liability insurance policy is affordable if the annual premiums are within the financial means of most people as measured by an affordability index for Affected Persons in the standard market. Personal auto liability insurance is presumed to be affordable if, with respect to household income, the affordability index does not exceed two percent for Affected Persons in urban areas, for LMI persons within a specific geographic area (including rural areas), or for all individuals in majority minority geographic areas.

III. Data

For purposes of further analysis of the cost of personal auto insurance data is needed to calculate the affordability index for Affected Persons.

FIO has considered the currently available data relating to premiums for personal auto insurance and, at this time, concludes that these data are inadequate for FIO to monitor the extent to which Affected Persons have access to affordable personal auto insurance. For example, CES data allows FIO to monitor changes in the ratio of the average expenditure for personal auto insurance (including liability coverage, uninsured motorist coverage, personal injury protection, comprehensive coverage, and collision coverage in all three market segments for personal auto insurance) to average annual income

[38] In 2011, of the 330 insurers that wrote personal auto insurance in either the standard and non-standard market, 95 wrote personal auto insurance in the non-standard market. Of the 95 insurers in the non-standard market, 15 also wrote in the standard market. *See* StoneRidge Advisors, LLC, ''Non-Standard Auto Insurance Market Overview & M&A Trends,'' View from the Ridge, August 2012, at 1, *available at http://www.stoneridgeadvisors.com/Content/View_From_The_Ridge_August_2012.pdf.*

[39] NAIC, ''Improving Urban Insurance Markets: A Handbook on Available Options,'' NAIC Insurance Availability and Affordability Task Force, June 4, 1996.

[40] *See* Census Bureau, ''2010 Census Urban Area FAQs,'' *available at https://www.census.gov/geo/reference/ua/uafaq.html.*

[41] FDIC, ''Community Reinvestment Act (CRA) Performance Ratings,'' *available at https://www2.fdic.gov/crapes/peterms.asp.*

[42] *Id.*

[43] Household income includes income received on a regular basis by the householder and all other individuals 15 years of age and older in the household, whether related to the householder or not. It does not include capital gains or noncash benefits. According to the Census Bureau, ''respondents report income earned from wages or salaries much better than other sources of income and that the reported wage and salary income is nearly equal to independent estimates of aggregate income.'' *See* ''About Income'' *available at https://www.census.gov/hhes/www/income/about/.*

[44] As with other aspects of the working definition for monitoring the affordability of auto insurance, FIO may adjust the threshold for defining LMI persons to a lower figure, such as 65 percent of the median household income of the relevant area.

[45] 31 U.S.C. 313(c)(1)(B) (incorporating by reference the definition established in 12 U.S.C. 1811, note).

[46] IRC, ''Auto Insurance Affordability,'' (November 2013), at 7.

before or after taxes for urban consumer units, race of reference person, and consumer units by income quintiles for the nation as a whole.[47] However, the average expenditure for personal auto insurance is not limited to personal auto liability insurance. The NAIC (not state regulators) collects insurers' premium and exposure data by type of coverage, and the NAIC reports the average premium by state, but does not report the average premium by urban area or areas where the majority of residents are minorities or LMI persons.

In 2014, the Consumer Federation of America released a study in which it analyzed price quotes for several insurers for mandatory liability coverage for a driver profile in urban areas by comparing the price quote after modifying the driver profile by specific socio-economic factors (*i.e.,* education, occupation, credit score) to ascertain the impact of specific socio-economic factors on price. Some state insurance regulators issue rate guides based on a specific driver profile as a tool that a consumer may use to compare the price of personal auto insurance of one insurer to another, but do not vary the profile by specific socio-economic factors to ascertain the impact of specific socio-economic factors on price.

Certain states—California, Illinois, Missouri, North Carolina, and Texas—require insurers to submit premium data and number of policies for personal auto insurance, organized by the ZIP codes of the insureds. Publicly available sources indicate that California, Illinois, and Missouri use these data, in part, to assess the availability of personal auto insurance in certain areas or to compare the costs of personal auto insurance in areas with different demographic characteristics. California reports the market share of insurers writing personal auto insurance in underserved areas in comparison to the market share held by those insurers throughout the state.[48] Illinois reports the market share of the top 10 insurers for the state in comparison to Chicago and the remainder of the state.[49] In 2004, Missouri issued a report entitled *Affordability and Availability of Personal Lines Insurance in Underserved Communities;* no subsequent report has been issued.[50] In North Carolina [51] and Texas,[52] insurers must report premium and loss data by ZIP code to a statistical agent for rating purposes. Such data could be used to calculate the average annual premium for personal auto liability insurance in the standard market for urban areas and areas where the majority of residents are LMI persons or minorities.

Insurers have the most complete and accurate information that would allow FIO to perform its function of monitoring the extent to which Affected Persons have access to affordable auto insurance. Insurers can provide accurate price quotes for a given profile of a driver, including for a specific geographic area. In addition, insurers have the information to calculate the average annual premium for liability coverage for personal auto liability insurance in the standard market for urban areas and areas where the majority of residents are minorities or LMI persons.

IV. General Solicitation for Comments

FIO hereby solicits comments, including supporting and illustrative information in support of such comments where appropriate and available, regarding:

1. FIO's proposed working definition of ''affordability'' in relation to personal auto insurance;

2. The key factors FIO proposes to use to calculate an affordability index for Affected Persons (*e.g.,* premium, income, and other metrics); and

3. How FIO could best obtain appropriate data to monitor effectively the affordability of personal auto insurance for Affected Persons.

Michael T. McRaith,

Director, Federal Insurance Office.

[FR Doc. 2015–16333 Filed 7–1–15; 8:45 am]

BILLING CODE 4810–25–P

[47] *See* Consumer Expenditure Survey Annual Calendar Year Tables, *available at* the United States Department of Labor Bureau of Statistics Web site, *http://www.bls.gov/cex/tables.htm.*

[48] California Department of Insurance, *Commissioner's Report on Underserved Communities,* various years, *available at http://www.insurance.ca.gov/0400-news/0200-studies-reports/0800-underserved-comm/.*

[49] Illinois Department of Insurance, *Cost Containment Annual Report to the General Assembly,* various years, *available at http://insurance.illinois.gov/Reports/Report_Links.asp.*

[50] Missouri Department of Insurance, *Affordability and Availability of Personal Lines Insurance in Underserved Communities,* (December 2004), *available at http://s3.amazonaws.com/zanran_storage/insurance.mo.gov/ContentPages/49561197.pdf.*

[51] 11 NCAC 16.0103.

[52] Texas Department of Insurance, *Texas Private Passenger Auto Statistical Plan: General Reporting Instructions,* (1994) *available at http://www.tdi.texas.gov/company/documents/ta_ppasp.pdf.*

FEDERAL REGISTER

Vol. 80 Thursday,

No. 127 July 2, 2015

Part II

Environmental Protection Agency

40 CFR Part 80

Approval of Alabama's Request To Relax the Federal Reid Vapor Pressure Gasoline Volatility Standard for Birmingham, Alabama; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2014–0905; FRL 9929–91–OAR]

RIN 2060–AS58

Approval of Alabama's Request To Relax the Federal Reid Vapor Pressure Gasoline Volatility Standard for Birmingham, Alabama

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of two adverse comments, the Environmental Protection Agency (EPA) is withdrawing the May 7, 2015 direct final rule to approve the request from Alabama to relax the Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year in Jefferson and Shelby counties, Alabama (''the Birmingham area''). The EPA is considering these comments and will address the comments in a separate action. The EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 80 FR 26191 on May 7, 2015 is withdrawn, effective July 2, 2015.

FOR FURTHER INFORMATION CONTACT: Patty Klavon, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214–4476; fax number: (734) 214–4052; email address: *klavon.patty@epa.gov.*

SUPPLEMENTARY INFORMATION: On May 7, 2015 (80 FR 26191), the EPA published a direct final rule to approve a request from the state of Alabama to change the summertime gasoline RVP standard for Jefferson and Shelby counties (''the Birmingham area'') from 7.8 pounds per square inch (psi) to 9.0 psi by amending the EPA's regulations at 40 CFR 80.27(a)(2). In an April 17, 2015 final rule, the EPA approved a state implementation plan (SIP) revision from the state of Alabama which provided a technical demonstration that relaxing the federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year in the Birmingham area would not interfere with maintenance of the national ambient air quality standards (NAAQS) in the Birmingham area. For more information on Alabama's SIP revision, please refer to the April 17, 2015 rulemaking (80 FR 21170).

In the May 7, 2015 direct final rule, the EPA stated that if adverse comments were received by June 8, 2015, the rule would be withdrawn and not take effect. The EPA received two comments. The EPA is treating these comments as adverse. Therefore, the EPA is withdrawing the direct final rule. The EPA will address these comments in a separate final action based on the May 7, 2015 proposed rulemaking (80 FR 26212). The EPA will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: June 25, 2015.

Gina McCarthy,

Administrator.

Accordingly, the amendment to 40 CFR 80.27 which published in the **Federal Register** on May 7, 2015 at 80 FR 26191 is withdrawn as of July 2, 2015.

[FR Doc. 2015–16390 Filed 7–1–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2014–0905; FRL 9929–90–OAR]

RIN 2060–AS58

Approval of Alabama's Request To Relax the Federal Reid Vapor Pressure Gasoline Volatility Standard for Birmingham, Alabama

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a request from the state of Alabama for the EPA to relax the Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for Jefferson and Shelby counties (''the Birmingham area''). Specifically, the EPA is approving amendments to the regulations to change the RVP standard for the Birmingham area from 7.8 pounds per square inch (psi) to 9.0 psi for gasoline. The EPA has determined that this change to the federal RVP regulation is consistent with the applicable provisions of the Clean Air Act (CAA). Additionally, the EPA is responding to adverse comments received for this action.

DATES: This final rule is effective on July 2, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2014–0905. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Patty Klavon, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214–4476; fax number: (734) 214–4052; email address: *klavon.patty@epa.gov.*

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

I. General Information
II. Action Being Taken
III. History of the Gasoline Volatility Requirement
IV. The EPA's Policy Regarding Relaxation of Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas
V. Alabama's Request To Relax the Federal RVP Requirement for the Birmingham Area
VI. Response to Comments
VII. Final Action
VIII. Statutory and Executive Order Reviews
IX. Legal Authority and Statutory Provisions

Effective date. Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. Chapter 5, generally provides that rules may not take effect earlier than 30 days after they are published in the **Federal Register**. The EPA is issuing this final rule under CAA section 307(d)(1). CAA section 307(d)(1) states: ''The provisions of section 553 through 557 . . . of Title 5 shall not, except as expressly provided in this subsection, apply to actions to which this subsection applies.'' Thus, section 553(d) of the APA does not apply to this rule. The EPA is nevertheless acting consistently with the policies underlying APA section 553(d) in making this rule effective on July 2, 2015. APA section 553(d) allows an effective date less than 30 days after

publication for a rule ''that grants or recognizes an exemption or relieves a restriction.'' 5 U.S.C. 553(d)(1). This rule fits within that exception because it lifts a restriction on the introduction into commerce of gasoline with a RVP of greater than 7.8 psi sold in Jefferson and Shelby counties, Alabama (''the Birmingham area'') between June 1 and September 15 of each year. Because this action can be considered to relieve a restriction that would otherwise prevent the introduction into commerce of gasoline with an RVP of greater than 7.8 psi, the EPA is making this action effective on July 2, 2015.

I. General Information

A. Does this action apply to me?

Entities potentially affected by this rule are fuel producers and distributors who do business in Alabama.

Examples of potentially regulated entities	NAICS [1] Codes
Petroleum refineries	324110
Gasoline Marketers and Distributors	424710 424720
Gasoline Retail Stations	447110
Gasoline Transporters	484220 484230

[1] North American Industry Classification System

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which the EPA is aware that potentially could be affected by this rule. Other types of entities not listed on the table could also be affected by this rule. To determine whether your organization could be affected by this rule, you should carefully examine the regulations in 40 CFR 80.27. If you have questions regarding the applicability of this action to a particular entity, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

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

The statutory authority for this action is granted to the EPA by Sections 211(h) and 301(a) of the Clean Air Act, as amended; 42 U.S.C. 7545(h) and 7601(a).

II. Action Being Taken

This final rule approves a request from the state of Alabama to change the summertime RVP standard for the Birmingham area from 7.8 psi to 9.0 psi by amending the EPA's regulations at 40 CFR 80.27(a)(2). In a previous rulemaking, the EPA approved a state implementation plan (SIP) revision from the state of Alabama which provided a technical demonstration that relaxing the federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year in the Birmingham area would not interfere with maintenance of the national ambient air quality standards (NAAQS) in the Birmingham area. For more information on Alabama's SIP revision, please refer to the April 17, 2015 rulemaking (80 FR 21170).

The preamble for this rulemaking is organized as follows: Section III. provides the history of the federal gasoline volatility regulation. Section IV. describes the policy regarding relaxation of volatility standards in ozone nonattainment areas that are redesignated as attainment areas. Section V. provides information specific to Alabama's request for the Birmingham area. Section VI. provides the EPA's response to the adverse comments received on the May 7, 2015 notice of proposed rulemaking (80 FR 26212). Finally, Section VII. presents the final action in response to Alabama's request.

III. History of the Gasoline Volatility Requirement

On August 19, 1987 (52 FR 31274), the EPA determined that gasoline nationwide was becoming increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOC), are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function, thereby aggravating asthma and other respiratory conditions, increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under CAA section 211(c), the EPA promulgated regulations on March 22, 1989 (54 FR 11868) that set maximum limits for the RVP of gasoline sold during the regulatory control periods that were established on a state-by-state basis in the final rule. The regulatory control periods addressed the portion of the year when peak ozone concentrations were expected. These regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of gasoline during the high ozone season. On June 11, 1990 (55 FR 23658), the EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum RVP standards of 9.0 psi or 7.8 psi (depending on the state, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone NAAQS.)

The 1990 CAA Amendments established a new section 211(h) to address fuel volatility. CAA section 211(h) requires the EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. CAA section 211(h) also prohibits the EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that the EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), the EPA modified the Phase II volatility regulations to be consistent with CAA section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, the EPA will rely on states to initiate changes to their respective volatility programs. The EPA's policy for approving such changes is described below in Section IV. of this action.

The state of Alabama initiated this change by requesting that the EPA relax the 7.8 psi RVP standard to 9.0 psi for the Birmingham area, which is subject to the 7.8 psi RVP requirement during the summertime ozone season. Accordingly, the state of Alabama provided a technical demonstration showing that relaxing the federal RVP requirement in the Birmingham area from 7.8 psi to 9.0 psi would not interfere with maintenance of the NAAQS or any other applicable requirement of the CAA. See Section V. of this action for information specific to Alabama's request for the Birmingham area.

IV. The EPA's Policy Regarding Relaxation of Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas

As stated in the preamble for the EPA's amended Phase II volatility standards (56 FR 64706), any change in the volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where the EPA mandated a Phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi RVP requirement remains in effect, even after such an area is redesignated to attainment, until a separate rulemaking is completed that relaxes the federal RVP standard in that area from 7.8 psi to 9.0 psi.

As explained in the December 12, 1991 rulemaking, the EPA believes that relaxation of an applicable RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as an attainment area, CAA section 107(d)(3) requires the state to make a showing, pursuant to CAA section 175A, that the area is capable of maintaining attainment for the ozone NAAQS for ten years. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent volatility standard or that the more stringent volatility standard may be necessary for the area to maintain its attainment with the ozone NAAQS. Therefore, in the context of a request for redesignation, the EPA will not relax the volatility standard unless the state requests a relaxation and the maintenance plan demonstrates to the satisfaction of the EPA that the area will maintain attainment for ten years without the need for the more stringent volatility standard.

Alabama did not request relaxation of the federal RVP standard from 7.8 psi to 9.0 psi when the Birmingham area was redesignated to attainment for either the 1-hour ozone NAAQS or the 1997 ozone NAAQS. However, Alabama took a conservative approach in developing maintenance plans associated with those redesignation requests by estimating emissions using a federal RVP requirement of 9.0 psi.

V. Alabama's Request To Relax the Federal RVP Requirement for the Birmingham Area

In a May 12, 2006 final rule, the EPA approved the Birmingham area's redesignation request and maintenance plan for the 1997 ozone NAAQS. See 71 FR 27631 (May 12, 2006).[2] As required, the CAA section 175A maintenance plan provides for continued attainment and maintenance of the 1997 ozone NAAQS for at least ten years from the effective date of the Birmingham area's redesignation to attainment for the 1997 ozone NAAQS. This maintenance plan also includes components demonstrating how the Birmingham area will continue to attain the 1997 ozone NAAQS, and provides contingency measures should the Birmingham area violate that NAAQS. The state of Alabama's ozone redesignation request and maintenance plan for the Birmingham area did not remove the state-level 7.0 psi RVP requirement that was in place for the Birmingham area.[3]

On March 2, 2012, the state of Alabama, through the Alabama Department of Environmental Management (ADEM), submitted a proposed revision to Alabama's SIP removing the state-level RVP requirement to use 7.0 psi RVP gasoline in the Birmingham area during the summertime ozone season. The EPA approved the revision in an April 20, 2012 final rule. See 77 FR 23619. The revision to the Alabama SIP resulted in the federal RVP requirement of 7.8 psi applying to the Birmingham area.

On November 14, 2014, the state of Alabama submitted a proposed revision to its SIP demonstrating that removal of the federal RVP requirement of 7.8 psi for gasoline during the summer ozone season in the Birmingham area would not interfere with maintenance of any NAAQS. Specifically, the state provided a technical demonstration showing that relaxing the federal RVP requirements in the Birmingham area from 7.8 psi to 9.0 psi would not interfere with maintenance of the NAAQS or with any other applicable requirement of the CAA.

The EPA evaluated and approved Alabama's November 14, 2014 SIP revision in a previous rulemaking that was subject to public notice-and-comment. The EPA received two comments on that rulemaking, and those comments were addressed in the final rule for that rulemaking. See 80 FR 21170 (April 17, 2015). The comments received can be found in the docket for that rulemaking (EPA–R04–OAR–2014–0867).

In this final action, the EPA is taking the second and final step in the process to approve Alabama's request to relax the summertime ozone season RVP standard for the Birmingham area from 7.8 psi to 9.0 psi. This final action to approve Alabama's request to relax the summertime ozone season RVP standard for the Birmingham area from 7.8 psi to 9.0 psi is based on the EPA's April 18, 2015 approval of Alabama's November 14, 2014 SIP revision, and the fact that the Birmingham area is currently in attainment for all ozone NAAQS.

VI. Response to Comments

On May 7, 2015, the EPA published a direct final rule to approve a request from Alabama for the EPA to relax the RVP standard for the Birmingham Area. See 80 FR 26191. The EPA published a parallel proposal (See 80 FR 26212) in the event that adverse comments were received such that the direct final rule would need to be withdrawn. In the direct final rule, the EPA stated that the direct final rule would be withdrawn and would not take effect if adverse comments were received by June 8, 2015. The EPA further stated that the corresponding proposed rule would remain in effect and that the EPA would respond to any adverse comments received in a subsequent final rule provided the EPA was able to address such comments.[4] The EPA has received comments on the rulemaking. Although, for the reasons discussed below, these comments are outside of the scope of this action, the EPA is treating these comments as adverse. Therefore, the EPA has withdrawn the direct final rule in a separate **Federal Register** notice and is providing a summary of comments received and the EPA's responses to the comments in this action.

Comment: One commenter contends that fleet turnover cannot be used to offset the emissions increases from RVP relaxation because ''fleet turnover was already considered in the maintenance plan'' and its use as an offset measure would therefore ''double count'' the associated emissions decreases. The

[2] The Birmingham area (*i.e.,* Jefferson and Shelby counties) was designated as unclassifiable/attainment for the 2008 ozone NAAQS effective July 20, 2012. See 77 FR 30088 (May 21, 2012).

[3] In 2001, the EPA approved a state fuel program that imposed a more stringent 7.0 psi requirement for the Birmingham area, per CAA section 211(c)(4)(C). The low-RVP fuel program required that all gasoline sold during the summertime ozone season (June 1–September 15 of each year) in the Birmingham area contain a maximum RVP of 7.0 psi. See 66 FR 56218 (November 7, 2001).

[4] The EPA also noted that an additional public comment period would not be instituted for the action.

commenter also believes that Alabama used inaccurate information in calculating fleet turnover unless it used fleet emission data from the actual fleet in 2015 in the area and that ''using inaccurate information to make a decision to approve a SIP revision is arbitrary and capricious.'' Additionally, the commenter states that the CAA section ''110(l) analysis must include photochemical grid modeling to determine if the increased emissions from weakening the RVP standard adversely impacts 2008 ozone nonattainment areas including Metro-Atlanta, Metro-Memphis, Metro-Knoxville and other nearby areas.''

Response: These comments are beyond the scope of this action. CAA section 110(l) applies to revisions to a SIP submitted by a state. However, this rulemaking does not approve any SIP revisions. Rather, it revises the federal regulations at 40 CFR part 80 applicable to gasoline introduced into commerce in certain areas.

The EPA evaluated the impacts of RVP relaxation in the Birmingham area pursuant to CAA section 110(l) in a previous rulemaking. See 80 FR 21170 (April 17, 2015). The EPA's evaluation, including its analysis of fleet turnover, was subject to public notice-and-comment. The EPA received two comments on its proposed approval of the state's CAA section 110(l) noninterference demonstration and responded to those comments in the final rulemaking notice. The EPA's approval of the noninterference demonstration into the SIP was effective on April 17, 2015. The opportunity for the commenter to express concerns regarding the EPA's analyses of whether the change to the federal RVP requirements for the Birmingham area would interfere with attainment or maintenance of the NAAQS or any other applicable CAA requirement was during the earlier public notice-and-comment period. The EPA's rulemaking to revise its regulations in 40 CFR part 80 did not reopen the EPA's action on Alabama's CAA section 110(l) demonstration.

Comment: The other commenter contends that the EPA should not relax the RVP requirement in Birmingham because public health will suffer and Alabama has acknowledged that air pollution will increase. The commenter opines that the EPA should not relax the RVP limit because the EPA has proposed to revise the ozone NAAQS. Finally, the commenter asserts that the EPA is taking this action in order to accommodate the ethanol industry and allow for increased ethanol use in the Birmingham area.

Response: These comments are beyond the scope of this action. The EPA is taking this action to revise the RVP limit applicable to the Birmingham area pursuant to a request from the state of Alabama. To support its request for the RVP relaxation, Alabama submitted a demonstration that the change would not interfere with the maintenance of any applicable NAAQS. The EPA approved that demonstration through notice-and comment rulemaking on April 17, 2015. See 80 FR 21170. The opportunity for the commenter to express concerns regarding the EPA's analyses of whether the change to the federal RVP requirements for the Birmingham area would result in increased emissions and interfere with attainment or maintenance of any applicable NAAQS or any other applicable CAA requirement was during the earlier public notice-and-comment period. The EPA's rulemaking to revise its regulations in 40 CFR part 80 did not reopen the EPA's action on Alabama's CAA section 110(l) demonstration.

With regard to EPA's proposal to tighten the ozone NAAQS, the CAA does not require that a state address a potential future NAAQS when conducting a CAA section 110(l) analysis, and the EPA does not believe that it is appropriate to delay action in response to a state's request until a final decision is made on the ozone NAAQS. If the EPA revises the ozone NAAQS and if the Birmingham area is eventually designated nonattainment, the state will have the opportunity to submit a SIP that contains control measures to bring the area into attainment as expeditiously as practicable. This action does not remove any tools available to the state for compliance with a future NAAQS.

Finally, the EPA is approving this change to 40 CFR part 80 based on a request from the state and because the EPA made a final determination that the state made an adequate demonstration to show that removal of this Federal requirement would not interfere with air quality in the Birmingham area. Further, this final action is consistent with CAA requirements. Based upon these factors alone, the EPA is approving Alabama's request to relax the federal RVP gasoline requirements in the Birmingham area from 7.8 psi to 9.0 psi.

VII. Final Action

The EPA is taking final action to approve the request from Alabama for the EPA to relax the RVP applicable to gasoline introduced into commerce from June 1 to September 15 of each year in the Birmingham area. Specifically, this action amends the applicable RVP standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2) for the Birmingham area.

VIII. Statutory and Executive Order Reviews

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

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563. (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.,* and therefore is not subject to these requirements.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in the Birmingham area and gasoline distributers and retail stations in the Birmingham area. This action relaxes the federal RVP standard for gasoline sold in the Birmingham area during the summertime ozone season (June 1 to September 15 of each year) from 7.8 psi to 9.0 psi. This rule does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(h) Volatility Control program. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This final rule does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The

action implements mandates specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by the EPA.

E. Executive Order 13132 (Federalism)

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

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This final rule affects only those refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in the Birmingham area and gasoline distributers and retail stations in the Birmingham area. Thus, Executive Order 13175 does not apply to this action.

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

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

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

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

I. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards, and therefore, is not subject to the NTTAA.

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

The EPA believes the human health or environmental risk addressed by this action will *not* have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. This rule relaxes the applicable volatility standard of gasoline during the summer, possibly resulting in slightly higher mobile source emissions. However, the state of Alabama has demonstrated in the Birmingham area's approved maintenance plan that this action will not interfere with attainment of the ozone NAAQS. Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result. The results of this evaluation are contained in Section V. of this final rule. A copy of Alabama's November 14, 2014 letter requesting that the EPA relax the RVP standard, including the technical analysis demonstrating that the less stringent RVP in the Birmingham area would not interfere with continued maintenance of the 1997 ozone NAAQS or any other applicable standard, has been placed in the public docket for this action.

K. Congressional Review Act (CRA)

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

L. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action may be filed only in the United States Court of Appeals for the appropriate circuit by August 31, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See CAA section 307(b)(2).

IX. Legal Authority and Statutory Provisions

The statutory authority for this action is granted to the EPA by Sections 211(h) and 301(a) of the Clean Air Act, as amended; 42 U.S.C. 7545(h) and 7601(a).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: June 25, 2015.

Gina McCarthy,

Administrator.

For the reasons set forth in the preamble, the EPA amends 40 CFR part 80 as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

■ 2. In § 80.27(a)(2)(ii), the table is amended by:

■ a. Revising the entry for Alabama; and

■ b. Adding footnote 8.

The revisions and additions read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

(a) * * *

(2) * * *

(ii) * * *

APPLICABLE STANDARDS [1] 1992 AND SUBSEQUENT YEARS

State	May	June	July	August	September
Alabama [8]	9.0	9.0	9.0	9.0	9.0
* * * * * * *					

[1] Standards are expressed in pounds per square inch (psi).

* * * * *

[8] The standard for Jefferson and Shelby Counties from June 1 until September 15 in 1992 through July 2, 2015 was 7.8 psi.

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[FR Doc. 2015–16392 Filed 7–1–15; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL REGISTER

Vol. 80 Thursday,
No. 127 July 2, 2015

Part III

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1
Federal Acquisition Regulation; Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2015–0051, Sequence No. 3]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–83; Introduction

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final rules.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2005–83. A companion document, the *Small Entity Compliance Guide* (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at *http://www.regulations.gov.*

DATES: For effective dates see the separate documents, which follow.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in the table below in relation to the FAR case. Please cite FAC 2005–83 and the specific FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

RULES LISTED IN FAC 2005–83

Item	Subject	FAR Case	Analyst
I	Inflation Adjustment of Acquisition—Related Thresholds	2014–022	Jackson.
II	Prohibition on Contracting with Inverted Domestic Corporations—Representation and Notification.	2015–006	Jackson.
III	Update to Product and Service Codes	2015–008	Jackson.
IV	Clarification on Justification for Urgent Noncompetitive Awards Exceeding One Year	2014–020	Jackson.
V	Prohibition on Contracting with Inverted Domestic Corporations	2014–017	Jackson.
VI	Permanent Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items.	2015–010	Jackson.
VII	Technical Amendments		

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005–83 amends the FAR as specified below:

Item I—Inflation Adjustment of Acquisition-Related Thresholds (FAR Case 2014–022)

This final rule amends the FAR to implement 41 U.S.C. 1908, which requires an adjustment every five years of acquisition-related thresholds for inflation using the Consumer Price Index for all urban consumers, except the Construction Wage Rate Requirements statute (Davis-Bacon Act), Service Contract Labor Standards statute, and trade agreements thresholds (see FAR 1.109). As a matter of policy, DoD, GSA, and NASA also use the same methodology to adjust nonstatutory FAR acquisition-related thresholds.

This is the third review of FAR acquisition-related thresholds. The Councils published a proposed rule in the **Federal Register** at 79 FR 70141 on November 25, 2014.

There is no change in the final rule from the proposed frequently-used thresholds identified in the proposed rule:

- The micro-purchase base threshold of $3,000 (FAR 2.101) is increased to $3,500.
- The simplified acquisition threshold (FAR 2.101) of $150,000 is unchanged.
- The FedBizOpps preaward and post-award notices (FAR part 5) remain at $25,000 because of trade agreements.
- The threshold for use of simplified acquisition procedures for acquisition of commercial items (FAR 13.500) is raised from $6.5 million to $7 million.
- The cost or pricing data threshold (FAR 15.403–4) and the statutorily equivalent Cost Accounting Standard threshold are raised from $700,000 to $750,000.
- The prime contractor subcontracting plan (FAR 19.702) floor is raised from $650,000 to $700,000, and the construction threshold of $1.5 million stays the same.
- The threshold for reporting first-tier subcontract information including executive compensation will increase from $25,000 to $30,000 (FAR subpart 4.14 and 52.204–10).

Item II—Prohibition on Contracting With Inverted Domestic Corporations—Representation and Notification (FAR Case 2015–006)

This final rule amends the provision and clause of the FAR that address the continuing Government-wide statutory prohibition (in effect since fiscal year 2008) on the award of contracts using appropriated funds to 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 to any subsidiary of such entity. In particular, this rule modifies the existing representation at FAR 52.209–2 and adds a requirement in the clause at 52.209–10 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.

This rule will not have any significant effect on most contractors, because few contractors are expected to become an inverted domestic corporation or a subsidiary of an inverted domestic corporation during contract performance. Small business concerns are particularly unlikely to have been incorporated in the United States and then reincorporated in a tax haven.

Item III—Update to Product and Service Codes (FAR Case 2015–008)

DoD, GSA, and NASA are revising the FAR to update the descriptions of the Federal product and service codes to conform to the Federal Procurement Data System Product and Service Codes Manual, August 2011 Edition. There is

no change to the groups covered, and the new descriptions better reflect product coverage.

This final rule is not required to be published for public comment, because it does not change the Federal Supply Groups covered, but just updates the descriptions of the listed product service groups to reflect the current Product and Service Codes Manual. It does not impact which products are subject to the service contract labor standards or trade agreements.

Item IV—Clarification on Justification for Urgent Noncompetitive Awards Exceeding One Year (FAR Case 2014–020)

DoD, GSA, and NASA are issuing a final rule amending the FAR to clarify when a justification for noncompetitive contracts based on urgency, exceeding one year, is needed. The rule comes as a response to Government Accountability Office (GAO) report GAO–14–304, entitled Federal Contracting: Noncompetitive Contracts Based on Urgency Need Additional Oversight, dated March 2014.

This rule is not expected to have a significant impact on small businesses. Contracting officers will benefit from this rule because it clarifies when determinations of exceptional circumstances are needed when awarding a noncompetitive contract on the basis of unusual and compelling urgency, exceeding one year, either at time of award or modified after contract award.

Item V—Prohibition on Contracting With Inverted Domestic Corporations (FAR Case 2014–017)

This rule converts to a final rule, without change, an interim rule that amended the provisions of the FAR that address the continuing Governmentwide statutory prohibition (in effect since fiscal year 2008) on the award of contracts using appropriated funds to 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 to any subsidiary of such entity. The interim rule amended FAR 9.108 to revise the FAR coverage, including the language of solicitation provisions and contract clauses, so that it more clearly reflects the ongoing, continuing nature of the statutory prohibition on contracting with inverted domestic corporations and their subsidiaries.

This rule does not have an effect on small business because this rule will only impact an offeror that is a foreign incorporated entity that is treated as an inverted domestic corporation and wants to do business with the Government. Small business concerns are unlikely to have been incorporated in the United States and then reincorporated in a tax haven.

Item VI—Permanent Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items (FAR Case 2015–010)

This is a final rule to amend FAR subparts 13.5 and 18.2 to implement section 815 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113–291). Section 815 amends section 4202(e) of the Clinger-Cohen Act of 1996 (Divisions D and E of Pub. L. 104–106; 10 U.S.C. 2304 note) to make permanent the test program for special simplified procedures for purchases of commercial items greater than the simplified acquisition threshold, but not exceeding $6.5 million ($12 million for certain acquisitions). This final rule is not required to be published for public comment because it makes permanent a statutory authority that currently exists within the FAR. The rule will not have a significant impact on small business or on Government contracting officers.

Item VII—Technical Amendments

Editorial changes are made at FAR 15.404–2(b)(2), 52.204–16(b)(3), 52.204–18(d), and 52.212–5(e)(1)(ii)(E).

Dated: June 18, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Federal Acquisition Circular (FAC) 2005–83 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005–83 is effective July 2, 2015 except for item I which is effective October 1, 2015; item II which is effective November 1, 2015; and items III, IV, and VI which are effective August 3, 2015.

Dated: June 25, 2015.

LeAntha D. Sumpter,

Acting Director of Defense Procurement and Acquisition Policy.

Dated: June 25, 2015.

Jeffrey A. Koses,

Senior Procurement Executive/Deputy CAO, Office of Acquisition Policy, U.S. General Services Administration.

Dated: June 24, 2015.

William P. McNally,

Assistant Administrator, Office of Procurement National Aeronautics and Space Administration.

[FR Doc. 2015–16205 Filed 7–1–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; 48 CFR Parts 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 19, 22, 25, 28, 30, 42, 50, 52, and 53

[FAC 2005–83; FAR Case 2014–022; Item I; Docket No. 2014–0022, Sequence No. 1]

RIN 9000–AM80

Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing this final rule amending the Federal Acquisition Regulation (FAR) to implement the inflation adjustment of acquisition-related dollar thresholds. A statute requires an adjustment every five years of acquisition-related thresholds for inflation using the Consumer Price Index for all urban consumers, except for the Construction Wage Rate Requirements statute (formerly Davis-Bacon Act), Service Contract Labor Standards statute, and trade agreements thresholds. DoD, GSA, and NASA have also used the same methodology to adjust nonstatutory FAR acquisition-related thresholds.

DATES: *Effective:* October 1, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–83, FAR Case 2014–022.

SUPPLEMENTARY INFORMATION:

I. Background

This rule amends multiple FAR parts to further implement 41 U.S.C. 1908. Section 1908 requires an adjustment every five years (on October 1 of each year evenly divisible by five) of statutory acquisition-related thresholds for inflation, using the Consumer Price Index (CPI) for all urban consumers, except for the Construction Wage Rate Requirements statute (Davis-Bacon Act), Service Contract Labor Standards statute, and trade agreements thresholds (see FAR 1.109). As a matter of policy, DoD, GSA, and NASA also use the same methodology to adjust nonstatutory FAR acquisition-related thresholds.

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 79 FR 70141 on November 25, 2014. The preamble to the proposed rule contained detailed explanation of—

- What an acquisition-related threshold is;
- What acquisition-related thresholds are not subject to escalation adjustment under this case;
- How the Defense Acquisition Regulations Council and the Civilian Agency Acquisition Council (Councils) analyze statutory and non-statutory acquisition-related thresholds; and
- The effect of this rule on the most heavily-used thresholds.

Two respondents submitted comments on the proposed rule, which are addressed in the following section. The final rule has been coordinated with the Department of Labor and the Small Business Administration in areas of the regulation for which they are the lead agency.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the comments in the development of the final rule. A discussion of the comments is provided as follows:

A. Summary of Changes Between the Proposed Rule and the Final Rule.

Although there were no changes between the proposed rule and the final rule as the result of public comments, some of the thresholds in the final rule are lower than proposed, due to lower inflation than was projected at the time of publication of the proposed rule.

There is no change in the final rule from the proposed frequently-used thresholds identified in the proposed rule:

- The micro-purchase base threshold of $3,000 (FAR 2.101) is increased to $3,500.
- The simplified acquisition threshold (FAR 2.101) of $150,000 is unchanged.
- The FedBizOpps preaward and post-award notices (FAR part 5) remain at $25,000 because of trade agreements.
- The threshold for use of simplified acquisition procedures for acquisition of commercial items (FAR 13.500) is raised from $6.5 million to $7 million.
- The cost or pricing data threshold (FAR 15.403–4) and the statutorily equivalent Cost Accounting Standard threshold are raised from $700,000 to $750,000.
- The prime contractor subcontracting plan (FAR 19.702) floor is raised from $650,000 to $700,000, and the construction threshold of $1,500,000 stays the same.
- The threshold for reporting first-tier subcontract information including executive compensation will increase from $25,000 to $30,000 (FAR subpart 4.14 and section 52.204–10).

The URL for the location of the current matrix of threshold escalation is provided at FAR 1.109(d).

B. Analysis of Public Comments

1. Inclusion of Specific Dollar Thresholds in Clauses

Comment: One respondent was of the opinion that when a dollar threshold is stated in the body of the clause, the threshold applies for the life of the contract, but if the clause instead refers to the threshold in the underlying FAR text, the threshold in the clause would automatically adjust when there was a change to the threshold in the FAR text.

Response: The Councils note that the Definitions clause at FAR 52.202–1, as prescribed at FAR 2.201, is to be included in all solicitations and contracts that exceed the simplified acquisition threshold. This clause specifies that, with a few limited exceptions, when a solicitation provision or contract clause uses a word or term that is defined in the FAR, the word or term has the same meaning as that definition in FAR 2.101 in effect at the time the solicitation was issued. Therefore, since the dollar value of the simplified acquisition threshold is included in the definition of ''simplified acquisition threshold'' in FAR part 2, the dollar threshold that is in effect at the time of issuance of the solicitation stays in effect for the life of the contract, unless the contracting parties agree otherwise.

Likewise, when a clause refers to a threshold in the FAR that is not included in a definition, the Councils generally presume that the threshold stays fixed for the life of the contract, unless the parties specify otherwise.

Therefore, it should not create discrepancies, whether a clause includes the dollar threshold, or references a definition or other text in the FAR to establish the value of the threshold.

2. Rounding Methodology

Comment: One respondent noted an apparent disproportionate inflation adjustment between the lower and higher dollar thresholds, particularly in the under $1 million range. The respondent suggested that Congress should use smaller dollar intervals to analyze the adjustment, or adjustments more frequent than every five years.

Response: The Councils have adjusted the thresholds in accordance with the statutory requirement, and cannot use different dollar intervals or adjustment periods unless Congress amends the statute.

C. Other Changes

1. Some Lower Thresholds in Final Rule

The proposed rule was based on a projected CPI of 245 for March 2015. The final rule is based on an actual CPI of 236.119 for March 2015. The CPI as of the end of March, six months before the effective date of the rule, is used as the cutoff in order to allow time for approval and publication of the final rule.

Because the actual CPI index for March 2015 is about ten points lower than the CPI index projected for that date at the time of the proposed rule, thresholds of at least 10 million dollars are generally proportionally lower than the proposed thresholds. Thresholds of less than $10 million are frequently unchanged, due to rounding.

2. Thresholds Related to Substantial Bundling

The thresholds at FAR 7.107(b) are nonstatutory thresholds passed based on policy, which were previously escalated by the FAR Council in October 2010. However, subsequent to the publication of the proposed rule under this FAR case 2014–022, the Councils became aware that the Small Business Administration (SBA) issued a final rule in the **Federal Register** at 78 FR 61114 on October 2, 2013, entitled ''Acquisition process: Task and Delivery Order Contracts, Bundling, Consolidation'', which incorporated these thresholds into the SBA regulations at 13 CFR 125.2(d)(2)(ii). It is therefore now outside the authority of

the FAR Council to escalate these thresholds, unless SBA first revises their regulations.

3. Cost Accounting Standards Threshold

By law (41 U.S.C. 1502(b)(1)(B)), the threshold for application of the Cost Accounting Standards equals the threshold of cost or pricing data, as escalated. The proposed rule included escalation of the cost or pricing data threshold from $700,000 to $750,000, which is retained in the final rule. Therefore, the final rule also includes equivalent escalation of the Cost Accounting Standards threshold at FAR 30.201–4 and the clauses at 52.230–1 through 52.230–5 from $700,000 to $750,000.

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

DoD, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

This final rule amends the Federal Acquisition Regulation to implement 41 U.S.C. 1908 and to amend other acquisition-related dollar thresholds that are based on policy rather than statute in order to adjust for the changing value of the dollar. 41 U.S.C. 1908 requires adjustment every five years of statutory acquisition-related dollar thresholds, except for Construction Wage Rate Requirements statute (Davis-Bacon Act), Service Contract Labor Standards statute, and trade agreements thresholds. While reviewing all statutory acquisition-related thresholds, this case presented an opportunity to also review all nonstatutory acquisition-related thresholds in the FAR that are based on policy. The objective of the case is to maintain the status quo, by adjusting acquisition-related thresholds for inflation.

There were no significant issues raised by the public comments in response to the initial regulatory flexibility analysis.

This rule will likely affect to some extent all small business concerns that submit offers or are awarded contracts by the Federal Government. However, most of the threshold changes in this rule are not expected to have any significant economic impact on small business concerns because they are intended to maintain the status quo by adjusting for changes in the value of the dollar. Often any impact will be beneficial, by preventing burdensome requirements from applying to more and more small dollar value acquisitions, which are the acquisitions in which small business concerns are most likely to participate.

One threshold change in this rule that may temporarily impact small business concerns is the increase of the micro-purchase threshold (FAR 2.101) from $3,000 to $3,500. This will temporarily narrow the range of acquisitions automatically set aside for small business concerns, because the simplified acquisition threshold of $150,000 will not increase at this time (although it may increase to $200,000 in 2020). To assess the impact of the increase in the micro-purchase threshold from $3,000 to $3,500, data was requested from the Federal Procurement Data System–Next Generation (FPDS–NG). For Fiscal Year 2013, there were 83,951 contracts and calls/orders between $3,000 and $3,500, with a value of $272,567,926. Of these actions, 34,828 (value of $113,280,333) went to small business concerns. We expect that many of these awards will still go to small business concerns, even if there is no longer a requirement to automatically set the procurement aside for small business concerns.

The rule does not impose any new reporting, recordkeeping, or compliance requirements. Changes in thresholds for approved information collection requirements are intended to maintain the status quo and prevent those requirements from increasing over time.

There are no practical alternatives that will accomplish the objectives of the statute.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

V. Paperwork Reduction Act

The Paperwork Reduction Act does apply. The changes to the FAR do not impose new information collection requirements that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.* By adjusting the thresholds for inflation, the status quo for the current information collection requirements are maintained under the following OMB clearance numbers: 9000–0006, titled: Subcontracting Plans/Individual Subcontract Report (SF 294); 9000–0007, titled: Summary Subcontract Report; 9000–0027, titled: Value Engineering Requirements; FAR Sections Affected: Subparts 48.1 and 48.2; 52.248–2 and 52.248–3. 9000–0094, titled: Debarment and Suspension; 9000–0164, titled: Contractor Business Ethics Compliance Program and Disclosure Requirements; 9000–0177, titled: Reporting Executive Compensation and First-tier Subcontract Awards; 1250–0004, titled: OFCCP Recordkeeping and Reporting Requirements—38 U.S.C. 4212, Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; and 1293–0005, titled: Federal Contractor Veterans Employment Report, VETS–100/VETS–100A.

List of Subjects in 48 CFR Parts 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 19, 22, 25, 28, 30, 42, 50, 52, and 53

Government procurement.

Dated: June 18, 2015.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 19, 22, 25, 28, 30, 42, 50, 52, and 53 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 19, 22, 25, 28, 30, 42, 50, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.109 [Amended]

■ 2. Amend section 1.109 by removing from paragraph (d) ''FAR Case 2008–024'' and adding ''FAR Case 2014–022'' in its place.

PART 2—DEFINITIONS OF WORDS AND TERMS

■ 3. Amend section 2.101, in paragraph (b)(2) by—

■ a. Revising paragraph (1) of the definition ''Major System'';

■ b. In the definition ''Micro-purchase threshold'' by removing from the introductory text ''$3,000'' and adding ''$3,500'' in its place; and removing from paragraph (3)(i) ''$15,000'' and adding ''$20,000'' in its place;

■ c. In the definition ''Simplified acquisition threshold'' by removing from the introductory text ''$150,000,'' and adding ''$150,000 (41 U.S.C. 134),'' in its place; and

■ d. In the definition ''Small business subcontractor'' by removing from paragraphs (1) and (2) ''$10,000'' and adding ''$15,000'' in their places.

The revision reads as follows.

2.101 Definitions.

* * * * *

(b) * * *

(2) * * *

Major system * * *

(1) The Department of Defense is responsible for the system and the total expenditures for research, development, test, and evaluation for the system are estimated to be more than $185 million based on Fiscal Year 2014 constant dollars or the eventual total expenditure for the acquisition exceeds $835 million based on Fiscal Year 2014 constant dollars (or any update of these thresholds based on a more recent fiscal year, as specified in the DoD Instruction 5000.02, ''Operation of the Defense Acquisition System'');

* * * * *

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3.1004 [Amended]

■ 4. Amend section 3.1004 by removing from paragraphs (a), (b)(1)(i), and (b)(3) ''$5,000,000'' and adding ''$5.5 million'' in their places.

PART 4—ADMINISTRATIVE MATTERS

4.605 [Amended]

■ 5. Amend section 4.605 by removing from paragraphs (c)(2)(i) and (c)(2)(ii) ''$25,000'' and adding ''$30,000'' in their places.

4.1102 [Amended]

■ 6. Amend section 4.1102 by removing from paragraph (a)(6) ''$25,000'' and adding ''$30,000'' in its place.

4.1401 [Amended]

■ 7. Amend section 4.1401 by removing from paragraph (a) ''$25,000'' and adding ''$30,000'' in its place.

■ 8. Amend section 4.1403 by revising paragraph (a) to read as follows:

4.1403 Contract clause.

(a) Except as provided in paragraph (b) of this section, the contracting officer shall insert the clause at 52.204–10, Reporting Executive Compensation and First-Tier Subcontract Awards, in all solicitations and contracts of $30,000 or more.

* * * * *

PART 6—COMPETITION REQUIREMENTS

6.204 [Amended]

■ 9. Amend section 6.204 by removing from paragraph (b) ''$20 million'' and adding ''$22 million'' in its place.

6.302–5 [Amended]

■ 10. Amend section 6.302–5 by removing from paragraphs (b)(4) and (c)(2)(iii) ''$20 million'' and adding ''$22 million'' in their places.

6.303–1 [Amended]

■ 11. Amend section 6.303–1 by removing from paragraph (b), introductory text, ''$20 million'' and adding ''$22 million'' in its place.

6.303–2 [Amended]

■ 12. Amend section 6.303–2 by removing from the introductory text of paragraphs (b) and (d) ''$20 million'' and adding ''$22 million'' in their places.

6.304 [Amended]

■ 13. Amend section 6.304 by—

■ a. Removing from paragraph (a)(1) ''$650,000'' and adding ''$700,000'' in its place;

■ b. Removing from paragraph (a)(2) ''$650,000'' and ''$12.5 million'' and adding ''$700,000'' and ''$13.5 million'' in their places, respectively;

■ c. Removing from the introductory text of paragraph (a)(3) ''$12.5 million'', ''$62.5 million'', and ''85.5 million'' and adding ''$13.5 million'', ''$68 million'', and ''$93 million'' in their places, respectively; and

■ d. Removing from paragraph (a)(4) ''$62.5 million'' and ''$85.5 million'' and adding ''$68 million'' and ''$93 million'' in their places, respectively.

PART 7—ACQUISITION PLANNING

7.104 [Amended]

■ 14. Amend section 7.104 by—

■ a. Removing from paragraph (d)(2)(i)(A) ''$8 million'' and adding ''$9 million'' in its place; and

■ b. Removing from paragraph (d)(2)(i)(B) ''$6 million'' and adding ''$6.5 million'' in its place.

7.107 [Amended]

■ 15. Amend section 7.107 by removing from paragraph (b)(1) ''$94 million'' and adding ''$102 million'' in its place; and removing from paragraph (b)(2) ''$9.4 million'' and ''$94 million'' and adding ''$10.2 million'' and ''$102 million'' in their places, respectively.

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

8.404 [Amended]

■ 16. Amend section 8.404 by removing from paragraph (b)(2) ''$500,000'' and adding ''$550,000'' in its place.

■ 17. Amend section 8.405–3 by—

■ a. Removing from paragraphs (a)(3)(ii) and (a)(3)(iii) ''$103 million'' and adding ''$112 million'' in their places; and

■ b. Revising paragraph (a)(7)(v).

The revision reads as follows:

8.405–3 Blanket purchase agreements (BPAs).

(a) * * *

(7) * * *

(v) Determination for a single-award BPA exceeding $112 million, if applicable (see (a)(3)(ii)) of this section;

* * * * *

8.405–6 [Amended]

■ 18. Amend section 8.405–6 by—

■ a. Removing from paragraph (d)(1) ''$650,000'' and adding ''$700,000'' in its place;

■ b. Removing from paragraph (d)(2) ''$650,000'' and ''$12.5 million'' and adding ''$700,000'' and ''$13.5 million'' in their places, respectively;

■ c. Removing from the introductory text of paragraph (d)(3) ''$12.5 million'', ''$62.5 million'', and ''$85.5 million'', and adding ''$13.5 million'', ''$68 million'' and ''$93 million'' in their places, respectively; and

■ d. Removing from paragraph (d)(4) ''$62.5 million'' and ''$85.5 million'' and adding ''$68 million'' and ''$93 million'' in their places, respectively.

PART 9—CONTRACTOR QUALIFICATIONS

9.104–5 [Amended]

■ 19. Amend section 9.104–5 by removing from paragraph (a)(2) ''$3,000'' and adding ''$3,500'' in its place.

9.104–7 [Amended]

■ 20. Amend section 9.104–7 by removing from paragraphs (b) and (c)(1) ''$500,000'' and adding ''$550,000'' in their places.

9.405–2 [Amended]

■ 21. Amend section 9.405–2 by removing from paragraph (b) ''$30,000'' and adding ''$35,000'' in their places (twice).

9.406–2 [Amended]

■ 22. Amend section 9.406–2 by removing from paragraph (b)(1)(v) ''$3,000'' and adding ''$3,500'' in its place.

9.407–2 [Amended]

■ 23. Amend section 9.407–2 by removing from paragraph (a)(7) ''$3,000'' and adding ''$3,500'' in its place.

9.409 [Amended]

■ 24. Amend section 9.409 by removing ''$30,000'' and adding ''$35,000'' in its place.

PART 10—MARKET RESEARCH

10.001 [Amended]

■ 25. Amend section 10.001 by removing from paragraph (d) ''$5 million'' and adding ''$5.5 million'' in its place.

10.003 [Amended]

■ 26. Amend section 10.003 by removing ''$5 million'' and adding ''$5.5 million'' in its place.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.102 [Amended]

■ 27. Amend section 12.102 by removing from the introductory text of paragraph (f)(2) ''$17.5 million'' and adding ''$19 million'' in its place.

12.203 [Amended]

■ 28. Amend section 12.203 by removing ''$6.5 million'' and ''$12 million'' and adding ''$7 million'' and ''$13 million'' in their places, respectively.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

13.000 [Amended]

■ 29. Amend section 13.000 by removing ''$6.5 million'' and ''$12 million'' and adding ''$7 million'' and ''$13 million'' in their places, respectively.

13.003 [Amended]

■ 30. Amend section 13.003 by—
■ a. Removing from paragraph (b)(1) ''$3,000'', ''$15,000'', and ''$300,000'' and adding ''$3,500'', ''$20,000'' and ''$350,000'' in their places, respectively;
■ b. Removing from paragraph (c)(1)(ii) ''$6.5 million'' and ''$12 million'' and adding ''$7 million'' and ''$13 million'' in their places, respectively; and
■ c. Removing from paragraph (g)(2) ''$6.5 million'' and ''$12 million'' and adding ''$7 million'' and ''$13 million'' in their places, respectively.

13.005 [Amended]

■ 31. Amend section 13.005 by removing from paragraph (a)(2) ''$30,000'' and adding ''$35,000'' in its place.

13.106–1 [Amended]

■ 32. Amend section 13.106–1 by removing from paragraphs (c)(2) and (d) ''$30,000'' and adding ''$25,000'' in their places.

13.201 [Amended]

■ 33. Amend section 13.201 by removing from paragraph (g)(1)(i) ''$15,000'' and adding ''$20,000'' in its place.

13.303–5 [Amended]

■ 34. Amend section 13.303–5 by—
■ a. Removing from paragraph (b)(1) ''$6.5 million'' and ''$12 million'' and adding ''$7 million'' and ''$13 million'' in in their places, respectively; and
■ b. Removing from paragraph (b)(2) ''$6.5 million'' and ''$12 million'' and adding ''$7 million'' and ''$13 million'' in their places, respectively.

13.402 [Amended]

■ 35. Amend section 13.402 by removing from paragraph (a) ''$30,000'' and adding ''$35,000'' in its place.

13.500 [Amended]

■ 36. Amend section 13.500 by—
■ a. Removing from paragraph (a) ''$6.5 million'' and ''$12 million'' and adding ''$7 million'' and ''$13 million'' in their places, respectively; and
■ b. Removing from the introductory text of paragraph (c) ''$12 million'' and adding ''$13 million'' in its place.

13.501 [Amended]

■ 37. Amend section 13.501 by—
■ a. Removing from paragraph (a)(2)(i) ''$650,000'' and adding ''$700,000'' in its place;
■ b. Removing from paragraph (a)(2)(ii) ''$650,000'' and ''$12.5 million'' and adding ''$700,000'' and ''$13.5 million'' in their places, respectively;
■ c. Removing from paragraph (a)(2)(iii) ''$12.5 million'', ''$62.5 million'', and ''$85.5 million'' and adding ''$13.5 million'', ''$68 million'', and ''$93 million'' in their places, respectively; and
■ d. Removing from paragraph (a)(2)(iv) ''$62.5 million'' and ''$85.5 million'' and adding ''$68 million'' and ''$93 million'' in their places, respectively.

PART 15—CONTRACTING BY NEGOTIATION

15.403–1 [Amended]

■ 38. Amend section 15.403–1 by removing from paragraph (c)(3)(iv) ''$17.5 million'' and adding ''$19 million'' in its place.

15.403–4 [Amended]

■ 39. Amend section 15.403–4 by removing from the introductory text of paragraphs (a)(1) and (a)(1)(iii) ''$700,000'' and adding ''$750,000'' in its place.

15.404–3 [Amended]

■ 40. Amend section 15.404–3 by removing from paragraph (c)(1)(i) ''$12.5 million'' and adding ''$13.5 million'' in its place.

15.407–2 [Amended]

■ 41. Amend section 15.407–2 by removing from paragraph (c)(1) and the introductory text of paragraph (c)(2) ''$12.5 million'' and adding ''$13.5 million'' in their places.

15.408 [Amended]

■ 42. Amend section 15.408 in Table 15–2, ''II. Cost Elements'' which follows paragraph (n)(2)(iii), by removing from paragraph ''A(2)'' ''$12.5 million'' and adding ''$13.5 million'' in its place.

PART 16—TYPES OF CONTRACTS

16.503 [Amended]

■ 43. Amend section 16.503 by removing from paragraph (b)(2) ''$103 million'' and adding ''$112 million'' in its place; and removing from paragraph (d)(1) ''$12.5 million'' and adding ''$13.5 million'' in its place.

16.504 [Amended]

■ 44. Amend section 16.504 by—
■ a. Removing from the introductory text of paragraph (c)(1)(ii)(D)(*1*) ''$103 million'' and adding ''$112 million'' in its place;
■ b. Removing from the introductory text of paragraph (c)(1)(ii)(D)(*3*) ''$103 million'' and adding ''$112 million'' in its place; and removing from the end of the paragraph the colon and adding an em dash in its place;
■ c. Removing from the end of paragraph (c)(1)(ii)(D)(*3*)(*i*) the period and adding ''; and'' in its place; and
■ d. Removing from the introductory text of paragraph (c)(2)(i) ''$12.5 million'' and adding ''$13.5 million'' in its place.

16.505 [Amended]

■ 45. Amend section 16.505 by—
■ a. Removing from the introductory text of paragraph (a)(4)(iii)(A) ''$25,000'' and adding ''$30,000'' in its place;
■ b. Removing from paragraph (b)(1)(i) ''$3,000'' and adding ''$3,500'' in its place;
■ c. Removing from the paragraph (b)(1)(iv) ''*$5 million''* and ''$5 million'' and adding ''*$5.5 million''* and ''$5.5 million'' in their places, respectively;
■ d. Removing from paragraph (b)(2)(i) ''$3,000'' and adding ''$3,500'' in its place;
■ e. Removing from the heading of paragraph (b)(2)(ii)(A) ''*$3,000''* and adding ''*$3,500''* in its place;

■ f. Removing from the paragraph (b)(2)(ii)(C)(*1*) ''$650,000'' and adding ''$700,000'' in its place;
■ g. Removing from paragraph (b)(2)(ii)(C)(*2*) ''$650,000'' and ''$12.5 million'' and adding ''$700,000'' and ''13.5 million'' in their places, respectively;
■ h. Removing from paragraph (b)(2)(ii)(C)(*3*) ''$12.5 million'', ''$62.5 million'', and ''$85.5 million'' and adding ''13.5 million'', ''68 million'', and ''93 million'' in their places, respectively;
■ i. Removing from paragraph (b)(2)(ii)(C)(*4*) ''$62.5 million'' and ''$85.5 million'' and adding ''68 million'' and ''93 million'' in their places, respectively; and
■ j. Removing from the heading of paragraph (b)(6) ''*$5 million''* and adding ''*$5.5 million''* in its place; and removing from the introductory text ''$5 million'' and adding ''$5.5 million'' in its place.

16.506 [Amended]

■ 46. Amend section 16.506 by removing from paragraphs (f) and (g) ''$12.5 million'' and adding ''$13.5 million'' in their places; and removing from paragraph (h) ''$5 million'' and adding ''5.5 million'' in its place.

PART 17—SPECIAL CONTRACTING METHODS

17.108 [Amended]

■ 47. Amend section 17.108 by removing from paragraph (a) ''$12.5 million'' and adding ''$13.5 million'' in its place; and removing from paragraph (b) ''$125 million'' and adding ''$135.5 million'' in its place.

17.500 [Amended]

■ 48. Amend section 17.500 by removing from paragraph (c)(2) ''$500,000'' and adding ''$550,000'' in its place.

PART 19—SMALL BUSINESS PROGRAMS

19.203 [Amended]

■ 49. Amend section 19.203 by removing from paragraph (b) ''$3,000'' and ''$15,000'' and adding ''$3,500'' and ''$20,000'' in their places, respectively.

19.502–1 [Amended]

■ 50. Amend section 19.502–1 by removing from paragraph (b) ''$3,000'' and ''$15,000'' and adding ''$3,500'' and ''$20,000'' in their places, respectively.

19.502–2 [Amended]

■ 51. Amend section 19.502–2 by—
■ a. Removing from paragraph (a) ''$3,000'' and ''$15,000'' and adding ''$3,500'' and ''$20,000'' in their places, respectively; and
■ b. Removing from the end of paragraph (b) ''that:'' and adding ''that—'' in its place.

19.702 [Amended]

■ 52. Amend section 19.702 by removing from paragraphs (a)(1) and (a)(2) ''$650,000'' and adding ''$700,000'' in their places.

19.704 [Amended]

■ 53. Amend section 19.704 by removing from paragraph (a)(9) ''$650,000'' and adding ''$700,000'' in its place.

19.708 [Amended]

■ 54. Amend section 19.708 by removing from paragraph (b)(1) ''$650,000'' and adding ''$700,000'' in its place.

19.805–1 [Amended]

■ 55. Amend section 19.805–1 by removing from paragraph (a)(2) ''$6.5 million'' and adding ''$7 million'' in its place.

19.808–1 [Amended]

■ 56. Amend section 19.808–1 by removing from paragraph (a) ''$20 million'' and adding ''$22 million'' in its place.

19.1306 [Amended]

■ 57. Amend section 19.1306 by removing from paragraph (a)(2)(i) ''$6.5 million'' and adding ''$7 million'' in its place.

19.1406 [Amended]

■ 58. Amend section 19.1406 by removing from paragraph (a)(2)(i) ''$6 million'' and adding ''$6.5 million'' in its place; and removing from paragraph (a)(2)(ii) ''$3.5 million'' and adding ''$4 million'' in its place.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT

22.1103 [Amended]

■ 59. Amend section 22.1103 by removing ''$650,000'' and adding ''$700,000'' in its place.

22.1303 [Amended]

■ 60. Amend section 22.1303 by removing from paragraphs (a) and (c) ''$100,000'' and adding ''$150,000'' in their places.

22.1310 [Amended]

■ 61. Amend section 22.1310 by removing from paragraph (a)(1) ''$100,000'' and adding ''$150,000'' in its place.

PART 25—FOREIGN ACQUISITION

25.703–2 [Amended]

■ 62. Amend section 25.703–2 by removing from paragraph (a)(2) ''$3,000'' and adding ''$3,500'' in its place.

25.703–4 [Amended]

■ 63. Amend section 25.703–4 by removing from paragraphs (c)(5)(ii), (c)(7)(iii), and (c)(8)(iii) ''$3,000'' and adding ''$3,500'' in their places.

PART 28—BONDS AND INSURANCE

28.102–1 [Amended]

■ 64. Amend section 28.102–1 by removing from paragraph (b)(1) ''$30,000'' and adding ''$35,000'' in its place.

28.102–2 [Amended]

■ 65. Amend section 28.102–2 by removing from paragraph (c) ''*$30,000''* and adding ''*$35,000''* in its place.

28.102–3 [Amended]

■ 66. Amend section 28.102–3 by removing from paragraph (b) ''$30,000'' and adding ''$35,000'' in its place.

PART 30—COST ACCOUNTING STANDARDS ADMINISTRATION

30.201–4 [Amended]

■ 67. Amend section 30.201–4 by removing from paragraph (b)(1) ''$700,000'' and adding ''$750,000'' in its place.

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

42.709 [Amended]

■ 68. Amend section 42.709 by removing from paragraph (b) ''$700,000'' and adding ''$750,000'' in its place.

42.709–6 [Amended]

■ 69. Amend section 42.709–6 by removing ''$700,000'' and adding ''$750,000'' in its place.

42.1502 [Amended]

■ 70. Amend section 42.1502 by removing from paragraph (e) ''$650,000'' and adding ''$700,000'' in its place (twice); and removing from paragraph (f) ''$30,000'' and adding ''$35,000'' in its place (twice).

PART 50—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

50.102–1 [Amended]

■ 71. Amend section 50.102–1 by removing from paragraph (b) ''$65,000'' and adding ''$70,000'' in its place.

50.102–3 [Amended]

■ 72. Amend section 50.102–3 by removing from paragraph (b)(4) ''$31.5 million'' and adding ''$34 million'' in its place; and removing from paragraphs (e)(1)(i) and (e)(1)(ii) ''$65,000'' and adding ''$70,000'' in their places.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 73. Amend section 52.203–13 by revising the date of clause; and removing from paragraph (d)(1) ''$5,000,000'' and adding ''$5.5 million'' in its place.

The revision reads as follows:

52.203–13 Contractor Code of Business Ethics and Conduct

* * * * *

Contractor Code of Business Ethics and Conduct (Oct 2015)

* * * * *

■ 74. Amend section 52.203–14 by revising the date of the clause; and removing from the introductory text of paragraph (d) ''$5,000,000'' and adding ''$5.5 million'' in its place.

The revision reads as follows:

52.203–14 Display of Hotline Poster(s).

* * * * *

Display of Hotline Poster(s) (Oct 2015)

* * * * *

■ 75. Amend section 52.204–10 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraphs (d)(2) and (d)(3) ''$25,000'' and adding ''$30,000'' in their places; and

■ c. Revising paragraph (e).

The revisions read as follows:

52.204–10 Reporting Executive Compensation and First-Tier Subcontract Awards.

* * * * *

Reporting Executive Compensation and First-Tier Subcontract Awards (Oct 2015)

(e) The Contractor shall not split or break down first-tier subcontract awards to a value less than $30,000 to avoid the reporting requirements in paragraph (d) of this clause.

* * * * *

■ 76. Amend section 52.209–5 by revising the date of the provision; and removing from paragraph (a)(1)(i)(D) ''$3,000'' and adding ''$3,500'' in its place.

The revision reads as follows:

52.209–5 Certification Regarding Responsibility Matters.

* * * * *

Certification Regarding Responsibility Matters (Oct 2015)

* * * * *

■ 77. Amend section 52.209–6 by revising the date of the clause; and removing from paragraphs (b), (c), and (e)(1) ''$30,000'' and adding ''$35,000'' in their places.

The revision reads as follows:

52.209–6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.

* * * * *

Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment (Oct 2015)

* * * * *

■ 78. Amend section 52.212–1 by revising the date of the provision; and removing from paragraph (j) ''$3,000'' and adding ''$3,500'' in its place (twice).

The revision reads as follows:

52.212–1 Instructions to Offerors—Commercial Items.

* * * * *

Instructions to Offerors—Commercial Items (Oct 2015)

* * * * *

■ 79. Amend section 52.212–3 by revising the date of the provision; and removing from paragraphs (h)(4) and (o)(2)(iii) ''$3,000'' and adding ''$3,500'' in their places.

The revision reads as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

Offeror Representations and Certifications—Commercial Items (Oct 2015)

* * * * *

■ 80. Amend section 52.212–5 by—

■ a. Revising the date of the clause;

■ b. Revising paragraphs (b)(2), (b)(4), (b)(8), (b)(17)(i), (b)(17)(iv), (b)(29), (b)(31), (b)(34), and (e)(1)(i);

■ c. Removing from paragraph (e)(1)(ii) ''$650,000'' and adding ''$700,000'' in its place;

■ d. Revising paragraphs (e)(1)(vi), (e)(1)(viii), and (e)(1)(xiv); and

■ e. Amending Alternate II by revising the date of Alternate II and paragraphs (e)(1)(ii)(A), (e)(1)(ii)(C), (e)(1)(ii)(F), and (e)(1)(ii)(M).

The revisions read as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (Oct 2015)

* * * * *

(b) * * *

____(2) 52.203–13, Contractor Code of Business Ethics and Conduct (Oct 2015) (41 U.S.C. 3509).

* * * * *

____(4) 52.204–10, Reporting Executive Compensation and First-Tier Subcontract Awards (Oct 2015) (Pub. L. 109–282) (31 U.S.C. 6101 note).

* * * * *

____(8) 52.209–6, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (Oct 2015) (31 U.S.C. 6101 note).

* * * * *

____(17)(i) 52.219–9, Small Business Subcontracting Plan (Oct 2015) (15 U.S.C. 637(d)(4)).

* * * * *

____(iv) Alternate III (Oct 2015) of 52.219–9.

* * * * *

____(29) 52.222–35, Equal Opportunity for Veterans (Oct 2015) (38 U.S.C. 4212).

* * * * *

____(31) 52.222–37, Employment Reports on Veterans (Oct 2015) (38 U.S.C. 4212).

* * * * *

____(34) 52.222–54, Employment Eligibility Verification (Oct 2015). (E. O. 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)

* * * * *

(e)(1) * * *

(i) 52.203–13, Contractor Code of Business Ethics and Conduct (Oct 2015) (41 U.S.C. 3509).

* * * * *

(vi) 52.222–35, Equal Opportunity for Veterans (Oct 2015) (38 U.S.C. 4212).

* * * * *

(viii) 52.222–37, Employment Reports on Veterans (Oct 2015) (38 U.S.C. 4212).

* * * * *

(xiv) 52.222–54, Employment Eligibility Verification (Oct 2015) (E. O. 12989).

* * * * *

Alternate II (Oct 2015). * * *

* * * * *

(e)(1) * * *

(ii) * * *

(A) 52.203–13, Contractor Code of Business Ethics and Conduct (Oct 2015) (41 U.S.C. 3509).

* * * * *

(C) 52.219–8, Utilization of Small Business Concerns (Oct 2015) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds $700,000 ($1.5 million for construction of any public facility), the subcontractor must include 52.219–8 in lower tier subcontracts that offer subcontracting opportunities.

* * * * *

(F) 52.222–35, Equal Opportunity for Veterans (Oct 2015) (38 U.S.C. 4212).

* * * * *

(M) 52.222–4, Employment Eligibility Verification (Oct 2015) (Executive Order 12989).

* * * * *

■ 81. Amend section 52.213–4 by revising the date of the clause and paragraphs (a)(2)(viii), (b)(1)(i), (b)(1)(iv), (b)(1)(vi), and (b)(2)(i) to read as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (Oct 2015)

* * * * *

(a) * * *

(2) * * *

(viii) 52.244–6, Subcontracts for Commercial Items (Oct 2015).

* * * * *

(b) * * *

(1) * * *

(i) 52.204–10, Reporting Executive Compensation and First-Tier Subcontract Awards (Oct 2015) (Pub. L. 109–282) (31 U.S.C. 6101 note) (Applies to contracts valued at $30,000 or more).

* * * * *

(iv) 52.222–35, Equal Opportunity for Veterans (Oct 2015) (38 U.S.C. 4212) (applies to contracts of $150,000 or more).

* * * * *

(vi) 52.222–37, Employment Reports on Veterans (Oct 2015) (38 U.S.C. 4212) (applies to contracts of $150,000 or more).

* * * * *

(2) * * *

(i) 52.209–6, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Oct 2015) (Applies to contracts over $35,000).

* * * * *

■ 82. Amend section 52.219–9 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (d)(9) and paragraph (l)(2)(i)(C) ''$650,000'' and adding ''$700,000'' in their places;

■ c. Amending Alternate III by—

■ 1. Revising the date of Alternate III;

■ 2. Removing from paragraph (l)(2)(i)(C) ''$550,000'' and ''$1,000,000'' and adding ''$700,000'' and ''$1.5 million'' in their places, respectively.

The revision reads as follows:

52.219–9 Small Business Subcontracting Plan.

* * * * *

Small Business Subcontracting Plan (Oct 2015)

* * * * *

Alternate III (Oct 2015). * * *

* * * * *

■ 83. Amend section 52.222–35 by revising the date of the clause; and removing from paragraph (c) ''$100,000'' and adding ''$150,000'' in its place.

The revision reads as follows:

52.222–35 Equal Opportunity for Veterans.

* * * * *

Equal Opportunity for Veterans (Oct 2015)

* * * * *

■ 84. Amend section 52.222–37 by revising the date of the clause; and removing from paragraph (g) ''$100,000'' and adding ''$150,000'' in its place.

The revision reads as follows:

52.222–37 Employment Reports on Veterans.

* * * * *

Employment Reports on Veterans (Oct 2015)

* * * * *

■ 85. Amend section 52.222–54 by revising the date of the clause; and removing from paragraph (e)(2) ''$3,000'' and adding ''$3,500'' in its place.

The revision reads as follows:

52.222–54 Employment Eligibility Verification.

* * * * *

Employment Eligibility Verification (Oct 2015)

* * * * *

■ 86. Amend section 52.225–25 by revising the date of the provision; and removing from paragraph (c)(3) ''$3,000'' and adding ''$3,500'' in its place.

The revision text reads as follows:

52.225–25 Prohibition on Contracting With Entities Engaging in Certain Activities or Transactions Relating to Iran—Representation and Certifications.

* * * * *

Prohibition on Contracting With Entities Engaging in Certain Activities or Transactions Relating to Iran—Representation and Certifications (Oct 2015)

* * * * *

■ 87. Amend section 52.230–1 by revising the date of the provision; and removing from paragraph (a) ''$700,000'' and adding ''$750,000'' in its place.

The revision reads as follows:

52.230–1 Cost Accounting Standards Notices and Certification.

* * * * *

Cost Accounting Standards Notices and Certification (Oct 2015)

* * * * *

■ 88. Amend section 52.230–2 by revising the date of the clause; and removing from paragraph (d) ''$700,000'' and adding ''$750,000'' in its place.

The revision reads as follows:

52.230–2 Cost Accounting Standards.

* * * * *

Cost Accounting Standards (Oct 2015)

* * * * *

■ 89. Amend section 52.230–3 by revising the date of the clause; and removing from paragraph (d)(2) ''$700,000'' and adding ''$750,000'' in its place.

The revision reads as follows:

52.230–3 Disclosure and Consistency of Cost Accounting Practices.

* * * * *

Disclosure and Consistency of Cost Accounting Practices (Oct 2015)

* * * * *

■ 90. Amend section 52.230–4 by revising the date of the clause; and removing from paragraph (d)(2) ''$700,000'' and adding ''$750,000'' in its place.

The revision reads as follows:

52.230–4 Disclosure and Consistency of Cost Accounting Practices-Foreign Concerns.

* * * * *

Disclosure and Consistency of Cost Accounting Practices-Foreign Concerns (Oct 2015)

* * * * *

■ 91. Amend section 52.230–5 by revising the date of the clause; and removing from paragraph (d)(2) ''$700,000'' and adding ''$750,000'' in its place.

The revision reads as follows:

52.230–5 Cost Accounting Standards—Educational Institution.

* * * * *

Cost Accounting Standards—Educational Institution (Oct 2015)

* * * * *

■ 92. Amend section 52.244–6 by—

■ a. Revising the date of the clause;

■ b. Revising paragraph (c)(1)(i);

■ c. Removing from paragraph (c)(1)(iii) ''$650,000'' and adding ''$700,000'' in its place; and

■ d. Revising paragraphs (c)(1)(vi) and (c)(1)(viii).

The revisions read as follows:

52.244–6 Subcontracts for Commercial Items.

* * * * *

Subcontracts for Commercial Items (Oct 2015)

* * * * *

(c)(1) * * *

(i) 52.203–13, Contractor Code of Business Ethics and Conduct (Oct 2015) (41 U.S.C. 3509), if the subcontract exceeds $5.5 million and has a performance period of more than 120 days. In altering this clause to identify the appropriate parties, all disclosures of violation of the civil False Claims Act or of Federal criminal law shall be directed to the agency Office of the Inspector General, with a copy to the Contracting Officer.

* * * * *

(vi) 52.222–35, Equal Opportunity for Veterans (Oct 2015)(38 U.S.C. 4212(a));

* * * * *

(viii) 52.222–37, Employment Reports on Veterans (Oct 2015)(38 U.S.C. 4212).

* * * * *

■ 93. Amend section 52.248–3 by revising the date of the clause; and removing from paragraph (h) ''$65,000'' and adding ''$70,000'' in its place.

The revision reads as follows:

52.248–3 Value Engineering-Construction.

* * * * *

Value Engineering-Construction (Oct 2015)

* * * * *

PART 53—FORMS

53.219 [Amended]

■ 94. Amend section 53.219 by removing ''(Rev. 8/2014)'' and adding ''(Rev. 10/2015)'' in its place.

■ 95. Revise section 53.301–294 to read as follows:

53.301–294 Subcontracting Report for Individual Contracts.

BILLING CODE 6820–EP–P

SUBCONTRACTING REPORT FOR INDIVIDUAL CONTRACTS
(See instructions on reverse)

OMB Control Number: 9000-0006
Expiration Date: 04/30/2016

Public reporting burden for this collection of information is estimated to average 55.34 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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Acquisition Policy Division, Regulatory Secretariat, GSA, Washington, DC 20405.

1. CORPORATION, COMPANY, OR SUBDIVISION COVERED

a. COMPANY NAME

b. STREET ADDRESS

c. CITY | d. STATE | e. ZIP CODE

2. CONTRACTOR IDENTIFICATION NUMBER

3. DATE SUBMITTED

4. REPORTING PERIOD FROM INCEPTION OF CONTRACT THRU:

☐ MAR 31 ☐ SEPT 30 YEAR

5. TYPE OF REPORT

☐ REGULAR ☐ FINAL ☐ REVISED

6. ADMINISTERING ACTIVITY *(Please check applicable box)*

☐ ARMY ☐ GSA ☐ NASA
☐ NAVY ☐ DOE ☐ OTHER FEDERAL AGENCY *(Specify)*
☐ AIR FORCE ☐ DEFENSE CONTRACT MANAGEMENT AGENCY

7. REPORT SUBMITTED AS *(Check one and provide appropriate number)*

☐ PRIME CONTRACTOR — PRIME CONTRACT NUMBER

☐ SUBCONTRACTOR — SUBCONTRACT NUMBER

8. AGENCY OR CONTRACTOR AWARDING CONTRACT

a. AGENCY'S OR CONTRACTOR'S NAME

b. STREET ADDRESS

c. CITY | d. STATE | e. ZIP CODE

9. DOLLARS AND PERCENTAGES IN THE FOLLOWING BLOCKS:

☐ DO INCLUDE INDIRECT COSTS ☐ DO NOT INCLUDE INDIRECT COSTS

SUBCONTRACT AWARDS

TYPE	CURRENT GOAL		ACTUAL CUMULATIVE	
	WHOLE DOLLARS	PERCENT	WHOLE DOLLARS	PERCENT
10a. SMALL BUSINESS CONCERNS *(Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
10b. LARGE BUSINESS CONCERNS *(Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
10c. TOTAL *(Sum of 10a and 10b.)*		100.0%		100.0%
11. SMALL DISADVANTAGED BUSINESS (SDB) CONCERNS *(Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
12. WOMEN-OWNED SMALL BUSINESS (WOSB) CONCERNS *(Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
13. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) AND MINORITY INSTITUTIONS (MI) *(If applicable) (Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
14. HUBZone SMALL BUSINESS (HUBZone SB) CONCERNS *(Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
15. VETERAN-OWNED SMALL BUSINESS CONCERNS *(Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
16. SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS *(Dollar Amount and Percent of 10c)* (SEE SPECIFIC INSTRUCTIONS)				
17. ALASKA NATIVE CORPORATIONS (ANCs) AND INDIAN TRIBES THAT HAVE NOT BEEN CERTIFIED BY THE SMALL BUSINESS ADMINISTRATION AS SMALL DISADVANTAGED BUSINESSES *(Dollar Amount)* (SEE SPECIFIC INSTRUCTIONS)				
18. ALASKA NATIVE CORPORATIONS (ANCs) AND INDIAN TRIBES THAT ARE NOT SMALL BUSINESSES *(Dollar Amount)* (SEE SPECIFIC INSTRUCTIONS)				

Previous Edition is Not Usable

STANDARD FORM 294 (REV. 10/2015)
Prescribed by GSA-FAR (48 CFR 53.219(a))

19. REMARKS

20a. NAME OF INDIVIDUAL ADMINISTERING SUBCONTRACTING PLAN	20b. TELEPHONE NUMBER	
	AREA CODE	NUMBER

GENERAL INSTRUCTIONS

1. This report is not required for small businesses.

2. This report is not required for commercial items for which a commercial plan has been approved, nor from large businesses in the Department of Defense (DOD) Test Program for Negotiation of Comprehensive Subcontracting plans. The Summary Subcontract Report (SSR) is required for contractors operating under one of these two conditions and should be submitted to the Government in accordance with the instructions on that form.

3. This form collects subcontract award data from prime contractors/ subcontractors that : (a) hold one or more contracts over $700,000 (over $1,500,000 for construction of a public facility); and (b) are required to report subcontracts awarded to Small Business (SB), Small Disadvantaged Business (SDB), Women-Owned Small Business (WOSB), HUBZone Small Business (HUBZone SB), Veteran-Owned Small Business (VOSB) and Service-Disabled Veteran-Owned Small Business concerns under a subcontracting plan. For the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), and the Coast Guard, this form also collects subcontract award data for Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs).

4. This report is required for each contract containing a subcontracting plan and must be submitted to the administrative contracting officer (ACO) or contracting officer if no ACO is assigned, semi-annually, during contract performance for the periods ended March 31st and September 30th. A separate report is required for each contract at contract completion. Reports are due 30 days after the close of each reporting period unless otherwise directed by the contracting officer. Reports are required when due, regardless of whether there has been any subcontracting activity since the inception of the contract or since the previous report.

5. Only subcontracts involving performance in the United States or its outlying areas should be included in this report with the exception of subcontracts under a contract awarded by the State Department or any other agency that has statutory or regulatory authority to require subcontracting plans for subcontracts performed outside the United States and its outlying areas.

6. Purchases from a corporation, company, or subdivision that is an affiliate of the prime/subcontractor are not included in this report.

7. Subcontract award data reported on this form by prime contractors/ subcontractors shall be limited to awards made to their immediate subcontractors. Credit cannot be taken for awards made to lower tier subcontractors unless you have been designated to receive an SB and SDB credit from an Alaska Native Corporation (ANC) or Indian tribe.

8. FAR 19.703 sets forth the eligibility requirements for participating in the subcontracting program.

9. Actual achievements must be reported on the same basis as the goals set forth in the contract. For example, if goals in the plan do not include indirect and overhead items, the achievements shown on this report should not include them either.

SPECIFIC INSTRUCTIONS

BLOCK 2: For the Contractor Identification Number, enter the nine-digit Data Universal Numbering System (DUNS) number that identifies the specific contractor establishment. If there is no DUNS number available that identifies the exact name and address entered in Block 1, contact Dun and Bradstreet Information Services at 1-866-705-5711 or via the Internet at http://www.dnb.com. The contractor should be prepared to provide the following information: (i) Company legal business name. (ii) Tradestyle, doing business, or other name by which your entity is commonly recognized. (iii) Company physical street address, city, state and ZIP Code. (iv) Company mailing address, city, state and ZIP Code (if separate from physical). (v) Company telephone number. (vi) Date the company was started. (vii) Number of employees at your location. (viii) Chief executive officer/key manager. (ix) Line of business (industry). (x) Company Headquarters name and address (reporting relationship within your entity).

BLOCK 4: Check only one. Note that all subcontract award data reported on this form represents activity since the inception of the contract through the date indicated on this block.

BLOCK 5: Check whether this report is a "Regular," "Final," and/or "Revised" report. A "Final" report should be checked only if the contractor has completed the contract or subcontract reported in Block 7. A "Revised" report is a change to a report previously submitted for the same period.

BLOCK 6: Identify the department or agency administering the majority of subcontracting plans.

BLOCK 7: Indicate whether the reporting contractor is submitting this report as a prime contractor or subcontractor and the prime contract or subcontract number.

BLOCK 8: Enter the name and address of the Federal department or agency awarding the contract or the prime contractor awarding the subcontract.

BLOCK 9: Check the appropriate block to indicate whether indirect costs are included in the dollar amounts in blocks 10a through 16. To ensure comparability between the goal and actual columns, the contractor may include indirect costs in the actual column only if the subcontracting plan included indirect costs in the goal.

BLOCKS 10a through 18: Under "Current Goal," enter the dollar and percent goals in each category (SB, SDB, WOSB, VOSB, service-disabled VOSB, and HUBZone SB) from the subcontracting plan approved for this contract. (If the original goals agreed upon at contract award have been revised as a result of contract modifications, enter the original goals in Block 19. The amounts entered in Blocks 10a through 16 should reflect the revised goals.) There are no goals for Blocks 17 and 18. Under "Actual Cumulative," enter actual subcontract achievements (dollars and percent) from the inception of the contract through the date of the report shown in Block 4. In cases where indirect costs are included, the amounts should include both direct awards and an appropriate prorated portion of indirect awards. However, the dollar amounts reported under "Actual Cumulative" must be for the same period of time as the dollar amounts shown under "Current Goal." For a contract with options, the current goal should represent the aggregate goal since the inception of the contract. For example, if the contractor is submitting the report during Option 2 of a multiple year contract, the current goal would be the cumulative goal for the base period plus the goal for Option 1 and the goal for Option 2.

BLOCK 10a: Report all subcontracts awarded to SBs including subcontracts to SDBs, WOSB, VOSB, service-disabled VOSB, and HUBZone SBs. For DOD, NASA, and Coast Guard contracts, include subcontracting awards to HBCUs and MIs. Include subcontracts awarded to ANCs and Indian tribes that are not small businesses and that are not certified by the SBA as SDBs where you have been designated to receive their SB and SDB credit. Where your company and other companies have been designated by an ANC or Indian tribe to receive SB and SDB credit for a subcontract awarded to the ANC or Indian tribe, report only the portion of the total amount of the subcontract that has been designated to your company.

BLOCK 10b: Report all subcontracts awarded to large businesses (LBs) and any other-than-small businesses. Do not include subcontracts awarded to ANCs and Indian tribes that have been reported in 10a above.

BLOCK 10c: Report on this line the total of all subcontracts awarded under this contract (the sum of lines 10a and 10b).

BLOCKS 11 - 16: Each of these items is a subcategory of Block 10a. Note that in some cases the same dollars may be reported in more than one block (e.g., SDBs owned by women or veterans).

BLOCK 11: Report all subcontracts awarded to SDBs (including WOSB, VOSB, service-disabled VOSBs, and HUBZone SB SDBs). Include subcontracts awarded to ANCs and Indian tribes that have not been certified by SBA as SDBs where you have been designated to receive their SDB credit. Where your company and other companies have been designated by an ANC or Indian tribe to receive their SDB credit for a subcontract awarded to the ANC or Indian tribe, report only the portion of the total amount of the subcontract that has been designated to your company. For DoD, NASA, and Coast Guard contracts, include subcontracting awards to HBCUs and MIs.

BLOCK 12: Report all subcontracts awarded to WOSBs (including SDBs, VOSBs (including service-disabled VOSBs), and HUBZone SBs that are also WOSBs).

BLOCK 13: (For contracts with DoD, NASA, and Coast Guard): Report all subcontracts with HBCUs/MIs. Complete the column under "Current Goal" only when the subcontracting plan establishes a goal.

BLOCK 14: Report all subcontracts awarded to HUBZone SBs (including WOSBs, VOSBs (including service-disabled VOSBs), and SDBs that are also HUBZone SBs).

BLOCK 15: Report all subcontracts awarded to VOSBs including service-disabled VOSBs (and including SDBs, WOSBs, and HUBZone SBs that are also VOSBs).

BLOCK 16: Report all subcontracts awarded to service-disabled VOSBs (including SDBs, WOSBs, and HUBZone SBs that are also service-disabled VOSBs).

BLOCK 17: Report all subcontracts awarded to ANCs and Indian tribes that are reported in Block 11, but have not been certified by SBA as SDBs.

BLOCK 18: Report all subcontracts awarded to ANCs and Indian tribes that are reported in Block 10a, but are not small businesses.

BLOCK 19: Enter a short narrative explanation if (a) SB, SDB, WOSB, VOSB, service-disabled VOSB, or HUBZone SB accomplishments fall below that which would be expected using a straight-line projection of goals through the period of contract performance; or (b) if this is a final report, any one of the six goals were not met.

DEFINITIONS

1. Direct Subcontract Awards are those that are identified with the performance of one or more specific Government contract(s).

2. Indirect costs are those which, because of incurrence for common or joint purposes, are not identified with specific Government contracts; these awards are related to Government contract performance but remain for allocation after direct awards have been determined and identified to specific Government contracts.

DISTRIBUTION OF THIS REPORT

For the Awarding Agency or Contractor:

The original copy of this report should be provided to the contracting officer at the agency or contractor identified in Block 8. For contracts with DOD, a copy should also be provided to the Defense Contract Management Agency (DCMA) at the cognizant Defense Contract Management Area Operations (DCMAO) office.

For the Small Business Administration (SBA):

A copy of this report must be provided to the cognizant Commercial Market Representative (CMR) at the time of a compliance review. It is NOT necessary to mail the SF 294 to SBA unless specifically requested by the CMR.

[FR Doc. 2015–16206 Filed 7–1–15; 8:45 am]
BILLING CODE 6820–EP–C

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1 and 52

[FAC 2005–83; FAR Case 2015–006; Item II; Docket No. 2015–0006, Sequence No. 1]

RIN 9000–AM85

Federal Acquisition Regulation; 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: Final rule.

SUMMARY: 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.

DATES: *Effective:* November 1, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–83, FAR Case 2015–006.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published a proposed rule in the **Federal Register** 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.

One respondent submitted a comment in response to the proposed rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the comments in the development of the final rule. A discussion of the comments is provided as follows:

A. Summary of Significant Changes

There is no change from the proposed rule in response to the public comment received.

B. Analysis of Public Comments

Comment: The respondent stated that a particular contract is in violation of Federal law, because the contractor merged with a corporation outside the United States.

Response: The Councils are not enforcement agencies, and are not in a position to assess whether the merger of two companies resulted in an entity that meets all the criteria in the applicable definition of ''inverted domestic corporation.'' This comment does not address the substance of the proposed rule, which proposed 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 (under 6 U.S.C. 395) or to any subsidiary of such entity. Contractors with the modified clause in their contracts will be required to make a positive representation with the offer as to their status as an inverted domestic corporation, and notify the contracting officer if they become an inverted domestic corporation during contract performance, as defined in the statute. The contracting activity will take appropriate action if the contractor notifies the Government in accordance with the clause that it has become an inverted domestic corporation, or if investigation by the appropriate Government agency determines that the contractor became an inverted domestic corporation during contract performance and failed to notify the Government of its change in status.

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

DoD, GSA, and NASA certify that this rule will not 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 this rule will only impact an offeror that is an inverted domestic corporation or a subsidiary of an inverted domestic corporation and wants to do business with the Government. It is expected that the number of small entities impacted by this rule will be minimal. Small business concerns are unlikely to have been incorporated in the United States (or, if a partnership, established in the United States) and then subsequently incorporated in a foreign country; the major participants in these transactions are reportedly large multinational corporations. For the definition of ''small business'', the Regulatory Flexibility Act refers to the Small Business Act, which in turn allows the U.S. Small Business Administration (SBA) Administrator to specify detailed definitions or standards (5 U.S.C. 601(3) and 15 U.S.C. 632(a)). The SBA regulations at 13 CFR 121.105 discuss who is a small business: ''(a)(1) Except for small agricultural cooperatives, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor''.

V. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35) applies. The rule contains information collection requirements. OMB has cleared this information collection requirement under OMB Control Number 9000–0190,

titled: Prohibition on Contracting with Inverted Domestic Corporations—Representation and Notification.

List of Subjects in 48 CFR Parts 1 and 52

Government procurement.

Dated: June 18, 2015.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 1 and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 1 and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.106 [Amended]

■ 2. Amend section 1.106 in the table following the introductory text, by adding in numerical sequence, ''52.209–10'' and its corresponding OMB Control Number ''9000–0190''.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Amend section 52.209–2 by revising the date of provision and paragraph (c) to read as follows:

52.209–2 Prohibition on Contracting With Inverted Domestic Corporations—Representation.

* * * * *

Prohibition on Contracting with Inverted Domestic Corporations—Representation (Nov 2015)

* * * * *

(c) *Representation.* The Offeror represents that—

(1) It □ is, □ is not an inverted domestic corporation; and

(2) It □ is, □ is not a subsidiary of an inverted domestic corporation.

(End of provision)

■ 4. Amend section 52.209–10 by revising the date of the clause; and adding paragraph (d) to read as follows:

52.209–10 Prohibition on Contracting with Inverted Domestic Corporations.

* * * * *

Prohibition on Contracting With Inverted Domestic Corporations (Nov 2015)

* * * * *

(d) In the event the Contractor becomes either an inverted domestic corporation, or a subsidiary of an inverted domestic corporation during contract performance, the Contractor shall give written notice to the Contracting Officer within five business days from the date of the inversion event.

(End of clause)

■ 5. Amend section 52.212–3 by revising the date of the provision and paragraph (n)(2) to read as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

Offeror Representations and Certifications—Commercial Items (Nov 2015)

* * * * *

(n) * * *

(2) *Representation.* The Offeror represents that—

(i) It □ is, □ is not an inverted domestic corporation; and

(ii) It □ is, □ is not a subsidiary of an inverted domestic corporation.

* * * * *

■ 6. Amend section 52.212–5 by revising the date of the clause and paragraph (a)(1) to read as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (Nov 2015)

* * * * *

(a) * * *

(1) 52.209–10, Prohibition on Contracting with Inverted Domestic Corporations (Nov 2015).

* * * * *

[FR Doc. 2015–16208 Filed 7–1–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 5 and 22

[FAC 2005–83; FAR Case 2015–008; Item III; Docket No. 2015–0008, Sequence No. 1]

RIN 9000–AN08

Federal Acquisition Regulation: Update to Product and Service Codes

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to correct the terminology relating to preparation and transmittal of synopses and update the descriptions of Federal product and service codes related to exemptions from service contract labor standards, to conform to the current Federal Procurement Data System Product and Service Codes Manual.

DATES: *Effective:* August 3, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2005–83, FAR Case 2015–008.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are revising the FAR to amend 5.207 and 22.1003–4 to correct the terminology and update the descriptions of the Federal product and service codes to conform to the Federal Procurement Data System Product and Service Codes Manual, August 2011 Edition. There is no change to the groups covered, and the new descriptions better reflect product coverage.

II. Publication of This Final Rule for Public Comment Is Not Required by Statute

''Publication of proposed regulations'', 41 U.S.C. 1707, is the statute which applies to the publication of the Federal Acquisition Regulation. Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it does not change the Federal Supply Groups covered. It only updates the descriptions of the listed product service groups to reflect the current Product and Service Codes Manual. It does not impact which products are subject to the service contract labor standards.

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 Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant FAR revision within the meaning of FAR 1.501–1 and 41 U.S.C. 1707 does not require publication for public comment.

V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 5 and 22

Government procurement.

Dated: June 18, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 5 and 22 as set forth below:

■ 1. The authority citation for 48 CFR parts 5 and 22 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 5—PUBLICIZING CONTRACT ACTIONS

5.207 [Amended]

■ 2. Amend section 5.207 by—

■ a. Removing from paragraph (a)(5) ''Classification Code'' and adding ''Product or Service Code'' in its place; and

■ b. Removing from paragraph (c)(13) ''supply'' and adding ''product'' in its place.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 3. Amend section 22.1003–4 by revising paragraph (c)(1)(ii) to read as follows:

22.1003–4 Administrative limitations, variations, tolerances, and exemptions.

* * * * *

(c) * * *

(1) * * *

(ii) Scientific equipment and medical apparatus or equipment if the application of micro-electronic circuitry or other technology of at least similar sophistication is an essential element (for example, Product or Service Code (PSC) 6515, ''Medical and Surgical Instruments, Equipment, and Supplies;'' PSC 6525, ''Imaging Equipment and Supplies: Medical, Dental, Veterinary;'' PSC 6630, ''Chemical Analysis Instruments;'' and PSC 6655, ''Geophysical Instruments,'' are largely composed of the types of equipment exempted in this paragraph).

* * * * *

[FR Doc. 2015–16209 Filed 7–1–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 6

[FAC 2005–83; FAR Case 2014–020; Item IV; Docket No. 2014–0020; Sequence No. 1]

RIN 9000–AM86

Federal Acquisition Regulation; Clarification on Justification for Urgent Noncompetitive Awards Exceeding One Year

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to clarify that a determination of exceptional circumstances is needed when a noncompetitive contract awarded on the basis of unusual and compelling urgency exceeds 1 year, either at time of award or due to post-award modifications.

DATES: *Effective:* August 3, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–83, FAR Case 2014–020.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 79 FR 78378 on December 30, 2014. The rule was in response to a Government Accountability Office (GAO) report, GAO–14–304, Federal Contracting: Noncompetitive Contracts Based on Urgency Need Additional Oversight, dated March 2014. The proposed rule language at FAR 6.302–2(d) has been revised to further clarify it. One respondent submitted a comment on the proposed rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the public comment in the development of the final rule. The comment resulted in no changes to the final rule. A discussion of the comment is provided in the following paragraph.

Comment: The respondent stated that there should be no justification for extending any contract that is noncompetitive for more than one year.

Response: The extension of non-competitive contracts is allowable. The purpose of this case is to ensure that when the extension has been deemed to be warranted, that the proper justification and documentation are prepared and included in the contract file.

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

DoD, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

The purpose of this rule is to clarify that a determination of exceptional circumstances is needed when the period of performance, inclusive of options and modifications, of a noncompetitive contract awarded on the basis of unusual and compelling urgency is greater than one year. This rule only impacts the internal procedures of the Federal Government.

There are no recordkeeping, reporting, or other compliance requirements associated with the rule. The rule does not duplicate, overlap, or conflict with any other Federal rules.

No issues were raised by the public comments in response to the initial regulatory flexibility analysis.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subject in CFR Part 6

Government procurement.

Dated: June 18, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR part 6 as set forth below:

PART 6—COMPETITION REQUIREMENTS

■ 1. The authority citation for 48 CFR part 6 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 2. Amend section 6.302–2 by—

■ a. Removing from paragraph (d)(1) ''contract awarded'' and adding ''contract awarded or modified'' in its place;

■ b. Revising paragraph (d)(1)(ii);

■ c. Redesignating paragraphs (d)(2) through (d)(4) as paragraphs (d)(3) through (d)(5), respectively;

■ d. Adding a new paragraph (d)(2); and

■ e. Revising the newly designated paragraph (d)(3).

The revisions and addition read as follows:

6.302–2 Unusual and compelling urgency.

* * * * *

(d) * * *

(1) * * *

(ii) May not exceed one year, including all options, unless the head of the agency determines that exceptional circumstances apply. This determination must be documented in the contract file.

(2)(i) Any subsequent modification using this authority, which will extend the period of performance beyond one year under this same authority, requires a separate determination. This determination is only required if the cumulative period of performance using this authority exceeds one year. This requirement does not apply to the exercise of options previously addressed in the determination required at (d)(1)(ii) of this section.

(ii) The determination shall be approved at the same level as the level to which the agency head authority in (d)(1)(ii) of this section is delegated.

(3) The requirements in paragraphs (d)(1) and (d)(2) of this section shall apply to any contract in an amount greater than the simplified acquisition threshold.

* * * * *

[FR Doc. 2015–16210 Filed 7–1–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 9 and 52

[FAC 2005–83; FAR Case 2014–017; Item V; Docket No. 2014–0017, Sequence No. 1]

RIN 9000–AM70

Federal Acquisition Regulation; Prohibition on Contracting With Inverted Domestic Corporations

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA have adopted as final, without change, an interim rule amending the Federal Acquisition Regulation (FAR) to address the continuing 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 any subsidiary of such entity.

DATES: *Effective:* July 2, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–83, FAR Case 2014–017.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 79 FR 74554 on December 15, 2014, to address the continuing Governmentwide statutory prohibition (in effect through annual appropriations acts 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 to any subsidiary of such entity. One respondent submitted comments in response to the interim rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the public comments in the development of the final rule.

A. Summary of Significant Changes

There were no changes made to the rule as a result of the comments received. There were no comments on the Regulatory Flexibility Act.

B. Analysis of Comments

A discussion of the comments follows:

1. Deletion of References to the Specific Fiscal Years

Comment: The respondent does not favor the deletion of references to the specific fiscal years covered in several subsections of FAR 9.108. The respondent states that the interim rule obscures the fact that the restrictions on contracting with inverted domestic corporations are fiscal year specific, and that those restrictions may or may not be enacted in future years. The respondent states that the interim rule now provides only a general description of the common exception language. The respondent recommends—

○ Specifically listing the covered fiscal years in the prohibition at FAR 9.108–2(a), the requirement for representation at 9.108–3, and the solicitation provision and contract clause prescriptions at 9.108–5; and

○ A separate listing at FAR 9.108–2(b) for the statutory exception for each fiscal year, *e.g.,* for fiscal year 2008 ''This prohibition does not apply when using Fiscal Year 2008 funds for any contract entered into before December 26, 2007, or for any order issued pursuant to such contract.'' (This exception was then repeated for each fiscal year, inserting the date of enactment of the act).

Response: Insofar as Congress has retained the Governmentwide statutory prohibition in place since Fiscal Year 2008, this interim rule amended FAR 9.108–2, 9.108–3, and 9.108–5 to reflect the ongoing nature of the prohibition for as long as Congress extends the prohibition in its current form through subsequent appropriations action (in full-year appropriations acts and in short-term and full-year CRs).

○ Because this prohibition is enacted in annual appropriations acts, the prior format of the regulation (listing all fiscal years) required annual update of the FAR to keep adding new fiscal years. Due to the required rulemaking process, this necessitated a substantial lag between enactment of the annual appropriations act and incorporation of the current fiscal year in the regulations. With the new approach in the interim rule, the FAR will only require revision if the requirements of the new appropriations act change. The prohibition at FAR 9.108–2 does make clear that the prohibition arises from section 745 of Division D of the Consolidated Appropriations Act, 2008 (Pub. L. 110–161) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions). The Councils review the new appropriations act every year, and will take action to change the FAR if there is a change in the prohibition.

○ The interim rule provides an exact repetition of the common statutory exception language. Since the exception in each appropriations act is the same, the interim rule states the exception once: *i.e.,* ''Section 745 and its successor provisions include the following exception: This section shall not apply to any Federal Government contract entered into before the date of enactment of this Act, or to any task order issued pursuant to such contract.'' Listing of each fiscal year exception separately was becoming repetitive and cumbersome. Whether the exception is listed separately for each fiscal year, or is just stated once, seeking legal counsel is recommended if a contractor, during contract performance, becomes an inverted domestic corporation or a subsidiary of one.

2. Recommended Minimum Change

Comment: The respondent recommended, at a minimum, that language should be added at FAR 9.108–3 and 9.108–5 to limit applicability to ''fiscal periods for which Congress has enacted the prohibition described in Section 9.108–2(a) above'' and ''When using appropriated funds from fiscal years for which Congress has enacted the prohibition described in section 9.108–2(a) above,'' respectively. Although this approach resolves the issue of requiring annual updates to the regulations, it imposes a burden on the many thousands of contracting officers to determine for which fiscal periods Congress has enacted the prohibitions.

Response: The Councils have determined that this prohibition has been continuously applicable since FY 2008. As listed in the **Federal Register**, this required a review of 25 statutes. Not many FAR users will know which funds are tied to this restriction without further research. A contracting officer would not know whether to include the solicitation provision and contract clause without researching the appropriations act that appropriated the funds being used. It is more efficient for the Councils to make that determination, and ensure that the regulations appropriately reflect the requirement, without necessitating research by every contracting officer in the Federal Government.

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

DoD, GSA, and NASA certify that this rule will not 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 this rule will only impact an offeror that is an inverted domestic corporation or a subsidiary of an inverted domestic corporation and wants to do business with the Government. The number of small entities impacted by this rule will be minimal. Small business concerns are unlikely to have been incorporated in the United States (or, if a partnership, established in the United States) and then subsequently incorporated in a foreign country; the major participants in these transactions are reportedly large multinational corporations. For the definition of ''small business'', the Regulatory Flexibility Act refers to the Small Business Act, which in turn allows the U.S. Small Business Administration (SBA) Administrator to specify detailed definitions or standards (5 U.S.C. 601(3) and 15 U.S.C. 632(a)). The SBA regulations at 13 CFR 121.105 discuss who is a small business: ''(a)(1) Except for small agricultural cooperatives, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor''.

V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

List of Subjects in 48 CFR Parts 9 and 52

Government procurement.

Dated: June 18, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR parts 9 and 52, which was published in the **Federal Register** at 79 FR 74554 on December 15, 2014, is adopted as a final rule without change.

[FR Doc. 2015–16215 Filed 7–1–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 12, 13, and 18

[FAC 2005–83; FAR Case 2015–010; Item VI; Docket No. 2015–0010; Sequence No. 1]

RIN 9000–AN06

Federal Acquisition Regulation; Permanent Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement a section of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act (NDAA) for Fiscal Year 2015 that makes permanent the authority to issue solicitations using special simplified procedures for acquisition of certain commercial items.

DATES: *Effective:* August 3, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–83, FAR Case 2015–010.

SUPPLEMENTARY INFORMATION:

I. Background

This is a final rule to amend FAR subparts 13.5 and 18.2 to implement section 815 of the NDAA for Fiscal Year 2015 (Pub. L. 113–291). Section 815 amends section 4202(e) of the Clinger-Cohen Act of 1996 (Divisions D and E of Pub. L. 104–106; 10 U.S.C. 2304 note) to make permanent the test program for special simplified procedures for purchases of commercial items greater than the simplified acquisition threshold, but not exceeding $6.5 million ($12 million for certain acquisitions). Conforming changes are made in parts 12, 13, and 18.

II. Publication of This Final Rule for Public Comment Is Not Required by Statute

''Publication of proposed regulations'', 41 U.S.C. 1707, is the statute which applies to the publication of the Federal Acquisition Regulation. Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment because it makes permanent a statutory authority that currently exists within the FAR.

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 Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant FAR revision within the meaning of FAR 1.501–1 and 41 U.S.C. 1707 does not require publication for public comment.

V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 12, 13, and 18

Government procurement.

Dated: June 18, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 12, 13, and 18 as set forth below:

■ 1. The authority citation for 48 CFR parts 12, 13, and 18 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Amend section 12.203 by revising the third sentence to read as follows:

12.203 Procedures for solicitation, evaluation, and award.

* * * For acquisitions of commercial items exceeding the simplified acquisition threshold but not exceeding $6.5 million ($12 million for acquisitions as described in 13.500(c)), including options, contracting activities may use any of the simplified procedures authorized by subpart 13.5.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

13.000 [Amended]

■ 3. Amend section 13.000 by removing from the second sentence ''13.500(e))'' and adding ''13.500(c))'' in its place.

13.003 [Amended]

■ 4. Amend section 13.003 by removing from paragraphs (c)(1)(ii) and (g)(2) ''13.500(e))'' and adding ''13.500(c))'' in its place.

13.303–5 [Amended]

■ 5. Amend section 13.303–5 by removing from paragraph (b)(2) ''13.500(e))'' and adding ''13.500(c))'' in its place.

Subpart 13.5—Simplified Procedures for Certain Commercial Items

■ 6. Revise the subpart 13.5 heading to read as set forth above.

■ 7. Revise section 13.500 to read as follows:

13.500 General.

(a) This subpart authorizes the use of simplified procedures for the acquisition of supplies and services in amounts greater than the simplified acquisition threshold but not exceeding $6.5 million ($12 million for acquisitions as described in 13.500(c)), including options, if the contracting officer reasonably expects, based on the nature of the supplies or services sought, and on market research, that

offers will include only commercial items. Contracting officers may use any simplified acquisition procedure in this part, subject to any specific dollar limitation applicable to the particular procedure. The purpose of these simplified procedures is to vest contracting officers with additional procedural discretion and flexibility, so that commercial item acquisitions in this dollar range may be solicited, offered, evaluated, and awarded in a simplified manner that maximizes efficiency and economy and minimizes burden and administrative costs for both the Government and industry (10 U.S.C. 2304(g) and 2305 and 41 U.S.C. 3305, 3306, and chapter 37, Awarding of Contracts.

(b) When acquiring commercial items using the procedures in this part, the requirements of part 12 apply subject to the order of precedence provided at 12.102(c). This includes use of the provisions and clauses in subpart 12.3.

(c) Under 41 U.S.C. 1903, the simplified acquisition procedures authorized in this subpart may be used for acquisitions that do not exceed $12 million when—

(1) The acquisition is for commercial items that, as determined by the head of the agency, are to be used in support of a contingency operation or to facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack; or

(2) The acquisition will be treated as an acquisition of commercial items in accordance with 12.102(f)(1).

13.501 [Amended]

■ 8. Amend section 13.501 by—

■ a. Removing from paragraph (a)(1)(ii) ''an acquisition under the authority of the test program for commercial items at'' and adding ''that the procedures in FAR subpart 13.5 were used in accordance with'' in its place; and

■ b. Removing from paragraph (b)(1) the word ''test''.

PART 18—EMERGENCY ACQUISITIONS

■ 9. Amend section 18.201 by revising paragraph (e) to read as follows:

18.201 Contingency operation.

* * * * *

(e) *Simplified procedures for certain commercial items.* The threshold limits authorized for use of this authority may be increased for acquisitions to support a contingency operation. (See 13.500(c)).

■ 8. Amend section 18.202 by—

■ a. Removing from paragraph (c) ''13.500(e))'' and adding ''13.500(c))'' in its place; and

■ b. Revising paragraph (d).

The revision reads as follows:

18.202 Defense or recovery from certain attacks.

* * * * *

(d) *Simplified procedures for certain commercial items.* The threshold limits authorized for use of this authority may be increased when it is determined the acquisition is to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack. (See 13.500(c)).

[FR Doc. 2015–16216 Filed 7–1–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 15 and 52

[FAC 2005–83; Item VII; Docket No. 2015–0052; Sequence No. 2]

Federal Acquisition Regulation; Technical Amendments

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

DATES: *Effective:* July 2, 2015.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat Division (MVCB), 1800 F Street NW., 2nd Floor, Washington, DC 20405, 202–501–4755, for information pertaining to status or publication schedules. Please cite FAC 2005–83, Technical Amendments.

SUPPLEMENTARY INFORMATION:

In order to update certain elements in 48 CFR parts 15 and 52 this document makes editorial changes to the FAR.

List of Subject in 48 CFR Parts 15 and 52

Government procurement.

Dated: June 18, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 15 and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 15 and 52 continues to read as follow:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 15–CONTRACTING BY NEGOTIATION

15.404–2 [Amended]

■ 2. Amend section 15.404–2 by removing from paragraph (b)(2) ''(see 4.807(f))'' and adding ''(see 4.803(a)(19))'' in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Amend section 52.204–16 by—

■ a. Revising the date of the provision; and

■ b. Removing from paragraph (c)(3) ''*http://www.dlis.dla.mil/Forms/Form_AC135.asp*'' and adding ''*http://www.dlis.dla.mil/nato/ObtainCAGE.asp*'' in its place.

The revision reads as follows:

52.204–16 Commercial and Government Entity Code Reporting.

* * * * *

Commercial and Government Entity Code Reporting (JUL 2015)

* * * * *

■ 4. Amend section 52.204–18 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (d) ''*http://www.dlis.dla.mil/Forms/Form_AC135.asp*'' and adding ''*http://www.dlis.dla.mil/nato/ObtainCAGE.asp*'' in its place.

The revision reads as follows:

52.204–18 Commercial and Government Entity Code Maintenance.

* * * * *

Commercial and Government Entity Code Maintenance (JUL 2015)

* * * * *

■ 5. Amend section 52.212–5, Alternate II, by revising the date of the Alternate and paragraph (e)(1)(ii)(E) to reads as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Alternate II (JUL 2015). * * *

* * * * *

(e)(1) * * *

(ii) * * *

(E) 52.222–26, Equal Opportunity (Apr 2015) (E.O. 11246).

* * * * *

[FR Doc. 2015–16217 Filed 7–1–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2015–0051, Sequence No. 3]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–83; Small Entity Compliance Guide

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of DOD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rules appearing in Federal Acquisition Circular (FAC) 2005–83, which amends the Federal Acquisition Regulation (FAR). An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding these rules by referring to FAC 2005–83, which precedes this document. These documents are also available via the Internet at *http://www.regulations.gov.*

DATES: July 2, 2015.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2005–83 and the FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

RULES LISTED IN FAC 2005–83

Item	Subject	FAR Case	Analyst
I*	Inflation Adjustment of Acquisition–Related Thresholds	2014–022	Jackson.
II	Prohibition on Contracting With Inverted Domestic Corporations—Representation and Notification.	2015–006	Jackson.
III	Update to Product and Service Codes	2015–008	Jackson.
*IV	Clarification on Justification for Urgent Noncompetitive Awards Exceeding One Year	2014–020	Jackson.
V	Prohibition on Contracting with Inverted Domestic Corporations	2014–017	Jackson.
VI	Permanent Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items	2015–010	Jackson.
VII	Technical Amendments.		

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005–83 amends the FAR as specified below:

Item I—Inflation Adjustment of Acquisition-Related Thresholds (FAR Case 2014–022)

This final rule amends the FAR to implement 41 U.S.C. 1908, which requires an adjustment every five years of acquisition-related thresholds for inflation using the Consumer Price Index for all urban consumers, except the Construction Wage Rate Requirements statute (Davis-Bacon Act), Service Contract Labor Standards statute, and trade agreements thresholds (see FAR 1.109). As a matter of policy, DoD, GSA, and NASA also use the same methodology to adjust nonstatutory FAR acquisition-related thresholds.

This is the third review of FAR acquisition-related thresholds. The Councils published a proposed rule in the **Federal Register** at 79 FR 70141 on November 25, 2014.

There is no change in the final rule from the proposed frequently-used thresholds identified in the proposed rule:

- The micro-purchase base threshold of $3,000 (FAR 2.101) is increased to $3,500.
- The simplified acquisition threshold (FAR 2.101) of $150,000 is unchanged.
- The FedBizOpps preaward and post-award notices (FAR part 5) remain at $25,000 because of trade agreements.
- The threshold for use of simplified acquisition procedures for acquisition of commercial items (FAR 13.500) is raised from $6.5 million to $7 million.
- The cost or pricing data threshold (FAR 15.403–4) and the statutorily equivalent Cost Accounting Standard threshold are raised from $700,000 to $750,000.
- The prime contractor subcontracting plan (FAR 19.702) floor is raised from $650,000 to $700,000, and the construction threshold of $1.5 million stays the same.
- The threshold for reporting first-tier subcontract information including executive compensation will increase from $25,000 to $30,000 (FAR subpart 4.14 and 52.204–10).

Item II—Prohibition on Contracting With Inverted Domestic Corporations—Representation and Notification (FAR Case 2015–006)

This final rule amends the provision and clause of the FAR that address the continuing Government-wide statutory prohibition (in effect since fiscal year 2008) on the award of contracts using appropriated funds to 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 to any subsidiary of such entity. In particular, this rule modifies the existing representation at FAR 52.209–2 and adds a requirement in the clause at 52.209–10 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.

This rule will not have any significant effect on most contractors, because few contractors are expected to become an inverted domestic corporation or a subsidiary of an inverted domestic corporation during contract performance. Small business concerns are particularly unlikely to have been incorporated in the United States and then reincorporated in a tax haven.

Item III—Update to Product and Service Codes (FAR Case 2015–008)

DoD, GSA, and NASA are revising the FAR to update the descriptions of the Federal product and service codes to conform to the Federal Procurement Data System Product and Service Codes Manual, August 2011 Edition. There is no change to the groups covered, and

the new descriptions better reflect product coverage.

This final rule is not required to be published for public comment, because it does not change the Federal Supply Groups covered, but just updates the descriptions of the listed product service groups to reflect the current Product and Service Codes Manual. It does not impact which products are subject to the service contract labor standards or trade agreements.

Item IV—Clarification on Justification for Urgent Noncompetitive Awards Exceeding One Year (FAR Case 2014–020)

DoD, GSA, and NASA are issuing a final rule amending the FAR to clarify when a justification for noncompetitive contracts based on urgency, exceeding one year, is needed. The rule comes as a response to Government Accountability Office (GAO) report GAO–14–304, entitled Federal Contracting: Noncompetitive Contracts Based on Urgency Need Additional Oversight, dated March 2014.

This rule is not expected to have a significant impact on small businesses. Contracting officers will benefit from this rule because it clarifies when determinations of exceptional circumstances are needed when awarding a noncompetitive contract on the basis of unusual and compelling urgency, exceeding one year, either at time of award or modified after contract award.

Item V—Prohibition on Contracting With Inverted Domestic Corporations (FAR Case 2014–017)

This rule converts to a final rule, without change, an interim rule that amended the provisions of the FAR that address the continuing Governmentwide statutory prohibition (in effect since fiscal year 2008) on the award of contracts using appropriated funds to 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 to any subsidiary of such entity. The interim rule amended FAR 9.108 to revise the FAR coverage, including the language of solicitation provisions and contract clauses, so that it more clearly reflects the ongoing, continuing nature of the statutory prohibition on contracting with inverted domestic corporations and their subsidiaries.

This rule does not have an effect on small business because this rule will only impact an offeror that is a foreign incorporated entity that is treated as an inverted domestic corporation and wants to do business with the Government. Small business concerns are unlikely to have been incorporated in the United States and then reincorporated in a tax haven.

Item VI—Permanent Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items (FAR Case 2015–010)

This is a final rule to amend FAR subparts 13.5 and 18.2 to implement section 815 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113–291). Section 815 amends section 4202(e) of the Clinger-Cohen Act of 1996 (Divisions D and E of Pub. L. 104–106; 10 U.S.C. 2304 note) to make permanent the test program for special simplified procedures for purchases of commercial items greater than the simplified acquisition threshold, but not exceeding $6.5 million ($12 million for certain acquisitions). This final rule is not required to be published for public comment because it makes permanent a statutory authority that currently exists within the FAR. The rule will not have a significant impact on small business or on Government contracting officers.

Item VII—Technical Amendments

Editorial changes are made at FAR 15.404–2(b)(2), 52.204–16(b)(3), 52.204–18(d), and 52.212–5(e)(1)(ii)(E).

Dated: June 18, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–16218 Filed 7–1–15; 8:45 am]

BILLING CODE 6820–EP–P

FEDERAL REGISTER

Vol. 80 Thursday,

No. 127 July 2, 2015

Part IV

Federal Communications Commission

47 CFR Parts 2, 15, 80, 90, et al.

WRC–12 Radiocommunication Conference (Geneva 2012); Proposed Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15, 80, 90, 97, and 101

[ET Docket No. 15–99; FCC 15–50]

WRC–12 Radiocommunication Conference (Geneva 2012)

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission proposes to implement certain allocation changes from the World Radiocommunication Conference (Geneva, 2012) (WRC–12) and to update related service rules. The Commission took this action in order to conform its rules, to the extent practical, to the decisions that the international community made at WRC–12. This action will promote the advancement of new and expanded services and provide significant benefits to the American people. In addition, the Commission proposes to address several matters that pertain to unresolved issues from a previous Conference.

DATES: Comments must be filed on or before August 31, 2015 and reply comments must be filed on or before September 30, 2015.

FOR FURTHER INFORMATION CONTACT: Tom Mooring, Office of Engineering and Technology, (202) 418–2450, email: *Tom.Mooring@fcc.gov.,* TTY (202) 418–2989.

ADDRESSES: You may submit comments, identified by ET Docket No. 15–99, by any of the following methods:

- *Federal Communications Commission's Web site: http://apps.fcc.gov/ecfs//.* Follow the instructions for submitting comments.
- *Mail:* Tom Mooring, Office of Engineering and Technology, Room 7–A123, 445 12th Street SW., Washington, 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: 888–835–5322.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*
- *Paper Filers:* Parties that 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).

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking,* ET Docket No. 15–99, FCC 15–50, adopted April 23, 2015, and released April 27, 2015. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room, CY–B402, Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov.* 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).

Summary of Notice of Proposed Rulemaking

1. In this *Notice of Proposed Rulemaking* (*WRC–12 NPRM*), the Commission proposes to amend parts 2, 15, 80, 90, 97, and 101 of its rules to implement allocation decisions from the Final Acts of the World Radiocommunication Conference (Geneva, 2012) (*WRC–12 Final Acts*) and make certain related updates to the service rules. Specifically, the Commission proposes to:

- Allocate the 8.3–11.3 kHz band to the meteorological aids service on a primary basis.
- Allocate the 472–479 kHz band (630 meter band) to the amateur service on a secondary basis.
- Amend the amateur service rules to provide for use of the 135.7–137.8 kHz (2200 meter) and 472–479 kHz (630 meter) bands. Amateur stations would share the band with power line carrier (PLC) systems operated by electric utilities. Amateur stations would be permitted to operate in these bands at fixed locations when separated from electric transmission lines by a specified distance.
- Amend part 80 of the Commission's rules to authorize radio buoy operations in the 1900–2000 kHz band under a ship station license.
- Limit the use of the 495–505 kHz band to the maritime mobile service.
- Allocate seven frequency bands (4.438–4.488 MHz, 5.25–5.275 MHz, 16.1–16.2 MHz, 24.45–24.65 MHz, 26.2–26.42 MHz, 41.015–41.665 MHz, and 43.35–44 MHz) to the radiolocation service (RLS) on a primary basis for Federal and non-Federal use, allocate the 13.45–13.55 MHz band to the RLS on a secondary basis for Federal and non-Federal use, limit the use of these RLS allocations to oceanographic radars, require that these radars not cause harmful interference to, or claim protection from, existing and future stations in the incumbent fixed and mobile services, and amend part 90 of the Commission's rules accordingly.
- Reallocate the 156.7625–156.7875 MHz and 156.8125–156.8375 MHz bands to the mobile-satellite service (MSS) (Earth-to-space) on a primary basis for Federal and non-Federal use to allow for greater probability of vessel tracking, with resulting benefits to maritime safety and security.
- Extend the aeronautical mobile (route) service (AM(R)S) allocation from the 5091–5150 MHz band (adopted in

the WRC–07 R&O) by also allocating the 5000–5091 MHz range to the AM(R)S on a primary basis for Federal and non-Federal use. AM(R)S use of the smaller 5000–5030 MHz range would extend the tuning range for the Aeronautical Mobile Airport Communications System (AeroMACS), with the use of the 5010–5030 MHz band limited to those requirements that cannot be met in the 5000–5010 MHz and 5091–5150 MHz bands. AM(R)S use of the 5030–5091 MHz band would support line-of-sight control links for unmanned aircraft.

- Allocate the 7850–7900 MHz band to the meteorological-satellite service (space-to-Earth) on a primary basis for Federal use.
- Allocate the 15.4–15.7 GHz band to the RLS on a primary basis for Federal use.
- Allocate the 22.55–23.15 GHz band to the space research service (SRS) (Earth-to-space) on a primary basis for Federal and non-Federal use and allocate the 25.5–27 GHz band to the SRS (space-to-Earth) on a primary basis for non-Federal use.
- Delete the aeronautical mobile service allocation from the 37–38 GHz band.
- Encourage operators of fixed stations operating in the 81–86 GHz and 92–94 GHz bands to take all reasonable steps to ensure that their unwanted emissions power in the 86–92 GHz band does not exceed the levels recommended by WRC–12.

In addition, the Commission sought comment on the ability of Federal/non-Federal aeronautical mobile telemetry (AMT) stations to share spectrum with the incumbent services in the 4400–4940 MHz and 5925–6700 MHz bands.

Passive Systems for Lightning Detection (8.3–11.3 kHz)

2. The Commission proposes to allocate the 8.3–9 kHz and 9–11.3 kHz bands to the meteorological aids (MetAids) service on a primary basis for Federal and non-Federal use, and to limit this MetAids allocation to passive use by adding international footnote (RR) 5.54A to the U.S. Table. The Commission believes that lightning detection systems provide a valuable public benefit and that the adoption of these proposals would serve the public interest by providing interference protection to these passive lightning detection systems, which operate in the MetAids service. The Commission requests comment on these proposals, noting that there is no current allocated use of the 8.3–11.3 kHz band in the United States.

Radio Buoys Operating in the 1900–2000 kHz Band

3. The Commission proposes to adopt technical requirements in part 80 of the rules for the radio buoys based on the existing part 80 rules and the characteristics of radio buoys that are currently imported and/or marketed pursuant to the part 90 rules. Specifically, the Commission proposes to authorize buoy stations to transmit on any frequency in the 1900–2000 kHz band, provided that the output power does not exceed 10 watts (W) and that the antenna height of the buoy station does not exceed 4.6 meters (15 feet) above sea level. Next, the Commission proposes rules for the use of ''sel-call buoys'' (*i.e.,* radio buoys that transmit only after receiving a selective calling signal from their associated ship station). Based on the characteristics of sel-call equipment, the Commission proposes to authorize ship stations to transmit selective calling signals on all frequencies in the 1900–2000 kHz band, provided that the output power does not exceed 10 W and that the station's antenna height not exceed 6 meters (20 feet) above the mast of the ship on which it is installed. Finally, the Commission proposes to amend footnote NG92 to provide for radio buoys that cannot be authorized under the radiolocation service by allocating the 1900–2000 kHz band to the maritime mobile service on a primary basis in Regions 2 and 3, restricted to radio buoy operations on the open sea, and to explicitly state that stations in the amateur, maritime mobile, and radiolocation services located in Region 2 will be protected from harmful interference only to the extent that such radiation exceeds the level that would be present if the offending station were operating in compliance with the technical rules applicable to the service in which it operates. The Commission crafted the proposed footnote to restrict operations to the open sea based on the areas where radio buoys appear to be in use, and because doing so would provide greater protection for amateur stations by excluding radio buoys from ''inland waters.'' Parties who believe that this geographic area should be extended to include the Chesapeake Bay, Great Lakes, or other inland waters should document why such an extension is warranted. The Commission seeks comment on these proposals.

4. The Commission also seeks comment on alternative approaches that would accomplish its objective of allowing continued radio buoy use by the U.S. high seas fishing fleet. For example, should the Commission transition new radio buoy use to another MF band, and, if so, how would the costs to manufacturers and operators relate to any benefits that amateur operators may realize from such a transition? Should the Commission add the 1900–2000 kHz band to § 90.248 of its rules, which already authorizes ocean buoy tracking, rather than § 80.375? For future radio buoy equipment, would it be beneficial to authorize different transmitter output power limits in segments of the 1900–2000 kHz band for operations near the coastline? Finally, are there any additional considerations the Commission should take into account regarding radio buoy use in international waters?

5. The Commission notes that, in the context of the WRC–07 proceeding, ITM Marine (ITM) requested that the Commission expand the frequencies available for radio buoy use, and states that its customers have complained that the 1900–2000 kHz band is getting crowded. Based on the Commission's survey of international spectrum usage and trends, it appears that the proposed designation of 100 kilohertz of MF spectrum may be sufficient for the commercial fishing industry's requirements. The Commission therefore seeks comment on the level of use of the 1900–2000 kHz band for radio buoys, whether additional spectrum is required for radio buoys, and if there are specific technical measures that will allow the U.S. commercial fishing fleet to make more efficient use of the limited spectrum resources. The Commission also seeks comment on whether it should establish a channeling plan or bandwidth limitations for radio buoys as these may provide for more efficient use of the limited available spectrum.

6. With regard to equipment authorization, the Commission proposes to establish a cutoff date after which new applications for equipment authorization of radio buoys must meet the new part 80 rules in order to receive authorization and that radio buoys authorized under § 90.103(b) prior to that date may continue to be sold and marketed, *i.e.,* this equipment would be grandfathered. The Commission proposes to establish the cutoff date as six months from the effective date of the Report and Order adopted in response to this *WRC–12 NPRM.* The Commission solicits comment on its proposal.

Amateur 2200 Meter (135.7–137.8 kHz) and 630 Meter (472–479 kHz) Bands

7. *472–479 kHz Band Allocation.* The Commission proposes to allocate the 472–479 kHz band (630 meter band) to

the amateur service on a secondary basis. The Commission also proposes to add RR 5.80A to the band, which would permit it to allow amateur stations to transmit with an equivalent isotropically radiated power (EIRP) of up to 5 W in most areas of the United States. This proposal would bring the Commission's allocations for the band into harmony with the international allocations. As with the 135.7–137.8 kHz band, the addition of an amateur allocation to this band would provide new opportunities for amateur operators to experiment with equipment, techniques, antennas, and propagation phenomena but with signals having larger bandwidth and higher power. The fact that other allocated services make little use of the band also supports allowing amateurs to have access to this band. The Commission seeks comment on these proposals.

8. The Commission is cognizant of the functions served by PLC systems that operate in the 472–479 kHz band on an unprotected and non-interference basis, such as tripping protection circuits if a downed power line or other fault is detected in the power grid. Nevertheless, the Commission proposes to add an amateur allocation because it is comfortable that amateur radio and utility PLC systems can successfully co-exist in the band. The Commission notes that no reports of harmful interference to the allocated radio services or to PLC systems from experimental amateur operations have been filed with the Commission or with the National Telecommunications and Information Administration (NTIA). The Commission therefore proposes to permit amateur operations in this 472–479 kHz band in a manner that allows for shared use with PLC systems. The Commission seeks comment generally on the sharing of the 472–479 kHz band between PLC systems and the amateur service.

9. *Service Rules for the 135.7–137.8 kHz and 472–479 kHz bands.* The Commission is proposing service rules for the amateur service in the 135.7–137.8 kHz and 472–479 kHz bands with the principal goal of enabling sharing of this spectrum among licensed amateur stations and unlicensed PLC systems. As the demand for radio spectrum has continued to increase, the Commission has sought to make more efficient use of spectrum by providing for sharing of frequency bands for multiple purposes. While the Commission recognizes the importance of PLC systems to the functioning of the electric power grid, it also believes that there are benefits to providing amateurs access to these bands, including providing amateurs with new opportunities for experimentation. Moreover, PLC systems and the expected amateur use of these bands have characteristics that make coexistence possible. PLC systems are limited to use on transmissions lines and, consequently, are not present in most residential neighborhoods where amateur licensees live. The amateur service is expected to use the band mainly for experimental purposes and not for routine and widespread communications activities common in other bands. These attributes give the Commission confidence that, along with appropriate technical rules, amateur stations can harmoniously operate on the same frequency bands as PLC systems.

10. The cornerstone of the proposed technical rules is physical separation between amateur stations and the transmission lines upon which PLC systems may be present. The Commission proposes that amateur stations be permitted to operate in these bands when separated from transmission lines by a specified distance. Such a separation, in conjunction with limits on the amateur stations' transmitted EIRP and antenna heights, will enable PLC systems and amateur stations to coexist in these bands. In addition, the Commission proposes to limit amateur stations to operations at fixed locations only to ensure that this separation distance can be maintained reliably. The Commission seeks comment on this overall framework.

11. In order to develop the necessary and appropriate service rules to meet its goal of providing for the coexistence of amateur services and PLC systems in these bands, the Commission seeks detailed comment on the technical characteristics of both the PLC systems and the amateur stations. This information will allow the Commission to set an appropriate separation distance. Although the Commission in the *WRC–07 NPRM* inquired into the technical rules and methods that would assure coexistence, commenters provided little in the way of concrete information. The American Radio Relay League (ARRL) submitted a technical analysis based on an NTIA technical report supporting an assertion that PLC systems in the 135.7–137.8 KHz band will be sufficiently protected from amateur stations transmitting at an EIRP of 1 W with a separation distance of 1 kilometer (km) from the transmission lines carrying the PLC signals. However, this NTIA technical report is from 1985 and therefore does not account for any subsequent developments.

12. To assist it in determining the optimal separation distance, the Commission invites commenters to submit information on the technical characteristics of PLC systems that are currently being operated by utilities or are likely to be deployed in the future. How tolerant are these PLC systems of signals received from other stations transmitting in the same band? What electric field strength at the location of a transmission line will cause a PLC system operating on that line to malfunction? What types of malfunctions would the electric power grid experience from electrical interference? How many PLC systems are currently operating in the 2200 and 630 Meter bands? Can these existing PLC systems be modified and could new PLC systems be designed to operate in other portions of the 9–490 kHz band, thus avoiding co-channel operation with amateur services? At what power do these PLC systems operate and how long are the transmission lines over which they send signals? At what voltage level do the transmission lines upon which these PLC systems are deployed operate and how does the PLC systems' tolerance of other signals depend on the voltage level? What electric field strengths are produced in the vicinity of transmission lines by the PLC signals traveling over the transmission lines?

13. The Commission likewise invites information on the technical characteristics of amateur stations that are likely to be deployed or have operated under experimental licenses in these two bands. What electric field strength generated by PLC systems operating on transmission lines would impede the operation of amateur stations? A study conducted on a PLC system operating at 1 W at 152 kHz found that the PLC system generated an electric field strength of 20 decibels relative to 1 microvolt per meter (dBμV/m) at 1 km. Would a signal with this field strength interfere with the operation of amateur stations? Given that high-voltage transmission lines generate a significant level of noise at this frequency range, how close to high-voltage transmission lines can amateur stations realistically operate? In recent years, amateur stations have operated in these bands under experimental licenses with most licenses permitting an effective radiated power of between 1 to 20 watts. How close did these amateur stations operate to transmission lines? Did any of these amateur stations receive signals from PLC systems operating on transmission lines? Do the experiences of amateur stations and utilities in other countries and along the

United States border with Canada yield any useful information?

14. If the Commission were to adopt its proposal to permit amateur operations only when separated by a specified distance from transmission lines, when a new transmission line is built close by an amateur station, the station either would have to relocate farther away from the transmission line or cease operating. How should the Commission's rules address the potential for new transmission lines to be constructed closer than the specified distance to pre-existing amateur stations? The Commission does not want to inhibit the ability of either PLC systems or amateur services to grow and expand without imposing unnecessary burdens on either. Is it possible for utilities to refrain from geographically expanding their PLC operations within the relatively small portion of the 9–490 kHz band that the Commission is making available for amateur operations, and is this something utilities would do on their own accord, given the part 15 status of PLC systems? Should the Commission's rules explicitly prohibit utilities from deploying new PLC systems in these bands?

15. The Commission seeks comment on how changes to the structure and design of the electric power system might affect its technical analysis. For example, the modernization of the U.S. power system to provide a more efficient and stable transmission and distribution network, which has been referred to as the ''smart grid,'' requires wide-area monitoring of the electric grid, two-way communications, and enhanced control functions. These communication needs may be met by increased use of PLC systems. Are utilities likely to deploy more PLC systems in these bands in the future to meet the communication needs of the smart grid? Are the characteristics of these PLC systems likely to differ from PLC systems that have been used by utilities in the past? A recently adopted IEEE standard (1901.2–2013) is designed for smart grid applications over distribution lines below 500 kHz. Because these systems operate over the distribution lines to residences and businesses rather than over transmission lines, they are considered carrier current systems rather than PLC systems under the Commission's rules. Unlike PLC systems, carrier current systems may operate on any power line and are not limited to the 9–490 kHz band. However, carrier current systems are subject to limits on radiated power that do not apply to PLC systems. What is the likelihood that carrier current systems will be deployed over distribution lines and operate in the two frequency bands of concern in this proceeding? Will these systems be used for tasks critical to the functioning of the electric grid, or will they be used for non-critical purposes such as metering? Are amateur stations operating in these bands likely to prevent these carrier current systems from operating or receive harmful interference from these systems?

16. The Commission also seeks comment on the applicability of IEEE 1613–2009—IEEE Standard Environmental and Testing Requirements for Communications Networking Devices Installed in Electric Power Substations (IEEE 1613–2009) to its analysis. ARRL claims that PLC systems complying with IEEE–1613 ''would virtually guarantee that there would be no interaction between [a]mateur stations and PLC systems,'' and that compliance with the standard has been required by the Commission's rules since 2002. As background, the Commission's rules require that PLC systems conform to engineering standards promulgated by the Commission and adhere to industry approved standards designed to enhance the use of PLC systems. Is compliance with this IEEE standard required by the Commission's rules (*i.e.* is this an industry approved standard designed to enhance the use of PLC systems)? Would compliance of PLC systems with this standard facilitate the sharing of these bands between amateur stations and PLC systems? Are there PLC systems deployed that do not comply with this standard? Would compliance with this standard obviate the need for amateur stations to maintain a specific separation distance from transmission lines?

17. The Commission recognizes that the separation distance required for PLC systems and amateur stations to coexist will depend on the power at which the amateur stations are permitted to transmit. The Commission proposes that amateur stations in the 135.7–137.8 kHz band be limited to a maximum EIRP of 1 W, as is required by footnote RR 5.67A, and which it adopted in the *WRC–07 R&O*. Is this EIRP limit appropriate for facilitating sharing between PLC systems and amateur stations? For the 472–479 kHz band, the Commission proposes to adopt transmitted power limits consistent with RR 5.80A. Amateur stations will be limited to an EIRP of 1 W in the portion of Alaska within 800 km of the Russian Federation and will be permitted to transmit at up to 5 W EIRP elsewhere. Is this EIRP limit appropriate for PLC systems and amateur stations to share this band? Should amateur stations be required to reduce their EIRP below 5 W when close to transmission lines and at what distances? The Commission seeks comment on these proposals.

18. The Commission also seeks comment on the practical application of a separation distance requirement, and, specifically, what resources and information amateur radio operators will need to comply with its rules. Amateur licensees will have to determine the location of transmission lines in their vicinity to determine if they are permitted to operate stations using these frequency bands. The amateur licensees will need to differentiate transmission lines from the electric distribution lines that connect distribution substations to customer or house wiring. High voltage transmission lines are typically attached to large steel towers that are easy to identity. However, lower voltage transmission lines are typically attached to wooden poles. Although the wooden poles used for transmission lines are usually taller than the wooden poles used for distribution lines, the Commission recognizes that distinguishing the two types may not always be straightforward. The Commission seeks comment on whether amateur licensees will be able to identify the transmission lines in their locality. If amateur licensees are not able to reliably identify transmission lines, should the Commission require amateurs or ARRL to affirmatively verify the locations of transmission lines with utilities or the Utilities Telecom Council (UTC) before an amateur station begins transmitting?

19. There are several different ways that the Commission could specify the separation distance between the amateur stations and the transmission lines. The Commission could specify the slant-range distance as is defined in the part 15 rules. The slant range distance is the diagonal distance measured from the center of the measurement antenna to the nearest point of the overhead power line. However, calculation of the slant range distance is complicated by the need to know the height of the transmission line at the point closest to the measurement antenna as well as the height of the center of the measurement antenna. For simplicity, the Commission proposes instead to specify the separation distance in terms of the horizontal distance between the transmission line and the amateur station antenna. This is the horizontal (lateral) distance between the center of the amateur station antenna and a vertical projection of the overhead transmission line down to the

height of the center of the amateur station antenna. This distance could be calculated from the coordinates (*i.e.* latitude and longitude) of the amateur station antenna and the coordinates of the nearest point on the transmission line without having to know the heights of the antenna or the transmission line. The Commission seeks comment on this proposal.

20. Lastly, the Commission seeks comment on additional service and operational rules that would be appropriate for amateur operations in these bands. According to ARRL, the tallest antenna that should reasonably be considered for an amateur station is 200 feet, because antennas with greater heights would be required to obtain prior Federal Aviation Administration (FAA) approval and have to comply with FAA painting and lighting requirements. The Commission notes that adopting a maximum antenna height for amateur stations in these bands will aid in sharing of the spectrum with PLC systems by limiting the number of transmission lines that would potentially be in direct line-of-sight of amateur station antennas. The Commission seeks comment on what maximum antenna height, if any, it should adopt for amateur stations in these bands.

21. The Commission also invites comment on whether to adopt transmitter power limits for amateur stations, in addition to the EIRP limits it is proposing. If so, the Commission seeks comment on what the power limits should be. The Commission observes that, in the *2002 Amateur Radio NPRM,* it proposed to limit the maximum transmitter power in the 135.7–137.8 kHz band to 100 W peak envelope power (PEP) because of the possible difficulty of measuring the EIRP of an amateur station in this frequency range. Also, in 1998, ARRL submitted data for the 135.7–137.8 kHz band showing that relatively short antennas can only produce ranges of EIRP that are well below the ITU's 1 W EIRP limit (*i.e.,* 10–40 milliwatts (mW) for a 100 foot antenna and 1–4 mW for a 50 foot antenna) with a transmitter power output of 200 W PEP. The Commission did not consider either power limit at that time, because it decided not to adopt an allocation for amateur operations in this band. Given that the Commission has adopted such an allocation in the *WRC–07 R&O,* do either the *2002 Amateur Radio NPRM* or ARRL's 1998 study provide a basis for determining transmitter power limits now? These transmitter power limits could vary depending on antenna height—*e.g.* the Commission could allow a 200 W PEP limit for antenna heights not exceeding 30.5 meters while permitting only 100 W PEP for taller antennas. Should the transmitter power limits differ between the 135.7–137.8 kHz band and the 472–479 kHz bands?

22. In response to the *WRC–07 NPRM,* commenters addressed a number of steps that could facilitate amateur use of the 135.7–137.8 kHz band. Amateur operator John H. Davis (Davis) proposed that no amateur station should be automatically controlled to ensure that the amateur operator is able to quickly terminate transmissions if necessary. Davis also suggested that it may be appropriate to also prohibit software-driven modes that determine their own operating frequency without human intervention. Should the Commission adopt Davis's suggestions? ARRL states that there is no rationale for limiting the occupied bandwidth in the 135.7–137.8 kHz band to less than the full 2.1 kilohertz, and that a stricter limit would not be conducive to experimentation with narrowband data emission modes in the future. Should the Commission adopt any bandwidth limitation for either of the frequency bands? In the *WRC–07 NPRM,* the Commission requested comment on whether it should limit operating privileges in the 135.7–137.8 kHz band, *e.g.,* to Amateur Extra Class licensees. None of the commenters believe that such a restriction would better facilitate Amateur/PLC sharing of the band. In particular, the Commission notes that ARRL states that it would be consistent with Commission policy to make this frequency band available to Amateur Extra, Advanced, and General Class licensees. Should the Commission limit operating privileges for these bands in accordance with ARRL's statement? Should the Commission authorize CW (international Morse code telegraphy), RTTY (narrow-band direct-printing telegraphy), and data emissions throughout the 630 and 2200 meter bands as the Commission did in its 2200 meter band proposal in 2002? The Commission also seeks comment on amending § 97.3 by adding definitions for the terms effective radiated power, isotropically radiated power, and LF.

23. *Other Allocated Uses.* Other radio services use the 135.7–137.8 kHz band. In the U.S. Table, the 130–160 kHz band is allocated to the fixed service (FS) and maritime mobile service (MMS) on a primary basis for Federal and non-Federal use. While there are no non-Federal stations in the FS and MMS that are licensed to operate in the 135.7–137.8 kHz band, there is limited Federal use of this band. Specifically, a Federal coast station located in Dixon, California transmits to ships in the Pacific Ocean on two frequencies that overlap portions of this band. Given that this coast station also transmits on 19 other LF frequencies, the Commission has requested that NTIA consider whether Federal requirements can be met without operating in this narrow (2.1 kilohertz) band. The 126.7–141.7 kHz band is also used to track tagged salmon in the Pacific watershed. The Commission seeks comment on whether it needs to adopt exclusion zones or use other methods to protect these Federal uses of the band. Should the Commission delete the unused non-Federal allocations from this band? To be consistent with the International Table, the Commission also proposes to require that amateur fixed stations operating in the 2200 meter band not cause harmful interference to stations in the FS and MMS that are authorized by other nations and require that these amateur stations take any and all corrective action, if harmful interference is reported to us. The Commission seeks comment on these proposals.

24. Finally, the Commission notes that the 472–479 kHz band has unused Federal MMS and aeronautical radionavigation service (ARNS) allocations. Should the Commission remove these allocations from the Federal Table? To be consistent with the International Table, the Commission proposes that amateur stations transmitting in the 630 meter band not cause harmful interference to, and must accept interference from, stations authorized by other nations in the ARNS and MMS and that the amateur stations must cause no harmful interference to 490 kHz. Should the Commission take any action with regard to the non-Federal MMS allocation in the band? The Commission seeks comment on these issues.

Maritime Issues and Oceanographic Radars

25. *Maritime Mobile Service Use of the Frequency 500 kHz.* The Commission proposes to reallocate the 495–505 kHz band to the MMS on a primary basis for Federal and non-Federal use. This action is expected to provide spectrum for digital broadcasting of maritime safety and security related information via automated broadcasts in a manner that can coexist with existing services. The Commission requests comment on this proposal.

26. *Oceanographic Radar Applications in the 4–44 MHz Range.* The Commission supports the U.S. objective to provide allocated spectrum for the operation of oceanographic

radars, while minimizing their impact on incumbent fixed and mobile service users. The Commission also agrees that allocating the WRC–12 oceanographic radar bands would better organize and reduce spectrum requirements for these operations. The Commission therefore proposes to allocate the eight WRC–12 frequency bands in the 4–44 MHz range to the RLS for Federal and non-Federal use, limited to oceanographic radar applications.

27. Specifically, the Commission proposes to allocate seven frequency bands (4.438–4.488 MHz, 5.25–5.275 MHz, 16.1–16.2 MHz, 24.45–24.65 MHz, 26.2–26.42 MHz, 41.015–41.665 MHz, and 43.35–44 MHz) to the RLS on a primary basis for Federal and non-Federal use and to allocate the 13.45–13.55 MHz band to the RLS on a secondary basis for Federal and non-Federal use.

28. To minimize the impact on the incumbent fixed and mobile services, the Commission proposes that oceanographic radars may not cause harmful interference to, or claim protection from, existing and future stations in the incumbent fixed and mobile services. As requested by NTIA, the Commission seeks to implement this proposal in the U.S. Table by adding: (1) RR 5.132A to four HF bands (4.438–4.488 MHz, 5.25–5.275 MHz, 13.45–13.55 MHz, and 24.45–24.65 MHz); (2) RR 5.145A to the 16.1–16.2 MHz band; and, (3) a U.S. footnote (tentatively numbered as US132A) to the 26.2–26.42 MHz, 41.015–41.665 MHz, and 43.35–44 MHz bands. Further, the Commission proposes to raise the secondary mobile except aeronautical mobile service allocation in the 5.25–5.275 MHz band to primary status, so that existing and future stations in this service can also be protected from interference from oceanographic radars.

29. The Commission is most concerned about the potential for interference from oceanographic radars in the 4.438–4.488 MHz and 26.2–26.42 MHz bands. Several university-operated stations authorized on frequencies in the 4–44 MHz range under experimental licenses were required to adjust their operations because of interference caused to incumbent stations authorized in the fixed and mobile services. Given these incidents, the Commission notes that operators of oceanographic radars would be required to cease operations if notified that they are causing harmful interference, and operations will not resume until the cause of the harmful interference is corrected.

30. The Commission's proposed rules are based on the conditions specified in Resolution 612 (Rev. WRC–12). The Commission proposes to amend § 90.103 of its rules to bring the oceanographic radar allocations into immediate effect by listing the eight oceanographic radar bands in the table within paragraph (b), by limiting the station class of these radars to radiolocation land stations, and by restricting the use of these bands by adding new Limitation 3, which would be codified in new paragraph (c)(3). Specifically, the Commission proposes that new paragraph (c)(3) read as follows:

> Operations in this band are limited to oceanographic radars using transmitters with a peak equivalent isotropically radiated power (EIRP) not to exceed 25 dBW. Oceanographic radars must not cause harmful interference to, nor claim protection from interference caused by, stations in the fixed or mobile services as specified in § 2.106, footnotes 5.132A, 5.145A, and US132A. See Resolution 612 of the ITU Radio Regulations for international coordination requirements. Operators of oceanographic radars are urged to use directional antennas and techniques that allow multiples of such radars to operate on the same frequency.

Because the power limitation in Resolution 612 is specified in peak EIRP, the Commission also proposes to reflect the part 2 definition of this term in § 90.7 of the Commission's rules.

31. Finally, the Commission proposes to require that licensees of oceanographic radars that currently operate under part 5 of the rules transition their operations to frequencies within an allocated band within five years of the adoption of final rules in this proceeding. The Commission requests comment on all of its proposals.

32. *Improved Satellite-AIS Capability.* The Commission proposes to implement NTIA's recommendations regarding satellite monitoring of Automatic Identification Systems (AIS) equipped ships as follows. First, the Commission proposes to allocate the 156.7625–156.7875 MHz (AIS 3) and 156.8125–156.8375 MHz (AIS 4) bands to the MSS (Earth-to-space) on a primary basis for Federal and non-Federal use. The table entries for the MSS allocations would include the parenthetical additions ''(Earth-to-space) (AIS 3)'' and ''(Earth-to-space) (AIS 4),'' which would restrict the use of these MSS allocations to AIS emissions and operations in the Earth-to-space direction. This action would make 50 kilohertz of spectrum available for ship earth stations to transmit maritime AIS messages to space stations in the MSS (Earth-to-space). Designating these additional channels for satellite detection of AIS messages from ship earth stations would improve vessel tracking and thereby enhance maritime safety and security.

33. Second, as requested by NTIA, the Commission proposes to remove the primary maritime mobile service allocation from the AIS 3 and AIS 4 bands. Consequently, the Commission proposes to remove all references to the frequencies 156.775 MHz and 156.825 MHz from part 80 of its rules. The Commission notes that there is a single licensee, BKEP Materials, LLC, authorized to operate private coast stations at three locations using these frequencies with an output power of 10 watts. During the normal coordination process, the U.S. Coast Guard noted that ITU studies show that even a 1 watt station could cause interference to satellite reception in these bands. The Commission proposes to grandfather this existing MMS use in proposed footnote US52 until the expiration date of these authorizations, set for August 26, 2019. Therefore, the Commission proposes to require that operations on the frequencies 156.775 MHz and 156.825 MHz be terminated upon the expiration of the licenses, and to prohibit the license renewal of operations on these frequencies. The Commission notes that there are an unknown number of ship stations that also operate on these frequencies. The Commission requests comment on ship station usage, and on whether it should alternatively permit this limited MMS use to continue for a longer phase-out period. If so, the Commission alternatively proposes to limit ship and coast stations operating on these channels to a transmitter output power of 1 W. The Commission requests comment on these proposals. In particular, the Commission requests comment on whether these private coast station operations should be relocated to other maritime mobile frequencies no later than August 26, 2019. If such relocation is not attainable by August 26, 2019, what would be the appropriate transition period?

34. Third, the Commission proposes to revise footnote US52 by adding new paragraph (b) to restrict the use of the proposed MSS uplink allocations to long-range AIS broadcast messages from ship earth stations and to codify in the U.S. Table the grandfathering provisions discussed above. Specifically, the Commission proposes that new paragraph (b) read as follows:

> Except as provided for below, the use of the bands 156.7625–156.7875 MHz (AIS 3 with center frequency 156.775 MHz) and 156.8125–156.8375 MHz (AIS 4 with center frequency 156.825 MHz) by the mobile-satellite service (Earth-to-space) is restricted

to the reception of long-range AIS broadcast messages from ships (Message 27; see most recent version of Recommendation ITU–R M.1371). The frequencies 156.775 MHz and 156.825 MHz may continue to be used by non-Federal ship and coast stations for navigation-related port operations or ship movement until August 26, 2019.

35. The Commission also notes that satellite reception in the AIS 1 and AIS 2 bands is not protected from adjacent-band terrestrial stations operating in accordance with the terms of their licenses. The Commission seeks comment on whether it should add such a requirement to the AIS 3 and AIS 4 bands.

Sharing Between AMT and Incumbent Services in the 4400–4940 MHz and 5925–6700 MHz Bands

36. In this section, the Commission addressed two additional frequency bands that WRC–07 identified for aeronautical mobile telemetry (AMT) for flight testing of aircraft use. Specifically, WRC–07 decided that the mobile service (MS) allocation in the 4400–4940 MHz and 5925–6700 MHz bands may be used for AMT flight test transmissions from aircraft stations in much of ITU Region 2 by adopting RR 5.440A and RR 5.457C. In addition, these international footnotes state that AMT use shall be in accordance with Resolution 416 (WRC–07) and shall not cause harmful interference to, nor claim protection from, the fixed-satellite and fixed services. Resolution 416 places the following operational restrictions on AMT use of the 4400–4940 MHz and 5925–6700 MHz bands: (1) Emissions are limited to transmissions from aircraft stations only; (2) AMT is not considered an application of a safety service as per ITU Radio Regulations, Article No. 1.59; (3) the peak EIRP density of a telemetry transmitter antenna shall not exceed −2.2 dB(W/MHz); (4) transmissions are limited to designated flight test areas, where flight test areas are airspace designated by administrations for flight testing; (5) bilateral coordination of transmitting AMT aircraft stations with respect to receiving fixed or mobile stations is required, if the AMT aircraft station will operate within 450 km of the receiving fixed or mobile stations of another administration; and (6) require the use of technical and/or operational measures where appropriate to facilitate sharing with other services and applications in these bands.

37. Though the Commission did not propose in the *WRC–07 NPRM* to allocate spectrum for AMT use in the nearly exclusive Federal band at 4400–4940 MHz, or in the exclusive non-Federal band at 5925–6700 MHz, it is now seeking comment on the ability of Federal/non-Federal AMT stations to share spectrum with the incumbent services in these bands. The Commission believes that it is appropriate to examine the sharing potential in these bands based on input from NTIA regarding the interference mitigation techniques that could be used to promote such sharing.

38. In light of NTIA's concerns and recommendations, the Commission specifically requests comment on the proposed allocations for both the 4400–4940 MHz and 5925–6700 MHz bands. In particular, are there technical approaches, coordination procedures, or analytical techniques that would ensure compatibility with existing services in these bands? What are the costs and benefits and advantages or disadvantages of adding AMT allocations to these bands? Is sharing with AMT the highest valued use of this spectrum or should the Commission consider other potential licensed or unlicensed uses on a shared basis?

39. *5925–6700 MHz.* NTIA recommends that the Commission allocate the 5925–6700 MHz band to the aeronautical mobile service (AMS) on a primary basis for Federal use; allocate the 5925–6425 MHz and 6525–6700 MHz bands to the AMS on a primary basis for non-Federal use; and add the 5925–6700 MHz band to footnote US111. NTIA also recommends that the Commission adopt the following U.S. footnote for operational criteria:

USXX3 [1.5] Use of the band 5925–6700 MHz by aeronautical mobile telemetry (AMT) for flight testing by aircraft stations (see No. 1.83) shall be in accordance with Resolution 416 (WRC 07). Any such use does not preclude the use of these bands by other non-federal mobile service applications or by other services to which these bands are allocated on a co-primary basis and does not establish priority. Federal use of the aeronautical mobile service allocation in the band 5925–6700 MHz is limited to aeronautical mobile telemetry for flight test telemetry transmissions by aircraft stations within designated test areas (See US111).

New footnote US111, adopted in the companion *WRC–07 R&O,* identifies the designated flight test areas.

40. The U.S. Proposals noted that there is a growing need for access to spectrum to support AMT operations. They recognized that the increased complexity and sophistication of modern aircraft necessitates monitoring an ever growing array of sensors and transmitting their data in real time for both safety purposes and helping to control the high costs of conducting flight tests. Working collaboratively with the federal government and AMT stakeholders will allow for identifying various ways to support these needs, including exploring possible future use of other wireless services to augment the U.S.'s existing AMT capabilities.

41. The Commission notes that the underlying assumptions in the *U.S. Proposals for WRC–07* included frequency avoidance or other measures to ensure compatible operations between AMT and incumbent services, such as requiring use of technical and/or operational measures on AMT. Accordingly, it would be incumbent on the AMT community to develop techniques that will enable sharing without causing harmful interference to existing stations. These techniques could include frequency coordination, shared network architectures, dynamic selection of operating frequencies, or spectrum use only in specific geographic areas. It is not necessary at this time to determine the technical details for such sharing. It is only necessary that the Commission determine whether sharing is feasible. To that end, the Commission seeks comment on the underlying assumptions made in Report ITU–R M.2119 which concluded that sharing is feasible. Also, the Commission solicits comment as to what measures might be necessary to ensure the protection from harmful interference of incumbent non-Federal stations in the band. How may the Commission best facilitate collaboration between Federal and non-Federal AMT users and incumbent services to determine appropriate technical conditions for sharing? The Commission also seeks comment on whether increased sharing among non-Federal and Federal fixed microwave users in the 6–7 GHz range of spectrum could provide greater spectral efficiencies that would enable more usable bandwidth for both categories of fixed microwave users and for AMT. The Commission observes that other industry-government collaboration efforts have led to highly successful outcomes, such as in the recent reallocation and sharing of spectrum to support Advanced Wireless Service operations in the 1695–1710 MHz and 1755–1780 MHz bands.

42. The NTIA recommendations do not specify how AMT operations would share the 6425–6525 MHz band with the non-Federal mobile service. The Commission seeks comment on whether sharing this band with AMT is feasible. In considering whether to allocate the 6425–6525 MHz band for AMT use, the Commission solicits comment on how the current mobile service assignments in this band are used. For example, is

land mobile use of this band generally limited to metropolitan areas? Are there any aeronautical mobile applications, *e.g.,* electronic newsgathering (ENG) operations from helicopters, in this band?

43. Finally, the Commission requests comment on several coordination issues. First, should the Commission use the existing process for coordinating federal authorizations for service with the FCC, or should the Commission and NTIA jointly designate a third party coordinator to be responsible for coordinating AMT operations in the 5925–6700 MHz band? Use of a third party coordinator may better protect incumbent operations, increase the speed of service, and provide non-Federal incumbents with an enhanced level of transparency during the coordination process. Second, is the information provided in footnote US111 with the coordinates for the 17 locations where flight testing would occur sufficient to ensure that AMT coordination with existing services in the 5925–6700 MHz band would be successful or is additional information needed?

44. *4400–4940 MHz.* NTIA recommends that the Commission allocate the 4400–4940 MHz band to the AMS on a primary basis for non-Federal use, amend footnote US111 to add the 4400–4940 MHz band, and add the two footnotes shown below to the Allocation Table to ensure compatible operations between non-Federal and Federal users in the band.

USXX2 [1.5] Use of the band 4400–4940 MHz by aeronautical mobile telemetry (AMT) for flight testing by aircraft stations (see No. 1.83) shall be in accordance with Resolution 416 (WRC 07). Any such AMT use does not preclude the use of these bands by other federal mobile service applications or by other services to which these bands are allocated on a co-primary basis and does not establish priority. Non-federal use of the aeronautical mobile service allocation in the band 4400–4940 MHz is limited to aeronautical mobile telemetry for flight test telemetry transmissions by aircraft stations within designated test areas (See US111).

USXX4 [1.5] Aeronautical Mobile Telemetry (AMT) operations will, as much as practicable, avoid transmitting in the band 4825–4835 MHz, used for radio astronomy observations of the formaldehyde line, when within line-of-sight of radio astronomy observatories included in the Table below. AMT operations, conducted within 500 km of a radio astronomy observatory other than a Very Long Baseline Array (VLBA) station, or within 200 km of a VLBA station will, as much as practicable, share their schedule and consult with affected radio astronomy observatories through the Electromagnetic Spectrum Management office of the National Science Foundation (*esm@nsf.gov*).

Observatory	Latitude (N)	Longitude (W)
National Astronomy and Ionosphere Center, Arecibo, Puerto Rico	18° 21′	66° 45′
National Radio Astronomy Observatory, Green Bank, W.Va.	38° 26′	79° 50′
National Radio Astronomy Observatory, Socorro, New Mexico	34° 05′	107° 37′
Allen Telescope Array, Hat Creek, Cal.	40° 49′	121° 28′
Owens Valley Radio Observatory (Cal. Tech.), Big Pine, Cal.	37° 14′	118° 17′
Very Long Baseline Array Stations (VLBA), NRAO:		
Brewster, WA	48° 08′	119° 41′
Fort Davis, TX	30° 38′	103° 57′
Hancock, NH	42° 56′	71° 59′
Kitt Peak, AZ	31° 57′	111° 37′
Los Alamos, NM	35° 47′	106° 15′
Mauna Kea, HI	19° 48′	155° 27′
North Liberty, IA	41° 46′	91° 34′
Owens Valley, CA	37° 14′	118° 17′
Pie Town, NM	34° 18′	108° 07′
Saint Croix, VI	17° 45′	64° 35′

45. The Commission seeks comment on NTIA's proposals for the 4400–4940 MHz band. In particular, are there any additional measures that the Commission should consider to ensure that AMT stations in the 4400–4940 MHz band would operate compatibly with public safety fixed and mobile operations in the adjacent 4940–4990 MHz band? Finally, if the 4400–4940 MHz band were allocated for use by non-Federal AMT licensees, any non-Federal AMT use would be coordinated with Federal agencies through NTIA's Frequency Assignment Subcommittee process. The Commission seeks comment on this assumption.

Additional Aviation Services Uses in the 5000–5150 MHz Band

46. Consistent with NTIA's request, the Commission proposes to allocate spectrum to the AM(R)S to support line-of-sight control links for unmanned aircraft systems (UAS) and, as discussed below, to provide additional spectrum for AeroMACS. First, the Commission proposes to add a primary AM(R)S allocation in the 5030–5091 MHz band for Federal and non-Federal use, and to add a reference to RR 5.443C in the U.S. Table, as NTIA requested. The Commission expects that addition of this AM(R)S allocation will help support the anticipated growth of UAS and promote its safe operation. Further, adding RR 5.443C will limit AM(R)S use of the 5030–5091 MHz band to internationally standardized aeronautical systems and help protect adjacent-band radionavigation-satellite service downlinks by limiting the unwanted emissions of AM(R)S stations authorized under this allocation to an EIRP density of −75 dBW/MHz in the 5010–5030 MHz band.

47. Second, the Commission proposes to allocate the 5000–5030 MHz bands to the AM(R)S on a primary basis for Federal and non-Federal use, limited to surface applications at airports that operate in accordance with international aeronautical standards (*i.e.,* AeroMACS). Consistent with its action in the 5091–5150 MHz band, the Commission proposes to permit aeronautical fixed communications that are an integral part of the AM(R)S system to be authorized in the 5000–5030 MHz band on a primary basis. The Commission would implement these proposals by adding an entry for the primary AM(R)S allocation to the 5000–5010 MHz band within the U.S. Table and by adding a new U.S. footnote, which it tentatively numbers as US115, to the 5000–5010 MHz and 5010–5030 MHz bands. Proposed footnote US115 contains the primary AM(R)S allocation for the 5010–5030 MHz band, limits the use of this allocation to those AeroMACS requirements that cannot be satisfied in the 5000–5010 MHz and 5091–5150 MHz bands, specifies the additional limitations, and authorizes the primary fixed use discussed above. In the *WRC–07 R&O,* the Commission made the 5091–5150 MHz band

available for AeroMACS. The 5091–5150 MHz band is globally harmonized and it is expected to be the main frequency band for deployment of AeroMACS. These proposals would extend the tuning range for AeroMACS to include the 5000–5010 MHz and 5010–5030 MHz bands in the United States. Given that ''ITU–R studies conclude that the total identified spectrum requirement to support surface applications at airports is 130 MHz,'' the Commission believes that there is a need for this additional spectrum.

48. Third, the Commission proposes to add entries in the U.S. Table for the primary AMS(R)S allocation in the frequency range 5000–5150 MHz. Because these bands are already allocated to the AMS(R)S through footnote US367, the Commission would only be highlighting an existing allocation. The Commission also proposes to add references to two international footnotes (RR 5.443AA, RR 5.443D) in the U.S. Table. The Commission notes that both of these footnotes also contain a new requirement: the use of the AMS(R)S in the 5000–5150 MHz range would be limited to internationally standardized aeronautical systems. The Commission seeks comment on its proposals.

Allocating the 22.55–23.15 GHz and 25.5–27 GHz Bands to the Space Research Service

49. Consistent with WRC–12 and NTIA's recommendation, the Commission proposes to modify the U.S. Table to allocate the 22.55–23.15 GHz band to the SRS (Earth-to-space) on a primary basis for both Federal and non-Federal use and to add a reference to RR 5.532A in the U.S. Table. In addition, the Commission proposes to add a primary non-Federal SRS (space-to-Earth) allocation to the companion 25.5–27 GHz band, which currently is allocated to the SRS (space-to-Earth) only for Federal use. The Commission is proposing non-Federal SRS allocations to both of these bands in support of the National Space Policy, which encourages the development of a robust and competitive commercial space sector. This action is consistent with the Commission's proposal to make spectrum allocated for Federal exclusive use available for use by commercial space launch operators. Finally, the Commission solicits comment on whether there is a need for it to expressly state that the use of the proposed allocations would be ''at a limited number of sites.'' The Commission requests comment on these proposals.

Passive and Weak Signal Issues

50. *Deletion of Aeronautical Mobile Service from the 37–38 GHz Band.* As requested by NTIA, the Commission proposes to amend the U.S. Table by excluding the AMS from the 37–38 GHz band. The Commission requests comment on this proposal.

51. *Protecting Passive Sensors in the 86–92 GHz Band.* The Commission proposes to encourage operators of fixed stations transmitting in the 81–86 GHz and 92–94 GHz bands to take all reasonable steps to ensure that their unwanted emissions power in the 86–92 GHz passive band does not exceed WRC–12's non-mandatory unwanted emissions levels. The Commission also proposes to combine the text of NTIA's recommended U.S. footnotes into a single footnote, which it tentatively numbers as US162. The Commission requests comment on these proposals.

52. *Passive Use of Bands Above 275 GHz.* As requested by NTIA, the Commission proposes to extend the ''not allocated'' portion of the U.S. Table to 3000 GHz and to add a reference to the WRC–12 version of RR 5.565 to the new 275–3000 GHz band. This action would update the spectrum identified for use by passive spaceborne sensors in the 275–1000 GHz range.

53. The Commission observes that, as a result of WRC–12's action, 565 gigahertz—or 78 percent—of the 725 gigahertz of spectrum in the 275–1000 GHz range has been identified for passive service applications in the International Table. However, the Commission believes that it is important to recognize that this frequency range is used and may be used more extensively in the future for experimentation with, and development of, an array of active service applications. The Commission notes that RR 5.565 should not be misconstrued as placing a ''reservation'' for future passive service allocations in the U.S. Table, which would inhibit commercial development of this spectrum. The Commission encourages the development of active services in the 275–3000 GHz range under part 5 of the rules. Accordingly, the Commission proposes to adopt the following U.S. footnote:

US565 International footnote 5.565 does not establish priority of use in the United States Table of Frequency Allocations, and does not preclude or constrain the allocation of frequency bands in the range 275–3000 GHz to active services at a future date.

The Commission seeks comment on these proposals.

Proposals for New Federal Government Allocations

54. *Allocating the 7850–7900 MHz Band to the Meteorological-Satellite Service.* NTIA recommends that the 7750–7900 MHz band be allocated to the fixed service and the meteorological-satellite service (MetSat) (space-to-Earth) on a primary basis for Federal use, and that RR 5.461B be listed in the Federal Table, thereby limiting MetSat use of this band to non-geostationary satellite orbit systems. The Commission proposes to modify the U.S. Table to reflect this approach.

55. *Allocating the 15.4–15.7 GHz Band to the Radiolocation Service.* As requested by NTIA, the Commission proposes to allocate the 15.4–15.7 GHz band to the RLS on a primary basis for Federal use and to add references to RR 5.511E and RR 5.511F to the Federal Table. However, because the 15.4–15.7 GHz band is allocated for Federal/non-Federal shared use, and in particular because the new Federal RLS allocation would be required to protect existing and future non-Federal stations in the ARNS from harmful interference, the Commission has reclassified footnote G135 as a U.S. footnote, which it tentatively numbered as US511E. The Commission has also made minor changes to the text of proposed footnote US511E to improve its readability. If adopted, this proposal will provide the additional spectrum needed for new advanced radar systems and increase the image resolution and range accuracy of such systems. The Commission requests comment on these proposals.

Other Matters

56. The 72–73 MHz and 75.4–76 MHz bands are allocated to the fixed and mobile services on a primary basis for non-Federal use. Footnote NG49 identifies 30 frequencies from 72.02 MHz to 75.60 MHz as being available to former part 90 radio services, subject to the condition that no interference is caused to TV channels 4 and 5 reception. These radio services are now part of the consolidated Industrial/Business Radio Pool. Moreover, all 30 frequencies are listed in the Industrial/Business Pool Frequency Table, which is codified in § 90.35 of the Commission's rules. The Commission proposes to update and simplify footnote NG49 and to renumber this footnote as NG16. Specifically, the Commission proposes to no longer list the individual frequencies within the footnote. In addition, while the footnote describes pool-specific geographic limitations for all 30 frequencies (*e.g.,* manufacturing facilities, railroad yards

and mills), the Industrial/Business Pool Frequency Table places geographic limits only on the 10 frequencies from 72.44 MHz to 75.60 MHz, and uses the more generalized concept of ''the licensee's business premises.'' The Commission proposes to remove the geographic restriction from footnote NG49, but retain the existing part 90 rules. Thus, the effect of the Commission's proposal is to make the Allocation Table consistent with the existing service rules. The revised footnote, NG16, would read as follows: In the bands 72–73 MHz and 75.4–76 MHz, frequencies may be authorized for mobile operations in the Industrial/Business Radio Pool, subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5. The Commission seeks comment on this proposal.

57. The Commission proposes to amend § 2.100 of the rules to state that the ITU *Radio Regulations,* Edition of 2012, have been incorporated to the extent practicable in part 2.

Ex Parte

58. This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules.[1] 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 rule 1.1206(b). In proceedings governed by rule 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.

Initial Regulatory Flexibility Analysis

59. As required by the Regulatory Flexibility Act (RFA),[2] the Commission has prepared this present Initial Regulatory Flexibility Analysis (IFRA) of the possible significant economic impact on small entities by the policies and rules proposed in this *WRC Notice of Proposed Rule Making (WRC NPRM).* Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the *WRC–12 NPRM.* The Commission will send a copy of this *WRC–12 NPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).[3]

A. Need for, and Objectives of, the Proposed Rules

60. In the *WRC–12 NPRM,* the Commission proposes to amend parts 2, 15, 80, 90, 97, and 101 of its rules to implement certain of the allocation decisions from the World Radiocommunication Conference (Geneva, 2012) (WRC–12) in the Commission's Table of Frequency Allocations, and to make certain updates to its service rules. If adopted, these proposals would conform the Commission's rules, to the extent practical, to the decisions that the international community made at WRC–12 and would promote the advancement of new and expanded services and provide significant benefits to the American public.

B. Legal Basis

61. The proposed action is authorized under Sections 4(i), 301, 303(c), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 303(c), 303(f), and 303(r).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

62. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.[4] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.''[5] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[6] A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[7]

Small Businesses, Small Organizations, and Small Governmental Jurisdictions. The Commission's action may, over time, affect small entities that are not easily categorized at present. The Commission therefore describes here, at the outset, three comprehensive, statutory small entity size standards.[8] First, nationwide, there are a total of 28.2 million small businesses, according to the SBA.[9] In addition, a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.''[10] Nationwide, as of 2012, there were approximately 2,300,000 small organizations.[11] Finally, the term ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.''[12] Census Bureau data for 2012 indicate that there were 90,056 local governments in the

[1] 47 CFR 1.1200 *et seq.*

[2] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601—612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 857 (1996).

[3] *See* 5 U.S.C. 603(a).

[4] 5 U.S.C. 603(b)(3).

[5] 5 U.S.C. 601(6).

[6] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3).

[7] Small Business Act, 15 U.S.C. 632 (1996).

[8] *See* 5 U.S.C. 601(3)–(6).

[9] *See* SBA, Office of Advocacy, ''Frequently Asked Questions,'' *http://www.sba.gov/sites/default/files/FAQ_March_2014_0.pdf* (last visited May 2, 2014; figures are from 2011).

[10] 5 U.S.C. 601(4).

[11] National Center for Charitable Statistics, The Nonprofit Almanac (2012).

[12] 5 U.S.C. 601(5).

United States.[13] Thus, the Commission estimates that most governmental jurisdictions are small.

Amateur Radio Service. Because ''small entities,'' as defined in the RFA, are not persons eligible for licensing in the amateur service, this proposed rule does not apply to ''small entities.'' Rather, it applies exclusively to individuals who are the control operators of amateur radio stations.

Wireless Telecommunications Carriers (except satellite). This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular phone services, paging services, wireless Internet access, and wireless video services.[14] The appropriate size standard under SBA rules is for the category Wireless Telecommunications Carriers. The size standard for that category is that a business is small if it has 1,500 or fewer employees.[15] Under the present and prior categories, the SBA has deemed a wireless business to be small if it has 1,500 or fewer employees.[16] For this category, census data for 2007 show that there were 11,163 firms that operated for the entire year.[17] Of this total, 10,791 firms had employment of 999 or fewer employees and 372 had employment of 1,000 employees or more.[18] Thus under this category and the associated small business size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities that may be affected by its proposed action.[19]

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

63. The *WRC–12 NPRM* does not propose to establish any new reporting or recordkeeping requirements for small entities. The *WRC–12 NPRM* proposes to establish ''other'' compliance requirement for applicants/licensees. The compliance requirements proposed in the *WRC–12 NPRM* are the same for small and large entities.

64. The *WRC–12 NPRM* proposes that frequencies in the 1900–2000 kHz band be authorized for radio buoy operations under a ship station license provided: (1) The use of these frequencies is related to commercial fishing operations on the open sea. This use is not permitted within the exclusive economic area or territorial waters of a foreign country (unless provided for by an international agreement); and (2) The output power does not exceed 10 watts and the station antenna height does not exceed 4.6 meters (15 feet) above sea level in a buoy station or 6 meters (20 feet) above the mast of the ship on which it is installed.

65. The *WRC–12 NPRM* proposes to limit radiolocations service operations in the 4438–4488 kHz, 5250–5275 kHz, 13.45–13.55 GHz, 16.10–16.20 MHz, 24.45–24.65 MHz, 26.20–26.42 MHz, 41.015–41.665 MHz, 43.35–44 MHz to oceanographic radars using transmitters with a peak equivalent isotropically radiated power that do not exceed 25 dBW. The *WRC–12 NPRM* also proposes that oceanographic radars must not cause harmful interference to, nor claim protection from interference caused by, stations in the incumbent fixed or mobile services. In addition, the proposed rules provide a cross reference to Resolution 612 of the ITU Radio Regulations for the international coordination requirements. These requirements state that each oceanographic radar station shall transmit a station identification (call sign) on the assigned frequency, in international Morse code at manual speed, at the end of each data acquisition cycle, but at an interval of no more than 20 minutes; and that the separation distances between an oceanographic radar and the border of other countries shall be between 80 and 920 kilometers. Finally, the *WRC–12 NPRM* proposes to require that licensees of oceanographic radars that currently operate under part 5 of the rules transition their operations to frequencies within an allocated band within 5 years of the adoption of final rules in this proceeding.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

66. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[20]

67. The *WRC–12 NPRM* proposes to authorize commercial fishing vessels to operate radio buoys in the 1900–2000 kHz band under a ship station license. This action is expected to have a positive non-burdensome impact on commercial fishing vessels, many of which are owned by small businesses, by authorizing these entities to operate radio buoys under a ship station license instead of obtaining separate licenses for the radio buoys.

68. The *WRC–12 NPRM* proposes that the 156.7625–156.7875 MHz and 156.8125–156.8375 MHz bands may continue to be used by non-Federal ship and coast stations for navigation-related port operations or ship movement until August 26, 2019. Because of the proposed delayed transition date, the Commission believes that it has minimized the impact on a small business that operates coast stations in these bands to extent practicable.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

69. None.

Paperwork Reduction Act Analysis

70. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified ''information collection burden for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Ordering Clauses

71. Pursuant to Sections 1, 4, 301, 302, and 303 of the Communications

[13] U.S. Census Bureau, Government Organization Summary Report: 2012 (rel. Sep. 26, 2013), *http://www2.census.gov/govs/cog/g12_org.pdf* (last visited May 2, 2014).

[14] *See http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517210&search=2007%20NAICS%20Search.*

[15] 13 CFR 121.201, NAICS code 517210.

[16] 13 CFR 121.201, NAICS code 517210. The now-superseded, pre-2007 CFR citations were 13 CFR 121.201, NAICS codes 517211 and 517212 (referring to the 2002 NAICS).

[17] U.S. Census Bureau, Subject Series: Information, Table 5, ''Establishment and Firm Size: Employment Size of Firms for the United States: 2007 NAICS Code 517210'' (issued Nov. 2010).

[18] *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with ''100 employees or more.''

[19] *See http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ2&prodType=table.*

[20] *See* 5 U.S.C. 603(c).

Act of 1934, as amended, 47 U.S.C. 151, 154, 301, 302a, and 303, and § 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), this *notice of proposed rulemaking* is hereby *adopted.*

72. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *notice of proposed rulemaking,* including the Initial Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration.

73. Pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on this *WRC–12 Notice of Proposed Rulemaking* on or before August 31, 2015, and reply comments on or before September 30, 2015.

List of Subjects in Parts 2, 15, 80, 90, 97, and 101

Communications equipment, Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 2, 15, 80, 90, 97, and 101 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

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

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 2. Section 2.100 is revised to read as follows:

§ 2.100 International regulations in force.

The ITU *Radio Regulations,* Edition of 2012, have been incorporated to the extent practicable in this part.

■ 3. Section 2.106, the Table of Frequency Allocations, is revised as follows:

■ a. Pages 1–2, 4–5, 7–8, 11–13, 15–16, 18–20, 23, 42, 45, 51, 53–54, 57, 62–63, and 67–68 are revised.

■ b. In the list of United States (US) Footnotes, footnotes US52 and US565 are revised; footnotes US115, US132A, US162, and US511E are added; and footnote US367 is removed.

■ c. In the list of non-Federal Government (NG) Footnotes, footnote NG16 is added, footnote NG49 is removed, and footnote NG92 is revised.

§ 2.106 Table of Frequency Allocations.

The revisions and additions read as follows:

* * * * *

BILLING CODE 6712–01–P

Table of Frequency Allocations			0-160 kHz (VLF/LF)		Page 1
International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
Below 8.3 (Not Allocated) 5.53 5.54			Below 8.3 (Not Allocated) 5.53 5.54		
8.3-9 METEOROLOGICAL AIDS 5.54A 5.54B 5.54C			8.3-9 METEOROLOGICAL AIDS 5.54A		
9-11.3 METEOROLOGICAL AIDS 5.54A RADIONAVIGATION			9-11.3 METEOROLOGICAL AIDS 5.54A RADIONAVIGATION US18 US2		
11.3-14 RADIONAVIGATION			11.3-14 RADIONAVIGATION US18 US2		
14-19.95 FIXED MARITIME MOBILE 5.57 5.55 5.56			14-19.95 FIXED MARITIME MOBILE 5.57 US2	14-19.95 Fixed US2	
19.95-20.05 STANDARD FREQUENCY AND TIME SIGNAL (20 kHz)			19.95-20.05 STANDARD FREQUENCY AND TIME SIGNAL (20 kHz) US2		
20.05-70			20.05-59	20.05-59	

FIXED MARITIME MOBILE 5.57 5.56 5.58			FIXED MARITIME MOBILE 5.57 US2	FIXED US2	
			59-61 STANDARD FREQUENCY AND TIME SIGNAL (60 kHz) US2		
			61-70 FIXED MARITIME MOBILE 5.57 US2	61-70 FIXED US2	
70-72 RADIONAVIGATION 5.60	70-90 FIXED MARITIME MOBILE 5.57 MARITIME RADIONAVIGATION 5.60 Radiolocation	70-72 RADIONAVIGATION 5.60 Fixed Maritime mobile 5.57 5.59	70-90 FIXED MARITIME MOBILE 5.57 Radiolocation	70-90 FIXED Radiolocation	Private Land Mobile (90)
72-84 FIXED MARITIME MOBILE 5.57 RADIONAVIGATION 5.60 5.56		72-84 FIXED MARITIME MOBILE 5.57 RADIONAVIGATION 5.60			
84-86		84-86			

RADIONAVIGATION 5.60			
		RADIONAVIGATION 5.60	
		Fixed	
		Maritime mobile 5.57	
		5.59	

86-90 FIXED MARITIME MOBILE 5.57 RADIONAVIGATION 5.56	5.61	86-90 FIXED MARITIME MOBILE 5.57 RADIONAVIGATION 5.60	US2	US2	
90-110 RADIONAVIGATION 5.62 Fixed 5.64			90-110 RADIONAVIGATION 5.62 US18 US2 US104		Aviation (87) Private Land Mobile (90)
110-112 FIXED MARITIME MOBILE RADIONAVIGATION 5.64	110-130 FIXED MARITIME MOBILE MARITIME RADIONAVIGATION 5.60 Radiolocation	110-112 FIXED MARITIME MOBILE RADIONAVIGATION 5.60 5.64	110-130 FIXED MARITIME MOBILE Radiolocation		Private Land Mobile (90)
112-115 RADIONAVIGATION 5.60		112-117.6 RADIONAVIGATION 5.60 Fixed Maritime mobile 5.64 5.65			
115-117.6 RADIONAVIGATION 5.60 Fixed Maritime mobile 5.64 5.66					

117.6-126 FIXED MARITIME MOBILE RADIONAVIGATION 5.60 5.64		117.6-126 FIXED MARITIME MOBILE RADIONAVIGATION 5.60 5.64		
126-129 RADIONAVIGATION 5.60		126-129 RADIONAVIGATION 5.60 Fixed Maritime mobile 5.64 5.65		
129-130 FIXED MARITIME MOBILE RADIONAVIGATION 5.60 5.64	5.61 5.64	129-130 FIXED MARITIME MOBILE RADIONAVIGATION 5.60 5.64	5.64 US2	
130-135.7 FIXED MARITIME MOBILE 5.64 5.67	130-135.7 FIXED MARITIME MOBILE 5.64	130-135.7 FIXED MARITIME MOBILE RADIONAVIGATION 5.64	130-135.7 FIXED MARITIME MOBILE 5.64 US2	Maritime (80)

135.7-137.8 FIXED MARITIME MOBILE Amateur 5.67A 5.64 5.67 5.67B	135.7-137.8 FIXED MARITIME MOBILE Amateur 5.67A 5.64	135.7-137.8 FIXED MARITIME MOBILE RADIONAVIGATION Amateur 5.67A 5.64 5.67B	135.7-137.8 FIXED MARITIME MOBILE 5.64 US2	135.7-137.8 FIXED MARITIME MOBILE Amateur 5.67A 5.64 US2	Maritime (80) Amateur Radio (97) Page 2

435-472 MARITIME MOBILE 5.79 Aeronautical radionavigation 5.77 5.82	5.78 5.82	435-495 MARITIME MOBILE 5.79 5.79A Aeronautical radionavigation 5.82 US2 US231	435-472 MARITIME MOBILE 5.79 5.79A 5.82 US2 US231	
472-479 MARITIME MOBILE 5.79 Amateur 5.80A Aeronautical radionavigation 5.77 5.80 5.80B 5.82			472-479 MARITIME MOBILE 5.79 5.79A Amateur 5.80A 5.82 US2 US231	Maritime (80) Amateur Radio (97)
479-495 MARITIME MOBILE 5.79 5.79A Aeronautical radionavigation 5.77	479-495 MARITIME MOBILE 5.79 5.79A Aeronautical radionavigation 5.77 5.80		479-495 MARITIME MOBILE 5.79 5.79A 5.82 US2 US231	Maritime (80)

5.82	5.82				
495-505 MARITIME MOBILE			495-505 MARITIME MOBILE		Maritime (80) Aviation (87)
505-526.5 MARITIME MOBILE 5.79 5.79A 5.84 AERONAUTICAL RADIONAVIGATION	505-510 MARITIME MOBILE 5.79	505-526.5 MARITIME MOBILE 5.79 5.79A 5.84 AERONAUTICAL RADIONAVIGATION Aeronautical mobile Land mobile	505-510 MARITIME MOBILE 5.79		Maritime (80)
	510-525 MARITIME MOBILE 5.79A 5.84 AERONAUTICAL RADIONAVIGATION		510-525 MARITIME MOBILE (ships only) 5.79A 5.84 AERONAUTICAL RADIONAVIGATION (radiobeacons) US18 US14 US225		Maritime (80) Aviation (87)
	525-535 BROADCASTING 5.86 AERONAUTICAL RADIONAVIGATION		525-535 MOBILE US221 AERONAUTICAL RADIONAVIGATION (radiobeacons) US18 US239		Aviation (87) Private Land Mobile (90)
526.5-1606.5 BROADCASTING 5.87 5.87A		526.5-535 BROADCASTING Mobile 5.88			
	535-1605 BROADCASTING	535-1606.5 BROADCASTING	535-1605	535-1605 BROADCASTING NG1 NG5	Radio Broadcast (AM)(73) Private Land Mobile (90)
	1605-1625 BROADCASTING 5.89		1605-1615 MOBILE US221 G127	1605-1705 BROADCASTING 5.89	
1606.5-1625 FIXED MARITIME MOBILE 5.90 LAND MOBILE 5.92		1606.5-1800 FIXED MOBILE RADIOLOCATION	1615-1705		Radio Broadcast (AM)(73) Alaska Fixed (80) Private Land Mobile (90)
	5.90				

1625-1635 RADIOLOCATION 5.93	1625-1705 FIXED MOBILE BROADCASTING 5.89 Radiolocation 5.90	RADIONAVIGATION 5.91	US299	US299 NG1 NG5	
1635-1800 FIXED MARITIME MOBILE 5.90 LAND MOBILE 5.92 5.96	1705-1800 FIXED MOBILE RADIOLOCATION AERONAUTICAL RADIONAVIGATION		1705-1800 FIXED MOBILE RADIOLOCATION US240		Alaska Fixed (80) Private Land Mobile (90) Page 4

Table of Frequency Allocations		1800-3230 kHz (MF/HF)			Page 5
International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
1800-1810 RADIOLOCATION 5.93	1800-1850 AMATEUR	1800-2000 AMATEUR FIXED MOBILE except aeronautical mobile RADIONAVIGATION Radiolocation	1800-2000	1800-2000 AMATEUR	Maritime (80) Amateur Radio (97)
1810-1850 AMATEUR 5.98 5.99 5.100					
1850-2000 FIXED MOBILE except aeronautical mobile 5.92 5.96 5.103	1850-2000 AMATEUR FIXED MOBILE except aeronautical mobile RADIOLOCATION RADIONAVIGATION 5.102	5.97		NG92	
2000-2025 FIXED MOBILE except aeronautical mobile (R) 5.92 5.103	2000-2065 FIXED MOBILE		2000-2065 FIXED MOBILE	2000-2065 MARITIME MOBILE	Private Land Mobile (90)
2025-2045 FIXED			US340	US340 NG7	

MOBILE except aeronautical mobile (R) Meteorological aids 5.104 5.92 5.103				
2045-2160 FIXED MARITIME MOBILE LAND MOBILE 5.92	2065-2107 MARITIME MOBILE 5.105 5.106	2065-2107 MARITIME MOBILE 5.105 US296 US340		Maritime (80)
2160-2170 RADIOLOCATION 5.93 5.107	2107-2170 FIXED MOBILE	2107-2170 FIXED MOBILE US340	2107-2170 FIXED MOBILE except aeronautical mobile US340 NG7	Maritime (80) Private Land Mobile (90)
2170-2173.5 MARITIME MOBILE		2170-2173.5 MARITIME MOBILE (telephony) US340	2170-2173.5 MARITIME MOBILE US340	Maritime (80)
2173.5-2190.5 MOBILE (distress and calling) 5.108 5.109 5.110 5.111		2173.5-2190.5 MOBILE (distress and calling) 5.108 5.109 5.110 5.111 US279 US340		Maritime (80) Aviation (87)
2190.5-2194 MARITIME MOBILE		2190.5-2194 MARITIME MOBILE (telephony)	2190.5-2194 MARITIME MOBILE	Maritime (80)

International Table			United States Table		FCC Rule Part(s)
			US340	US340	

Table of Frequency Allocations — 3.23-5.9 MHz (HF) — Page 7

International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
3.23-3.4 FIXED MOBILE except aeronautical mobile BROADCASTING 5.113 5.116 5.118			3.23-3.4 FIXED MOBILE except aeronautical mobile Radiolocation US340		Maritime (80) Aviation (87) Private Land Mobile (90)
3.4-3.5 AERONAUTICAL MOBILE (R)			3.4-3.5 AERONAUTICAL MOBILE (R) US283 US340		Aviation (87)
3.5-3.8 AMATEUR FIXED MOBILE except aeronautical mobile 5.92	3.5-3.75 AMATEUR 5.119	3.5-3.9 AMATEUR FIXED MOBILE	3.5-4	3.5-4 AMATEUR	Amateur Radio (97)
3.8-3.9 FIXED AERONAUTICAL MOBILE (OR) LAND MOBILE	3.75-4 AMATEUR FIXED MOBILE except aeronautical mobile (R)				
3.9-3.95 AERONAUTICAL MOBILE (OR)		3.9-3.95 AERONAUTICAL MOBILE			

5.123		BROADCASTING			
3.95-4 FIXED BROADCASTING	5.122 5.125	3.95-4 FIXED BROADCASTING 5.126	US340	US340	
4-4.063 FIXED MARITIME MOBILE 5.127 5.126			4-4.063 FIXED MARITIME MOBILE US340		Maritime (80)
4.063-4.438 MARITIME MOBILE 5.79A 5.109 5.110 5.130 5.131 5.132 5.128			4.063-4.438 MARITIME MOBILE 5.79A 5.109 5.110 5.130 5.131 5.132 US82 US296 US340		Maritime (80) Aviation (87)
4.438-4.488 FIXED MOBILE except aeronautical mobile (R) Radiolocation 5.132A 5.132B	4.438-4.488 FIXED MOBILE except aeronautical mobile (R) RADIOLOCATION 5.132A	4.438-4.488 FIXED MOBILE except aeronautical mobile Radiolocation 5.132A	4.438-4.488 FIXED MOBILE except aeronautical mobile (R) RADIOLOCATION 5.132A US340		Maritime (80) Private Land Mobile (90)
4.488-4.65 FIXED MOBILE except aeronautical mobile (R)		4.488-4.65 FIXED MOBILE except aeronautical mobile	4.488-4.65 FIXED MOBILE except aeronautical mobile (R)		Maritime (80) Aviation (87)

		US22 US340	Private Land Mobile (90)
4.65-4.7 AERONAUTICAL MOBILE (R)		4.65-4.7 AERONAUTICAL MOBILE (R) US282 US283 US340	Aviation (87)

4.7-4.75 AERONAUTICAL MOBILE (OR)			4.7-4.75 AERONAUTICAL MOBILE (OR) US340		
4.75-4.85 FIXED AERONAUTICAL MOBILE (OR) LAND MOBILE BROADCASTING 5.113	4.75-4.85 FIXED MOBILE except aeronautical mobile (R) BROADCASTING 5.113	4.75-4.85 FIXED BROADCASTING 5.113 Land mobile	4.75-4.85 FIXED MOBILE except aeronautical mobile (R) US340		Maritime (80) Private Land Mobile (90)
4.85-4.995 FIXED LAND MOBILE BROADCASTING 5.113			4.85-4.995 FIXED MOBILE US340	4.85-4.995 FIXED US340	Aviation (87) Private Land Mobile (90)
4.995-5.003 STANDARD FREQUENCY AND TIME SIGNAL (5 MHz)			4.995-5.005 STANDARD FREQUENCY AND TIME SIGNAL (5 MHz) US1 US340		
5.003-5.005 STANDARD FREQUENCY AND TIME SIGNAL Space research					
5.005-5.06 FIXED BROADCASTING 5.113			5.005-5.06 FIXED US22 US340		Aviation (87) Private Land Mobile (90)
5.06-5.25 FIXED			5.06-5.25 FIXED US22		Maritime (80)

Mobile except aeronautical mobile 5.133			Mobile except aeronautical mobile US212 US340	Aviation (87) Private Land Mobile (90)
5.25-5.275 FIXED MOBILE except aeronautical mobile Radiolocation 5.132A 5.133A	5.25-5.275 FIXED MOBILE except aeronautical mobile RADIOLOCATION 5.132A	5.25-5.275 FIXED MOBILE except aeronautical mobile Radiolocation 5.132A	5.25-5.275 FIXED MOBILE except aeronautical mobile RADIOLOCATION 5.132A US340	Maritime (80) Private Land Mobile (90)
5.275-5.45 FIXED MOBILE except aeronautical mobile			5.275-5.45 FIXED US22 Mobile except aeronautical mobile US23 US340	Maritime (80) Aviation (87) Private Land Mobile (90) Amateur Radio (97)
5.45-5.48 FIXED AERONAUTICAL MOBILE (OR) LAND MOBILE	5.45-5.48 AERONAUTICAL MOBILE (R)	5.45-5.48 FIXED AERONAUTICAL MOBILE (OR) LAND MOBILE	5.45-5.68 AERONAUTICAL MOBILE (R)	Aviation (87)
5.48-5.68 AERONAUTICAL MOBILE (R) 5.111 5.115			5.111 5.115 US283 US340	
5.68-5.73 AERONAUTICAL MOBILE (OR) 5.111 5.115			5.68-5.73 AERONAUTICAL MOBILE (OR) 5.111 5.115 US340	

5.73-5.9 FIXED LAND MOBILE	5.73-5.9 FIXED MOBILE except aeronautical mobile (R)	5.73-5.9 FIXED Mobile except aeronautical mobile (R)	5.73-5.9 FIXED MOBILE except aeronautical mobile (R) US340	Maritime (80) Aviation (87) Private Land Mobile (90)

International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
11.175-11.275 AERONAUTICAL MOBILE (OR)			11.175-11.275 AERONAUTICAL MOBILE (OR) US340		
11.275-11.4 AERONAUTICAL MOBILE (R)			11.275-11.4 AERONAUTICAL MOBILE (R) US283 US340		Aviation (87)
11.4-11.6 FIXED			11.4-11.6 FIXED US340		Private Land Mobile (90)
11.6-11.65 BROADCASTING 5.134 5.146			11.6-12.1 BROADCASTING 5.134		International Broadcast Stations (73F)

11.65-12.05 BROADCASTING 5.147			
12.05-12.1 BROADCASTING 5.134 5.146	US136 US340		
12.1-12.23 FIXED	12.1-12.23 FIXED US340		Private Land Mobile (90)
12.23-13.2 MARITIME MOBILE 5.109 5.110 5.132 5.145	12.23-13.2 MARITIME MOBILE 5.109 5.110 5.132 5.145 US82 US296 US340		Maritime (80)
13.2-13.26 AERONAUTICAL MOBILE (OR)	13.2-13.26 AERONAUTICAL MOBILE (OR) US340		
13.26-13.36 AERONAUTICAL MOBILE (R)	13.26-13.36 AERONAUTICAL MOBILE (R) US283 US340		Aviation (87)
13.36-13.41	13.36-13.41	13.36-13.41	

FIXED RADIO ASTRONOMY 5.149		RADIO ASTRONOMY US342 G115	RADIO ASTRONOMY US342	
13.41-13.45 FIXED Mobile except aeronautical mobile (R)		13.41-13.45 FIXED Mobile except aeronautical mobile (R) US340	13.41-13.45 FIXED US340	Private Land Mobile (90)
13.45-13.55 FIXED Mobile except aeronautical mobile (R) Radiolocation 5.132A 5.149A	13.45-13.55 FIXED Mobile except aeronautical mobile (R) Radiolocation 5.132A	13.45-13.55 FIXED Mobile except aeronautical mobile (R) Radiolocation 5.132A US340	13.45-13.55 FIXED Radiolocation 5.132A US340	
13.55-13.57 FIXED Mobile except aeronautical mobile (R) 5.150		13.55-13.57 FIXED Mobile except aeronautical mobile (R) 5.150 US340	13.55-13.57 FIXED 5.150 US340	ISM Equipment (18) Private Land Mobile (90)
13.57-13.6 BROADCASTING 5.134 5.151		13.57-13.87 BROADCASTING 5.134		International Broadcast Stations (73F)

13.6-13.8 BROADCASTING			
13.8-13.87 BROADCASTING 5.134 5.151	US136 US340		
13.87-14 FIXED Mobile except aeronautical mobile (R)	13.87-14 FIXED Mobile except aeronautical mobile (R) US340	13.87-14 FIXED US340	Private Land Mobile (90)
14-14.25 AMATEUR AMATEUR-SATELLITE	14-14.35	14-14.25 AMATEUR AMATEUR-SATELLITE US340	Amateur Radio (97)
14.25-14.35 AMATEUR 5.152	US340	14.25-14.35 AMATEUR US340	
14.35-14.99 FIXED Mobile except aeronautical mobile (R)	14.35-14.99 FIXED Mobile except aeronautical mobile (R) US340	14.35-14.99 FIXED US340	Private Land Mobile (90)

14.99-15.005 STANDARD FREQUENCY AND TIME SIGNAL (15 MHz) 5.111	14.99-15.01 STANDARD FREQUENCY AND TIME SIGNAL (15 MHz) 5.111 US1 US340	
15.005-15.01 STANDARD FREQUENCY AND TIME SIGNAL Space research		
15.01-15.1 AERONAUTICAL MOBILE (OR)	15.01-15.1 AERONAUTICAL MOBILE (OR) US340	Page 12

Table of Frequency Allocations		15.1-22.855 MHz (HF)			Page 13
International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
15.1-15.6 BROADCASTING			15.1-15.8 BROADCASTING 5.134		International Broadcast Stations (73F)
15.6-15.8 BROADCASTING 5.134 5.146			US136 US340		
15.8-16.1 FIXED 5.153			15.8-16.1 FIXED US340		Private Land Mobile (90)
16.1-16.2 FIXED Radiolocation 5.145A 5.145B	16.1-16.2 FIXED RADIOLOCATION 5.145A	16.1-16.2 FIXED Radiolocation 5.145A	16.1-16.2 FIXED RADIOLOCATION 5.145A US340		
16.2-16.36 FIXED			16.2-16.36 FIXED US340		
16.36-17.41 MARITIME MOBILE 5.109 5.110 5.132 5.145			16.36-17.41 MARITIME MOBILE 5.109 5.110 5.132 5.145 US82 US296 US340		Maritime (80)
17.41-17.48			17.41-17.48		

FIXED	FIXED US340		Private Land Mobile (90)
17.48-17.55 BROADCASTING 5.134 5.146	17.48-17.9 BROADCASTING 5.134		International Broadcast Stations (73F)
17.55-17.9 BROADCASTING	US136 US340		
17.9-17.97 AERONAUTICAL MOBILE (R)	17.9-17.97 AERONAUTICAL MOBILE (R) US283 US340		Aviation (87)
17.97-18.03 AERONAUTICAL MOBILE (OR)	17.97-18.03 AERONAUTICAL MOBILE (OR) US340		
18.030-18.052 FIXED	18.03-18.068 FIXED		Maritime (80)
18.052-18.068 FIXED Space research	US340		Private Land Mobile (90)
18.068-18.168 AMATEUR AMATEUR-SATELLITE 5.154	18.068-18.168 US340	18.068-18.168 AMATEUR AMATEUR-SATELLITE US340	Amateur Radio (97)

18.168-18.78 FIXED Mobile except aeronautical mobile	18.168-18.78 FIXED Mobile US340	Maritime (80) Private Land Mobile (90)

Table of Frequency Allocations		22.855-27.41 MHz (HF)			Page 15
International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
22.855-23 FIXED 5.156			22.855-23 FIXED US340		Private Land Mobile (90)
23-23.2 FIXED Mobile except aeronautical mobile (R) 5.156			23-23.2 FIXED Mobile except aeronautical mobile (R) US340	23-23.2 FIXED US340	
23.2-23.35 FIXED 5.156A AERONAUTICAL MOBILE (OR)			23.2-23.35 AERONAUTICAL MOBILE (OR) US340		
23.35-24 FIXED MOBILE except aeronautical mobile 5.157			23.35-24.45 FIXED MOBILE except aeronautical mobile	23.35-24.45 FIXED	Private Land Mobile (90)
24-24.45 FIXED LAND MOBILE			US340	US340	
24.45-24.6 FIXED LAND MOBILE Radiolocation 5.132A	24.45-24.65 FIXED LAND MOBILE RADIOLOCATION 5.132A	24.45-24.6 FIXED LAND MOBILE Radiolocation 5.132A	24.45-24.65 FIXED MOBILE except aeronautical mobile RADIOLOCATION 5.132A	24.45-24.65 FIXED RADIOLOCATION 5.132A	

5.158					
24.6-24.89 FIXED LAND MOBILE	24.65-24.89 FIXED LAND MOBILE	24.6-24.89 FIXED LAND MOBILE	US340	US340	
			24.65-24.89 FIXED MOBILE except aeronautical mobile US340	24.65-24.89 FIXED US340	
24.89-24.99 AMATEUR AMATEUR-SATELLITE			24.89-24.99 US340	24.89-24.99 AMATEUR AMATEUR-SATELLITE US340	Amateur Radio (97)
24.99-25.005 STANDARD FREQUENCY AND TIME SIGNAL (25 MHz)			24.99-25.01 STANDARD FREQUENCY AND TIME SIGNAL (25 MHz)		
25.005-25.01 STANDARD FREQUENCY AND TIME SIGNAL Space research			US1 US340		
25.01-25.07 FIXED MOBILE except aeronautical mobile			25.01-25.07 US340	25.01-25.07 LAND MOBILE US340 NG112	Private Land Mobile (90)
25.07-25.21 MARITIME MOBILE			25.07-25.21 MARITIME MOBILE US82	25.07-25.21 MARITIME MOBILE US82	Maritime (80) Private Land Mobile (90)
			US281 US296 US340	US281 US296 US340 NG112	

25.21-25.55 FIXED MOBILE except aeronautical mobile	25.21-25.33 US340	25.21-25.33 LAND MOBILE US340	Private Land Mobile (90)
	25.33-25.55 FIXED MOBILE except aeronautical mobile US340	25.33-25.55 US340	
25.55-25.67 RADIO ASTRONOMY 5.149	25.55-25.67 RADIO ASTRONOMY US74 US342		
25.67-26.1 BROADCASTING	25.67-26.1 BROADCASTING US25 US340		International Broadcast Stations (73F) Remote Pickup (74D)
26.1-26.175 MARITIME MOBILE 5.132	26.1-26.175 MARITIME MOBILE 5.132 US25 US340		Remote Pickup (74D) Low Power Auxiliary (74H) Maritime (80)
26.175-26.2 FIXED MOBILE except aeronautical mobile	26.175-26.2 US340	26.175-26.2 LAND MOBILE US340	Remote Pickup (74D) Low Power Auxiliary (74H)

26.2-26.35 FIXED MOBILE except aeronautical mobile Radiolocation 5.132A 5.133A	26.2-26.42 FIXED MOBILE except aeronautical mobile RADIOLOCATION 5.132A	26.2-26.35 FIXED MOBILE except aeronautical mobile Radiolocation 5.132A	26.2-26.42 RADIOLOCATION US132A US340	26.2-26.42 LAND MOBILE RADIOLOCATION US132A US340	
26.35-27.5 FIXED MOBILE except aeronautical Mobile	26.42-27.5 FIXED MOBILE except aeronautical mobile	26.35-27.5 FIXED MOBILE except aeronautical mobile	26.42-26.48 US340	26.42-26.48 LAND MOBILE US340	
			26.48-26.95 FIXED MOBILE except aeronautical mobile US340	26.48-26.95 US340	
			26.95-27.41 5.150 US340	26.95-26.96 FIXED 5.150 US340	ISM Equipment (18)
				26.96-27.23 MOBILE except aeronautical mobile 5.150 US340	ISM Equipment (18) Personal Radio (95)
				27.23-27.41	

5.150	5.150	5.150		FIXED MOBILE except aeronautical mobile 5.150 US340	ISM Equipment (18) Private Land Mobile (90) Personal Radio (95)

	34-35 FIXED MOBILE	34-35	
	35-36	35-36 FIXED LAND MOBILE	Public Mobile (22) Private Land Mobile (90)
	36-37 FIXED MOBILE US220	36-37 US220	
	37-37.5	37-37.5 LAND MOBILE NG124	Private Land Mobile (90)
37.5-38.25 FIXED MOBILE Radio astronomy	37.5-38 Radio astronomy US342	37.5-38 LAND MOBILE Radio astronomy US342 NG59 NG124	
5.149	38-38.25 FIXED MOBILE RADIO ASTRONOMY US81 US342	38-38.25 RADIO ASTRONOMY US81 US342	

38.25-39 FIXED MOBILE	38.25-39.986 FIXED MOBILE	38.25-39.5 FIXED MOBILE	38.25-39 FIXED MOBILE	38.25-39	
39-39.5 FIXED MOBILE Radiolocation 5.132A 5.159			39-40	39-40 LAND MOBILE NG124	Private Land Mobile (90)
39.5-39.986 FIXED MOBILE		39.5-39.986 FIXED MOBILE RADIOLOCATION 5.132A			
39.986-40.02 FIXED MOBILE Space research		39.986-40 FIXED MOBILE RADIOLOCATION 5.132A Space research			
		40-40.02 FIXED MOBILE Space research	40-41.015 FIXED MOBILE	40-41.015	ISM Equipment (18) Private Land Mobile (90)
40.02-40.98 FIXED					

MOBILE 5.150					
			5.150 US210 US220	5.150 US210 US220	

Table of Frequency Allocations — 42-117.975 MHz (VHF) — Page 19

International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
40.98-41.015 FIXED MOBILE Space research 5.160 5.161			(See previous page)		
41.015-42 FIXED MOBILE 5.160 5.161 5.161A			41.015-41.665 FIXED MOBILE RADIOLOCATION US132A US220	41.015-41.665 RADIOLOCATION US132A US220	Private Land Mobile (90)
			41.665-42 FIXED MOBILE US220	41.665-42 US220	
42-42.5 FIXED MOBILE	42-42.5 FIXED MOBILE		42-43.35	42-43.35 FIXED LAND MOBILE	 Public Mobile (22) Private Land Mobile (90)

Radiolocation 5.132A 5.160 5.161B	5.161			NG124 NG141	
42.5-44 FIXED MOBILE 5.160 5.161 5.161A			43.35-44 RADIOLOCATION US132A	43.35-43.69 FIXED LAND MOBILE RADIOLOCATION US132A NG124	
				43.69-44 LAND MOBILE RADIOLOCATION US132A NG124	Private Land Mobile (90)
44-47 FIXED MOBILE 5.162 5.162A			44-46.6	44-46.6 LAND MOBILE NG124 NG141	
			46.6-47 FIXED MOBILE	46.6-47	
47-68 BROADCASTING	47-50 FIXED MOBILE	47-50 FIXED MOBILE	47-49.6	47-49.6 LAND MOBILE NG124	Private Land Mobile (90)

		BROADCASTING 5.162A	49.6-50 FIXED MOBILE	49.6-50	
	50-54 AMATEUR 5.162A 5.166 5.167 5.167A 5.168 5.170		50-73	50-54 AMATEUR	Amateur Radio (97)
5.162A 5.163 5.164 5.165 5.169 5.171	54-68 BROADCASTING Fixed Mobile 5.172	54-68 FIXED MOBILE BROADCASTING 5.162A		54-72 BROADCASTING NG5 NG14 NG115 NG149	Broadcast Radio (TV)(73) LPTV, TV Translator/ Booster (74G) Low Power Auxiliary (74H)
68-74.8 FIXED MOBILE except aeronautical mobile 5.149 5.175 5.177 5.179	68-72 BROADCASTING Fixed Mobile 5.173	68-74.8 FIXED MOBILE			
	72-73 FIXED MOBILE			72-73 FIXED MOBILE NG3 NG16 NG56	Public Mobile (22) Maritime (80) Aviation (87) Private Land Mobile (90) Personal Radio (95)

	73-74.6 RADIO ASTRONOMY 5.178		73-74.6 RADIO ASTRONOMY US74 US246		
	74.6-74.8 FIXED MOBILE	5.149 5.176 5.179	74.6-74.8 FIXED MOBILE US273		Private Land Mobile (90)
74.8-75.2 AERONAUTICAL RADIONAVIGATION 5.180 5.181			74.8-75.2 AERONAUTICAL RADIONAVIGATION 5.180		Aviation (87)
75.2-87.5 FIXED MOBILE except aeronautical mobile	75.2-75.4 FIXED MOBILE 5.179		75.2-75.4 FIXED MOBILE US273		Private Land Mobile (90)
	75.4-76 FIXED MOBILE	75.4-87 FIXED MOBILE	75.4-88	75.4-76 FIXED MOBILE NG3 NG16 NG56	Public Mobile (22) Maritime (80) Aviation (87) Private Land Mobile (90) Personal Radio (95)
5.175 5.179 5.187	76-88 BROADCASTING	5.182 5.183 5.188 87-100		76-88 BROADCASTING	Broadcast Radio (TV)(73)

International Table			United States Table		FCC Rule Part(s)
87.5-100 BROADCASTING 5.190	Fixed Mobile 5.185	FIXED MOBILE BROADCASTING		NG5 NG14 NG115 NG149	LPTV, TV Translator/ Booster (74G) Low Power Auxiliary (74H)
	88-100 BROADCASTING		88-108	88-108 BROADCASTING NG2 US93 NG5	Broadcast Radio (FM)(73) FM Translator/Booster (74L)
100-108 BROADCASTING 5.192 5.194					
108-117.975 AERONAUTICAL RADIONAVIGATION 5.197 5.197A			108-117.975 AERONAUTICAL RADIONAVIGATION 5.197A US93		Aviation (87)

Page 20

Table of Frequency Allocations — 150.8-174 MHz (VHF)

Page 23

International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
(See previous page)	(See previous page)		150.8-152.855 US73	150.8-152.855 FIXED LAND MOBILE NG4 NG51 NG112 US73 NG124	Public Mobile (22) Private Land Mobile (90) Personal Radio (95)
153-154 FIXED MOBILE except aeronautical mobile (R) Meteorological aids			152.855-156.2475	152.855-154 LAND MOBILE NG4 NG124	Remote Pickup (74D) Private Land Mobile (90)

154-156.4875 FIXED MOBILE except aeronautical mobile (R) 5.225A 5.226	154-156.4875 FIXED MOBILE 5.226	154-156.4875 FIXED MOBILE 5.225A 5.226		154-156.2475 FIXED LAND MOBILE NG112 5.226 NG22 NG124 NG148	Maritime (80) Private Land Mobile (90) Personal Radio (95)
156.4875-156.5625 MARITIME MOBILE (distress and calling via DSC) 5.111 5.226 5.227			156.2475-156.5125 5.226 US52 US227 US266	156.2475-156.5125 MARITIME MOBILE NG22 5.226 US52 US227 US266 NG124	Maritime (80) Aviation (87)
			156.5125-156.5375 MARITIME MOBILE (distress, urgency, safety and calling via DSC) 5.111 5.226 US266		
156.5625-156.7625 FIXED MOBILE except aeronautical mobile (R) 5.226	156.5625-156.7625 FIXED MOBILE 5.226		156.5375-156.7625 5.226 US52 US227 US266	156.5375-156.7625 MARITIME MOBILE 5.226 US52 US227 US266	
156.7625-156.7875 MARITIME MOBILE Mobile-satellite (Earth-to-space) 5.111 5.226 5.228	156.7625-156.7875 MARITIME MOBILE MOBILE-SATELLITE (Earth-to-space) 5.111 5.226 5.228	156.7625-156.7875 MARITIME MOBILE Mobile-satellite (Earth-to-space) 5.111 5.226 5.228	156.7625-156.7875 MOBILE-SATELLITE (Earth-to-space) (AIS 3) 5.226 US52 US266		
156.7875-156.8125			156.7875-156.8125		

MARITIME MOBILE (distress and calling) 5.111 5.226			MARITIME MOBILE (distress, urgency, safety and calling) 5.111 5.226 US266		
156.8125-156.8375 MARITIME MOBILE Mobile-satellite (Earth-to-space) 5.111 5.226 5.228	156.8125-156.8375 MARITIME MOBILE MOBILE-SATELLITE (Earth-to-space) 5.111 5.226 5.228	156.8125-156.8375 MARITIME MOBILE Mobile-satellite (Earth-to-space) 5.111 5.226 5.228	156.8125-156.8375 MOBILE-SATELLITE (Earth-to-space) (AIS 4) 5.226 US52 US266		
156.8375-161.9625 FIXED MOBILE except aeronautical mobile	156.8375-161.9625 FIXED MOBILE		156.8375-157.0375 5.226 US52 US266	156.8375-157.0375 MARITIME MOBILE 5.226 US52 US266	
			157.0375-157.1875 MARITIME MOBILE US214 5.226 US266 G109	157.0375-157.1875 5.226 US214 US266	Maritime (80)

5000-5010 AERONAUTICAL MOBILE-SATELLITE (R) 5.443AA AERONAUTICAL RADIONAVIGATION RADIONAVIGATION-SATELLITE (Earth-to-space)	5000-5010 AERONAUTICAL MOBILE (R) US115 AERONAUTICAL MOBILE-SATELLITE (R) 5.443AA AERONAUTICAL RADIONAVIGATION US260 RADIONAVIGATION-SATELLITE (Earth-to-space) US211	Aviation (87)
5010-5030 AERONAUTICAL MOBILE-SATELLITE (R) 5.443AA AERONAUTICAL RADIONAVIGATION RADIONAVIGATION-SATELLITE (space-to-Earth) (space-to-space) 5.328B 5.443B	5010-5030 AERONAUTICAL MOBILE-SATELLITE (R) 5.443AA AERONAUTICAL RADIONAVIGATION US260 RADIONAVIGATION-SATELLITE (space-to-Earth) (space-to-space) 5.443B US115 US211	
5030-5091 AERONAUTICAL MOBILE (R) 5.443C AERONAUTICAL MOBILE-SATELLITE (R) 5.443D AERONAUTICAL RADIONAVIGATION 5.444	5030-5091 AERONAUTICAL MOBILE (R) 5.443C AERONAUTICAL MOBILE-SATELLITE (R) 5.443D AERONAUTICAL RADIONAVIGATION US260 US211 US444	
5091-5150 AERONAUTICAL MOBILE 5.444B AERONAUTICAL MOBILE-SATELLITE (R) 5.443AA AERONAUTICAL RADIONAVIGATION 5.444 5.444A	5091-5150 AERONAUTICAL MOBILE US111 US444B AERONAUTICAL MOBILE-SATELLITE (R) 5.443AA AERONAUTICAL RADIONAVIGATION US260 US211 US344 US444 US444A	Satellite Communications (25) Aviation (87)

5150-5250 FIXED-SATELLITE (Earth-to-space) 5.447A MOBILE except aeronautical mobile 5.446A 5.446B AERONAUTICAL RADIONAVIGATION 5.446 5.446C 5.447 5.447B 5.447C	5150-5250 AERONAUTICAL RADIONAVIGATION US260 US211 US307 US344	5150-5250 FIXED-SATELLITE (Earth-to-space) 5.447A US344 AERONAUTICAL RADIONAVIGATION US260 5.447C US211 US307	RF Devices (15) Satellite Communications (25) Aviation (87)
5250-5255 EARTH EXPLORATION-SATELLITE (active) MOBILE except aeronautical mobile 5.446A 5.447F RADIOLOCATION SPACE RESEARCH 5.447D 5.447E 5.448 5.448A	5250-5255 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION G59 SPACE RESEARCH (active) 5.447D 5.448A	5250-5255 Earth exploration-satellite (active) Radiolocation Space research	RF Devices (15) Private Land Mobile (90)
5255-5350 EARTH EXPLORATION-SATELLITE (active) MOBILE except aeronautical mobile 5.446A 5.447F RADIOLOCATION SPACE RESEARCH (active) 5.447E 5.448 5.448A	5255-5350 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION G59 SPACE RESEARCH (active) 5.448A	5255-5350 Earth exploration-satellite (active) Radiolocation Space research (active) 5.448A	
5350-5460 EARTH EXPLORATION-SATELLITE (active) 5.448B AERONAUTICAL RADIONAVIGATION 5.449 RADIOLOCATION 5.448D SPACE RESEARCH (active) 5.448C	5350-5460 EARTH EXPLORATION-SATELLITE (active) 5.448B SPACE RESEARCH (active) AERONAUTICAL RADIONAVIGATION 5.449 RADIOLOCATION G56 US390 G130	5350-5460 AERONAUTICAL RADIONAVIGATION 5.449 Earth exploration-satellite (active) 5.448B Space research (active) Radiolocation US390	Aviation (87) Private Land Mobile (90)

International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
7145-7235 FIXED MOBILE SPACE RESEARCH (Earth-to-space) 5.460 5.458 5.459			7145-7190 FIXED SPACE RESEARCH (deep space) (Earth-to-space) US262 5.458 G116	7145-7235 5.458 US262	RF Devices (15)
			7190-7235 FIXED SPACE RESEARCH (Earth-to-space) G133 5.458 G134		
7235-7250 FIXED MOBILE 5.458			7235-7250 FIXED 5.458	7235-7250 5.458	
7250-7300 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE 5.461			7250-7300 FIXED-SATELLITE (space-to-Earth) MOBILE-SATELLITE (space-to-Earth) Fixed G117	7250-8025	

7300-7450 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile 5.461	7300-7450 FIXED FIXED-SATELLITE (space-to-Earth) Mobile-satellite (space-to-Earth) G117
7450-7550 FIXED FIXED-SATELLITE (space-to-Earth) METEOROLOGICAL-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile 5.461A	7450-7550 FIXED FIXED-SATELLITE (space-to-Earth) METEOROLOGICAL-SATELLITE (space-to-Earth) Mobile-satellite (space-to-Earth) G104 G117
7550-7750 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile	7550-7750 FIXED FIXED-SATELLITE (space-to-Earth) Mobile-satellite (space-to-Earth) G117
7750-7900 FIXED METEOROLOGICAL-SATELLITE (space-to-Earth) 5.461B MOBILE except aeronautical mobile	7750-7900 FIXED METEOROLOGICAL-SATELLITE (space-to-Earth) 5.461B

Table of Frequency Allocations			15.4-21.2 GHz (SHF)		Page 51
International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
15.4-15.43 RADIOLOCATION 5.511E 5.511F AERONAUTICAL RADIONAVIGATION 5.511D			15.4-15.43 RADIOLOCATION 5.511E 5.511F US511E AERONAUTICAL RADIONAVIGATION US260 US211	15.4-15.43 AERONAUTICAL RADIONAVIGATION US260 US211 US511E	Aviation (87)
15.43-15.63 FIXED-SATELLITE (Earth-to-space) 5.511A RADIOLOCATION 5.511E 5.511F AERONAUTICAL RADIONAVIGATION 5.511C			15.43-15.63 RADIOLOCATION 5.511E 5.511F US511E AERONAUTICAL RADIONAVIGATION US260 5.511C US211 US359	15.43-15.63 FIXED-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION US260 5.511C US211 US359 US511E	Satellite Communications (25) Aviation (87)
15.63-15.7 RADIOLOCATION 5.511E 5.511F AERONAUTICAL RADIONAVIGATION 5.511D			15.63-15.7 RADIOLOCATION 5.511E 5.511F US511E AERONAUTICAL RADIONAVIGATION US260 US211	15.63-15.7 AERONAUTICAL RADIONAVIGATION US260 US211 US511E	Aviation (87)
15.7-16.6 RADIOLOCATION			15.7-16.6 RADIOLOCATION G59	15.7-17.2 Radiolocation	Private Land Mobile (90)

5.512 5.513					
16.6-17.1 RADIOLOCATION Space research (deep space) (Earth-to-space) 5.512 5.513			16.6-17.1 RADIOLOCATION G59 Space research (deep space) (Earth-to-space)		
17.1-17.2 RADIOLOCATION 5.512 5.513			17.1-17.2 RADIOLOCATION G59		
17.2-17.3 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION SPACE RESEARCH (active) 5.512 5.513 5.513A			17.2-17.3 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION G59 SPACE RESEARCH (active)	17.2-17.3 Earth exploration-satellite (active) Radiolocation Space research (active)	
17.3-17.7 FIXED-SATELLITE (Earth-to-space) 5.516 (space-to-Earth) 5.516A 5.516B Radiolocation 5.514	17.3-17.7 FIXED-SATELLITE (Earth-to-space) 5.516 BROADCASTING-SATELLITE Radiolocation 5.514 5.515	17.3-17.7 FIXED-SATELLITE (Earth-to-space) 5.516 Radiolocation 5.514	17.3-17.7 Radiolocation US259 G59 US402 G117	17.3-17.7 FIXED-SATELLITE (Earth-to-space) US271 BROADCASTING-SATELLITE US402 NG163 US259	Satellite Communications (25)
17.7-18.1 FIXED FIXED-SATELLITE (space-to-Earth)	17.7-17.8 FIXED FIXED-SATELLITE (space-to-Earth)	17.7-18.1 FIXED FIXED-SATELLITE (space-to-Earth)	17.7-17.8	17.7-17.8 FIXED FIXED-SATELLITE (Earth-to-space)	Satellite Communications (25)

5.484A (Earth-to-space) 5.516 MOBILE	5.517 (Earth-to-space) 5.516 BROADCASTING-SATELLITE Mobile 5.515	5.484A (Earth-to-space) 5.516 MOBILE	US334 G117	US271 US334	TV Broadcast Auxiliary (74F) Cable TV Relay (78) Fixed Microwave (101)

Table of Frequency Allocations — 21.2-27 GHz (SHF) — Page 53

International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
21.2-21.4 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive)			21.2-21.4 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) US532		Fixed Microwave (101)
21.4-22 FIXED MOBILE BROADCASTING-SATELLITE 5.208B 5.530A 5.530B 5.530C 5.530D	21.4-22 FIXED MOBILE 5.530A 5.530C	21.4-22 FIXED MOBILE BROADCASTING-SATELLITE 5.208B 5.530A 5.530B 5.530C 5.530D 5.531	21.4-22 FIXED MOBILE		
22-22.21 FIXED MOBILE except aeronautical mobile			22-22.21 FIXED MOBILE except aeronautical mobile		

5.149	US342	
22.21-22.5 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE except aeronautical mobile RADIO ASTRONOMY SPACE RESEARCH (passive) 5.149 5.532	22.21-22.5 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE except aeronautical mobile RADIO ASTRONOMY SPACE RESEARCH (passive) US342 US532	
22.5-22.55 FIXED MOBILE	22.5-22.55 FIXED MOBILE US211	
22.55-23.15 FIXED INTER-SATELLITE 5.338A MOBILE SPACE RESEARCH (Earth-to-space) 5.532A 5.149	22.55-23.15 FIXED INTER-SATELLITE US145 US278 MOBILE SPACE RESEARCH (Earth-to-space) 5.532A US342	Satellite Communications (25) Fixed Microwave (101)
23.15-23.55 FIXED INTER-SATELLITE 5.338A MOBILE	23.15-23.55 FIXED INTER-SATELLITE US145 US278 MOBILE	

23.55-23.6 FIXED MOBILE			23.55-23.6 FIXED MOBILE		Fixed Microwave (101)
23.6-24 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 5.340			23.6-24 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive) US246		
24-24.05 AMATEUR AMATEUR-SATELLITE 5.150			24-24.05 5.150 US211	24-24.05 AMATEUR AMATEUR-SATELLITE 5.150 US211	ISM Equipment (18) Amateur Radio (97)
24.05-24.25 RADIOLOCATION Amateur Earth exploration-satellite (active) 5.150			24.05-24.25 RADIOLOCATION G59 Earth exploration-satellite (active) 5.150	24.05-24.25 Amateur Earth exploration-satellite (active) Radiolocation 5.150	RF Devices (15) ISM Equipment (18) Private Land Mobile (90) Amateur Radio (97)
24.25-24.45 FIXED	24.25-24.45 RADIONAVIGATION	24.25-24.45 FIXED MOBILE RADIONAVIGATION	24.25-24.45	24.25-24.45 FIXED	RF Devices (15) Fixed Microwave (101)

24.45-24.65 FIXED INTER-SATELLITE	24.45-24.65 INTER-SATELLITE RADIONAVIGATION 5.533	24.45-24.65 FIXED INTER-SATELLITE MOBILE RADIONAVIGATION 5.533	24.45-24.65 INTER-SATELLITE RADIONAVIGATION 5.533		RF Devices (15) Satellite Communications (25)
24.65-24.75 FIXED FIXED-SATELLITE (Earth-to-space) 5.532B INTER-SATELLITE	24.65-24.75 INTER-SATELLITE RADIOLOCATION-SATELLITE (Earth-to-space)	24.65-24.75 FIXED FIXED-SATELLITE (Earth-to-space) 5.532B INTER-SATELLITE MOBILE 5.533	24.65-24.75 INTER-SATELLITE RADIOLOCATION-SATELLITE (Earth-to-space)		
24.75-25.25 FIXED FIXED-SATELLITE (Earth-to-space) 5.532B	24.75-25.25 FIXED-SATELLITE (Earth-to-space) 5.535	24.75-25.25 FIXED FIXED-SATELLITE (Earth-to-space) 5.535 MOBILE	24.75-25.25	24.75-25.05 FIXED-SATELLITE (Earth-to-space) NG535	
				25.05-25.25 FIXED FIXED-SATELLITE (Earth-to-space) NG535	RF Devices (15) Satellite Communications (25) Fixed Microwave (101)
25.25-25.5 FIXED INTER-SATELLITE 5.536			25.25-25.5 FIXED INTER-SATELLITE 5.536	25.25-25.5 Inter-satellite 5.536 Standard frequency and time	RF Devices (15)

MOBILE Standard frequency and time signal-satellite (Earth-to-space)			MOBILE Standard frequency and time signal-satellite (Earth-to-space)	signal-satellite (Earth-to-space)	
25.5-27 EARTH EXPLORATION-SATELLITE (space-to-Earth) 5.536B FIXED INTER-SATELLITE 5.536 MOBILE SPACE RESEARCH (space-to-Earth) 5.536C Standard frequency and time signal-satellite (Earth-to-space) 5.536A			25.5-27 EARTH EXPLORATION-SATELLITE (space-to-Earth) FIXED INTER-SATELLITE 5.536 MOBILE SPACE RESEARCH (space-to-Earth) Standard frequency and time signal-satellite (Earth-to-space) 5.536A US258	25.5-27 SPACE RESEARCH (space-to-Earth) Inter-satellite 5.536 Standard frequency and time signal-satellite (Earth-to-space) 5.536A US258	Page 54

Table of Frequency Allocations			34.7-46.9 GHz (EHF)		Page 57
International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
34.7-35.2 RADIOLOCATION Space research 5.550 5.549			34.7-35.5 RADIOLOCATION	34.7-35.5 Radiolocation	
35.2-35.5 METEOROLOGICAL AIDS RADIOLOCATION			US360 G117	US360	

5.549			
35.5-36 METEOROLOGICAL AIDS EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION SPACE RESEARCH (active) 5.549 5.549A	35.5-36 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION SPACE RESEARCH (active) US360 G117	35.5-36 Earth exploration-satellite (active) Radiolocation Space research (active) US360	
36-37 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) 5.149 5.550A	36-37 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) US342 US550A		
37-37.5 FIXED MOBILE except aeronautical mobile SPACE RESEARCH (space-to-Earth) 5.547	37-38 FIXED MOBILE except aeronautical mobile SPACE RESEARCH (space-to-Earth)	37-37.5 FIXED MOBILE except aeronautical mobile	
37.5-38 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile		37.5-38 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile	Satellite Communications (25)

SPACE RESEARCH (space-to-Earth) Earth exploration-satellite (space-to-Earth) 5.547			
38-39.5 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE Earth exploration-satellite (space-to-Earth) 5.547	38-38.6 FIXED MOBILE 38.6-39.5	38.6-39.5 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE NG175	Satellite Communications (25) Fixed Microwave (101)
39.5-40 FIXED FIXED-SATELLITE (space-to-Earth) 5.516B MOBILE MOBILE-SATELLITE (space-to-Earth) Earth exploration-satellite (space-to-Earth) 5.547	39.5-40 FIXED-SATELLITE (space-to-Earth) MOBILE-SATELLITE (space-to-Earth) US382 G117	39.5-40 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE NG175 US382	
76-77.5 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite Space research (space-to-Earth)	76-77.5 RADIO ASTRONOMY RADIOLOCATION Space research (space-to-Earth)	76-77 RADIO ASTRONOMY RADIOLOCATION Amateur Space research (space-to-Earth) US342	RF Devices (15)

5.149	US342	77-77.5 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite Space research (space-to-Earth) US342	RF Devices (15) Amateur Radio (97)
77.5-78 AMATEUR AMATEUR-SATELLITE Radio astronomy Space research (space-to-Earth) 5.149	77.5-78 Radio astronomy Space research (space-to-Earth) US342	77.5-78 AMATEUR AMATEUR-SATELLITE Radio astronomy Space research (space-to-Earth) US342	
78-79 RADIOLOCATION Amateur Amateur-satellite Radio astronomy Space research (space-to-Earth) 5.149 5.560	78-79 RADIO ASTRONOMY RADIOLOCATION Space research (space-to-Earth) 5.560 US342	78-79 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite Space research (space-to-Earth) 5.560 US342	
79-81 RADIO ASTRONOMY RADIOLOCATION	79-81 RADIO ASTRONOMY RADIOLOCATION	79-81 RADIO ASTRONOMY RADIOLOCATION	

Amateur Amateur-satellite Space research (space-to-Earth) 5.149	Space research (space-to-Earth) US342	Amateur Amateur-satellite Space research (space-to-Earth) US342	
81-84 FIXED 5.338A FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY Space research (space-to-Earth) 5.149 5.561A	81-84 FIXED US162 FIXED-SATELLITE (Earth-to-space) US297 MOBILE MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY Space research (space-to-Earth) US161 US342 US389		RF Devices (15) Fixed Microwave (101)
84-86 FIXED 5.338A FIXED-SATELLITE (Earth-to-space) 5.561B MOBILE RADIO ASTRONOMY 5.149	84-86 FIXED US162 FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY US161 US342 US389		

Table of Frequency Allocations			86-130 GHz (EHF)			Page 63
International Table			United States Table			FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table		
86-92 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 5.340			86-92 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive) US246			
92-94 FIXED 5.338A MOBILE RADIO ASTRONOMY RADIOLOCATION 5.149			92-94 FIXED US162 MOBILE RADIO ASTRONOMY RADIOLOCATION US161 US342			RF Devices (15) Fixed Microwave (101)
94-94.1 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION SPACE RESEARCH (active) Radio astronomy 5.562 5.562A			94-94.1 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION SPACE RESEARCH (active) Radio astronomy 5.562 5.562A	94-94.1 RADIOLOCATION Radio astronomy 5.562A		RF Devices (15)
94.1-95 FIXED			94.1-95 FIXED			RF Devices (15)

MOBILE RADIO ASTRONOMY RADIOLOCATION 5.149	MOBILE RADIO ASTRONOMY RADIOLOCATION US161 US342	Fixed Microwave (101)
95-100 FIXED MOBILE RADIO ASTRONOMY RADIOLOCATION RADIONAVIGATION RADIONAVIGATION-SATELLITE 5.149 5.554	95-100 FIXED MOBILE RADIO ASTRONOMY RADIOLOCATION RADIONAVIGATION RADIONAVIGATION-SATELLITE 5.554 US342	
100-102 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 5.340 5.341	100-102 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive) 5.341 US246	
102-105 FIXED MOBILE RADIO ASTRONOMY 5.149 5.341	102-105 FIXED MOBILE RADIO ASTRONOMY 5.341 US342	

Table of Frequency Allocations			200-3000 GHz (EHF)		Page 67
International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
200-209 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 5.340 5.341 5.563A			200-209 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive) 5.341 5.563A US246		
209-217 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY 5.149 5.341			209-217 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY 5.341 US342		
217-226 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY SPACE RESEARCH (passive) 5.562B 5.149 5.341			217-226 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY SPACE RESEARCH (passive) 5.562B 5.341 US342		
226-231.5 EARTH EXPLORATION-SATELLITE (passive)			226-231.5 EARTH EXPLORATION-SATELLITE (passive)		

RADIO ASTRONOMY SPACE RESEARCH (passive) 5.340	RADIO ASTRONOMY SPACE RESEARCH (passive) US246	
231.5-232 FIXED MOBILE Radiolocation	231.5-232 FIXED MOBILE Radiolocation	
232-235 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE Radiolocation	232-235 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE Radiolocation	
235-238 EARTH EXPLORATION-SATELLITE (passive) FIXED-SATELLITE (space-to-Earth) SPACE RESEARCH (passive) 5.563A 5.563B	235-238 EARTH EXPLORATION-SATELLITE (passive) FIXED-SATELLITE (space-to-Earth) SPACE RESEARCH (passive) 5.563A 5.563B	
238-240 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE RADIOLOCATION RADIONAVIGATION RADIONAVIGATION-SATELLITE	238-240 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE RADIOLOCATION RADIONAVIGATION RADIONAVIGATION-SATELLITE	

240-241 FIXED MOBILE RADIOLOCATION	240-241 FIXED MOBILE RADIOLOCATION		
241-248 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite 5.138 5.149	241-248 RADIO ASTRONOMY RADIOLOCATION 5.138 US342	241-248 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite 5.138 US342	ISM Equipment (18) Amateur Radio (97)
248-250 AMATEUR AMATEUR-SATELLITE Radio astronomy 5.149	248-250 Radio astronomy US342	248-250 AMATEUR AMATEUR-SATELLITE Radio astronomy US342	Amateur Radio (97)
250-252 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 5.340 5.563A	250-252 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive) 5.563A US246		
252-265	252-265		

FIXED MOBILE MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY RADIONAVIGATION RADIONAVIGATION-SATELLITE 5.149 5.554	FIXED MOBILE MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY RADIONAVIGATION RADIONAVIGATION-SATELLITE 5.554 US211 US342	
265-275 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY 5.149 5.563A	265-275 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY 5.563A US342	
275-3000 (Not allocated) 5.565	275-3000 (Not allocated) 5.565 US565	Amateur Radio (97)

United States (US) Footnotes

* * * * *

US52 In the VHF maritime mobile band (156–162 MHz), the following provisions shall apply:

(a) Except as provided for below, the use of the bands 161.9625–161.9875 MHz (AIS 1 with center frequency 161.975 MHz) and 162.0125–162.0375 MHz (AIS 2 with center frequency 162.025 MHz) by the maritime mobile and mobile-satellite (Earth-to-space) services is restricted to Automatic Identification Systems (AIS). The use of these bands by the aeronautical mobile (OR) service is restricted to AIS emissions from search and rescue aircraft operations. Frequencies in the AIS 1 band may continue to be used by non-Federal base, fixed, and land mobile stations until March 2, 2024.

(b) Except as provided for below, the use of the bands 156.7625–156.7875 MHz (AIS 3 with center frequency 156.775 MHz) and 156.8125–156.8375 MHz (AIS 4 with center frequency 156.825 MHz) by the mobile-satellite service (Earth-to-space) is restricted to the reception of long-range AIS broadcast messages from ships (Message 27; see most recent version of Recommendation ITU–R M.1371). The frequencies 156.775 MHz and 156.825 MHz may continue to be used by non-Federal ship and coast stations for navigation-related port operations or ship movement until August 26, 2019.

(c) The frequency 156.3 MHz may also be used by aircraft stations for the purpose of search and rescue operations and other safety-related communication.

(d) Federal stations in the maritime mobile service may also be authorized as follows: (1) Vessel traffic services under the control of the U.S. Coast Guard on a simplex basis by coast and ship stations on the frequencies 156.25, 156.55, 156.6 and 156.7 MHz; (2) Inter-ship use of the frequency 156.3 MHz on a simplex basis; (3) Navigational bridge-to-bridge and navigational communications on a simplex basis by coast and ship stations on the frequencies 156.375 and 156.65 MHz; (4) Port operations use on a simplex basis by coast and ship stations on the frequencies 156.6 and 156.7 MHz; (5) Environmental communications on the frequency 156.75 MHz in accordance with the national plan; and (6) Duplex port operations use of the frequencies 157 MHz for ship stations and 161.6 MHz for coast stations.

* * * * *

US115 In the bands 5000–5010 MHz and 5010–5030 MHz, the following provisions shall apply:

(a) In the band 5000–5010 MHz, systems in the aeronautical mobile (R) service (AM(R)S) shall be operated in accordance with international aeronautical standards and are limited to surface applications at airports (*i.e.,* AeroMACS).

(b) The band 5010–5030 MHz is also allocated on a primary basis to the AM(R)S, limited to surface applications at airports that operate in accordance with international civil aviation standards. In making assignments for this band, attempts shall first be made to satisfy the AM(R)S requirements in the bands 5000–5010 MHz and 5091–5150 MHz. AM(R)S systems used in the band 5010–5030 MHz shall be designed and implemented to be capable of operational modification if receiving harmful interference from the radionavigation-satellite service. Finally, notwithstanding Radio Regulation No. 4.10, stations in the AM(R)S operating in this band shall be designed and implemented to be capable of operational modification to reduce throughput and/or preclude the use of specific frequencies in order to ensure protection of radionavigation-satellite service systems operating in this band.

(c) Aeronautical fixed communications that are an integral part of the AeroMACS system in the bands 5000–5010 MHz and 5010–5030 MHz are also authorized on a primary basis.

* * * * *

US132A In the bands 26.2–26.42 MHz, 41.015–41.665 MHz, and 43.35–44 MHz, applications of radiolocation service are limited to oceanographic radars operating in accordance with ITU Resolution 612 (Rev. WRC–12). Oceanographic radars shall not cause harmful interference to, or claim protection from, non-Federal stations in the land mobile service in the bands 26.2–26.42 MHz and 43.69–44 MHz, Federal stations in the fixed or mobile services in the band 41.015–41.665 MHz, and non-Federal stations in the fixed or land mobile services in the band 43.35–43.69 MHz.

* * * * *

US162 In the bands 81–86 GHz and 92–94 GHz, operators of stations in the fixed service are encouraged to take all reasonable steps to ensure that unwanted emission power in any 100 MHz bandwidth in the band 86–92 GHz, measured at the antenna port, does not exceed the following levels:

Band	Maximum levels (where f in GHz is the center frequency of any 100 MHz)
81–86 GHz ..	−41–14(f–86) dBW for 86.05 ≤ f ≤ 87 GHz and −55 dBW for 87 ≤ f ≤ 91.95 GHz.
92–94 GHz ..	−41–14(92–f) dBW for 91 ≤ f ≤ 91.95 GHz and −55 dBW for 86.05 ≤ f ≤ 91 GHz.

* * * * *

US511E The use of the band 15.4–15.7 GHz by the radiolocation service is limited to Federal systems requiring a necessary bandwidth greater than 1600 MHz that cannot be accommodated within the band 15.7–17.3 GHz except as described below. In the band 15.4–15.7 GHz, stations operating in the radiolocation service shall not cause harmful interference to, nor claim protection from, radars operating in the aeronautical radionavigation service. Radar systems operating in the radiolocation service shall not be developed solely for operation in the band 15.4–15.7 GHz. Radar systems requiring use of the band 15.4–15.7 GHz for testing, training, and exercises may be accommodated on a case-by-case basis.

* * * * *

US565 International footnote 5.565 does not establish priority of use in the United States Table of Frequency Allocations, and does not preclude or constrain the allocation of frequency bands in the range 275–3000 GHz to active services at a future date.

* * * * *

Non-Federal Government (NG) Footnotes

* * * * *

NG16 In the bands 72–73 MHz and 75.4–76 MHz, frequencies may be authorized for mobile operations in the Industrial/Business Radio Pool, subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5.

* * * * *

NG92 The band 1900–2000 kHz is also allocated on a primary basis to the maritime mobile service in Regions 2 and 3 and to the radiolocation service in Region 2, and on a secondary basis to the radiolocation service in Region 3. The use of these allocations is restricted to radio buoy operations on the open sea. Stations in the amateur, maritime mobile, and radiolocation services located in Region 2 shall be protected from harmful interference only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical rules

applicable to the service in which it operates.

* * * * *

PART 15—RADIO FREQUENCY DEVICES

■ 4. The authority citation for part 15 is amended to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

■ 5. Section 15.113 is amended by revising paragraph (a) to read as follows:

§ 15.113 Power Line Carrier Systems

* * * * *

(a) A power utility operating a power line carrier system shall submit the details of proposed new systems or changes to existing systems to an industry-operated entity as set forth in § 90.35(g) of this chapter. No notification to the FCC is required.

* * * * *

PART 80—STATIONS IN THE MARITIME SERVICES

■ 6. The authority citation for part 80 continues to read as follows:

Authority: Secs. 4, 303, 307(e), 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e), 309, and 332, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

■ 7. Section 80.215 is amended by removing note 13 from paragraph (e)(1) and by removing and reserving paragraph (g)(3).

§ 80.215 Transmitter power.

* * * * *

(e) * * *

(1) Ship stations 156–162 MHz—25 W[6]

* * * * *

(g) * * *

* * * * *

(3) [Reserved]

* * * * *

■ 8. Section 80.373 is amended by revising the portion of the table in paragraph (f) that is titled ''Port Operations'' by removing the entries for channel designator 75 (156.775 MHz) and channel designator 76 (156.825 MHz) and by removing note 18.

§ 80.373 Private communications frequencies.

* * * * *

(f) * * *

FREQUENCIES IN THE 156–162 MHz BAND

Channel designator	Carrier frequency (MHz) ship transmit	Carrier frequency (MHz) coast transmit	Points of communication (intership and between coast and ship unless otherwise indicated)
Port Operations			
01A[1]	156.050	156.050	
63A[1]	156.175	156.175	
05A[2]	156.250	156.250	
65A	156.275	156.275	
66A	156.325	156.325	
12[3]	156.600	156.600	
73	156.675	156.675	
14[3]	156.700	156.700	
74	156.725	156.725	
77[4]	156.875		Intership only.
20A[12]	157.000		Intership only.
Navigational (Bridge-to-Bridge)[5]			
*	*	*	* * * *

■ 9. Section 80.375 is amended by adding paragraph (f) to read as follows:

§ 80.375 Radiodetermination frequencies.

* * * * *

(f) *Radiodetermination frequencies for commercial fishing vessels.* Frequencies in the 1900–2000 kHz band are authorized for radio buoy operations under a ship station license provided:

(1) The use of these frequencies is related to commercial fishing operations on the open sea. This use is not permitted within the exclusive economic area or territorial waters of a foreign country (unless provided for by an international agreement); and

(2) The output power does not exceed 10 watts and the station antenna height does not exceed 4.6 meters (15 feet) above sea level in a buoy station or 6 meters (20 feet) above the mast of the ship on which it is installed.

Note: Frequencies in the 1900–2000 kHz band may also be used to transmit data related to commercial fishing and by radio buoy systems that do not use radio direction-finding to locate the radio buoys.

■ 10. Section 80.871 is amended by revising the table in paragraph (d) to remove the entries for channel designator 75 (156.775 MHz) and channel designator 76 (156.825 MHz).

§ 80.871 VHF radiotelephone station.

* * * * *

(d) * * *

Channel designators	Transmitting frequencies (MHz)	
	Ship station	Coast station
* *	* *	*
15	156.750	156.750
16	156.800	156.800
17	156.850	156.850
* *	* *	*

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

■ 11. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161,

303(g), 303(r), and 332(c)(7), and Title VI of the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 126 Stat. 156.

■ 12. Section 90.7 is amended by adding the following term and definition in alphabetical order to read as follows:

§ 90.7 Definitions.

* * * * *

Equivalent Isotropically Radiated Power (EIRP). The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna (absolute or isotropic gain).

* * * * *

■ 13. Section 90.103 is amended by adding and revising the following entries to the table in paragraph (b) and by adding paragraph (c)(3) to read as follows:

§ 90.103 Radiolocation Service.

* * * * *

(b) * * *

RADIOLOCATION SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitation
Kilohertz		
*	*	*
4438 to 4488	Radiolocation land	3
5250 to 5275	.....do	3
Megahertz		
13.45 to 13.55	.....do	3
16.10 to 16.20	.....do	3
24.45 to 24.65	.....do	3
26.20 to 26.42	.....do	3
41.015 to 41.665	.....do	3
43.35 to 44.00	.....do	3
420 to 450	Radiolocation land or mobile	21
2450 to 2500	.....do	9, 22, 23
*	*	*

(c) * * *

(3) Operations in this band are limited to oceanographic radars using transmitters with a peak equivalent isotropically radiated power (EIRP) not to exceed 25 dBW. Oceanographic radars must not cause harmful interference to, nor claim protection from interference caused by, stations in the fixed or mobile services as specified in § 2.106, footnotes 5.132A, 5.145A, and US132A. See Resolution 612 of the ITU Radio Regulations for international coordination requirements. Operators of oceanographic radars are urged to use directional antennas and techniques that allow multiples of such radars to operate on the same frequency.

* * * * *

PART 97—AMATEUR RADIO SERVICE

■ 14. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

■ 15. Section 97.3(b) is amended by revising the definitions to read as follows:

§ 97.3 Definitions.

* * * * *

(b) * * *

(1) *EHF* (extremely high frequency). The frequency range 30–300 GHz.

(2) *EIRP* (equivalent isotropically radiated power). The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna (absolute or isotropic gain).

Note: Divide EIRP by 1.64 to convert to effective radiated power.

(3) *ERP* (effective radiated power) (in a given direction). The product of the power supplied to the antenna and its gain relative to a half-wave dipole in a given direction.

Note: Multiply ERP by 1.64 to convert to equivalent isotropically radiated power.

(4) *HF* (high frequency). The frequency range 3–30 MHz.

(5) *Hz.* Hertz.

(6) *LF* (low frequency). The frequency range 30–300 kHz.

(7) *m.* Meters.

(8) *MF* (medium frequency). The frequency range 300–3000 kHz.

(9) *PEP* (peak envelope power). The average power supplied to the antenna transmission line by a transmitter during one RF cycle at the crest of the modulation envelope taken under normal operating conditions.

(10) *RF.* Radio frequency.

(11) *SHF* (super high frequency). The frequency range 3–30 GHz.

(12) *UHF* (ultra high frequency). The frequency range 300–3000 MHz.

(13) *VHF* (very high frequency). The frequency range 30–300 MHz.

(14) *W.* Watts.

* * * * *

■ 16. Section 97.15 is amended by adding paragraph (c) to read as follows:

§ 97.15 Station antenna structures.

* * * * *

(c) Antennas used to transmit in the 2200 m and 630 m bands must not exceed 60.96 meters (200 feet) in height above ground level.

■ 17. Section 97.301 is amended by revising the kHz portion of the tables in paragraphs (b), (c), and (d) to read as follows:

§ 97.301 Authorized frequency bands.

* * * * *

(b) * * *

Wavelength band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing requirements see § 97.303 (paragraph)
LF	kHz	kHz	kHz	
2200 m	135.7–137.8	135.7–137.8	135.7–137.8	(a), (g).
MF	kHz	kHz	kHz	
630 m	472–479	472–479	472–479	(g).
160 m	1810–1850	1800–2000	1800–2000	(a).
* *	*	*	*	*

(c) * * *

Wavelength band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing requirements see § 97.303 (paragraph)
LF	kHz	kHz	kHz	
2200 m	135.7–137.8	135.7–137.8	135.7–137.8	(a), (g).
MF	kHz	kHz	kHz	
630 m	472–479	472–479	472–479	(g).
160 m	1810–1850	1800–2000	1800–2000	(a).
* *	*	*	*	*

(d) * * *

Wavelength band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing requirements see § 97.303 (paragraph)
LF	kHz	kHz	kHz	
2200 m	135.7–137.8	135.7–137.8	135.7–137.8	(a), (g).
MF	kHz	kHz	kHz	
630 m	472–479	472–479	472–479	(g).
160 m	1810–1850	1800–2000	1800–2000	(a).
* *	*	*	*	*

* * * * *

■ 18. Section 97.303 is amended by adding paragraph (g) to read as follows:

§ 97.303 Frequency sharing requirements.

* * * * *

(g) *In the 2200 m and 630 m bands:*

(1) Power line carrier (PLC) systems are authorized in accordance with 47 CFR 15.113 to operate in the 9–490 kHz range on transmission lines that deliver electric power from generation plants to distribution substations. Amateur stations are restricted to use at permanent fixed locations. The transmitting antenna of amateur fixed stations must be located at a horizontal distance of least [separation distance] km ([separation distance] mile) from any electric power transmission line. Electric power transmission lines do not include those electric lines which connect the distribution substation to the customer or house wiring.

(2) Amateur stations transmitting in the 2200 m band must not cause harmful interference to, and must accept interference from, stations authorized by the United States (NTIA and FCC) and other nations in the fixed and maritime mobile services, and for amateur stations located in ITU Region 3, this requirement also includes stations authorized by other nations in the radionavigation service. Amateur stations transmitting in the 2200 m band must make all necessary adjustments—including temporary or permanent termination of transmission—if harmful interference is caused.

(3) Amateur stations transmitting in the 630 m band must not cause harmful interference to, and must accept interference from, stations authorized by the FCC in the maritime mobile service and stations authorized by the United States Government and other nations in the maritime mobile and aeronautical radionavigation services. In particular, amateur stations must ensure that no harmful interference is caused to the frequency 490 kHz. Amateur stations transmitting in the 630 m band must make all necessary adjustments—

including temporary or permanent termination of transmission—if harmful interference is caused.

* * * * *

■ 19. Section 97.313 is amended by adding paragraphs (k) and (l) to read as follows.

§ 97.313 Transmitter power standards.

* * * * *

(k) No station may transmit in the 2200 m band with an equivalent isotropically radiated power (EIRP) exceeding 1 W (0.61 W ERP).

(l) No station may transmit in the 630 m band with an equivalent isotropically radiated power (EIRP) exceeding 5 W (3.049 W ERP). In Alaska, stations in the 630 m band located within 800 kilometers (497 miles) of the Russian Federation may not transmit with an EIRP exceeding 1 W (0.61 W ERP).

PART 101—FIXED MICROWAVE SERVICES

■ 20. The authority citation for part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

■ 21. Section 101.111 is amended by revising paragraph (d) and adding paragraph (d)(5) to read as follows:

§ 101.111 Emission limitations.

* * * * *

(d) *Interference to passive sensors.* These limitations are necessary to minimize the probability of harmful interference to reception in the 10.6–10.68 GHz, 31–31.3 GHz, and 86–92 GHz bands onboard space stations in the Earth exploration-satellite service (passive).

* * * * *

(5) In the 81–86 GHz and 92–94 GHz bands, licensees of stations in the fixed service are encouraged to take all reasonable steps to ensure that unwanted emission power in any 100 MHz bandwidth in the band 86–92 GHz, measured at the antenna port, does not exceed the following levels:

Band	Maximum levels (where f in GHz is the center frequency of any 100 MHz)
81–86 GHz ...	$-41-14(f-86)$ dBW for $86.05 \leq f \leq 87$ GHz and -55 dBW for $87 \leq f \leq 91.95$ GHz.
92–94 GHz ...	$-41-14(92-f)$ dBW for $91 \leq f \leq 91.95$ GHz and -55 dBW for $86.05 \leq f \leq 91$ GHz.

[FR Doc. 2015–15250 Filed 7–1–15; 8:45 am]

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Vol. 80, No. 127

Thursday, July 2, 2015

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FEDERAL REGISTER PAGES AND DATE, JULY

37529–37920 1
37921–38390 2

CFR PARTS AFFECTED DURING JULY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
13699 37529

Administrative Orders:
1 37921

5 CFR

Proposed Rules:
Ch. XXII 38019

7 CFR

929 37531
932 37533

Proposed Rules:
986 38021
1211 37555

9 CFR

94 ..... 37923, 37935

10 CFR

430 ..... 37953, 37954

Proposed Rules:
Ch. II 38019
Ch. III 38019
Ch. IX 38019
431 38032

12 CFR

Proposed Rules:
701 37898
723 37898
741 37898

14 CFR

Proposed Rules:
39 ..... 38033, 38036, 38038

16 CFR

Proposed Rules:
1112 38041
1233 38041

17 CFR

231 37536
232 37537
241 37536
271 37536
275 37538
276 37536

Proposed Rules:
275 38050
279 38050

20 CFR

404 37970
416 37970

21 CFR

601 37971
610 37971
680 37971

Proposed Rules:
601 38145
1100 37555
1140 37555
1143 37555

22 CFR

121 37974

25 CFR

83 ..... 37538, 37862

27 CFR

Proposed Rules:
9 38147

29 CFR

18 37539

31 CFR

Proposed Rules:
315 37539
353 37539
360 37539

33 CFR

165 ..... 37540, 37542, 37545, 37976, 37978, 37980, 37982

Proposed Rules:
165 37562

39 CFR

Proposed Rules:
957 37565
961 37567
966 37567

40 CFR

52 37985
80 38284
180 37547
257 37988
262 37992
761 37994

Proposed Rules:
52 38152
87 37758
704 38153
1068 37758

41 CFR

301 37995
302 37995
303 37995
304 37995
305 37995
306 37995
307 37995
308 37995
309 37995
310 37995

42 CFR

Proposed Rules:
413 37808

44 CFR

64 37996

46 CFR

503 37997
Proposed Rules:
501 38153
502 38153

47 CFR

15 37551
17 37552
76 38001
Proposed Rules:
2 38316
15 38316
73 38158
74 38158
80 38316
90 38316
97 38316
101 38316

48 CFR

Ch. 1 ....38292, 38313
1 ....38293, 38306
2 38293
3 38293
4 38293
5 38307
6 38293
7 38293
8 38293
9 ....38293, 38309
10 38293
12 ....38293, 38311
13 ....38293, 38311
15 ....38293, 38312
16 38293
17 38293
18 38311
19 38293
22 ....38293, 38307
25 38293
28 38293
30 38293
42 38293
50 38293
52 ....38293, 38306, 38309, 38312
53 38293

49 CFR

390 37553

50 CFR

21 38013
622 38015
635 38016
679 38017
Proposed Rules:
17 37568

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *http://www.archives.gov/federal-register/laws*.

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H.R. 2146/P.L. 114–26
Defending Public Safety Employees' Retirement Act (June 29, 2015; 129 Stat. 319)

H.R. 1295/P.L. 114–27
Trade Preferences Extension Act of 2015 (June 29, 2015; 129 Stat. 362)

Last List June 18, 2015

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