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Federal Register

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2015–0028]

Emerald Ash Borer; Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the emerald ash borer regulations by adding areas in the States of Arkansas, Colorado, Georgia, Kansas, Maryland, Minnesota, New Hampshire, North Carolina, Tennessee, Wisconsin, and the District of Columbia to the list of quarantined areas. In addition, we are adding the States of Connecticut, Iowa, Kentucky, Massachusetts, Missouri, New York, Pennsylvania, and Virginia in their entirety to the list of quarantined areas. This action is necessary to prevent the spread of emerald ash borer into noninfested areas of the United States.

DATES: This interim rule is effective July 21, 2015. We will consider all comments that we receive on or before September 21, 2015.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0028.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2015–0028, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0028* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Chaloux, National Policy Manager, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 851–2064.

SUPPLEMENTARY INFORMATION:

Background

Emerald ash borer (EAB), *Agrilus planipennis,* is an invasive wood-boring beetle from Asia threatening the ash trees (*Fraxinus* spp.) of the United States. EAB larvae feed on ash phloem, cutting off the movement of resources within the tree and killing the tree within 4 to 5 years. EAB is able to attack and kill healthy trees in both natural and urban environments and is well suited for climate conditions in the continental United States.

The regulations in ''Subpart Emerald Ash Borer'' (7 CFR 301.53–1 through 301.53–9, referred to below as the regulations) restrict the interstate movement of certain regulated articles from quarantined areas in order to prevent the spread of EAB into noninfested areas of the United States.

The regulations in § 301.53–3 provide that the Administrator of the Animal and Plant Health Inspection Service (APHIS) will list as a quarantined area each State, or each portion of a State, in which EAB is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities in which EAB has been found. The regulations further provide that less than an entire State will be designated as a quarantined area only if the Administrator determines that:

- The State has adopted and is enforcing a quarantined area and regulations that impose restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by the regulations on the interstate movement of those articles; and
- The designation of less than the entire State as a quarantined area will otherwise be adequate to prevent the artificial interstate spread of EAB.

Based on these criteria, APHIS issues Federal Orders to immediately restrict the interstate movement of regulated articles for EAB from areas designated as quarantined areas. After a Federal Order is issued, APHIS publishes a document in the **Federal Register** to update the regulations to reflect the changes made by the Federal Order. The last update to the regulations was published in May 2010. Since then, APHIS has issued several Federal Orders for EAB that designate areas in the States of Arkansas, Colorado, Georgia, Kansas, Maryland, Minnesota, New Hampshire, North Carolina, Tennessee, Wisconsin, and the District of Columbia to the list of quarantined areas and the States of Connecticut, Iowa, Kentucky, Massachusetts, Missouri, New York, Pennsylvania, and Virginia in their entirety as quarantined areas.[1] As a result, our regulations have become outdated.

Therefore, in accordance with the criteria described above, we are amending § 301.53–3 by adding areas in the States of Arkansas, Colorado, Georgia, Kansas, Maryland, Minnesota, New Hampshire, North Carolina, Tennessee, Wisconsin, and the District of Columbia and the States of Connecticut, Iowa, Kentucky, Massachusetts, Missouri, New York, Pennsylvania, and Virginia in their entirety to the list of quarantined areas for EAB. As a result of this rule, the interstate movement of regulated articles from these areas will be restricted. A full list of the areas we are adding to the regulations is provided in the regulatory text at the end of this document.

Emergency Action

The rulemaking is necessary on an emergency basis to prevent the spread of EAB to noninfested areas of the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see DATES above).

[1] To review the Federal Orders issued for EAB, go to *http://www.aphis.usda.gov/planthealth/eab_quarantine.*

After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This interim rule is subject to Executive Order 12866. However, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is summarized below, regarding the economic effects of this rule on small entities. The full analysis may be viewed on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov) or obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

The States added, either partially or entirely, to the list of EAB regulated areas include about 51 percent of U.S. sawmills, 46 percent of wood container and pallet manufacturing establishments, 53 percent of landscaping services, 36 percent of nursery and garden centers, 34 percent of recreational vehicles parks and campgrounds, 37 percent of logging operations, and 36 percent of forest nurseries.

Based on our review of available information, APHIS does not expect the interim rule to have a significant economic impact on small entities. Affected industries in the quarantined areas we are adding to the regulations are already operating under EAB quarantine restrictions imposed by Federal Orders. In the absence of significant economic impacts, we have not identified alternatives that would minimize such impacts.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This 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.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. Section 301.53–3, paragraph (c) is amended as follows:

■ a. In the entries for Maryland, Minnesota, and Wisconsin, by adding new counties in alphabetical order.

■ b. By revising the entries for Kentucky, Missouri, New York, Pennsylvania, and Virginia.

■ c. By adding, in alphabetical order, entries for Arkansas, Colorado, Connecticut, District of Columbia, Georgia, Iowa, Kansas, Massachusetts, New Hampshire, North Carolina, and Tennessee.

The revisions and additions read as follows:

§ 301.53–3 Quarantined areas.

* * * * *

(c) * * *

Arkansas

Ashley County. The entire county.
Bradley County. The entire county.
Calhoun County. The entire county.
Clark County. The entire county.
Cleveland County. The entire county.
Columbia County. The entire county.
Dallas County. The entire county.
Drew County. The entire county.
Garland County. The entire county.
Grant County. The entire county.
Hempstead County. The entire county.
Hot Spring County. The entire county.
Howard County. The entire county.
Jefferson County. The entire county.
Lafayette County. The entire county.
Lincoln County. The entire county.
Little River County. The entire county.
Miller County. The entire county.
Montgomery County. The entire county.
Nevada County. The entire county.
Ouachita County. The entire county.
Pike County. The entire county.
Saline County. The entire county.
Sevier County. The entire county.
Union County. The entire county.

Colorado

Boulder County. The entire county.

Boulder County/Larimer County. The 15 acre property at 8200 Highway 7 on the Boulder County/Larimer County line.

Jefferson County. The portion of Jefferson County that is bounded by a line starting at the Boulder County line proceeding south along the west side of CO–93 to West 80th Avenue; then east on W. 80th Avenue (Lyden Road) to the Northwest Boundary marker of Pettridge Park; then northeast from the Pettridge Park boundary marker, crossing W. 80th Avenue, to the east fence line, crossing the riparian area, and east wind fence of the landfill; then north along the east fence line of the power generation facility; then north, crossing the railroad tracks, following the fence and power lines to CO–72 (Coal Creek Hwy); then north, crossing CO–72, following the power line along the west side of the cell tower site to the Southwest Boundary marker of Department of Interior, U.S. Fish and Wildlife Service, Rocky Flats National Wildlife Refuge (RFNWR); continuing north along the west fence line of RFNWR to the east fence line of National Renewable Energy Laboratory, Wind Technology Center to CO–128 (West 120th Avenue) to the Boulder County line.

Weld County. The Township of Erie.

Connecticut

The entire State.

District of Columbia

The entire district.

Georgia

Clayton County. The entire county.
Cobb County. The entire county.
DeKalb County. The entire county.
Fayette County. The entire county.
Fulton County. The entire county.
Gwinnett County. The entire county.
Henry County. The entire county.
Newton County. The entire county.
Rockdale County. The entire county.
Walton County. The entire county.
Whitfield County. The entire county.

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Iowa

The entire State.

Kansas

Johnson County. The entire county.
Leavenworth County. The entire county.

Wyandotte County. The entire county.

Kentucky

The entire State.

Maryland

Allegany County. The entire county.
Anne Arundel County. The entire county.
Baltimore City. The entire city.
Baltimore County. The entire county.
Calvert County. The entire county.
Carroll County. The entire county.

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Fredrick County. The entire county.
Garrett County. The entire county.
Harford County. The entire county.
Howard County. The entire county.
Montgomery County. The entire county.

* * * * *

Saint Mary's County. The entire county.
Washington County. The entire county.

Massachusetts

The entire State.

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Minnesota

Dakota County. The entire county.

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Olmsted County. The entire county.

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Winona County. The entire county.

Missouri

The entire State.

New Hampshire

Hillsborough County. The entire county.
Merrimack County. The entire county.
Rockingham County. The entire county.

New York

The entire State.

North Carolina

Granville County. The entire county.
Person County. The entire county.
Vance County. The entire county.
Warren County. The entire county.

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Pennsylvania

The entire State.

Tennessee

Anderson County. The entire county.
Blount County. The entire county.
Bradley County. The entire county.
Campbell County. The entire county.
Carter County. The entire county.
Claiborne County. The entire county.
Clay County. The entire county.
Cocke County. The entire county.
Davidson County. The entire county.
Fentress County. The entire county.
Grainger County. The entire county.
Greene County. The entire county.
Hamblen County. The entire county.
Hamilton County. The entire county.
Hancock County. The entire county.
Hawkins County. The entire county.
Jackson County. The entire county.
Jefferson County. The entire county.
Johnson County. The entire county.
Knox County. The entire county.
Loudon County. The entire county.
Macon County. The entire county.
McMinn County. The entire county.
Meigs County. The entire county.
Monroe County. The entire county.
Morgan County. The entire county.
Overton County. The entire county.
Pickett County. The entire county.
Polk County. The entire county.
Putnam County. The entire county.
Rhea County. The entire county.
Roane County. The entire county.
Scott County. The entire county.
Sevier County. The entire county.
Smith County. The entire county.
Sullivan County. The entire county.
Unicoi County. The entire county.
Union County. The entire county.
Washington County. The entire county.

Virginia

The entire State.

* * * * *

Wisconsin

Adams County. The entire county.

* * * * *

Buffalo County. The entire county.
Calumet County. The entire county.
Columbia County. The entire county.

* * * * *

Dane County. The entire county.
Dodge County. The entire county.
Door County. The entire county.
Douglas County. The entire county.

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Grant County. The entire county.
Iowa County. The entire county.
Jackson County. The entire county.
Juneau County. The entire county.

* * * * *

Kewaunee County. The entire county.
La Crosse County. The entire county.
Lafayette County. The entire county.
Manitowoc County. The entire county.

* * * * *

Monroe County. The entire county.
Oneida County. The entire county.
Oneida Indian Reservation. The entire reservation.

* * * * *

Richland County. The entire county.
Rock County. The entire county.

* * * * *

Trempealeau County. The entire county.

* * * * *

Walworth County. The entire county.

* * * * *

Winnebago County. The entire county.

Done in Washington, DC, this 15th day of July 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–17847 Filed 7–20–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2013–0079]

Khapra Beetle; New Regulated Countries and Regulated Articles

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are adopting as a final rule, with changes, an interim rule that amended the khapra beetle regulations by adding additional regulated articles and regulated countries, updating the regulations to reflect changes in industry practices and country names that have changed since the regulations were originally published, and removing the list of countries where khapra beetle is known to occur from the regulations and moving it to the Plant Protection and Quarantine Web site. These actions were necessary to prevent the introduction of khapra beetle from infested countries on commodities that have been determined to be hosts for the pest, reflect current industry practices, and make it easier to make timely changes to the list of regulated countries.

DATES: This final rule is effective July 21, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. George Apgar Balady, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2240.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule [1] effective and published in the **Federal Register** on December 29, 2014 (79 FR 77839–77841, Docket No. APHIS–2013–0079), we amended the khapra beetle regulations in 7 CFR part 319 by adding rice (*Oryza sativa*), chick peas (*Cicer* spp.), safflower seeds (*Carthamus tinctorius*), and soybeans (*Glycine max*) to the list of regulated articles in § 319.75–2 and prohibiting their entry into the United States unless accompanied by a phytosanitary certificate with an additional declaration stating that the articles in the consignment were inspected and found free of khapra beetle in accordance with § 319.75–9. We also added bulk, unpackaged seeds to the list of regulated articles due to their potential for infestation by khapra beetle. In addition, we updated the list of regulated countries in § 319.75–2(b) and moved that list to the Plant Protection and Quarantine (PPQ) Web site at *http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/kb.pdf*. Countries will be added to the list of regulated areas when we receive official notification from the country that it is infested or when we intercept the pest in a commercial shipment from that country. Any future additions to the list of regulated areas will be conveyed through publication of a notice in the **Federal Register**.

Finally, we updated the regulations for certain commodities due to changes in industry practices that have affected the risk of khapra beetle being introduced into the United States. These actions were necessary to prevent the introduction of khapra beetle from infested countries on commodities that have been determined to be hosts for the pest, reflect current industry practices, and make it easier to make timely changes to the list of regulated countries.

We solicited comments concerning the interim rule for 60 days ending February 27, 2015. We received one comment by that date from a private citizen. The commenter discussed the rule in general terms without supporting or opposing any of its provisions.

Miscellaneous

Currently, the regulations state that plant gums and seeds shipped as bulk cargo in an unpackaged state are regulated articles. We are making a minor change to clarify that the seeds in this case are plant gum seeds and not all plant seeds. In addition, we are making corrections to the names of several taxa that were misspelled in § 319.75–2, footnote 2.

In the preamble of the interim rule, we stated that we were codifying the requirements of two Federal Orders that, among other things, prohibited the entry into the United States of rice, chick peas, safflower seeds, and soybeans in passenger baggage and personal effects. However, we inadvertently omitted that requirement from the regulations in § 319.75–2. We are correcting that omission in this final rule.

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

This final rule also affirms the information contained in the interim rule concerning Executive Order 12988 and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

Regulatory Flexibility Act

This final rule follows an interim rule that amended the khapra beetle regulations by adding additional regulated articles and regulated countries, updating the regulations to reflect changes in industry practices and country names that have changed since the regulations were originally published, and removing the list of countries where khapra beetle is known to occur from the regulations and moving it to the Plant Protection and Quarantine Web site.

The U.S. entities that may be impacted by the rule are likely to be those involved in importing, handling, moving, processing, or selling regulated articles. The 2012 County Business Patterns (North American Industry Classification System) statistics corresponding to the Small Business Administration small-entity standards indicate that between 93 and 100 percent of these entities can be considered small. However, impacts of the rule are expected to be limited; the khapra beetle restrictions on rice imports have been in place since July 2012 and on the latter three crops since December 2011. In addition, none of the newly regulated areas (Kuwait, Oman, Qatar, the United Arab Emirates, and South Sudan, and the Palestinian Authority—West Bank) is an important source for the United States of major commodities known to host khapra beetle.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, the interim rule amending 7 CFR part 319 that was published at 79 FR 77839–77841 on December 29, 2014, is adopted as a final rule with the following changes:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450 and 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 319.75–2 is amended as follows:

■ a. By revising paragraph (a)(1).

■ b. In paragraph (a)(3), by adding the words ''plant gum'' before the word ''seeds''.

■ c. By revising the introductory text of paragraph (b).

The revisions read as follows:

§ 319.75–2 Regulated articles.[1]

(a) * * *

(1) Seeds of the plant family Cucurbitaceae [2] if in shipments greater than 2 ounces, if not for propagation;

* * * * *

(b) The following articles are regulated articles from all countries designated in accordance with paragraph (c) of this section as infested with khapra beetle or that have the potential to be infested with khapra beetle and are prohibited entry into the United States in passenger baggage and personal effects. Commercial shipments must be accompanied by a phytosanitary certificate issued in accordance with § 319.75–9 and containing an additional declaration stating: ''The shipment was inspected and found free of khapra beetle (*Trogoderma granarium*).''

* * * * *

[1] To view the interim rule and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0079*.

[1] The importation of regulated articles may be subject to prohibitions or additional restrictions under other provisions of 7 CFR part 319, such as Subpart—Foreign Cotton and Covers (see § 319.8) and Subpart—Fruits and Vegetables (see § 319.56).

[2] Seeds of the plant family Cucurbitaceae include but are not limited to: *Benincasa hispida* (wax gourd), *Citrullus lanatus* (watermelon), *Cucumis melo* (muskmelon, cantaloupe, honeydew), *Cucumis sativus* (cucumber), *Cucurbita pepo* (pumpkin, squashes, vegetable marrow), *Lagenaria siceraria* (calabash, gourd), *Luffa cylindrica* (dishcloth gourd), *Mormordica charantia* (bitter melon), and *Sechium edule* (chayote).

Done in Washington, DC, this 15th day of July 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–17842 Filed 7–20–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–1127; Directorate Identifier 2014–NE–16–AD; Amendment 39–18203; AD 2015–14–05]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Pratt & Whitney (PW) JT8D–217C and JT8D–219 turbofan engines. This AD was prompted by reports of cracking in the low-pressure turbine (LPT) shaft. This AD requires removing affected LPT shafts from service using a drawdown plan. We are issuing this AD to prevent failure of the LPT shaft, which could lead to an uncontained engine failure and damage to the airplane.

DATES: This AD is effective August 25, 2015.

ADDRESSES: For service information identified in this AD, contact Pratt & Whitney, 400 Main St., East Hartford, CT 06108; phone: 860–565–8770; fax: 860–565–4503. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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–2014–1127; 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jo-Ann Theriault, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7105; fax: 781–238–7199; email: *jo-ann.theriault@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all PW JT8D–217C and JT8D–219 turbofan engines. The NPRM published in the **Federal Register** on March 2, 2015 (80 FR 11140). The NPRM was prompted by in-shop findings of fatigue cracks on the No. 4.5 bearing thread undercut adjacent to the oil feed holes. The cracks were discovered during routine fluorescent penetrant inspections (FPIs). Both shafts had oil feed hole enlargement rework accomplished. The root cause is increased stress on the fillet of the thread undercut region in front of the oil feed holes caused by oil feed hole rework. The increased stress reduces the low cycle fatigue life of the shaft. The NPRM proposed to require removing affected LPT shafts from service using a drawdown plan. We are issuing this AD to prevent failure of the LPT shaft, which could lead to an uncontained engine failure and damage to the airplane.

Related Service Information

We reviewed PW Service Bulletin (SB) No. JT8D 6504, dated November 5, 2014. The SB contains additional information regarding removal of the LPT shaft.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (80 FR 11140, March 2, 2015) and the FAA's response to each comment.

Request To Withdraw the NPRM

Delta Air Lines (DAL) and Allegiant Air requested that the current LPT shaft life limit of 25,000 cycles-since-new (CSN) be retained rather than removing the LPT shaft from service at 20,000 CSN as proposed in the NPRM. The commenters stated that reducing the life limit is unjustified because there has not been an in-service LPT shaft failure of the type addressed.

We do not agree. We determined that an acceptable level of safety would not be maintained if LPT shafts are allowed to remain in service until accumulating 25,000 CSN. We reduced the life of the LPT shaft to 20,000 CSN to minimize the risk of LPT shaft failure. We did not change this AD.

Proposal To Increase Repetitive Inspections

DAL and Allegiant Air proposed increasing the occurrence of FPIs to increase the opportunity of identifying LPT shaft cracks. The commenters stated that routine FPIs have been successful in detecting LPT shaft cracks in the past.

We do not agree. Recurring inspections are not adequate as a final corrective action. Relying on recurring FPIs to detect cracks, rather than shaft removal at 20,000 CSN, would likely result in an increased number of LPT shafts cracking in service, a greater risk of undetected cracked shafts being returned to service, and an unacceptable risk of shaft failure. We determined that long-term continued operational safety is enhanced by a terminating action that removes affected shafts from service rather than by increasing the occurrence of repetitive inspections. We did not change this AD.

Request To Reduce Costs

DAL and Allegiant Air requested retaining the existing life limit or increasing the occurrence of inspections. The commenters stated that the life reduction in the NPRM places an undue economic burden on the U.S. fleet by forcing early engine removals.

We do not agree. We mitigated the operational and financial impacts by providing a drawdown plan rather than requiring removal before further flight, while providing an acceptable level of safety. We did not change this AD.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed.

Costs of Compliance

We estimate that this AD will affect about 744 engines installed on airplanes of U.S. registry. The average labor rate is $85 per hour. We estimate the pro-rated replacement cost would be $28,230. We also estimate that shaft replacement would be accomplished during an engine shop visit at no additional labor cost. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $21,003,120.

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

This AD will not have federalism implications under Executive Order 13132. This AD 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.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

2015–14–05 Pratt & Whitney: Amendment 39–18203; Docket No. FAA–2014–1127; Directorate Identifier 2014–NE–16–AD.

(a) Effective Date

This AD is effective August 25, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Pratt & Whitney (PW) JT8D–217C and JT8D–219 turbofan engines with low-pressure turbine (LPT) shaft part numbers 783319, 783319–001, 783319–003, 783319–004, 783320, 783320–001, 783320–003, 783320–004, 820514–001, 820514–003, 820514–004, or 820514–005, installed.

(d) Unsafe Condition

This AD was prompted by reports of cracking in the LPT shaft. We are issuing this AD to prevent failure of the LPT shaft, which could lead to an uncontained engine failure and damage to the airplane.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done.

(1) If the LPT shaft has 15,000 or fewer cycles-since-new (CSN) on the effective date of this AD, remove it from service before it accumulates 20,000 CSN.

(2) If the LPT shaft has more than 15,000 CSN on the effective date of this AD, remove it from service before it accumulates 5,000 additional cycles in service, or at the next piece-part exposure after accumulating 20,000 CSN, whichever occurs first.

(3) After the effective date of this AD, do not install any LPT shaft listed in paragraph (c) of this AD that is at piece-part exposure and exceeds the new life limit of 20,000 CSN, into any engine.

(f) Definition

For the purpose of this AD, piece-part exposure is when the LPT shaft is completely disassembled from the engine.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(h) Related Information

(1) For more information about this AD, contact Jo-Ann Theriault, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7105; fax: 781–238–7199; email: *jo-ann.theriault@faa.gov.*

(2) PW Service Bulletin No. JT8D 6504, dated November 5, 2014, which is not incorporated by reference in this AD, can be obtained from PW using the contact information in paragraph (h)(3) of this AD.

(3) For service information identified in this AD, contact Pratt & Whitney, 400 Main St., East Hartford, CT 06108; phone: 860–565–8770; fax: 860–565–4503.

(4) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(i) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on June 26, 2015.

Ann C. Mollica,

Acting Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–17710 Filed 7–20–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91 and 119

[Docket No. FAA–FAA–2015–0517]

Policy Regarding Living History Flight Experience Exemptions for Passenger Carrying Operations Conducted for Compensation and Hire in Other Than Standard Category Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of policy statement.

SUMMARY: With this document, the Federal Aviation Administration (FAA) cancels all previous agency policies pertaining to the carriage of passengers for compensation on Living History Flight Experience (LHFE) flights. This policy statement announces the end of FAA moratorium on new petitions for exemption, or amendments to exemptions from certain sections of Title 14, Code of Federal Regulations (14 CFR) for the purpose of carrying passengers for compensation or hire on LHFE Flights.

DATES: The moratorium will end on July 21, 2015.

FOR FURTHER INFORMATION CONTACT: General Aviation and Commercial Division, General Aviation Operations Branch (AFS–830), Flight Standards Service, FAA, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–1100; *9-AFS-800-Correspondence-Mail@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA has historically found the preservation of U.S. aviation history to be in the public interest, including preservation of certain former military

aircraft transferred to private individuals or organizations for the purpose of restoring and operating these aircraft. In 1996, the FAA received exemption requests from not-for-profit organizations to permit the carriage of persons for compensation in both Limited and Experimental category, former-military, historically-significant aircraft. These requests offered to provide a short in-flight experience to these aircraft in exchange for compensation, leading to the term Nostalgia Flights, then later Living History Flight Experience (LHFE), and provided a means for private civilian owners to offset the considerable restoration, maintenance and operational costs. The FAA determined that, in certain cases, operators could conduct LHFE flights at an acceptable level of safety and in the public interest, in accordance with appropriate conditions and limitations.

These original requests involved large, crew-served, piston-powered, multi-engine World War II (WWII) vintage aircraft. In order to maintain safe operations of these aircraft, the FAA required flight crewmembers to meet certain qualifications and training requirements that included FAA-approved training, maintaining training records, and reporting procedures. As the public availability of purchase for former military aircraft increased, along with an increase in public interest for maintaining and operating these aircraft, so grew the requests for LHFE relief.

In 2004, to address a range of new aircraft requests and clarify the FAA's position, the FAA published a notice of policy statement (FAA–2004–17648). The policy limited LHFE relief to slower, piston-powered, multi-engine airplanes of WWII or earlier vintage, citing the unique opportunity to experience flight in aircraft such as the B–17 Flying Fortress and B–24 Liberator which could still be operated safely, considering limited parts and specialty-fuel supplies. In addition, qualifying aircraft would have no similar standard airworthiness counterpart that could allow a similar experience without the need for regulatory relief. The FAA also determined supersonic jets would not be considered because their operational speeds made it likely that any in-flight emergency may result in serious injuries or fatalities. The policy detailed that, in permitting the carriage of passengers, flight crewmembers were required to meet more stringent pilot qualifications as well as training requirements that included an FAA-approved training program, maintenance of training records, and reporting procedures.

In the years that followed, the FAA received petitions to operate a broad range of aircraft, including large turbojet-powered aircraft, foreign-manufactured aircraft and aircraft models that remained in military service, or were readily available in the open market. The petitions raised significant concerns within the FAA, and led to a reexamination and refinement of the criteria for issuing exemptions pertaining to LHFE flights.

In 2007, after requesting and receiving public comment on the matter, the FAA published an updated policy statement (72 FR 57196) that provided consideration for any aircraft on a case-by-case basis, so long as the petitioner demonstrates that (1) there is an overriding public interest in providing a financial means for a non-profit organization to continue to preserve and operate these historic aircraft, and (2) adequate measures, including all conditions and limitations stipulated in the exemption, will be taken to ensure safety. Additionally, the FAA refined and expanded its previous list of criteria, requiring numerous aircraft-operation components, including crew qualification and training, aircraft maintenance and inspection, passenger safety and training, safety of the non-participating public, as well as manufacturing criteria, and a petitioner's non-profit status. The FAA also included consideration for the number of existing operational aircraft and petitioners available to provide the historic service to the public.

The evolution of LHFE operations in the private sector, along with the availability of newer and more capable former military aircraft, raised new public safety and public policy concerns. The FAA accommodated several requests to operate more modern military jet aircraft. Conditions and limitations for operations grew in number, and were, in some cases, misinterpreted as permitting operations that the FAA did not contemplate or intend. Examples included cases of passengers manipulating the aircraft flight controls to proposals of LHFE flights performing aerobatic maneuvers, simulating aerial combat in the interest of ''historical experience.''

Consequently, in 2011, the FAA published a new policy statement announcing a moratorium on LHFE exemptions for new operators and the addition of aircraft to existing LHFE exemptions. The moratorium permitted existing exemption holders to continue operations, and to renew their exemptions, but stated that the FAA would add clarifying limitations to all LHFE petitions renewed or extended during that time.

In June of 2012, the FAA held public meetings to gather additional technical input. Discussion addressed 35 questions posed by the FAA and included as part of the meeting notice. In addition to statements provided by the public meeting attendees, over 500 comments were received in the docket (Docket No. FAA–2012–0374) established for public input. The meeting was focused to address industry comments related to the LHFE policy notices of 2004 and 2007 and areas of concern based on safety recommendations, FAA internal discussions, and post 2007 developments. Small work groups were formed to discuss general policy, exemption issuance, limitations, weather minimums, pilot qualification and currency, and maintenance and inspection. The area of interest that generated the most discussion was regarding limitations placed on LHFE operations—specifically, passengers occupying crew seats or positions, aerobatics, and requirements for arresting gear for high performance jets. The largest general policy topic discussed was regarding whether the FAA planned on excluding turbojets or supersonic aircraft in the policy. The work groups also explored criteria for determining historical significance, replicas, operational control and responsible persons, manuals, compliance history, and training requirements.

The majority of the 519 written comments were either in favor of keeping the existing exemption policy or expanding on its provisions. Fifty-nine (11%) comment submissions desired no changes to the current LHFE policy. Eight commenters provided detailed comments to each of the questions posed within the FAA's areas of interest. In regards to training, safety and operational control, a commenter stated his belief that the employees/pilots/crew of the aircraft for hire have annual training and that the aircraft should be on an FAA/manufacturer approved inspection program, and that this training and adherence to the required and recommended inspections/maintenance provides a reasonable level of government protection to the flying and non-flying public. Eight commenters suggested a more restrictive LHFE Exemption policy, and one commenter supported the use of drug testing for LHFE flight crews. One commenter suggested that good guidance already exists in the A008 Operations Specification of Part 135 certificate holders, and that much of

that guidance can be reasonably applied to LHFE. The FAA concurs and finds good reason to include certain elements found in part 135; specifically those related to operational control and document structure. 516 (99%) written comments expressed support for LHFE exemptions, while three (1%) were opposed.

The FAA also held meetings with curators at the Smithsonian National Air and Space Museum and reviewed the United States General Accounting Office (GAO) report on Preserving DOD Aircraft Significant to Aviation History to understand how other organizations determine ''historical significance'' as part of determining criteria to satisfy ''public interest''.

Also during the moratorium, two accidents involving LHFE operators occurred which led the FAA to further research and develop safety mitigations to operational and maintenance issues highlighted by the investigations. The need to develop a safety and risk management system as part of the new policy was evident, and supported by comments received. One such comment stated, in part that it is important to try and mitigate some of the risks and to inform the public about the risks of the activity.

Therefore, based on FAA research, comments and transcripts of the public meeting, as well as an evaluation of public safety risks, the FAA finds good reason to publish a new policy. While the FAA is lifting the 2011 moratorium with this policy, we are also setting forth specific criteria that the FAA will use in considering any LHFE petition for exemption, or petition to extend or amend an existing exemption.

FAA Policy

The FAA announces the end of the FAA-imposed moratorium on new petitions for exemption, or amendments to existing exemptions, from certain sections of 14 CFR for the purpose of carrying passengers for compensation or hire on LHFE flights. The FAA is also cancelling all previously issued LHFE policy statements. The FAA will now consider new petitions for exemption, or requests for extensions or amendments to current exemptions in accordance with the following criteria.

A. Aircraft Must Be ''Historically Significant''

Each aircraft must be ''historically significant'' according to the following criteria:

1. *U.S. operated:* The aircraft must meet a documented set of U.S. military standards for its airworthiness and operations in U.S. military service.

2. *Not in service:* Aircraft currently operated by the U.S. military or in civilian service will not be considered. This exclusion includes variants of those aircraft.

3. *Fragile:* The aircraft must be ''fragile.'' Accepted practices in the collection of aircraft include ''fragility'' as a factor that necessitates preservation. If there are hundreds of models of a particular aircraft still flying, that aircraft's existence would not be considered ''fragile.'' If, on the other hand, there are few remaining aircraft and the model could become ''extinct'' without preservation efforts, that aircraft would be considered ''fragile.'' Each aircraft request will be reviewed for ''fragility'' on a case-by-case basis.

4. *Age:* The original type design must be at least 50 years old. This requirement is consistent with the policy used by the National Register of Historical Places to determine historical significance (Reference: *National Register Bulletin: Guidelines for Evaluating and Documenting Historic Aviation Properties. US Department of Interior,* 1998, p. 34–35).

5. *No Available Standard Category Aircraft:* Aircraft for which a standard category civilian model is available will not be considered. (*e.g.,* the T–28A achieved certification as a standard aircraft, while the other versions, T–28B/C, etc. were strictly military variants and not eligible for certification in the standard category).

Replicas will not be considered. This element relates to the ''integrity'' of the structure or object as defined by the National Register of Historical Places, as described in the GAO report on Aircraft Preservation (Reference: *Aircraft Preservation: Preserving DOD Aircraft Significant to Aviation History,* GAO/NSIAD–8–170BR, May 1988, Appendix III, p. 13).

B. Designation of a Responsible Person and Operational Control Structure

The FAA will review each petition to identify a responsible party, and an operational control structure or chain of command within the manual system for pilots, maintenance, and support personnel. Consequently, each petition should designate a responsible person whom the FAA can contact for both operations and maintenance functions.

C. Safety & Risk Analysis

The FAA will use Safety Risk Management (SRM) and Equal Level of Safety (ELoS) principles to guide its safety review in connection with any future LHFE exemption petition or request. This safety review will include, but will not be limited to, an analysis of whether hazards and risks have been identified and responded to through appropriate mitigating strategies. As such, each petitioner should be guided by the following criteria:

- An understanding and use of Safety Risk Management (SRM) principles.
- A plan to mitigate risks as they become known, or to correct an unsafe condition or practice. This includes, but is not limited to, risks in design, manufacturing, maintenance and operations.
- A detailed explanation of all supporting and historical safety-related data, such as: Maintenance history, airworthiness status, conformity to the Type Certificate Data Sheet (TCDS—for Limited category airworthiness certificates), operational failure modes, aging aircraft factors, and civilian and military accident rates. For example, the FAA will consider:
  - Operator history, including accidents and incidents, regulatory compliance and FAA surveillance history.
  - Maintenance records, including modifications.
  - Training records.
  - The aircraft's operational history, including the operator's proposed mitigation of known risks.
  - Operating limitations to enhance safety, clarify, and remediate differences in like aircraft.
  - The FAA will assess and, if necessary, require changes to passenger safety in terms of configuration, seats, crashworthiness, and emergency egress, etc.
- The operator should be able to demonstrate to the FAA, upon request, the passenger's ability to egress each aircraft in the event of an emergency in which the crewmember(s) is unable to assist.

D. Manual System

LHFE operators should be able to demonstrate the existence of a manual system similar in terms of intent and scope of those in 14 CFR part 135. The FAA will evaluate the operator's manuals, including:

- Operations Manual (General Operations Manual-GOM).
- Pilot Training Manual and Qualifications.
- Maintenance and Line Support Training Manuals.
- Maintenance Manual (AIP) including, but not limited to:
  - Review of previously approved AIPs as provided by 14 CFR 91.415
  - Maintenance training elements.
  - Replacement plan for time-limited parts or development of an on-condition inspection program for such parts.

○ Aging aircraft inspection program.
○ Corrosion inspection program.
○ Continued Operational Safety (COS).
• SMS Manual.

E. Other Considerations

LHFE operations, as it applies to the passenger(s) experience, is limited to the sole purpose of being onboard the aircraft during flight. The FAA will not consider expanded operations such as flight training, aerobatics, and passenger manipulation of the flight controls.

The FAA will always consider whether a request benefits the public as a whole and how the request would provide a level of safety at least equal to that provided by the rule in accordance with 14 CFR 11.81. Moreover, the FAA may impose additional conditions and limitations or deny petitions regardless of this policy statement to adequately mitigate safety concerns and risk factors as they become known.

Filing a Petition for Exemption or To Request an Amendment or Extension to an Existing Exemption

To submit a petition for exemption or to request an amendment or extension to an existing exemption, all petitioners must follow the procedures set forth in part 11 of title 14 of the Code of Federal Regulations.

Issued in Washington, DC, on July 10, 2015.

John S. Duncan,

Director, Flight Standards Service.

[FR Doc. 2015–17966 Filed 7–20–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0647]

RIN 1625–AA00

Safety Zone; Maritime Museum Party, San Diego Bay; San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the San Diego Bay for a fireworks display on the evening of July 23, 2015. This action is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: This rule is effective from 8:30 p.m. to 9:30 p.m. on July 23, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0647]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Nick Bateman, Waterways Management, U.S. Coast Guard Sector San Diego; telephone (619) 278–7656, email *D11-PF-MarineEventsSanDiego@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule safety zone for a planned fireworks show on San Diego Bay without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.''

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impracticable because immediate action is needed to minimize potential danger to the participants and the public during the event. Furthermore, the necessary information to determine whether the marine event poses a threat to persons and vessels was provided 15 days before the event, which is insufficient time to publish an NPRM. Because fireworks barges on the navigable waterways poses significant risk to public safety and property and the likely combination of large numbers of recreation vessels and congested waterways could easily result in serious injuries or fatalities, this safety zone is necessary to safeguard spectators, vessels and the event participants. For the safety concerns noted, it is important to have these regulations in effect during the event and impracticable to delay the regulations.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For these same reasons, the Coast Guard finds good cause for implementing this rule less than thirty days before the effective July 23, 2015.

B. Basis and Purpose

The legal basis and authorities for this temporary rule are found in 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to propose, establish, and define regulatory safety zones.

The Coast Guard believes establishing a temporary safety zone on the navigable waters of the San Diego Bay is necessary to ensure public safety for the fireworks display. A temporary safety zone will provide for the safety of the event participants, spectators, safety vessels, and other public users of the waterway. This event involves a planned fifteen minute fireworks display on a portion of San Diego Bay.

C. Discussion of the Final Rule

The Coast Guard is establishing a temporary safety zone that will be enforced from 8:30 p.m. to 9:30 p.m. on July 23, 2015. This safety zone is necessary to provide for the safety of the event participants, event spectators, safety patrol craft and to protect other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or their designated representative. Before the effective period, the Coast Guard will publish a local notice to mariners (LNM). Just prior to the event and during the enforcement of the event, the Coast Guard will issue a broadcast notice to mariners (BNM) alert via VHF Channel 16.

This temporary safety zone will be bound by a 600 foot radius of the fireworks barge, center approximately on the following coordinate (North American Datum of 1983, World Geodetic System, 1984): 32°43.14 N, 117°10.36 W

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 expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size, location and limited duration of the safety zone. This zone impacts a small designated area of the San Diego bay for less than one hour. Furthermore, vessel traffic can safely transit around the safety zone.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of private and commercial vessels intending to transit or anchor in the impacted portion of the San Diego Bay from 8:30 p.m. through 9:30 p.m. on July 23, 2015.

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

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.01.

■ 2. Add § 165.T11–647 to read as follows:

§ 165.T11–647 Safety Zone; Maritime Museum Party; San Diego, CA.

(a) *Location.* The limits of the safety zone will include all the navigable waters within 600 feet of the fireworks barge in approximate position of 32°43.14 N, 117°10.36 W (North American Datum of 1983, World Geodetic System, 1984).

(b) *Enforcement period.* This section will be enforced from 8:30 p.m. to 9:30 p.m. on July 23, 2015. If the event concludes prior to the schedule termination time, the COTP will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

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

(d) *Regulations.* (1) Under the general regulations in subpart C of this part, entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated representative.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or his designated representative.

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

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

Dated: July 10, 2015.

J.S. Spaner,

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

[FR Doc. 2015–17843 Filed 7–20–15; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3001

[Docket No. RM2015–8; Order No. 2589]

Automatic Docket Closure Procedures

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is issuing a set of final rules establishing new procedures concerning automatic closure of Commission dockets after an extended period of docket inactivity. The rules will permit a simplified docket closure process. Relative to the proposed rules, some of the changes are substantive and others are minor and non-substantive.

DATES: *Effective* August 20, 2015.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Regulatory History

80 FR 26517, May 8, 2015

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I. Introduction
II. Comments
III. Commission Analysis
IV. Ordering Paragraphs

I. Introduction

The Postal Accountability and Enhancement Act (PAEA), Public Law 109–435, 120 Stat. 3198 (2006), authorizes the Commission to develop rules and establish procedures that it deems necessary and proper to carry out Commission functions.[1]

On May 4, 2015, the Commission issued a notice of proposed rulemaking establishing procedures that would simplify the docket closure process by permitting automatic closure of a docket following a significant period of inactivity.[2] The Notice requested comments from interested persons regarding the proposed rules. The Commission received comments from the Postal Service and the Public Representative.[3] After consideration of the comments submitted, the Commission adopts the proposed rules, modified as described below.

II. Comments

The Postal Service and Public Representative offered positive comments and suggested revisions with respect to the Commission's proposed rules.

The Postal Service agrees that an automatic closure procedure would promote efficient docket management and provide clarity for the public because it would clear out items listed on the Commission's Web site. Postal Service Comments at 1. However, the Postal Service has concerns that, in certain proceedings, a docket may be automatically closed due to 12 consecutive months of inactivity prior to a final order being issued by the Commission. *Id.* at 1–2. The Postal Service recommends proposed rule 3001.44(a) be revised to indicate that if the final order in a docket is pending, it will not be subject to automatic closure. *Id.* at 2.

In addition, the Postal Service recommends that the Commission provide notice to the public of the impending docket closure at least 30 days prior to the automatic closure date. *Id.* The Postal Service also suggests that a motion to stay automatic closure be filed at least 15 days prior to closing, rather than 10 days prior to closing, in order to provide parties ample time to

[1] *See* 39 U.S.C. 503; *see also* Postal Reorganization Act, Public Law 91–375, 84 Stat. 759 (1970), at section 3603.

[2] Docket No. RM2015–8, Order No. 2465, Notice of Proposed Rulemaking Regarding Automatic Closure of Inactive Dockets, May 4, 2015 (Notice); *see also* 80 FR 26517 (May 8, 2015).

[3] *See* Initial Comments of the United States Postal Service, June 8, 2015 (Postal Service Comments); Public Representative Comments, June 8, 2015 (PR Comments).

file answers pursuant to rule 3001.21. *Id.* at 2–3.

Finally, the Postal Service argues that because the Commission does not file motions under rule 3001.21, a separate paragraph should be added to indicate that the Commission may issue an order *sua sponte* keeping a docket open. *Id.* at 3.

The Public Representative supports the establishment of rules that create more streamlined procedures for closing inactive dockets. PR Comments at 2. However, she recommends clarifying the meaning of ''good cause'' found in rule 3001.44(c) as interested persons may not be aware that grounds for a motion to reopen exist, and she provides definitions and terms used by other agencies. *Id.*

The Public Representative does not go so far as to recommend filing a public notice with the **Federal Register**; however, she suggests providing notification to the public via the Commission's Web site. She argues that such a notice would ''achieve due process and transparency without significant administrative burden or loss of efficiency.'' *Id.* at 3.

Finally, the Public Representative recommends that the rules be revised in order to clarify that the Commission may issue an order *sua sponte,* keeping a docket open or reopening an automatically closed docket, as the Commission does not file motions pursuant to rule 3001.21. *Id.* at 2–3.

III. Commission Analysis

Proposed rule 3001.44(a). Paragraph (a) of proposed rule 3001.44 would permit the Commission to automatically close a docket after 12 consecutive months of inactivity, in order to ensure that information provided to the public on the status of dockets remains current. In its comments, the Postal Service describes a situation that could arise in which a docket has been automatically closed due to inactivity despite the eventual issuance of a final order. The Postal Service provides examples of similar situations including Docket No. MC2010–24, concerning the Commission's review of Nonpostal Services language for the Mail Classification Schedule (MCS). The initial notice was issued on May 5, 2010, and comments were received on June 4, 2010, and June 18, 2010.[4] However, the docket saw no further activity until the Commission issued its final order on December 11, 2012.[5]

The Postal Service recommends the Commission add language to paragraph (a) indicating that if the final order in a docket is pending, it will not be subject to automatic closure. Based on consideration of the Postal Service's comment and the possibility that certain dockets may take significant time to resolve, the Commission agrees with the Postal Service that a revision to the rule is necessary. Paragraph (a) will be revised to exclude from automatic closure those dockets in which a final determination by the Commission is required by rule or statute, or if the Commission has otherwise indicated a final order is forthcoming in the docket, but is still outstanding.

Proposed rule 3001.44(b) and (d). Both the Postal Service and the Public Representative recommend revisions to the proposed rules that would clarify the Commission's ability to issue an order staying automatic closure or reopening an automatically closed docket as the Commission does not file motions pursuant to rule 3001.21. The Commission recognizes that proposed paragraphs (b) and (d), could be interpreted to read that the Commission may stay automatic closure or reopen an automatically closed docket via motion. As the Commission would instead issue an order *sua sponte,* clarification to the rule is necessary. The Commission declines to adopt the particular revised language proposed by the Postal Service and instead revises proposed paragraphs (b) and (d) by removing both paragraphs from proposed rule 3001.44 to create new rule 3001.45. As revised, rule 3001.44 describes automatic docket closure and rule 3001.45 describes actions permitted by interested persons and the Commission concerning automatic docket closure. Subparagraphs (a)(2) and (b)(2) were added to indicate the Commission may stay an automatic docket closure or reopen an automatically closed docket upon its own order.

In addition, the Public Representative argues that proposed rule 3001.44(d) could benefit from a more detailed definition of ''good cause.'' PR Comments at 2. She provides terms used by other agencies such as ''new and material information'' not available or known at the time of the determination. *Id.* However, the addition of specific terms such as ''new'' and ''material,'' or requiring that information became available only after a docket was automatically closed, creates restrictive requirements that may unintentionally limit interested persons from requesting an automatically closed docket be reopened. The Commission favors the use of a broader term that puts fewer limits on an interested person's justification for a motion to reopen an automatically closed docket and prefers to use its discretion when evaluating whether the justification for reopening an automatically closed docket qualifies as ''good cause.''[6] The Commission, therefore, declines to adopt the Public Representative's recommended revisions to rule 3001.44(d).

Finally, proposed rule 3001.44(b) required a motion to stay automatic closure be filed at least 10 days prior to the automatic closure date. The Postal Service suggested an increase in the time for filing a motion to stay from 10 days to 15 days prior to the automatic docket closure date, in order to provide any participant with an opportunity to answer the motion pursuant to rule 3001.21(b). Postal Service Comments at 2–3. The Commission agrees and accepts the Postal Service's recommendation. This revision is reflected in rule 3001.45(a)(1) and (a)(2).

Public notice. The Postal Service suggests some form of public notice be given 30 days prior to the automatic closure date. Postal Service Comments at 2. The Public Representative argues that a formal public notice (published in the **Federal Register**) is unnecessary and instead recommends a portion on the Commission's Web site be used to broadcast dockets that would automatically close in the next 6 months and provide the deadline for filing a motion to stay automatic closure. PR Comments at 3.

The Commission finds merit in providing transparency to the docket closure process as suggested by the Postal Service and Public Representative. Providing information concerning potential automatic docket closures on the Commission's Web site

[4] *See* Docket No. MC2010–24, Order No. 457, Notice and Order Concerning Mail Classification Schedule Language for Nonpostal Services, May 7, 2010; *see also* Public Representative Comments in Response to Order No. 457, June 4, 2010; Reply Comments of the United States Postal Service Pursuant to Order No. 457, June 18, 2010.

[5] *See* Docket No. MC2010–24, Order Approving Mail Classification Schedule Descriptions and Prices for Nonpostal Service Products, December 11, 2012 (Order No. 1575). Docket No. MC2010–24 was established to consider the Postal Service's proposed nonpostal MCS language filed in different dockets and the final order was delayed pending completion of litigation and resolution of Docket No. MC2008–1 (Phase II R), which involved Commission review (on remand) of nonpostal services. Order No. 1575 at 3; *see also* Docket No. MC2008–1 (Phase II R), Order No. 1326, Order Resolving Issues on Remand, April 30, 2012.

[6] *See* Docket No. RM2012–4, Order No. 2080, Order Adopting Amended Rules of Procedure for Nature of Service Proceedings Under 39 U.S.C. 3611, May 20, 2014, at 16. In Docket No. RM2012–4, when prompted by commenters to clarify the meaning of ''good cause,'' the Commission found it was unnecessary to specify what circumstances qualified as ''good cause'' because the standard was intended to be ''flexible and dependent upon specific factual circumstances.'' *Id.*

will not be costly nor will it materially interfere with the simplification of the docket closure process. The Commission revises the rule to include a new paragraph that states each month the Commission will post on its Web site a list of dockets that will, without action taken by parties or the Commission, be subject to automatic closure in the following month and the scheduled date of closure for each docket. This revision is reflected in rule 3001.44(b).

Additional minor correction. The Commission makes the following minor correction:

• In paragraphs (a) and (b) of rule 3001.45 ''any interested party or participant'' is simplified to read ''interested persons.''

IV. Ordering Paragraphs

It is ordered:

1. Part 3001 of title 39, Code of Federal Regulations, is revised as set forth below the signature of this Order, effective 30 days after publication in the **Federal Register**.

2. The Secretary shall arrange for publication of this order in the **Federal Register**.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3001—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation of part 3001 continues to read as follows:

Authority: 39 U.S.C. 404(d); 503; 504; 3661.

■ 2. Add § 3001.44 to read as follows:

§ 3001.44 Automatic Closure of Inactive Docket.

(a) The Commission shall automatically close a docket in which there has been no activity of record by any interested person for 12 consecutive months, except those dockets in which the Commission must issue a final determination by rule or statute, or if the Commission has otherwise indicated a final order is forthcoming in the docket and has yet to do so.

(b) Each month the Commission shall post on the Web site a list of dockets that will be subject to automatic closure in the following month and will include the date on which the docket will automatically close.

■ 3. Add § 3001.45 to read as follows:

§ 3001.45 Motions to Stay Automatic Closure or Reopen Automatically Closed Dockets.

(a) *Motion to stay automatic closure.* (1) Interested persons, including the Postal Service or a Public Representative, may file a motion to stay automatic closure, pursuant to § 3001.21, and request that the docket remain open for a specified term not to exceed 12 months. Motions to stay automatic closure must be filed at least 15 days prior to the automatic closure date.

(2) The Commission may order a docket remain open for a specified term not to exceed 12 months and must file such order at least 15 days prior to the automatic closure date.

(b) *Motion to reopen automatically closed docket.* (1) If, at any time after a docket has been automatically closed, interested persons, including the Postal Service or a Public Representative, may file a motion to reopen an automatically closed docket, pursuant to § 3001.21, and must set forth with particularity good cause for reopening the docket.

(2) The Commission may order an automatically closed docket to be reopened, and must set forth with particularity good cause for reopening the docket.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–17825 Filed 7–20–15; 8:45 am]

BILLING CODE 7710–FW–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket Nos. 14–92; 15–121; 15–121; FCC 15–59]

Assessment and Collection of Regulatory Fees for Fiscal Year 2015

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) eliminates the regulatory fee components of two fee categories, the amateur radio Vanity Call Sign and the General Mobile Radio Service (GMRS); establishes a new Direct Broadcast Satellite (DBS) regulatory fee category; provides specific instructions for RespOrgs (Responsible Organizations), holders of toll free numbers that are subject to regulatory fees, and amends rule provisions to specify that debts owed to the Commission that have been delinquent for a period of 120 days shall be transferred to the Secretary of the Treasury.

DATES: Effective July 21, 2015.

FOR FURTHER INFORMATION CONTACT: Roland Helvajian, Office of Managing Director at (202) 418–0444.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, FCC 15–59, MD Docket No. 15–121, adopted on May 20, 2015 and released May 21, 2015.

I. Procedural Matters

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980 (RFA),[1] the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) relating to this Report and Order.

Congressional Review Act

2. The Commission will send a copy of this Report and Order and Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act. 5 U.S.C. 801(a)(1)(A).

Final Paperwork Reduction Act of 1995 Analysis

3. This *Report and Order* 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).

4. Finally, in the *Order* section of this document, we amend three sections of our rules [2] to conform to the Digital Accountability and Transparency Act (DATA Act) concerning when claims should be transferred to the Secretary of the Treasury.[3] In particular, we make the ministerial change to our rules to specify that debts owed to the Commission that have been delinquent for a period of 120 days shall be transferred to the Secretary of the Treasury. The rules previously specified transfer of delinquent debt to the Treasury after 180 days.

II. Introduction

5. In the *Report and Order,* the Commission adopted a proposal from

[1] *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. 847 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (CWAAA).

[2] 47 CFR 1.1911(d), 1.1912(b)(1), 1.1917(c).

[3] 31 U.S.C. 3716(c)(6).

our *FY 2014 Further Notice of Proposed Rulemaking* to add a new subcategory in the existing cable television and Internet Protocol TV (IPTV) regulatory fee category for direct broadcast satellite (DBS) providers.[4] In addition, we provide specific instructions regarding our new regulatory fee requirement for toll free numbers.[5] We also remove amateur radio Vanity Call Signs and General Mobile Radio Service (GMRS) from the regulatory fee schedule.[6] The addition of DBS to the cable television and IPTV category and removal of two wireless categories from the schedule are permitted amendments to the regulatory fee schedule and require Congressional notification.[7]

III. Background

6. The Commission is required by Congress to assess regulatory fees each year in an amount that can reasonably be expected to equal the amount of its appropriation.[8] Regulatory fees, assessed each fiscal year, are to ''be derived by determining the full-time equivalent number of employees performing'' these activities, ''adjusted to take into account factors that are reasonably related to the benefits provided to the payer of the fee by the Commission's activities. . . .''[9] Regulatory fees recover direct costs, such as salary and expenses; indirect costs, such as overhead functions; and support costs, such as rent, utilities, or equipment.[10] Regulatory fees also cover the costs incurred in regulating entities that are statutorily exempt from paying regulatory fees,[11] entities whose regulatory fees are waived,[12] and entities that provide nonregulated services. Congress sets the amount the Commission must collect each year in the Commission's fiscal year appropriations, and section 9(a)(2) of the Communications Act of 1934, as amended (Communications Act or Act) requires the Commission to collect fees sufficient to offset the amount appropriated.[13] To calculate regulatory fees, the Commission allocates the total collection target, as mandated by Congress each year, across all regulatory fee categories. The allocation of fees to fee categories is based on the Commission's calculation of full time employees (FTEs)[14] in each regulatory fee category. Historically, the Commission has classified FTEs as ''direct'' if the employee is in one of the four ''core'' bureaus; otherwise, that employee was considered an ''indirect'' FTE.[15] The total FTEs for each fee category includes the direct FTEs associated with that category, plus a proportional allocation of the indirect FTEs.

7. Section 9 of the Communications Act requires the Commission to make certain changes (*i.e.,* mandatory amendments) to the regulatory fee schedule if it ''determines that the Schedule requires amendment to comply with the requirements'' of section 9(b)(1)(A).[16] In addition, the Commission must add, delete, or reclassify services in the fee schedule to reflect additions, deletions, or changes in the nature of its services ''as a consequence of Commission rulemaking proceedings or changes in law.''[17] These ''permitted amendments'' require Congressional notification.[18] The changes in fees resulting from both mandatory and permitted amendments are not subject to judicial review.[19]

8. The Commission continues to improve the regulatory fee process by ensuring a more equitable distribution of the regulatory fee burden among categories of Commission licensees under the statutory framework in section 9 of the Communications Act. For example, in 2013, the Commission updated the FTE allocations to more accurately align regulatory fees with the costs of Commission oversight and regulation,[20] as recommended in the GAO Report, a report issued by the Government Accountability Office (GAO) in 2012.[21] The Commission also reallocated some FTEs from the International Bureau as ''indirect.''[22] Subsequently, in the *FY 2014 Report and Order,* the Commission adopted the new toll free number regulatory fee category[23] and, in the accompanying *FY 2014 Further Notice of Proposed Rulemaking,* the Commission sought additional comment on a new regulatory fee category for DBS.[24] In this *Report and Order,* we now add a subcategory for DBS providers in the cable television and IPTV regulatory fee category based on our finding that Media Bureau FTEs work on issues and proceedings that include DBS as well as other multichannel video programming distributors (MVPDs).

IV. Discussion

A. Report and Order

1. Eliminating Regulatory Fee Categories

9. In the *FY 2014 NPRM,*[25] we sought comment on eliminating several of the smaller regulatory fee categories such as amateur radio Vanity Call Signs[26] and

[4] *Assessment and Collection of Regulatory Fees for Fiscal Year 2014,* Report and Order and Further Notice of Proposed Rulemaking, MD Docket No. 14–92, 79 FR 63883, 63885–63886, paras. 10–15 (October 27, 2014).

[5] In 2014, the Commission adopted a regulatory fee requirement for toll free numbers. *See FY 2014 Report and Order,* 79 FR 54190, 54195–54196, paras. 28–31 (September 11, 2014).

[6] We sought comment on eliminating these categories in our *FY 2014 NPRM. Assessment and Collection of Regulatory Fees for Fiscal Year 2014,* Notice of Proposed Rulemaking, Second Further Notice of Proposed Rulemaking, and Order, MD Docket No. 14–92, 79 FR 37982, 37989, para. 38 (July 3, 2014).

[7] 47 U.S.C. 159(b)(3)–(4)(requiring Congressional notification of permitted amendments not later than 90 days before the effective date of such amendment).

[8] 47 U.S.C. 159(b)(1)(B).

[9] 47 U.S.C. 159(b)(1)(A).

[10] *See Assessment and Collection of Regulatory Fees for Fiscal Year 2004,* Report and Order, 69 FR 41028, 4103, para. 11 (July 7, 2004).

[11] For example, governmental and nonprofit entities are exempt from regulatory fees under section 9(h) of the Act. 47 U.S.C. 159(h); 47 CFR 1.1162.

[12] 47 CFR 1.1166.

[13] 47 U.S.C. 159(a)(2).

[14] One FTE, a ''Full Time Equivalent'' or ''Full Time Employee,'' is a unit of measure equal to the work performed annually by a full time person (working a 40 hour workweek for a full year) assigned to the particular job, and subject to agency personnel staffing limitations established by the U.S. Office of Management and Budget.

[15] The core bureaus are the Wireline Competition Bureau (172 FTEs), Wireless Telecommunications Bureau (91 FTEs), Media Bureau (155 FTEs), and part of the International Bureau (28 FTEs), totaling 446 ''direct'' FTEs. The ''indirect'' FTEs are the employees from the following bureaus and offices: Enforcement Bureau, Consumer & Governmental Affairs Bureau, Public Safety and Homeland Security Bureau, Chairman and Commissioners' offices, Office of the Managing Director, Office of General Counsel, Office of the Inspector General, Office of Communications Business Opportunities, Office of Engineering and Technology, Office of Legislative Affairs, Office of Strategic Planning and Policy Analysis, Office of Workplace Diversity, Office of Media Relations, and Office of Administrative Law Judges, totaling 1,037 ''indirect'' FTEs. These totals are as of Oct. 1, 2014 and exclude auctions FTEs.

[16] 47 U.S.C. 159(b)(3).

[17] 47 U.S.C. 159(b)(3).

[18] 47 U.S.C. 159(b)(4)(B).

[19] 47 U.S.C. 159(b)(3). *But see Comsat Corp.* v. *FCC,* 114 F.3d 223, 227 (D.C. Cir. 1997) (''Where, as here, we find that the Commission has acted outside the scope of its statutory mandate, we also find that we have jurisdiction to review the Commission's action.'')

[20] *Assessment and Collection of Regulatory Fees for Fiscal Year 2013,* Report and Order, MD Docket No. 13–140, 78 FR 52433, 52436–52437, paras. 10–15 (August 23, 2013).

[21] In 2012, the GAO concluded that the Commission should conduct an overall analysis of the regulatory fee categories and perform an updated FTE analysis by fee category. GAO ''Federal Communications Commission Regulatory Fee Process Needs to be Updated,'' GAO–12–686 (Aug. 2012) (GAO Report) at 36, (available at *http://www.gao.gov/products/GAO–12–686*).

[22] *FY 2013 Report and Order,* 78 FR 52433, 52436–52438, paras. 12–21 (August 23, 2013).

[23] *FY 2014 Report and Order,* 79 FR 54190, 54195–54196, paras. 28–31 (September 11, 2014).

[24] *FY 2014 Further Notice of Proposed Rulemaking,* 79 FR 63883, 63885–63886, paras. 10–15 (October 27, 2014).

[25] *FY 2014 NPRM,* 79 FR 37982, 37989, para. 38 (July 3, 2014).

[26] Call signs assigned to newly licensed stations, *i.e.,* a sequential call sign, are assigned based on the

GMRS.[27] In the *FY 2014 Report and Order,* we concluded that we did not yet have adequate support to determine whether the cost of recovery and burden on small entities outweighed the collected revenue or whether eliminating the fee would adversely affect the licensing process.[28] We stated, however, that we would reevaluate this issue in the future. Since adoption of the *FY 2014 Report and Order,* Commission staff have had an opportunity to obtain and analyze support concerning the collection of fees from these regulatees.

10. The GMRS and amateur radio Vanity Call Sign regulatory fee categories comprise on average over 20,000 licenses that are newly obtained or renewed every five and 10 years, respectively. After five years, the GMRS licensee is responsible for renewing the license (or cancelling) and the Commission is responsible for maintaining accurate records of licenses coming up for renewal—an administrative burden on both GMRS users and on the Commission for renewing and maintaining records of these licenses. After analyzing the costs of processing fee payments for GMRS, we conclude that the Commission's cost of collecting and processing this fee exceeds the payment amount of $25. Our costs have increased over time and now that the costs exceed the amount of the regulatory fee, the increased relative administrative cost supports eliminating this regulatory fee category.

11. The Vanity Call Sign fee category has a small regulatory fee ($21.40 in FY 2014) for a 10-year license. The Commission often receives multiple applications for the same vanity call sign, but only one applicant can be issued that call sign. In such cases, the Commission issues refunds for all the remaining applicants. In addition to staff and computer time to process payments and issue refunds, there is an additional expense to issue checks for the applicants who cannot be refunded electronically. The Commission spends more resources on processing the regulatory fees and issuing refunds than the amount of the regulatory fee payment. As our costs now exceed the regulatory fee, we are eliminating this regulatory fee category.

12. The Commission will therefore eliminate the GMRS and Vanity Call Sign regulatory fee categories after the required congressional notification is provided.[29] Once eliminated, these licensees will no longer be financially burdened with such payments and the Commission will no longer incur these administrative costs that exceed the fee payments. The revenue that the Commission would otherwise collect from these regulatory fee categories will be proportionally assessed on other wireless fee categories. This is a ''permitted amendment'' as defined in section 9(b)(3) of the Act, which, pursuant to section 9(b)(4)(B, must be submitted to Congress at least 90 days before it becomes effective.[30]

2. Toll Free Numbers

13. Toll free numbers, defined in section 52.101(f) of our rules,[31] allow callers to reach the called party without being charged for the call. Instead, the charge for the call is paid by the called party (the toll free subscriber).[32] Prior to the *FY 2014 Report and Order,* the Commission did not assess regulatory fees on toll free numbers based on the assumption that the entities controlling the numbers—wireline and wireless common carriers—were paying regulatory fees based on either revenues or subscribers.[33] In the *FY 2014 NPRM,* we observed this was no longer the case because many toll free numbers are now controlled or managed by RespOrgs [34] that are not common carriers.[35] In the *FY 2014 Report and Order,* we adopted a regulatory fee obligation for toll free numbers beginning in FY 2015, finding that the Commission has both the legal authority and responsibility to assess regulatory fees on toll free numbers.[36] This regulatory fee assessed on RespOrgs for toll free numbers managed by a RespOrg,[37] is payable for all toll free numbers unless calls from only other countries can be completed using those toll free numbers.[38] This regulatory fee is assessed on RespOrgs for each working, assigned, reserved, in transit, or any other status of toll free number as defined in section 52.103 of the Commission's rules. Interstate Telecommunications Service Providers (ITSPs) that are RespOrgs and RespOrgs that are not ITSPs will be responsible for this regulatory fee.

14. The decision in 2014 to expand the pool of regulatory fee obligations to all RespOrgs created a system in which there are now numerous entities that play a role in toll free number administration and are required to pay annual regulatory fees but are not common carriers and therefore may lack familiarity with the Commission's rules. In the *FY 2014 Report and Order,* we did not adopt a specific enforcement mechanism to address circumstances where RespOrgs do not make regulatory fee payments but instead, sought further comment on the additional procedures

licensee's mailing address and class of operator license. 47 CFR 97.17(d). The licensee can request a specific unassigned but assignable call sign, known as a vanity call sign. 47 CFR 97.19. There is no fee for the sequential call sign.

[27] GMRS (formerly Class A of the Citizens Radio Service) is a personal radio service available for the conduct of an individual's personal and family communications. *See* 47 CFR 95.1. We initially proposed eliminating regulatory fees for GMRS in the *FY 2008 Report and Order and Further Notice. See Assessment and Collection of Regulatory Fees for Fiscal Year 2008,* Report and Order and Further Notice of Proposed Rulemaking, 73 FR 50285, 50290–50291, para 33 (August 26, 2008) (*FY 2008 Report and Order and Further Notice*). The Commission has an open proceeding to review the Part 95, Personal Radio Service rules, which include GMRS. *See Review of the Commission's Part 95 Personal Radio Services Rules,* WT Docket No. 10–119, Notice of Proposed Rulemaking and Memorandum Opinion and Order on Reconsideration, 75 FR 47142, 47143–47144, para. 4 (August 4, 2010).

[28] *FY 2014 Report and Order,* 79 FR 54190, 54195, para. 26 (September 11, 2014).

[29] After the 90-day notification period for a permitted amendment, these two fee categories will be eliminated. We will not be issuing refunds to licensees who have paid the regulatory fee prior to the elimination of the fee.

[30] 47 U.S.C. 159(b)(3).

[31] Toll free numbers are telephone numbers for which the toll charges for completed calls are paid by the toll free subscriber. *See* 47 CFR 52.101(f). These are 800, 888, 877, 866, 855, and 844 numbers. SMS/800 (or the 800 Service Management System) is a centralized system that performs toll free number management. For a list of RespOrgs on the SMS/800, Inc. Web site, *see http://www.sms800.com/Controls/NAC/Serviceprovider.aspx.*

[32] 47 U.S.C. 52.101 (e), (f).

[33] *FY 2014 Report and Order,* 79 FR 54190, 54195, para. 28, Footnote 76 (citing *Universal Service Contribution Methodology,* Further Notice of Proposed Rulemaking, 77 FR 33896, 33923, para. 227 (June 7, 2012).

[34] A RespOrg is a company that manages toll free telephone numbers for subscribers. RespOrgs use the SMS/800 data base to verify the availability of specific numbers and to reserve the numbers for subscribers. *See* 47 CFR 52.101(b).

[35] *FY 2014 NPRM,* 79 FR 37982, 37992, para. 57, Footnote 91 (citing, *inter alia, Telseven, LLC, Calling 10, LLC, Patrick Hines a/k/a P. Brian Hines,* Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 15558, 15560, para. 3 (2012) (various corporations, including non-common carrier RespOrgs, owned and controlled by Patrick Hines, controlled approximately one million toll free numbers for Hines' ''directory assistance'' operation.))

[36] *FY 2014 Report and Order,* 79 FR 54190, 54195, para. 28–29 (September 11, 2014) (summarizing the legal rationale for adoption of a fee on toll free numbers and the FTEs involved in toll free issues) (citing *Toll Free Access Codes,* Second Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 95–155, 62 FR 20126, 20127 (April 25, 1997) (*Toll Free Second Report and Order*) (Sections 201(b) and 251(e) of the Act ''empower the Commission to ensure that toll free numbers . . . are allocated in an equitable and orderly manner that serves the public interest.'')).

[37] The proposed fee rate for toll free numbers for FY 2015 is in Table C (*FY 2015 Notice of Proposed Rulemaking*).

[38] *See FY 2014 Report and Order,* 79 FR 54190, 54195–54196, para. 30 (September 11, 2014).

for enforcement in such instances.[39] Instead of adopting additional enforcement procedures at this time, however, we direct SMS/800, Inc.[40] to provide the necessary outreach to the RespOrgs, through its tariff, Web site, or otherwise, to advise them that: ''The Federal Communications Commission (FCC) has adopted a regulatory fee category for toll free numbers, assessed for each toll free number managed by a Responsible Organization (RespOrg). This regulatory fee, assessed on RespOrgs for toll free numbers managed by a RespOrg, is payable for all toll free numbers unless calls from only other countries can be completed using those toll free numbers. A RespOrg that fails to pay the regulatory fee assessed by the FCC will be subject to penalties.'' [41]

15. The imposition of a regulatory fee on RespOrgs is a new rule, adopted in the *FY 2014 Report and Order,* and non-common carriers may be unfamiliar with our regulatory fee process and unaware that delinquencies can result in penalties imposed by SMS/800, Inc., penalties imposed by the Commission pursuant to the Debt Collection Improvement Act of 1996 (DCIA), and/or enforcement action by the Enforcement Bureau, pursuant to delegated authority, or by the Commission.[42] As a result, OMD will coordinate with SMS/800, Inc. to ensure that all RespOrgs owing regulatory fees have sufficient information about this process and opportunity to pay the regulatory fee before the RespOrg is placed in red light status and enforcement procedures are initiated.[43]

16. The basis for identifying the toll free number count upon which a regulatory fee will be assessed for each RespOrg will be derived from data provided by SMS/800, Inc.[44] The toll free number data will be determined by the toll free number count as of or around December 31st of each year. In addition to maintaining contact information with SMS/800, Inc., RespOrgs are also responsible for: (i) Obtaining an FRN (FCC Registration Number); [45] (ii) maintaining current contact information in the Commission Registration System (CORES); [46] (iii) reviewing the Commission's Regulatory Fees Home Page for updates on regulatory fees; [47] and (iv) making timely regulatory fee payments using the Commission's Electronic Filing and Payment System (Fee Filer) located at: *www.fcc.gov/feefiler.* SMS/800, Inc. will provide the Commission with up-to-date contact information for the RespOrgs as needed to facilitate the timely payment of regulatory fees for toll free numbers. Under our bill collection procedures, delinquent RespOrgs will receive notice from the Commission before the matter is referred to the Enforcement Bureau for enforcement action and/or penalties imposed by SMS/800, Inc.

17. Any payments RespOrgs must pay SMS/800, Inc. for toll free number management and administration are unrelated to regulatory fees assessed by the Commission. Payment of regulatory fees to the Commission does not relieve a RespOrg from any payment obligations to SMS/800, Inc.

3. Direct Broadcast Satellite Providers

18. 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 providers are multichannel video programming distributors (MVPDs), as defined in section 602(13) of the Act.[48] These operators of U.S. licensed geostationary space stations, which are used to provide one-way subscription video service to consumers in the United States, currently pay a fee per U.S.-licensed satellite under the category ''Space Station (Geostationary Orbit)'' in the regulatory fee schedule based on the International Bureau FTEs work associated with satellite regulation. Cable television and IPTV, also MVPDs, similarly provide subscription video services to consumers in the United States. These regulated entities pay a regulatory fee per subscriber under the fee category ''Cable TV System, Including IPTV.'' [49] In the *Further Notice of Proposed Rulemaking* accompanying the *FY 2014 Report and Order,* the Commission proposed to adopt a fee to recover the costs incurred by the Media Bureau for regulation of DBS.[50] Under our proposal, DBS providers would be subject to two regulatory fees. The first fee would recover the burden of regulation and oversight by International Bureau FTEs incurred as a result of its operation of satellites, and the other fee would recover the burden of regulation and oversight by Media Bureau FTEs as a result of DBS status as a MVPD. We conclude that DBS providers are subject to regulation and oversight of the Media Bureau and should share in the Media Bureau FTE burden attributed to MVPDs. Accordingly, pursuant to section 9(b)(3), we amend the regulatory fee schedule to replace the category ''Cable TV System, Including IPTV'' with the ''Cable TV System, Including IPTV and DBS'' category. This category will now have two rates: One for DBS (a subcategory) and another for cable television and IPTV.

19. *Background.* The Commission has considered the appropriate methodology for assessing regulatory fees on DBS providers on multiple occasions. The

[39] *FY 2014 Report and Order,* 79 FR 63883, 63885, paras. 8–9 (October 27, 2014).

[40] SMS/800, Inc. provides administration and routing for all toll free numbers in North America. The Commission has the ultimate authority over numbering resources and oversees the SMS Tariff and SMS/800 Board. *See* 47 U.S.C. 251 (e)(1); *see generally Toll Free Service Access Codes,* CC Docket No. 95–155; Petition to Change the Composition of SMS/800, Inc., WC Docket No. 12–260, 28 FCC Rcd 15328 (2013) (*SMS Reauthorization Order*). Previously the Commission required SMS/800, Inc. to include language prohibiting toll free number hoarding and warehousing in the SMS Tariff. *See Toll Free Service Access Codes,* Second Report and Order and Further Notice of Proposed Rulemaking, 62 FR 20126, 20127, para. 1 (April 25, 1997).

[41] *See Toll Free Second Report and Order,* 62 FR 20126 (April 25, 1997) (''We also may limit any RespOrg's allocation of toll free numbers or possibly decertify it as a RespOrg under section 251(e)(1) or section 4(i) [of the Communications Act].'')

[42] The Commission has a number of generally applicable mechanisms to ensure collection of delinquent debt which would also apply to RespOrgs. *See generally FY 2014 Report and Order,* 79 FR 54190, 54199, paras. 47–48 (September 11, 2014) (summarizing the late payment penalty on unpaid regulatory fees under 47 U.S.C. 159(c), the red-light rule set forth in section 1.1910 of the Commission's rules, 47 CFR 1.1910, and additional provisions contained in the Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. 3701 *et seq., See Amendment of Parts 0 and 1 of the Commission's Rules,* MD Docket No. 02–339, Report and Order, 69 FR 27843 (May 17, 2004); 47 CFR part 1, subpart O, Collection of Claims Owed the United States).

[43] Hypercube Telecom contends that the consumer end-users would be affected by our enforcement action against a RespOrg. Hypercube Telecom Reply Comments at 3–5. The notifications that are part of our delinquent bill collection process will give RespOrgs multiple opportunities to pay any delinquency before enforcement action.

[44] SMS/800, Inc. observes that some of its billing and contact information may contain additional proprietary and confidential data and that it would require the Commission to ensure the confidentiality of any such information provided. *See* SMS/800, Inc. Comments at 6. If SMS/800, Inc. is unable to provide the necessary information without including any confidential information it should submit, along with the responsive information and/or documents, a statement in accordance with section 0.459 of the Commission's rules. 47 CFR 0.459.

[45] Commission FRN numbers can be obtained by registering in the Commission's Registration System (CORES) located at: *https://apps.fcc.gov/coresWeb/publicHome.do.*

[46] Commission's Registration System (CORES) located at: *https://apps.fcc.gov/coresWeb/publicHome.do.*

[47] The Commission's Regulatory Fees Home Page is located at: *http://www.fcc.gov/regfees.*

[48] 47 U.S.C. 522(13).

[49] In FY 2014, the regulatory fee for ''Cable TV System, Including IPTV'' was $0.99 per subscriber. *FY 2014 Report and Order,* 79 FR 54190, 54208–54212 (September 11, 2014). Cumulatively, the Cable TV System, Including IPTV fee category paid $64.35 million in regulatory fees for FY 2014.

[50] *FY 2014 Further Notice of Proposed Rulemaking,* 79 FR 63883, 63886–63887, paras. 10–15 (October 27, 2014).

original fee schedule adopted by Congress in 1993, when the DBS service was a nascent industry,[51] did not include a specific fee category for DBS providers.[52] The Commission recognized this and declined to adopt a regulatory fee for DBS until fiscal year 1996.[53] In the *FY 1996 NPRM,* the Commission determined that including the fledgling DBS service in the regulatory fee imposed on geostationary orbit geosynchronous satellite category best reflected the regulatory burden born by the Commission at that time.[54] In the 2005,[55] 2006,[56] and 2008 [57] regulatory fee proceedings, the Commission also considered whether DBS should pay a subscriber-based regulatory fee related to Media Bureau oversight instead of being included in the geosynchronous satellite category related to International Bureau oversight. In those proceedings, the Commission either declined to adopt a change or made no decision on the issue. In the *FY 2005 Report and Order,* in declining to make a change, the Commission noted its *FY 2005 NPRM* had not contained a proposal on the issue.[58] In the *FY 2006 Report and Order,* the Commission decided not to change the fee. In the *FY 2009 Report and Order,* the Commission declined to address the issue raised in the *FY 2008 Report and Order and Further Notice.*[59]

20. In August of 2012, the GAO Report concluded that regulatory fee reform at the Commission was long overdue.[60] The GAO Report observed, among other things, that questions had been raised by commenters regarding whether the Commission's regulatory fee analysis was based on a ''valid FTE analysis'' of Media Bureau FTEs work related to the MVPDs including DBS.[61] Following the GAO Report, in the fiscal year 2013 regulatory fee proceeding, the Commission considered and adopted a number of significant regulatory fee reforms such as updating the FTEs allocated to each of the core bureaus and reclassifying most of the International Bureau FTEs as indirect.[62] The Commission also adopted other reforms such as broadening the cable television category to include IPTV providers as a ''permitted amendment.'' [63] As part of its overall analysis of the cable television systems category, the Commission considered a change to the DBS fee schedule.[64] While the Commission declined to do so in 2013 to allow additional time to examine the proposal as part of larger reform efforts, the Commission noted its intent to revisit the issue in the future.[65] In 2014, the Commission again proposed to adopt a fee to recover the costs incurred by the Media Bureau for regulation of DBS in the FY 2014 NPRM and the FY 2014 Further Notice of Proposed Rulemaking.[66] Alternatively, the Commission sought comment on whether Media Bureau FTEs working on DBS issues be assigned to the International Bureau as direct FTEs or assigned as indirect FTEs for regulatory fee purposes.[67]

21. *Discussion.* Under section 9 of the Act, the Commission may make a permitted amendment to the fee schedule if it ''determines that the

[51] *Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year,* Report and Order, 59 FR 30984, 30994, para. 85 (June 16, 1994) (*FY 1994 Report and Order*) (declining to adopt a regulatory fee for DBS under the Mass Media fees and noting that DBS service is not expected to be offered prior to the time for calculating fee payments for FY 1994).

[52] In the Appendix to the *FY 1994 Report and Order* published in the **Federal Register**, the Commission noted that DBS was not included in the original fee schedule adopted by Congress and observed ''that the omission of DBS and FM translators and boosters was inadvertent and that Congress did not intend to exempt all DBS permittees and licensees and licensees of FM translators and boosters from regulatory fees as these services result in the Commission incurring costs for necessary regulatory functions. . . . we intend to add regulatory fee categories for DBS licenses and for FM translators and boosters. . . .'' 59 FR 30984, 31006, note 2.

[53] *Assessment and Collection of Regulatory Fees for Fiscal Year 1996,* Report and Order, 61 FR 36629, 36652, para 35 in Appendix F (July 12, 1996) (*FY 1996 Report and Order*) (imposing regulatory fee for the first time on DBS relying on the analysis in the *FY 1996 NPRM*); *Assessment and Collection of Regulatory Fees for Fiscal Year 1996,* Notice of Proposed Rulemaking, 61 FR 16432, 16436, para. 41(April 15, 1996) (*FY 1996 NPRM*) (proposing to assess DBS licensees the fee applicable to all geostationary orbit geosynchronous satellite licensees and, therefore, to include DBS for regulatory fee purposes in the Space Station fee category).

[54] *FY 1996 NPRM,* 61 FR 16432, 16436, para.41 (April 15, 1996).

[55] *Assessment and Collection of Regulatory Fees for Fiscal Year 2005,* Report and Order and Order on Reconsideration, 70 FR 41967, 41969, para 11 (July 21, 2005) (*FY 2005 Report and Order*). In 2005, the Commission declined to adopt changes in the regulatory fee assessment methodology for DBS providers in response to the comments of the National Cable and Telecommunications Association and American Cable Association. *Id.* The *FY 2005 NPRM* did not contain a proposal on this issue. *See generally, Assessment and Collection of Regulatory Fees for Fiscal Year 2005,* Notice of Proposed Rulemaking, 70 FR 9575 (February 28, 2005).

[56] *Assessment and Collection of Regulatory Fees for Fiscal Year 2006,* Report and Order, 71 FR 43842, 43844–43845, paras. 10–16 (August 2, 2006) (*FY 2006 Report and Order*) (declining to change the DBS regulatory fee from a per operational space station fee to a subscriber based fee); *Assessment and Collection of Regulatory Fees for Fiscal Year 2006,* Notice of Proposed Rulemaking, 71 FR 17410, 17411–17412, para. 8 (June 6, 2006) (*FY 2006 NPRM*) (seeking comment on the appropriate regulatory fee structure for both cable operators and DBS providers).

[57] *FY 2008 Report and Order and Further Notice,* 73 FR 50285, 50290, para. 26 (August 26, 2008) (seeking comment on whether the Commission should impose the same per subscriber fee on DBS that cable providers pay, or continue to assess a space station regulatory fee for the DBS industry and a subscriber-based structure for the cable industry).

[58] *FY 2005 Report and Order,* 70 FR 41967, 41969, para. 11 (July 21, 2005).

[59] *Assessment and Collection of Regulatory Fees for Fiscal Year 2009,* Report and Order, 74 FR 40089, 40089, para 3 (August 11, 2009) (*FY 2009 Report and Order*) (the Commission noted that the remaining outstanding issues from the *FY 2008 Report and Order and Further Notice* would be decided at a later time).

[60] *See* note 22, *supra.* We have adopted significant regulatory fee reforms in our annual regulatory fee proceedings in response to the GAO Report. *See, e.g., FY 2013 Report and Order,* 78 FR 52433, 52436, para. 12–14 (August 23, 2013) (using current FTE data to calculate regulatory fees).

[61] GAO Report at 18–20.

[62] *See FY 2013 Report and Order,* 78 FR 52433, 52436–52438, para. 12–22 (August 23, 2013).

[63] *FY 2013 Report and Order,* 78 FR 52433, 52439, 52444, paras. 31, 36 (August 23, 2013).

[64] *FY 2013 Report and Order,* 78 FR 52433, 52443–52444, paras. 35–36 (August 23, 2013); *Assessment and Collection of Regulatory Fees for Fiscal Year 2013,* Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 78 FR 34612, 34627–34628, paras. 56–58 (June 10, 2013) (*FY 2013 NPRM*).

[65] *FY 2013 Report and Order,* 78 FR 52433, 52439, para. 31 (August 23, 2013) (''We will continue to examine these suggestions as we continue our regulatory fee reform, as well as our proposals that we do not reach in this Report and Order: To combine the ITSP and wireless categories, to use revenues in calculating all regulatory fees, and to include DBS providers in a new MVPD category. We find additional time is necessary and appropriate to examine these proposals under Section 9 of the Communications Act and analyze how these proposals account for changes in the communications industry and the Commission's regulatory processes and staffing.'') (footnotes omitted) and para. 33.

[66] *FY 2014 Further Notice of Proposed Rulemaking,* 79 FR 63883, 63885–63886, paras. 10–15 (October 27, 2014); *FY 2014 NPRM,* 79 FR 37982, 37990–37991, paras. 47–52 (July 3, 2014).

[67] *FY 2014 Further Notice of Proposed Rulemaking,* 79 FR 63883, 63886, para. 13 (October 27, 2014).

Schedule requires amendment to comply with the requirements of'' paragraph (1)(A) which mandates that the Commission allocate fees to cover the costs of certain regulatory activities in accordance with the benefits provided to the payor and other factors that the Commission determines are in the public interest.[68] The statute also provides, however, that, ''[i]n making such amendments, the Commission shall add, delete, or reclassify services in the Schedule to reflect additions, deletions or changes in the nature of its services as a consequence of Commission rulemaking proceedings or changes in law.'' [69] We have conducted a review of the Media Bureau work devoted to MVPD matters and find that the recommendations in the GAO Report were correct.[70] Analysis of the oversight and regulation of MVPDs (including the DBS industry) by the Media Bureau in various rulemaking proceedings reveal a cumulative effect of changes in law that have taken effect since the Commission adopted the current DBS regulatory fee structure in 1996. Due to these changes, we find that the DBS providers should be included in the same fee category as the other MVPDs, such as cable television and IPTV. There are certain rules that both DBS providers and cable operators including IPTV are subject to, and Media Bureau FTEs provide the oversight and regulation of the DBS industry as required by these rules.[71] For example, DBS providers (and cable television operators) are permitted to file program access complaints [72] and complaints seeking relief under the retransmission consent good faith rules.[73] In addition, DBS providers are subject to MVPD requirements such as those pertaining to program carriage [74] and the requirement to negotiate retransmission consent in good faith.[75] More recently, the Commission adopted a host of requirements that apply to all MVPDs and thus equally apply to DBS providers as part of its implementation of the Commercial Advertisement Loudness Mitigation Act (CALM Act),[76] the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA),[77] as well as the Satellite Television Extension and Localism Act (STELA) Reauthorization Act of 2014 (STELAR).[78] These regulatory developments increased the amount of regulatory activity by the Media Bureau FTEs involving regulation and oversight of MVPDs, including the DBS providers. The Media Bureau has been responsible for adopting many of these regulations and overseeing the MVPD industry. As MVPDs, DBS providers actively participate in Media Bureau proceedings involving MVPD oversight and regulation.[79]

22. DIRECTV and DISH disagree that a permitted amendment is justified, contending that there has been no ''meaningful increase in the regulation of DBS.'' [80] To the contrary, as discussed above, implementation of the CALM Act, CVAA, and STELAR should alone provide adequate justification for a permitted amendment in this case. A permitted amendment under section 9(b)(3), however, does not require a sudden increase in regulation or oversight over a defined period of time. Circumstances have changed in the almost 20 years since the Commission first addressed the issue of DBS regulatory fees.[81] At the time we adopted a DBS regulatory fee, it was a fledging service where the business model was uncertain and there were questions concerning whether it would operate as a subscription based service or a free to air broadcaster.[82] The first DBS satellite was not launched until 1993 and did not become operational until 1994.[83] In 2015, however, DBS had developed into a large MVPD [84] and as such significant Media Bureau FTE resources are used in regulation and oversight of DBS. The GAO Report correctly noted that an evaluation of Media Bureau FTEs was long overdue [85] and the result of such evaluation leads us to the conclusion that the Media Bureau FTEs regulate the DBS industry together with the other MVPDs. Thus, there is no reasonable basis to exclude DBS providers from sharing in the cost of MVPD oversight and regulation. With this Report and Order, we recognize the changes in fact and law since the adoption of the DBS fee in 1996 cumulatively require us to adopt a permitted amendment to ensure that DBS providers contribute equitably to the FTE burden of MVPD oversight.[86]

23. We also reject the argument raised by DIRECTV and DISH that section 9 of the Act requires us to ''show that DBS and cable occupy a comparable number of FTEs.'' [87] The commenters' argument that DBS is not involved in certain matters such as petitions for effective

[68] 47 U.S.C. 159(b)(3).

[69] 47 U.S.C. 159(b)(3).

[70] The GAO Report did not have a specific recommendation with respect to the DBS regulatory fee, but observed that the National Cable and Telecommunications Association had argued that our regulatory fee process was competitively disadvantaging the cable television industry. GAO Report at 18–19. Competition *per se* is not part of the permitted amendment analysis; however, in this case the Media Bureau FTEs work on MVPD issues that include DBS.

[71] *See, e.g.,* 47 CFR 76.65(b); 76.1000–1004; 47 U.S.C. 618(b).

[72] 47 U.S.C. 548; 47 CFR 76.1000–1004.

[73] 47 U.S.C. 325(b)(1), (3)(C)(ii); 47 CFR 76.65(b).

[74] 47 U.S.C. 536; 47 CFR 76.1300–1302.

[75] 47 U.S.C. 325(b)(3)(C)(iii); 47 CFR 76.65(a)–(b).

[76] *See Implementation of the Commercial Advertisement, Loudness Mitigation (CALM) Act,* Report and Order, 77 FR 40276 (July 9, 2012) (*CALM Act Report and Order*).

[77] Public Law 111–260, 124 Stat. 2751 (2010). *See also Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010,* Public Law 111–265, 124 Stat. 2795 (2010) (making corrections to the CVAA); 47 CFR part 79.

[78] The STELA Reauthorization Act of 2014 (STELAR), 102, Public Law 113–200, 128 Stat. 2059, 2060–62 (2014) (codified at 47 U.S.C. 338(1)). The STELAR was enacted on Dec. 4, 2014 (H.R. 5728, 113th Cong.). *Implementation of Section 102 of the STELA Reauthorization Act of 2014,* Notice of Proposed Rulemaking, MB Docket No. 15–71, FCC 15–34 (rel. Mar. 26, 2015) proposes satellite television ''market modification'' rules to implement section 102 of STELAR.

[79] NCTA and ACA Comments at 7, 10–11; ITTA Comments at 3. DIRECTV and DISH filed comments and *ex parte* statements in numerous Commission proceedings, in the Media Bureau dockets as well as other dockets. As of Mar. 17, 2015, in the past 12 months, DIRECTV filed 109 comments and *ex parte* statements in Media Bureau (and other) dockets. There are other proceedings, such as mergers, in which DIRECTV and DISH have participated. Regardless of whether the proceeding is merger-related or pertains strictly to MVPD regulation, DBS participation, and Media Bureau staff involvement, support our conclusion that DBS providers should be added to the cable television and IPTV category.

[80] DIRECTV and DISH Comments at 8–9.

[81] The Commission's annual MVPD Competition Report provides a history of MVPD services. *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming,* Report, 9 FCC Rcd 7442 (1994) (*First Report*); 11 FCC Rcd 2060 (1996) (*Second Report*); 12 FCC Rcd 4358 (1997) (*Third Report*); 13 FCC Rcd 1034 (1998) (*Fourth Report*); 13 FCC Rcd 24284 (1998) (*Fifth Report*); 15 FCC Rcd 978 (2000) (*Sixth Report*); 16 FCC Rcd 6005 (2001) (*Seventh Report*); 17 FCC Rcd 1244 (2002) (*Eighth Report*); 17 FCC Rcd 26901 (2002) (*Ninth Report*); 19 FCC Rcd 1606 (2004) (*Tenth Report*); 20 FCC Rcd 2755 (2005) (*Eleventh Report*); 21 FCC Rcd 2503 (2006) (*Twelfth Report*); 24 FCC Rcd 542 (2007) (*Thirteenth Report*); 27 FCC Rcd 8610 (2012) (*Fourteenth Report*); 28 FCC Rcd 10496 (2013) (*Fifteenth Report*).

[82] *FY 1996 Report and Order,* 61 FR 36629, 36652, Appendix F, para. 35 (July 12, 1996). DBS space stations applicants must indicate in their license application whether they seek to operate on a broadcast or non-broadcast basis, which affects the length of their license terms. *Inquiry into the Development of Regulatory Policy in regard to Direct Broadcast Satellites for the Period Following the 1982 Regional Administrative Radio Conference,* Report and Order, 90 FCC 2d 676 (1982), *aff'd sub nom National Association of Broadcasters* v. *F.C.C.,* 740 F.2d 1190 (1984). To date, neither DIRECTV nor DISH has elected to operate as a broadcaster.

[83] *First Report,* 59 FR 64657, 64659, paras. 21–22 (December 15, 1994).

[84] *Fifteenth Report,* 28 FCC Rcd at 10546–49, paras. 110–117 (describing DBS MVPD business models and competitive strategies).

[85] GAO Report at 17–20.

[86] 47 U.S.C. 159(b)(3). *See, e.g.,* 47 CFR 76.65(b); 76.1000–1004; Part 79; 47 U.S.C. 618(b).

[87] DIRECTV and DISH Comments at 11 & Reply Comments at 4–9.

competition,[88] or other requirements that do not pertain to DBS,[89] demonstrates that DBS is not identical to cable television. It does not, however, refute our conclusion that a significant number of Media Bureau FTEs work on MVPD issues that include DBS.[90] The Commission has determined in other proceedings that services that are not technologically identical nevertheless warrant placement in the same regulatory fee category. Other fee categories, such as Interstate Telecommunications Service Providers (ITSP), also include a range of carriers that may not be regulated identically.[91] For example, when interconnected Voice over Internet Protocol (VoIP) providers were added to the ITSP category in a permitted amendment the Commission observed that ''the costs and benefits associated with our regulation of interconnected VoIP providers are not identical as those associated with regulating interstate telecommunications service and CMRS.'' [92] The Commission stated that ''Section 9 is clear, however, that regulatory fee assessments are based on the burden imposed on the Commission, not benefits realized by regulatees.'' [93] Concerning many aspects of MVPD regulation, Media Bureau FTEs bear the same burden regardless of the specific technology used by the service provider. Thus, although DBS is not identical to cable television and IPTV, the services all receive oversight and regulation as a result of the work of Media Bureau FTEs on MVPD issues. The burden imposed on the Commission is therefore similar.

24. DIRECTV and DISH also observe that there are more cable operators and cable systems than DBS operators, and that the cable industry has a larger filing and recordkeeping requirement than DBS.[94] While we agree that the two DBS providers and their trade association had fewer filings than the top 25 cable operators and their two trade associations (combined), we are not persuaded that this demonstrates a lack of Media Bureau oversight and regulation of the DBS industry.[95] We are therefore including DBS providers into the same regulatory fee category as cable television and IPTV because many Media Bureau issues involve the entire MVPD industry. We find that it is appropriate under section 9 of the Act to recover the costs associated with Media Bureau FTE work.[96] As we explain below, however, DBS will have an opportunity to raise questions concerning the rate calculation between it and other members of the same fee category for fiscal year 2015 and in the future.[97] The video programming and distribution industry continues to change [98] and the appropriate allocation between and among regulatees with respect to Media Bureau FTEs working on MVPD issues may change over time as different regulatory and legal issues are presented to the Commission.

25. To the extent that DIRECTV and DISH are suggesting by these arguments that the number of FTEs dedicated to a service is wholly determinative of their regulatory fees, we disagree. Although the statute requires us to calculate FTEs initially, we are also required to ''adjust[]'' that number ''to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities.'' [99] Since DBS providers generally benefit from the regulatory activities of the Media Bureau, much like cable operators and IPTV providers, the Commission can attribute Media Bureau FTEs to DBS providers and require them to pay Media Bureau regulatory fees.

26. DIRECTV and DISH also argue that because we declined to include DBS in the cable television and IPTV regulatory fee category previously, we must provide a reasoned explanation for changing our fee determination.[100] We agree that it serves the public interest to explain our rationale. A prior decision, however, does not preclude us from making a different determination in light of the facts and circumstances presented to the Commission in 2015. When the Commission first determined to include DBS in the geosynchronous satellite regulatory fee, DBS was a new service with an uncertain business model. Imposing a subscription based fee derived from Media Bureau FTEs risked failing to compensate the Commission for the substantive work regulating DBS as a satellite industry.[101] When we examined the issue again in 2005, 2006, and 2008, contemporaneously there was a significant amount of regulatory work being done by the International Bureau related to making new spectrum available for satellite based video services.[102] Thus, it is not surprising that the Commission concluded in 2006 that the existing methodology

[88] DIRECTV and DISH Comments at 12.

[89] DIRECTV and DISH Comments at 12 (these are (1) a requirement to encrypt the basic service tier, (2) the viewability requirements in sections 614 and 615 of the Act, and (3) the requirement to include certain digital interfaces on high definition set-top boxes).

[90] *See, e.g., Closed Captioning Report and Order,* 79 FR 17911 (March 31, 2014), 79 FR 17093 (March 31, 2014); *CALM Act Report and Order,* 77 FR 40276 (July 9, 2012); 76.1000–1004; part 79; 47 U.S.C. 618(b).

[91] ITSP, regulated by the Wireline Competition Bureau, includes interexchange carriers (IXCs), incumbent local exchange carriers (LECs), toll resellers, Voice over Internet Providers (VoIP), and other service providers, all of which involve different degrees of regulatory oversight. *See* NCTA and ACA Comments at 9 & Reply Comments at 8–9.

[92] *See Assessment and Collection of Regulatory Fees for Fiscal Year 2007,* Report and Order and Further Notice of Proposed Rulemaking, 72 FR 45908, 45912, para. 19 (August 16, 2007) (*FY 2007 Report and Order*).

[93] *FY 2007 Report and Order,* 72 FR 45908, 45912, para. 19 (August 16, 2007).

[94] DIRECTV and DISH Comments at 13. DIRECTV and DISH compare the number of filings in our electronic comment filing system (ECFS) and observe that over a two year period DIRECTV and DISH and their trade association filed 4,870 pages in 401 proceedings and the top 25 cable companies and their two trade associations filed 93,673 pages in 2,217 proceedings. DIRECTV and DISH Comments at 13, note 53.

[95] In the 12 months prior to Mar. 17, 2015, Comcast Corporation (the largest cable company in the country) had 297 total ECFS filings, DIRECTV had 109, and DISH Network had 134 (some filings were by DIRECTV and DISH together), a not unexpected relative volume of ECFS filings for the top three MVPDs in the country.

[96] 47 U.S.C. 159(a)(1).

[97] Even when an industry has oversight generally by one organizational unit within the Commission, we are sensitive to the fact that balance between members of the same industry may require adjustments to FTE allocations. *See, e.g.,* recent changes in FTE allocations between space station and earth stations even though such systems are may operate in the same spectrum and be part of the same telecommunication system. *FY 2014 Report and Order,* 79 FR 54190, 54192–54193, paras. 11–15 (September 11, 2014).

[98] *See, e.g., Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services,* Notice of Proposed Rulemaking, 29 FCC Rcd 15995 (2014) (seeking comment on, *inter alia,* expanding the definition of MVPD to include providers of multiple linear streams of video programming, regardless of the technology used to distribute it.)

[99] 47 U.S.C. 159(b)(1)(A).

[100] DIRECTV and DISH Comments at 15–17 & Reply Comments at 10–11.

[101] *FY 1996 NPRM,* 61 FR 16432, 16436, para. 41 (April 15, 1996) (''Moreover, because DBS licensees are not restricted to the provision of video programming, but rather may provide various non-video services, we concluded that a facility-based fee would ensure that each DBS licensee contributed equitably to the cost of DBS regulation without the need to impose possibly burdensome and overly intrusive reporting requirements necessary to gather information identifying the services offered by individual DBS operators.'')

[102] *Establishment of Policies and Service Rules for the Broadcasting Satellite Service at the 17.3–17.7 GHz Frequency Band and at the 17.7–17.8 GHz Frequency Band Internationally, and at the 24.75–25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Broadcasting Satellite Service Operating Bidirectionally in the 17.3–17.7 GHz Frequency Band,* Notice of Proposed Rulemaking, 72 FR 46939 (August 22, 2007), Report and Order and Further Notice of Proposed Rulemaking, 72 FR 50000 (August 29, 2007); *Amendment of the Commission's Policies and Rules for Processing Applications in the Direct Broadcast Satellite Service,* Notice of Proposed Rulemaking, 21 FCC Rcd 9443 (2006). *See Thirteenth Report,* 74 FR 11102, at para. (March 16, 2009).

adequately ensured recovery of International Bureau FTE burden of oversight and regulation. Further, removing DBS from the geosynchronous satellite regulatory fee category at a time when that fee category bore the burden of substantial rulemakings relating to new satellite spectrum would have been a complex issue. While the burden of new satellite rulemakings was not mentioned by the Commission in the *FY 2006 Report and Order,* review of the context in which decisions are made is appropriate here. Further, in the past, changes to the DBS regulatory fee was frequently described as either a fee assessed based on International Bureau FTEs or a fee based on Media Bureau FTEs. In contrast, our proposal presents a more nuanced approach of recognizing that the work of both the International Bureau FTEs and the Media Bureau FTEs provide oversight and regulation of DBS. As a result, while the decisions made in the past are understandable in their context, we are not bound to disregard the FTE burden born by the Media Bureau in regulating DBS as a MVPD simply because we previously declined to change the methodology of assessing fees on DBS providers.

27. Regulatory fee reform is a logistical challenge due to the time constraints in regulatory fee proceedings which typically must be completed in a year in order to satisfy our statutory mandate. Unfortunately, at times we must decline to adopt a proposal or take an incremental approach, not because a proposal lacks merit, but simply because there is insufficient time to address the substantive comments raised in the record in the time allotted.[103] In this instance, however, we have the benefit of comments regarding this issue from the *FY 2013 NPRM,* the *FY 2014 NPRM,* and the *FY 2014 Further Notice of Proposed Rulemaking.* As a result, unlike prior review of this issue, we have had more time within which to review the significant issue of adopting an additional fee category for DBS providers. The GAO Report also brought new focus to conducting the necessary analysis of Media Bureau FTEs as part of our overall regulatory fee reform.[104] Had the Commission performed this analysis of Media Bureau FTEs and regulation and oversight of DBS earlier, we may have reached this result at that time. The Commission may update its regulatory fee methodology when, among other things, it is supported by updated data, analysis, and changes in the regulation and oversight of the industry. As the GAO Report observed, it is important to ''regularly update analyses to ensure that fees are set based on relevant information.'' [105]

28. Finally, DISH and DIRECTV contend that a ''fee increase will cause rate shock'' [106] and argue that we must explain the basis of any regulatory fee increase exceeding 7.5 percent relying upon a cap we adopted for FY 2013.[107] We note first that it is somewhat premature to address this concern since the rate for DBS providers is merely proposed in the accompanying NPRM, and DISH and DIRECTV, the two DBS providers, may provide comments on the rate for this year and in subsequent years. As to the substance of the complaint, we note that this cap was adopted due to the significant regulatory fee changes adopted that year and our concern on the impact on small entities; neither DISH nor DIRECTV claim that they are small entities. We are not required to adopt a cap every year and we are not seeking comment on such a cap for FY 2015 in our NPRM above. Due to their concern that the regulatory fee would have such an impact on their customers, we have decided to phase in the DBS fee and introduce it initially as a subcategory of the cable television and IPTV category.[108] This phased approach is consistent with the interim approach the Commission took in the *FY 2013 Report and Order* to ''avoid sudden and large changes in the amount of fees'' [109] and addresses DIRECTV and DISH's concerns.[110]

29. We also note that we sought comment on whether the operator of the satellite or the provider of DBS service should be the entity that pays the regulatory fee.[111] As the fee is based on subscriber numbers, the DBS service provider would be the entity with this information and it would be more efficient for those DBS providers to be responsible for the regulatory fee. For purposes of calculating regulatory fees, the subscriber count includes single family dwellings as well as individuals in multiple dwelling units (*e.g.,* apartments, condominiums, mobile home parks) based on the formula in the footnote below.[112]

30. In the *FY 2014 Further Notice of Proposed Rulemaking,* we further sought comment on whether, in lieu of a permitted amendment, Media Bureau FTEs working on DBS issues should be assigned to the International Bureau as direct FTEs or assigned as indirect FTEs.[113] These alternatives would, in some ways, allocate the Media Bureau FTEs for regulatory fee purposes in a way that is fairer than the current allocation. DBS providers would be paying regulatory fees for some of the Media Bureau FTEs, if reallocated as direct FTEs to the International Bureau. If we reallocated some Media Bureau FTEs as indirect, the regulatory fee burden would be spread among all regulatory fee payors, which would relieve the burden on the cable television and IPTV industry. Although these two alternatives would serve to reallocate a portion of the Media Bureau FTEs, such reallocation would either shift the burden to all International Bureau regulatees or to all regulatory fee payors, instead of to the DBS providers. Thus, although those two alternative proposals might be an improvement over the status quo, including DBS in the same category as cable television and IPTV, and basing the regulatory fee on Media Bureau FTEs, is the more straightforward and equitable approach because the DBS regulation and oversight is done by the Media Bureau FTEs.

31. Under section 9 of the Act, the Commission must add, delete, or reclassify services in the fee schedule to reflect additions, deletions, or changes in the nature of its services ''as a

[103] *See, e.g., FY 2006 Report and Order,* 71 FR 43842, 43845, para 16 (August 6, 2006) (''Finally, as a practical matter, we do not have sufficient time available to modify the section 9 regulatory fee classification and methodology as proposed by NCTA and still comply with the 90-day congressional notification requirement before we start our regulatory fee collections in the August/September time frame.'')

[104] *See, e.g., FY 2013 Report and Order,* 78 FR 52433, 52436, paras. 12–14 (August 23, 2013).

[105] GAO Report at 12.

[106] DIRECTV and DISH Comments at 11.

[107] DIRECTV and DISH Comments at 15–17 & Reply Comments at 10–11.

[108] Commenters propose a three-year phase-in period. *See* NCTA and ACA Comments at 14–15.

[109] *FY 2013 Report and Order,* 78 FR 52433, 52439, para. 28 (August 23, 2013).

[110] In FY 2014, DIRECTV and DISH paid approximately $2.49 million in international regulatory fees for 20 satellites and 141 earth stations. Assuming these DBS providers pay for the same number of satellite and earth station units, the Commission estimates that in FY 2015 their total fees paid would be $2.72 million (satellites and earth stations) plus $2.72 million (media services) for a total of $5.44 million.

[111] *FY 2014 Further Notice of Proposed Rulemaking,* 79 FR 63883, 63886, para. 13 (October 27, 2014).

[112] DBS providers, cable television system operators, and IPTV providers should compute their number of basic subscribers as follows: Number of single family dwellings + number of individual households in multiple dwelling unit (apartments, condominiums, mobile home parks, etc.) paying at the basic subscriber rate + bulk rate customers + courtesy and free service. Note: Bulk-Rate Customers = Total annual bulk-rate charge divided by basic annual subscription rate for individual households. Providers and operators may base their count on ''a typical day in the last full week'' of December 2014, rather than on a count as of December 31, 2014.

[113] *FY 2014 Further Notice of Proposed Rulemaking,* 79 FR 63883, 63886, para. 13 (October 27, 2014).

consequence of Commission rulemaking proceedings or changes in law.'' [114] As explained above, after analyzing the oversight and regulation of MVPDs (including DBS) by the Media Bureau in various rulemaking proceedings, MVPDs (including DBS providers) are subject to increased regulation and oversight due to changes in law, and therefore DBS should be included in the same fee category as cable television and IPTV, as a permitted amendment. Since two different sets of FTE resources are involved, the Commission is assessing two separate fees on DBS providers, a satellite fee based on International Bureau FTEs and a fee based on Media Bureau FTEs, assessed per DBS subscriber. This adoption of a fee subcategory for DBS within the cable television and IPTV category is a permitted amendment as defined in section 9(b)(3) of the Act, which, pursuant to section 9(b)(4)(B), must be submitted to Congress at least 90 days before it becomes effective.[115]

32. In the Order portion of the rulemaking, the Commission makes ministerial changes to sections 1.911(d), 1.1912(b)(1), and 1.1917(c) of the Commission's rules [116] to conform to the Digital Accountability and Transparency Act (DATA Act).[117] In particular, the Commission amends the rule provisions to specify that debts owed to the Commission that have been delinquent for a period of 120 days shall be transferred to the Secretary of the Treasury.[118] These amendments are to conform the Commission's rules to the DATA Act and the notice and comment and effective date provisions of the Administrative Procedure Act are inapplicable.[119]

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[120] an Initial Regulatory Flexibility Analysis (IRFA) was included in the Report and Order and Further Notice of Proposed Rulemaking.[121] The Commission sought written public comment on these proposals including comment on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the IRFA.[122]

A. Need for, and Objectives of, the Report and Order

2. In this Report and Order, we eliminate two categories from the regulatory fee schedule: Amateur radio Vanity Call Signs and General Mobile Radio Service (GMRS). We also include direct broadcast satellite (DBS) providers in the cable television and IPTV regulatory fee category, as a subcategory. To aid in the implementation of new regulatory fees for Responsible Organizations (RespOrgs) adopted in the fiscal year 2014 proceeding, we direct the Managing Director to coordinate with SMS/800, Inc. to ensure that all RespOrgs owing regulatory fees have sufficient information about this process and opportunity to pay the regulatory fee before the RespOrg is placed in red light status and enforcement procedures are initiated.

3. Our regulatory fee for DBS providers, adopted herein, will include DBS providers in the category of cable television operators and IPTV providers, but at a lower regulatory fee rate. This rule was adopted because the Media Bureau staff spend approximately as much time working on issues that include DBS as cable television and IPTV. For the most part, the rules and policies addressed by the Media Bureau include DBS and cable television, as well as IPTV. Under section 9 of the Commission's rules, the DBS industry should contribute to these regulatory fees, otherwise the cable television and IPTV industries are paying for costs that should be shared with DBS.

B. Summary of the Significant Issues Raised by the Public Comments in Response to the IRFA

4. None.

C. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

5. 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 and policies, if adopted.[123] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' [124] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[125] 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.[126] Nationwide, there are a total of approximately 27.9 million small businesses, according to the SBA.[127]

6. Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''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 communications 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.'' [128] The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees.[129] Census data for 2007 shows that there were 3,188 firms that operated that year. Of this total, 3,144 operated with less than 1,000 employees.[130] Thus, under this size standard, the majority of firms in this industry can be considered small.

7. Local Exchange Carriers (LECs). Neither the Commission nor the SBA has developed a size standard for small

[114] 47 U.S.C. 159(b)(3).

[115] 47 U.S.C. 159(b)(4)(B).

[116] 47 CFR 1.1911(d), 1.1912(b)(1), 1.1917(c).

[117] 31 U.S.C. 3716(c)(6).

[118] The full text of the new rules is contained in the Rule Change section of this document.

[119] 5 U.S.C. 553(b)(3)(A).

[120] 5 U.S.C. 603. The RFA, 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. 847 (1996).

[121] *Assessment and Collection of Regulatory Fees for Fiscal Year 2014,* Report and Order and Further Notice of Proposed Rulemaking, MD Docket No. 14–92, 79 FR 63883 (October 27, 2014) (*Further Notice*).

[122] 5 U.S.C. 604.

[123] 5 U.S.C. 603(b)(3).

[124] 5 U.S.C. 601(6).

[125] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small-business concern'' in the Small Business Act, 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**.''

[126] 15 U.S.C. 632.

[127] *See* SBA, Office of Advocacy, ''Frequently Asked Questions,'' *http://www.sba.gov/sites/default/files/FAQ_Sept_2012.pdf.*

[128] *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[129] *See* 13 CFR 120.201, NAICS Code 517110.

[130] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table.*

businesses specifically applicable to local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers as defined in paragraph 6 of this FRFA. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees.[131] According to Commission data, census data for 2007 shows that there were 3,188 firms that operated that year. Of this total, 3,144 operated with fewer than 1,000 employees.[132] The Commission therefore estimates that most providers of local exchange carrier service are small entities that may be affected by the rules adopted.

8. Incumbent LECs. Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers as defined in paragraph 6 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees.[133] According to Commission data, 3,188 firms operated in that year. Of this total, 3,144 operated with fewer than 1,000 employees.[134] Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by the rules and policies adopted. Three hundred and seven (307) Incumbent Local Exchange Carriers reported that they were incumbent local exchange service providers.[135] Of this total, an estimated 1,006 have 1,500 or fewer employees.[136]

9. Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers. Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate NAICS Code category is Wired Telecommunications Carriers, as defined in paragraph 6 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees.[137] U.S. Census data for 2007 indicate that 3,188 firms operated during that year. Of that number, 3,144 operated with fewer than 1,000 employees.[138] Based on this data, the Commission concludes that the majority of Competitive LECS, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers, are small entities. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services.[139] Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees.[140] In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees.[141] Also, 72 carriers have reported that they are Other Local Service Providers.[142] Of this total, 70 have 1,500 or fewer employees.[143] Consequently, based on internally researched FCC data, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities that may be affected by the rules adopted.

10. Interexchange Carriers (IXCs). Neither the Commission nor the SBA has developed a definition for Interexchange Carriers. The closest NAICS Code category is Wired Telecommunications Carriers as defined in paragraph 6 of this FRFA. The applicable size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.[144] U.S. Census data for 2007 indicates that 3,188 firms operated during that year. Of that number, 3,144 operated with fewer than 1,000 employees.[145] According to internally developed Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services.[146] Of this total, an estimated 317 have 1,500 or fewer employees.[147] Consequently, the Commission estimates that the majority of interexchange service providers are small entities that may be affected by the rules adopted.

11. Prepaid Calling Card Providers. Neither the Commission nor the SBA has developed a small business size standard specifically for prepaid calling card providers. The appropriate NAICS Code category for prepaid calling card providers is Telecommunications Resellers. This industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Mobile virtual networks operators (MVNOs) are included in this industry.[148] Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees.[149] U.S. Census data for 2007 show that 1,523 firms provided resale services during that year. Of that number, 1,522 operated with fewer than 1,000 employees.[150] Thus, under this category and the associated small business size standard, the majority of these prepaid calling card providers can be considered small entities. According to Commission data, 193 carriers have reported that they are engaged in the provision of prepaid calling cards.[151] All 193 carriers have 1,500 or fewer employees.[152] Consequently, the Commission estimates that the majority of prepaid calling card providers are small entities that may be affected by the rules adopted.

12. Local Resellers. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[153] Census data for 2007 show that 1,523 firms provided resale services during that year. Of that number, 1,522 operated with fewer than 1,000 employees.[154] Under this category

[131] 13 CFR 121.201, NAICS code 517110.

[132] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table.*

[133] 13 CFR 121.201, NAICS code 517110.

[134] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table.*

[135] *See Trends in Telephone Service,* Federal Communications Commission, Wireline Competition Bureau, Industry Analysis and Technology Division at Table 5.3 (Sept. 2010) (*Trends in Telephone Service*).

[136] *Id.*

[137] 13 CFR 121.201, NAICS code 517110.

[138] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table.*

[139] *See Trends in Telephone Service,* at tbl. 5.3.

[140] *Id.*

[141] *Id.*

[142] *Id.*

[143] *Id.*

[144] 13 CFR 121.201, NAICS code 517110.

[145] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table.*

[146] *See Trends in Telephone Service,* at Table 5.3.

[147] *Id.*

[148] *http://www.census.gov/cgi-bin/ssd/naics/naicsrch.*

[149] 13 CFR 121.201, NAICS code 517911.

[150] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table.*

[151] *See Trends in Telephone Service,* at Table 5.3.

[152] *Id.*

[153] 13 CFR 121.201, NAICS code 517911.

[154] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table.*

and the associated small business size standard, the majority of these local resellers can be considered small entities. According to Commission data, 213 carriers have reported that they are engaged in the provision of local resale services.[155] Of this total, an estimated 211 have 1,500 or fewer employees.[156] Consequently, the Commission estimates that the majority of local resellers are small entities that may be affected by the rules adopted.

13. Toll Resellers. The Commission has not developed a definition for Toll Resellers. The closest NAICS Code Category is Telecommunications Resellers, and the SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[157] Census data for 2007 show that 1,523 firms provided resale services during that year. Of that number, 1,522 operated with fewer than 1,000 employees.[158] Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services.[159] Of this total, an estimated 857 have 1,500 or fewer employees.[160] Consequently, the Commission estimates that the majority of toll resellers are small entities that may be affected by the rules adopted.

14. Other Toll Carriers. Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable NAICS Code category is for Wired Telecommunications Carriers as defined in paragraph 6 of this FRFA. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees.[161] Census data for 2007 shows that there were 3,188 firms that operated that year. Of this total, 3,144 operated with fewer than 1,000 employees.[162] Thus, under this category and the associated small business size standard, the majority of Other Toll Carriers can be considered small. According to internally developed Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage.[163] Of these, an estimated 279 have 1,500 or fewer employees.[164] Consequently, the Commission estimates that most Other Toll Carriers are small entities that may be affected by the rules and policies adopted.

15. Wireless Telecommunications Carriers (except Satellite). This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves, such as cellular services, paging services, wireless internet access, and wireless video services.[165] The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, Census data for 2007 show that there were 1,383 firms that operated for the entire year. Of this total, 1,368 firms had fewer than 1,000 employees. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) services.[166] Of this total, an estimated 261 have 1,500 or fewer employees.[167] Consequently, the Commission estimates that approximately half of these firms can be considered small. Thus, using available data, we estimate that the majority of wireless firms can be considered small.

16. Cable Television and Other Subscription Programming.[168] Since 2007, these services have been defined within the broad economic census category of Wired Telecommunications Carriers. That category is defined 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.'' [169] The SBA has developed a small business size standard for this category, which is: all such firms having 1,500 or fewer employees.[170] Census data for 2007 shows that there were 3,188 firms that operated that year. Of this total, 3,144 had fewer than 1,000 employees.[171] Thus under this size standard, the majority of firms offering cable and other program distribution services can be considered small and may be affected by rules adopted.

17. Cable Companies and Systems. The Commission has developed its own small business size standards, for the

[155] *See Trends in Telephone Service,* at tbl. 5.3.

[156] *Id.*

[157] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table.*

[158] *Id.*

[159] *Trends in Telephone Service,* at Table 5.3.

[160] *Id.*

[161] 13 CFR 121.201, NAICS code 517110.

[162] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table.*

[163] *Trends in Telephone Service,* at Table 5.3.

[164] *Id.*

[165] NAICS Code 517210. *See http://www.census.gov/cgi-bin/ssd/naics/naicsrch.*

[166] *Trends in Telephone Service,* at Table 5.3.

[167] *Id.*

[168] In 2014, ''Cable and Other Subscription Programming,'' NAICS Code 515210, replaced a prior category, now obsolete, which was called ''Cable and Other Program Distribution.'' Cable and Other Program Distribution, prior to 2014, was placed under NAICS Code 517110, Wired Telecommunications Carriers. Wired Telecommunications Carriers is still a current and valid NAICS Code Category. Because of the similarity between ''Cable and Other Subscription Programming'' and ''Cable and other Program Distribution,'' we will, in this proceeding, continue to use Wired Telecommunications Carrier data based on the U.S. Census. The alternative of using data gathered under Cable and Other Subscription Programming (NAICS Code 515210) is unavailable to us for two reasons. First, the size standard established by the SBA for Cable and Other Subscription Programming is annual receipts of $38.5 million or less. Thus to use the annual receipts size standard would require the Commission either to switch from existing employee based size standard of 1,500 employees or less for Wired Telecommunications Carriers, or else would require the use of two size standards. No official approval of either option has been granted by the Commission as of the time of the release of this Regulatory Fees NPRM and its associated Report and Order and Order. Second, the data available under the size standard of $38.5 million dollars or less is not applicable at this time, because the only currently available U.S. Census data for annual receipts of all businesses operating in the NAICS Code category of 515210 (Cable and other Subscription Programming) consists only of total receipts for all businesses operating in this category in 2007 and of total annual receipts for all businesses operating in this category in 2012. The data do not provide any basis for determining, for either year, how many businesses were small because they had annual receipts of $38.5 million or less. *See http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51I2&prodType=table.*

[169] U.S. Census Bureau, 2007 NAICS Definitions, ''517110 Wired Telecommunications Carriers'' (partial definition), (Full definition stated in paragraph 6 of this IRFA) available at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[170] 13 CFR 121.201, NAICS code 517110.

[171] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US-51SSSZ5&prodType=Table.*

purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers, nationwide.[172] Industry data indicate that at the end of June 2012, 1,141 cable companies were in operation.[173] Of this total, all but ten cable operators were 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.[174] Industry data indicate that of 4,945 systems nationwide, 4,380 systems have fewer than 20,000.[175] Thus, under this second size standard, most cable systems are small and may be affected by the rules adopted.

18. All Other Telecommunications. ''All Other Telecommunications'' is defined as follows: This U.S. industry is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.[176] The SBA has developed a small business size standard for ''All Other Telecommunications,'' which consists of all such firms with gross annual receipts of $32.5 million or less.[177] For this category, census data for 2007 show that there were 2,383 firms that operated for the entire year. Of these firms, a total of 2,346 had gross annual receipts of less than $25 million.[178] Thus, a majority of ''All Other Telecommunications'' firms potentially affected by the rules adopted can be considered small.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

19. This *Report and Order* does not adopt any new reporting, recordkeeping, or other compliance requirements, other than the requirement that DBS providers pay regulatory fees based on Media Bureau FTEs, as a subcategory of the cable television operators and IPTV category. These two companies are already subject to our regulatory fee requirements.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

20. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its 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.[179]

21. This *Report and Order* does not adopt any new reporting requirements. Therefore no adverse economic impact on small entities will be sustained based on reporting requirements. There will be a regulatory fee increase on DBS providers, but these companies are not small entities. We are also advising SMS/800, Inc. to provide information to Responsible Organizations, or RespOrgs, to ensure that they comply with their new previously adopted regulatory fee requirements. These entities may be small entities; however, the regulatory fee per toll free number is very small and could easily be paid and then passed on to the subscriber if the number is in use, in which case compliance would not be an issue. (We also note that there is a previously adopted *de minimis* threshold of $500, per year.) If the toll free number is not used by a subscriber, the RespOrg can either choose to pay the regulatory fee or return the toll free number to the 800/SMS, Inc. database. The Commission expends resources to address toll free issues, and so parties should either be responsible for the payment of the resources used or the toll free numbers should be returned for others to use.

22. In keeping with the requirements of the Regulatory Flexibility Act, we have considered certain alternative means of mitigating the effects of fee increases to a particular industry segment. In addition, the Commission's rules provide a process by which regulatory fee payors may seek waivers or other relief on the basis of financial hardship. *See* 47 CFR 1.1166.

F. Federal Rules That May Duplicate, Overlap, or Conflict

23. None.

V. Ordering Clauses

24. Accordingly, *it is ordered* that, pursuant to Sections 4(i) and (j), 9, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 159, and 303(r), this *Report and Order* and *Order* is hereby adopted.

25. *It is further ordered* that Part 1 of the Commission's rules are amended as set forth in paragraph 32 and in the rule change section of this document, effective upon publication in the **Federal Register**.

26. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Report and Order* and *Order,* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79 *et seq.,* 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 303, and 309.

Subpart O—Collection of Claims Owed the United States

■ 2. Revise § 1.1911(d) to read as follows:

[172] *See* 47 CFR 76.901(e). The Commission determined that this size standard equates approximately to a size standard of $100 million or less in annual revenues. *See Implementation of Sections of the 1992 Cable Television Consumer Protection and Competition Act: Rate Regulation,* MM Docket Nos. 92–266, 93–215, Sixth Report and Order and Eleventh Order on Reconsideration, 60 FR 35854, 35855, para. 7 (July 12, 1995).

[173] NCTA, Industry Data, Number of Cable Operating Companies. *See http://www.ncta.com/Statistics.aspx.*

[174] *See* 47 CFR 76.901(c).

[175] The number of active, registered cable systems comes from the Commission's Cable Operations Licensing System (COALS) database on August 28, 2013.

[176] *http://www.census.gov/cgi-bin/ssssd/naics/naicsrch.*

[177] 13 CFR 121.201; NAICS Code 517919.

[178] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5&prodType=table.*

[179] 5 U.S.C. 603(c)(1)–(c)(4).

§ 1.1911 Demand for payment.

* * * * *

(d) The Commission may, as circumstances and the nature of the debt permit, include in demand letters such items as the Commission's willingness to discuss alternative methods of payment; its policies with respect to the use of credit bureaus, debt collection centers, and collection agencies; the Commission's remedies to enforce payment of the debt (including assessment of interest, administrative costs and penalties, administrative garnishment, the use of collection agencies, Federal salary offset, tax refund offset, administrative offset, and litigation); the requirement that any debt delinquent for more than 120 days be transferred to the Department of the Treasury for collection; and, depending on applicable statutory authority, the debtor's entitlement to consideration of a waiver. Where applicable, the debtor will be provided with a period of time (normally not more than 15 calendar days) from the date of the demand in which to exercise the opportunity to request a review.

* * * * *

■ 3. Revise § 1.1912(b)(1) to read as follows:

§ 1.1912 Collection by administrative offset.

* * * * *

(b) *Mandatory centralized administrative offset.* (1) The Commission is required to refer past due, legally enforceable nontax debts which are over 120 days delinquent to the Treasury for collection by centralized administrative offset. Debts which are less than 120 days delinquent also may be referred to the Treasury for this purpose. *See* FCCS for debt certification requirements.

* * * * *

■ 4. Revise § 1.1917(c) to read as follows:

§ 1.1917 Referrals to the Department of Justice and transfer of delinquent debt to the Secretary of Treasury.

* * * * *

(c) All non-tax debts of claims owed to the Commission that have been delinquent for a period of 120 days shall be transferred to the Secretary of the Treasury. Debts which are less than 120 days delinquent may also be referred to the Treasury. Upon such transfer the Secretary of the Treasury shall take appropriate action to collect or terminate collection actions on the debt or claim. A debt is past-due if it has not been paid by the date specified in the Commission's initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement) unless other satisfactory payment arrangements have been made.

[FR Doc. 2015–17288 Filed 7–20–15; 8:45 am]

BILLING CODE 6712–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1837 and 1852

RIN 2700–AE01 and 2700–AE09

NASA Federal Acquisition Regulation Supplement; Correction

AGENCY: National Aeronautics and Space Administration.

ACTION: Correcting amendments.

SUMMARY: The National Aeronautics and Space Administration (NASA) published a final rule in the **Federal Register** on Thursday, March 12, 2015 (80 FR 12935), as part of the NASA Federal Acquisition Regulation Supplement (NFS) regulatory review. That document (80 FR 12835) inadvertently removed sections of the NFS that relate to access and release of sensitive information in the performance of advisory and assistance services in NFS parts 1837 and 1852. This document corrects the final rule by reinstating these original sections of the regulation.

DATES: *Effective:* July 21, 2015.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Seppi, NASA, Office of Procurement, Contract and Grant Policy Division, via email at *marilyn.j.seppi-1@nasa.gov,* or telephone (202) 358–0447.

SUPPLEMENTARY INFORMATION:

I. Background

NASA published a final rule in the **Federal Register** on March 12, 2015, inadvertently removing from the Code of Federal Regulations (CFR) those sections of the NASA FAR Supplement that contained information related to access and release of sensitive information while performing contracted advisory and assistance contracts. As published, the rule contains errors due to inadvertent deletion of text that needs to be corrected. Specifically, in amendatory instruction 49 on page 12944 of that final rule, NFS sections 1837.203–70, 1837.203–71, and 1837.203–72 were erroneously deleted and need to be restored. In addition, in amendatory instruction 94 on page 12953 of the final rule, the associated clauses at NFS 1852.237–72 and 1852.237–73 were also removed in error and need to be restored. NASA is not altering these policies and regulations, but rather, correcting an inadvertent deletion. This document corrects the final rule by revising these sections.

List of Subject in 48 CFR Parts 1837 and 1852

Government procurement.

Cynthia Boots,

Alternate Federal Register Liaison.

Accordingly, 48 CFR parts 1837 and 1852 are amended as follows:

PART 1837—SERVICE CONTRACTING

■ 1. The authority citation for part 1837 is revised to read as follows:

Authority: 51 U.S.C. 20113(a) and 48 CFR chapter 1.

■ 2. Revise subpart 1837.2 to read as follows:

Subpart 1837.2—Advisory and Assistance Services

Sec.
1837.203 Policy.
1837.203–70 Providing contractors access to sensitive information.
1837.303–71 Release of contractors' sensitive information.
1837.203–72 NASA contract clauses.

Subpart 1837.2—Advisory and Assistance Services

1837.203 Policy.

(c) Advisory and assistance services of individual experts and consultants shall normally be obtained by appointment rather than by contract (see NPR 3300.1, Appointment of Personnel To/From NASA, Chapter 4, Employment of Experts and Consultants).

1837.203–70 Providing contractors access to sensitive information.

(a)(1) As used in this subpart, ''sensitive information'' refers to information that the contractor has developed at private expense or that the Government has generated that qualifies for an exception to the Freedom of Information Act, which is not currently in the public domain, may embody trade secrets or commercial or financial information, and may be sensitive or privileged, the disclosure of which is likely to have either of the following effects: To impair the Government's ability to obtain this type of information in the future; or to cause substantial harm to the competitive position of the person from whom the information was obtained. The term is not intended to resemble the markings of national security documents as in sensitive-secret-top secret.

(2) As used in this subpart, ''requiring organization'' refers to the NASA organizational element or activity that requires specified services to be provided.

(3) As used in this subpart, ''service provider'' refers to the service contractor that receives sensitive information from NASA to provide services to the requiring organization.

(b)(1) To support management activities and administrative functions, NASA relies on numerous service providers. These contractors may require access to sensitive information in the Government's possession, which may be entitled to protection from unauthorized use or disclosure.

(2) As an initial step, the requiring organization shall identify when needed services may entail access to sensitive information and shall determine whether providing access is necessary for accomplishing the Agency's mission. The requiring organization shall review any service provider requests for access to information to determine whether the access is necessary and whether the information requested is considered ''sensitive'' as defined in paragraph (a)(1) of this section.

(c) When the requiring organization determines that providing specified services will entail access to sensitive information, the solicitation shall require each potential service provider to submit with its proposal a preliminary analysis of possible organizational conflicts of interest that might flow from the award of a contract. After selection, or whenever it becomes clear that performance will necessitate access to sensitive information, the service provider must submit a comprehensive organizational conflicts of interest avoidance plan.

(d) This comprehensive plan shall incorporate any previous studies performed, shall thoroughly analyze all organizational conflicts of interest that might arise because the service provider has access to other companies' sensitive information, and shall establish specific methods to control, mitigate, or eliminate all problems identified. The contracting officer, with advice from Center counsel, shall review the plan for completeness and identify to the service provider substantive weaknesses and omissions for necessary correction. Once the service provider has corrected the substantive weaknesses and omissions, the contracting officer shall incorporate the revised plan into the contract, as a compliance document.

(e) If the service provider will be operating an information technology system for NASA that contains sensitive information, the operating contract shall include the clause at 1852.204–76, Security Requirements for Unclassified Information Technology Resources, which requires the implementation of an Information Technology Security Plan to protect information processed, stored, or transmitted from unauthorized access, alteration, disclosure, or use.

(f) NASA will monitor performance to assure any service provider that requires access to sensitive information follows the steps outlined in the clause at 1852.237–72, Access to Sensitive Information, to protect the information from unauthorized use or disclosure.

1837.203–71 Release of contractors' sensitive information.

Pursuant to the clause at 1852.237–73, Release of Sensitive Information, offerors and contractors agree that NASA may release their sensitive information when requested by service providers in accordance with the procedures prescribed in 1837.203–70 and subject to the safeguards and protections delineated in the clause at 1852.237–72, Access to Sensitive Information. As required by the clause at 1852.237–73, or other contract clause or solicitation provision, contractors must identify information they claim to be ''sensitive'' submitted as part of a proposal or in the course of performing a contract. The contracting officer shall evaluate all contractor claims of sensitivity in deciding how NASA should respond to requests from service providers for access to information.

1837.203–72 NASA contract clauses.

(a) The contracting officer shall insert the clause at 1852.237–72, Access to Sensitive Information, in all solicitations and contracts for services that may require access to sensitive information belonging to other companies or generated by the Government.

(b) The contracting officer shall insert the clause at 1852.237–73, Release of Sensitive Information, in all solicitations, contracts, and basic ordering agreements.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. The authority citation for part 1852 continues to read as follows:

Authority: 51 U.S.C. 20113(a) and 48 CFR chapter 1.

■ 4. In subpart 1852.2, add sections 1852.237–72 and 1852.237–73 to read as follows:

1852.237–72 Access to Sensitive Information.

As prescribed in 1837.203–72(a), insert the following clause:

ACCESS TO SENSITIVE INFORMATION

(JUNE 2005)

(a) As used in this clause, ''sensitive information'' refers to information that a contractor has developed at private expense, or that the Government has generated that qualifies for an exception to the Freedom of Information Act, which is not currently in the public domain, and which may embody trade secrets or commercial or financial information, and which may be sensitive or privileged.

(b) To assist NASA in accomplishing management activities and administrative functions, the Contractor shall provide the services specified elsewhere in this contract.

(c) If performing this contract entails access to sensitive information, as defined above, the Contractor agrees to—

(1) Utilize any sensitive information coming into its possession only for the purposes of performing the services specified in this contract, and not to improve its own competitive position in another procurement.

(2) Safeguard sensitive information coming into its possession from unauthorized use and disclosure.

(3) Allow access to sensitive information only to those employees that need it to perform services under this contract.

(4) Preclude access and disclosure of sensitive information to persons and entities outside of the Contractor's organization.

(5) Train employees who may require access to sensitive information about their obligations to utilize it only to perform the services specified in this contract and to safeguard it from unauthorized use and disclosure.

(6) Obtain a written affirmation from each employee that he/she has received and will comply with training on the authorized uses and mandatory protections of sensitive information needed in performing this contract.

(7) Administer a monitoring process to ensure that employees comply with all reasonable security procedures, report any breaches to the Contracting Officer, and implement any necessary corrective actions.

(d) The Contractor will comply with all procedures and obligations specified in its Organizational Conflicts of Interest Avoidance Plan, which this contract incorporates as a compliance document.

(e) The nature of the work on this contract may subject the Contractor and its employees to a variety of laws and regulations relating to ethics, conflicts of interest, corruption, and other criminal or civil matters relating to the award and administration of government contracts. Recognizing that this contract establishes a high standard of accountability and trust, the Government will carefully review the Contractor's performance in relation to the mandates and restrictions found in these laws and regulations. Unauthorized uses or disclosures of sensitive information may result in termination of this

contract for default, or in debarment of the Contractor for serious misconduct affecting present responsibility as a government contractor.

(f) The Contractor shall include the substance of this clause, including this paragraph (f), suitably modified to reflect the relationship of the parties, in all subcontracts that may involve access to sensitive information.

(End of clause)

1852.237–73 Release of Sensitive Information.

As prescribed in 1837.203–72(b), insert the following clause:

RELEASE OF SENSITIVE INFORMATION

(JUNE 2005)

(a) As used in this clause, ''sensitive information'' refers to information, not currently in the public domain, that the Contractor has developed at private expense, that may embody trade secrets or commercial or financial information, and that may be sensitive or privileged.

(b) In accomplishing management activities and administrative functions, NASA relies heavily on the support of various service providers. To support NASA activities and functions, these service providers, as well as their subcontractors and their individual employees, may need access to sensitive information submitted by the Contractor under this contract. By submitting this proposal or performing this contract, the Contractor agrees that NASA may release to its service providers, their subcontractors, and their individual employees, sensitive information submitted during the course of this procurement, subject to the enumerated protections mandated by the clause at 1852.237–72, Access to Sensitive Information.

(c)(1) The Contractor shall identify any sensitive information submitted in support of this proposal or in performing this contract. For purposes of identifying sensitive information, the Contractor may, in addition to any other notice or legend otherwise required, use a notice similar to the following:

Mark the title page with the following legend:

This proposal or document includes sensitive information that NASA shall not disclose outside the Agency and its service providers that support management activities and administrative functions. To gain access to this sensitive information, a service provider's contract must contain the clause at NFS 1852.237–72, Access to Sensitive Information. Consistent with this clause, the service provider shall not duplicate, use, or disclose the information in whole or in part for any purpose other than to perform the services specified in its contract. This restriction does not limit the Government's right to use this information if it is obtained from another source without restriction. The information subject to this restriction is contained in pages [insert page numbers or other identification of pages].

Mark each page of sensitive information the Contractor wishes to restrict with the following legend:

Use or disclosure of sensitive information contained on this page is subject to the restriction on the title page of this proposal or document.

(2) The Contracting Officer shall evaluate the facts supporting any claim that particular information is ''sensitive.'' This evaluation shall consider the time and resources necessary to protect the information in accordance with the detailed safeguards mandated by the clause at 1852.237–72, Access to Sensitive Information. However, unless the Contracting Officer decides, with the advice of Center counsel, that reasonable grounds exist to challenge the Contractor's claim that particular information is sensitive, NASA and its service providers and their employees shall comply with all of the safeguards contained in paragraph (d) of this clause.

(d) To receive access to sensitive information needed to assist NASA in accomplishing management activities and administrative functions, the service provider must be operating under a contract that contains the clause at 1852.237–72, Access to Sensitive Information. This clause obligates the service provider to do the following:

(1) Comply with all specified procedures and obligations, including the Organizational Conflicts of Interest Avoidance Plan, which the contract has incorporated as a compliance document.

(2) Utilize any sensitive information coming into its possession only for the purpose of performing the services specified in its contract.

(3) Safeguard sensitive information coming into its possession from unauthorized use and disclosure.

(4) Allow access to sensitive information only to those employees that need it to perform services under its contract.

(5) Preclude access and disclosure of sensitive information to persons and entities outside of the service provider's organization.

(6) Train employees who may require access to sensitive information about their obligations to utilize it only to perform the services specified in its contract and to safeguard it from unauthorized use and disclosure.

(7) Obtain a written affirmation from each employee that he/she has received and will comply with training on the authorized uses and mandatory protections of sensitive information needed in performing this contract.

(8) Administer a monitoring process to ensure that employees comply with all reasonable security procedures, report any breaches to the Contracting Officer, and implement any necessary corrective actions.

(e) When the service provider will have primary responsibility for operating an information technology system for NASA that contains sensitive information, the service provider's contract shall include the clause at 1852.204–76, Security Requirements for Unclassified Information Technology Resources. The Security Requirements clause requires the service provider to implement an Information Technology Security Plan to protect information processed, stored, or transmitted from unauthorized access, alteration, disclosure, or use. Service provider personnel requiring privileged access or limited privileged access to these information technology systems are subject to screening using the standard National Agency Check (NAC) forms appropriate to the level of risk for adverse impact to NASA missions. The Contracting Officer may allow the service provider to conduct its own screening, provided the service provider employs substantially equivalent screening procedures.

(f) This clause does not affect NASA's responsibilities under the Freedom of Information Act.

(g) The Contractor shall insert this clause, including this paragraph (g), suitably modified to reflect the relationship of the parties, in all subcontracts that may require the furnishing of sensitive information.

(End of clause)

[FR Doc. 2015–17717 Filed 7–20–15; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140611492–5605–02]

RIN 0648–BE30

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 20

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement Regulatory Amendment 20 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) (Regulatory Amendment 20), as prepared and submitted by the South Atlantic Fishery Management Council (Council). This final rule revises the snowy grouper annual catch limits (ACLs), commercial trip limit, and recreational fishing season. The purpose of this rule is to help achieve optimum yield (OY) and prevent overfishing of snowy grouper while enhancing socio-economic opportunities within the snapper-grouper fishery.

DATES: This rule is effective August 20, 2015.

ADDRESSES: Electronic copies of the regulatory amendment, which includes

an environmental assessment and an initial regulatory flexibility analysis (IRFA), may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/sg/2015/reg_am20/index.html.*

FOR FURTHER INFORMATION CONTACT: Nikhil Mehta, telephone: 727–824–5305, or email: *nikhil.mehta@noaa.gov.*

SUPPLEMENTARY INFORMATION: Snowy grouper is in the snapper-grouper fishery of the South Atlantic and is managed under the FMP. The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On April 8, 2015, NMFS published a proposed rule for Regulatory Amendment 20 and requested public comment (80 FR 18797). The proposed rule and Regulatory Amendment 20 outline the rationale for the actions contained in this final rule. A summary of the actions implemented by Regulatory Amendment 20 and this final rule is provided below.

Management Measures Contained in This Final Rule

This final rule revises the snowy grouper ACLs for both the commercial and recreational sectors, the commercial trip limits, and the recreational fishing season. All weights described in the preamble of this final rule are in gutted weight.

Snowy Grouper Commercial and Recreational ACLs

In 2013, a standard stock assessment for snowy grouper was conducted using the Southeast Data, Assessment, and Review (SEDAR) process (SEDAR 36). SEDAR 36 indicates that the snowy grouper stock is no longer undergoing overfishing, remains overfished, and is rebuilding.

This final rule increases the ACLs for snowy grouper based on the acceptable biological catch (ABC) chosen by the Council, as recommended by their Scientific and Statistical Committee (SSC) based on the results of SEDAR 36. The current snowy grouper commercial ACL is 82,900 lb (37,603 kg). This final rule revises the commercial ACL to 115,451 lb (52,368 kg) in 2015; 125,760 lb (57,044 kg) in 2016; 135,380 lb (61,407 kg) in 2017; 144,315 lb (65,460 kg) in 2018; and 153,935 lb (69,824 kg) in 2019, and subsequent fishing years. The current snowy grouper recreational ACL is 523 fish. This final rule revises the snowy grouper recreational ACL to 4,152 fish in 2015; 4,483 fish in 2016; 4,819 fish in 2017, 4,983 fish in 2018; and 5,315 fish in 2019, and subsequent fishing years.

Applying the existing allocation formula for snowy grouper to the change in landings from the SEDAR 36 assessment resulted in a shift in the sector ACLs from 95 percent commercial and 5 percent recreational to 83 percent commercial and 17 percent recreational.

Snowy Grouper Commercial Trip Limit

This final rule revises the snowy grouper commercial trip limit from the current 100 lb (45 kg) to 200 lb (91 kg). The Council determined that since the commercial ACL would be increasing yearly from 2015 to 2019, a relatively small increase in the commercial trip limit to 200 lb (91 kg) would help to maintain a longer fishing season when combined with the commercial ACL increase. Furthermore, because the fishing year for snowy grouper begins on January 1, an increased trip limit could enhance profits for commercial snapper-grouper fishermen during the winter. This is because shallow-water grouper species are closed during January–April, leaving snowy grouper (a deep-water species) as one of few options for purchase by dealers at that time.

Snowy Grouper Recreational Fishing Season

The current snowy grouper fishing season is year-round with a recreational bag limit of one snowy grouper per vessel per day. This final rule revises the recreational fishing season to one snowy grouper per vessel per day from May through August, with no retention of snowy grouper during the rest of the year. The Council determined that reducing the current year-round recreational fishing season to a 4-month season would help minimize the risk of exceeding the recreational ACL. Additionally, the fishing season dates and bag limit for the snowy grouper recreational sector would match those for a co-occurring species, blueline tilefish. The Council determined that similar recreational management measures and fishing seasons for snowy grouper and blueline tilefish would be beneficial to both fish stocks as they are caught at the same depths and have similar high release mortality rates; thereby, discards of both species could be reduced.

Comments and Responses

A total of 24 comments were received on Regulatory Amendment 20 and the proposed rule from individuals, commercial fishing associations, fish markets, and a Federal agency. The Federal agency stated that it had no comment on the proposed rule or Regulatory Amendment 20. The comments that oppose one or more of the management measures in Regulatory Amendment 20 and the proposed rule are summarized and responded to below.

Comment 1: NMFS should not increase the commercial or recreational catch limits for snowy grouper.

Response: NMFS disagrees. In 2013, a standard stock assessment for snowy grouper was conducted through SEDAR 36. SEDAR 36 indicates the snowy grouper stock is no longer undergoing overfishing, remains overfished, and is rebuilding. The previous assessment conducted in 2004 (SEDAR 4) determined snowy grouper was undergoing overfishing and was overfished. The Council's SSC recommended an increase in the ABC to the Council; and the Council then chose a corresponding increase in the commercial and recreational ACLs. The ACLs for the commercial and recreational sectors chosen by the Council and implemented through this final rule are based on the best scientific information available, and are appropriate to maintain a sustainable harvest of the stock, while it continues to rebuild. Thus, catch levels for snowy grouper may now be increased without negatively impacting the stock.

Comment 2: NMFS should not increase the commercial quota while shortening the recreational fishing season.

Response: NMFS disagrees. This final rule for Regulatory Amendment 20 will increase both the commercial and recreational ACLs for snowy grouper based upon the results of the latest stock assessment (SEDAR 36). The ACLs may be increased for the commercial and recreational sectors because the stock is no longer undergoing overfishing, and is rebuilding at a rate that allows the ABC increase recommended by the SSC and the ACL chosen by the Council. Further, changing the recreational fishing season to May through August is expected to reduce the chance that the recreational ACL is exceeded, promote safety at sea for recreational fishermen, and reduce bycatch of snowy grouper.

The current recreational fishing season begins on January 1. Recreational landings for snowy grouper exceeded the recreational ACL by approximately 400 percent in both 2012 and 2013, and 230 percent in 2014, and as a result of the accountability measures (AMs), the recreational sector closed on May 31, in 2013, and on June 7, in 2014. Without

a change to the recreational fishing season and with an increased ACL, it is expected that the recreational ACL would still be reached and harvest closed early in the year. Continuing to exceed the ACL could negatively impact the rebuilding of the snowy grouper stock, and the Council determined that changing the fishing season would help minimize the risk of exceeding the recreational ACL.

Additionally, in some areas of the South Atlantic, recreational fishermen must travel long distances offshore to fish for snowy grouper, where conditions can be more challenging for fishermen during times of the year when weather is poor. The months of May through August are when recreational fishermen throughout the South Atlantic generally have more equal access to the resource due to good weather conditions, and would thus benefit the most from the increase in the recreational ACL.

The fishing season dates and bag limit for the snowy grouper recreational sector specified in Regulatory Amendment 20 match those implemented in Amendment 32 to the FMP for blueline tilefish, a co-occurring species with snowy grouper, (80 FR 16583; March 30, 2015). Therefore, this approach could help reduce discard mortality for snowy grouper, which can be targeted along with blueline tilefish. The Council determined that similar recreational management measures and fishing seasons for snowy grouper and blueline tilefish would be beneficial to both fish stocks and reduce bycatch as they are caught at the same depths and have similar high release mortality rates.

Comment 3: NMFS should not start the commercial fishing season on January 1. Inclement weather in North Carolina in the earlier part of the year does not allow equitable access to snowy grouper, which does not conform to National Standard (NS) 4 of the Magnuson-Stevens Act. NMFS should start the commercial fishing season later in the year, and implement split seasons for the commercial sector.

Response: NMFS disagrees that the commercial trip limit action violates NS 4, as the trip limit does not discriminate between residents of different states. The Council did not consider changing the start date of the commercial fishing year from January 1 in Regulatory Amendment 20, but they did consider creating split commercial seasons within the fishing year. The Council acknowledged that fishers in North Carolina have historically had limited access to snowy grouper at the beginning of the fishing year as a result of weather conditions compared to other areas within the Council's jurisdiction. However, snowy grouper are an important commercial species during January to April when the harvest of shallow-water grouper is closed, and snowy grouper sells at a higher market price during that part of the year. The Council determined that the current commercial fishing year allows for enhanced profits per trip and likely enhanced total profits for commercial snapper-grouper fishers. Additionally, if snowy grouper closes in the summer as a result of meeting its commercial quota, there are many other snapper-grouper species open to commercial harvest beginning on May 1. While weather conditions throughout the Council's area of jurisdiction may be variable throughout the year and may not impact certain areas or states in the South Atlantic at the same time in the same way, the snowy grouper fishing season dates are applied the same to all the states. Over the course of an entire fishing season, it is likely that there are comparable opportunities for individuals throughout the South Atlantic with respect to commercial harvest of snowy grouper.

While the Council did consider split seasons for the commercial sector in Regulatory Amendment 20, they determined it would have little effect on extending the fishing season when compared with the Council's preferred alternative. Due to the increase to the commercial ACL in Regulatory Amendment 20, the first split season would likely remain open because the first split season quota would not be met under any of the new trip limit alternatives considered by the Council. Thus, the split season alternative would have the same effect as the preferred alternative of implementing a 200 lb (91 kg) trip limit with no split season, because both choices would result in approximately the same fishing season length.

Therefore, the Council determined that their preferred alternative for this action best met the purpose and need to implement measures expected to prevent overfishing and achieve OY while also complying with the requirements of the Magnuson-Stevens Act and other applicable laws, including NS 4.

Comment 4: NMFS should increase the commercial trip limit to 300 lb (136 kg), not the proposed trip limit increase to 200 lb (91 kg).

Response: NMFS disagrees. The Council considered a trip limit of 300 lb (136 kg), and determined that since the commercial ACL would be increasing yearly from 2015 to 2019, a small increase in the commercial trip limit from 100 lb (45 kg) to 200 lb (91 kg), would help to maintain a longer fishing season when combined with the commercial ACL increase. Analysis in Regulatory Amendment 20 revealed that commercial landings could increase over 100 percent throughout the calendar year with an increase in the commercial trip limit to 300 lb (136 kg). This would result in the commercial ACL being met and harvest closure occurring earlier in the year than for the 200 lb (91 kg) trip limit.

Comment 5: NMFS should not reallocate the increase in commercial and recreational ACLs using unreliable Marine Recreational Fisheries Statistics Survey (MRFSS)/Marine Recreational Information Program (MRIP) data.

Response: The Council is applying their approved existing sector allocation formula for snowy grouper to the updated MRIP landings from SEDAR 36 to specify sector ACLs. The existing sector allocation formula developed and approved in Amendment 15B to the FMP, uses average commercial and recreational landings from 1986–2005 (74 FR 58902, November 16, 2009). SEDAR 36 also included recreational data from Monroe County, Florida, that were not available when snowy grouper was first assessed in 2004 (SEDAR 4) because the recreational landings for Monroe County could not be separated from other west Florida landings. In 2013, a method was developed to separate Monroe County data from other west Florida landings. The change in landings from the SEDAR 36 assessment, as applied to the average commercial and recreational landings for 1986–2005, resulted in a shift in the sector ACLs from the current 95 percent commercial and 5 percent recreational to 83 percent commercial and 17 percent recreational. Additionally, the SEDAR 36 assessment made adjustments to the landings to account for the change from MRFSS to MRIP, and NMFS has determined that this information is the best scientific information available.

Comment 6: The Council's preferred alternative of a 1 fish per vessel per day recreational bag limit with harvest allowed only during the months of May through August will result in North Carolina recreational fishers being geographically disadvantaged. Furthermore, lack of compatible regulations in Florida state waters is not only unfair to North Carolina fishers since North Carolina implements compatible regulations in its state waters, but is potentially detrimental to the snowy grouper population, which is still considered overfished and is under a rebuilding plan.

Response: NMFS disagrees that the Council's choice of the recreational fishing season would result in a geographic disadvantage in accessing the snowy grouper resource by North Carolina fishers. The Council determined that the months of May through August are when recreational fishermen throughout the South Atlantic usually have equal access to the resource as a result of generally improved weather conditions.

NMFS agrees that the lack of consistency in compatible regulations in state waters could have detrimental effects upon the stock as it rebuilds, since the implementation of compatible state regulations can allow for fishery resources to be more effectively conserved. However, based on the most recent stock assessment, the ACLs may be increased for the commercial and recreational sectors because the stock is no longer undergoing overfishing and is rebuilding at a rate that allows the ABC increase recommended by the SSC and the ACL chosen by the Council.

Comment 7: NMFS should not allow snowy grouper to be harvested during the snowy grouper spawning season of April to September.

Response: The Council recognized that spawning for snowy grouper occurs during April to September but determined that reducing the current year-round recreational fishing season to a 4-month season from May through August should reduce the chance that the ACL is exceeded, promote safety at sea, and reduce the bycatch of snowy grouper, as discussed in the response to Comment 2 above. In the commercial sector, the snowy grouper AMs that are in place and the monitoring program to evaluate commercial landings are expected to constrain commercial landings from exceeding the commercial ACL. Therefore, the harvest of snowy grouper that may occur during the spawning season is not expected to result in the ACLs being exceeded and is not expected to negatively impact the stock.

Classification

The Regional Administrator, Southeast Region, NMFS has determined that this final rule is necessary for the conservation and management of South Atlantic snapper-grouper and is consistent with Regulatory Amendment 20, the FMP, the Magnuson-Stevens Act, and other applicable law.

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

The Magnuson-Stevens Act provides the statutory basis for this rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this final rule.

In compliance with section 604 of the RFA, NMFS prepared a Final Regulatory Flexibility Analysis (FRFA) for this final rule. The FRFA uses updated information, when available, and analyzes the anticipated economic impacts of the final actions and any significant economic impacts on small entities. The FRFA incorporates the IRFA, a summary of the significant economic issues raised by public comment, NMFS' responses to those comments, and a summary of the analyses completed to support the action. The FRFA follows.

No public comments specific to the IRFA were received and, therefore, no public comments are addressed in this FRFA. Certain comments with socio-economic implications are addressed in the comments and responses section, specifically, the response to comments 2, 3, and 6. No changes in the final rule were made in response to public comments.

NMFS agrees that the Council's choice of preferred alternatives would best achieve the Council's objectives for Regulatory Amendment 20 to the FMP while minimizing, to the extent practicable, the adverse effects on fishers, support industries, and associated communities. The preamble to this final rule provides a statement of the need for and objectives of this rule.

NMFS expects this rule to directly affect federally permitted commercial fishers who harvest snowy grouper in the South Atlantic. The Small Business Administration established size criteria for all major industry sectors in the U.S., including fish harvesters and for-hire operations. A business involved in fish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and its combined annual receipts are not in excess of $20.5 million (NAICS code 114111, finfish fishing) for all of its affiliated operations worldwide.

Charter vessels and headboats (for-hire vessels) sell fishing services, which include the harvest of any species considered in this proposed rule, to recreational anglers. These vessels provide a platform for the opportunity to fish and not a guarantee to catch or harvest any species, though expectations of successful fishing, however defined, likely factor into the decision to purchase these services. Changing the allowable harvest of a species, including a fishery closure, only defines what species may be kept and does not explicitly prevent the continued offer of for-hire fishing services. In response to a change in the allowable harvest of a species, including a zero-fish recreational bag limit, fishing for other species could continue. Because the changes to management measures for species implemented in this final rule will not directly alter the services sold by these vessels, this final rule does not directly apply to or regulate their operations. For-hire vessels will continue to be able to offer their primary product, which is an attempt to ''put anglers on fish,'' provide the opportunity for anglers to catch whatever their skills enable them to catch, and keep those fish that they desire to keep and are legal to keep. Any changes in demand for these fishing services, and associated economic affects as a result of changing an ACL or establishing fishery closures, would be a consequence of behavioral change by anglers, secondary to any direct effect on anglers, and, therefore, an indirect effect of the proposed regulatory action. Because the effects on for-hire vessels are indirect, they fall outside the scope of the Regulatory Flexibility Analysis (RFA). Recreational anglers, who may be directly affected by the changes in this final rule, are not small entities under the RFA.

NMFS has not identified any other small entities that will be directly affected by this final rule.

The snapper-grouper fishery is a multi-species fishery and vessels generally land many species on the same trip. From 2009 through 2013, an annual average of 138 vessels with valid Federal permits to operate in the commercial sector of the snapper-grouper fishery landed at least 1 lb (0.45 kg) of snowy grouper. Each vessel generated annual average dockside revenues of approximately $78,000 (2013 dollars), of which $2,000 were from snowy grouper, $21,000 from other species jointly landed with snowy grouper, and $55,000 from other species on trips without snowy grouper. Vessels that caught and landed snowy grouper may also operate in other fisheries outside the snapper-grouper fishery, the revenues of which are not known and are not reflected in these totals. Based on revenue information, all commercial vessels directly affected by the final rule may be considered small entities.

Because all entities expected to be affected by this rule are small entities, NMFS has determined that this final rule would affect a substantial number of small entities. Moreover, the issue of

disproportionate effects on small versus large entities does not arise in the present case.

The effect of the action to modify the rebuilding strategy for snowy grouper is to adopt the ABC chosen by the Council, as recommended by their SSC based upon the recent stock assessment. Modifying the rebuilding strategy for snowy grouper will have no direct economic effects on small entities, because it will not alter the current use or access to the snowy grouper resource. NMFS notes that the ABC resulting from the modification of the rebuilding strategy will be higher than the status quo ABC for snowy grouper.

Setting the snowy grouper ACL equal to ABC implies that the ACL will increase as a result of the ABC increase. The method for allocating the ACL between the commercial and recreational sectors will remain the same. The change in the commercial and recreational percentage allocation results from the use of the updated landings of snowy grouper from SEDAR 36. Relative to the 2014 ACL, the commercial ACLs will increase by 39 percent in 2015 and continue to increase annually through 2019 to a point where the commercial ACL in 2019 will be 86 percent greater than it was in 2014. Compared to the 2014 ACL, the recreational ACL will increase by 442 percent in 2015 and continue to increase annually through 2019 to a point where the ACL in 2019 will be 623 percent greater than it was in 2014. In principle, the increases in the snowy grouper sector ACLs are expected to result in revenue and profit increases to commercial vessels. The actual results will partly depend on the relationship to the changes in management measures affecting the commercial sector, as discussed below. As noted, for-hire vessels will only be indirectly affected by this action.

Increasing the snowy grouper commercial trip limit from 100 lb (45 kg), to 200 lb (91 kg), will tend to increase the profit per trip of commercial vessels. This higher trip limit will complement the commercial ACL increase in potentially increasing the annual profits of commercial vessels. Given the ACL increase, the commercial fishing season is expected to extend from January 1 through July 19 under the higher trip limit, or January 1 through December 26 under the status quo (No Action) trip limit. Therefore, the commercial trip limit increase will result in a higher profit per trip but a shorter commercial fishing season; whereas the status quo trip limit will be associated with lower profit per trip but a longer fishing season. Which of these two scenarios will result in higher annual profit for commercial vessels cannot be ascertained. What is less uncertain, however, is that the commercial ACL increase will result in higher annual revenues and profits. As noted, the commercial fishing season is projected to last until July 19 under the revised trip limit and ACL increases. Without the ACL increase, the commercial fishing season is projected to last until June 6 under the trip limit increase. Thus, the commercial ACL increase will allow for about 6 extra weeks of commercial fishing for snowy grouper under the revised trip limit increase. Given a longer fishing season and higher profit per trip, revenues and profits of commercial vessels that target snowy grouper are likely to increase.

The following discussion analyzes the alternatives that were not selected as preferred by the Council. Only actions that would have direct economic effects on small entities merit inclusion in the following discussion.

Three alternatives, including the preferred alternative (as described in the preamble), were considered for adjusting the ACLs. The first alternative, the no action alternative, would maintain the current (lower) commercial and recreational ACLs. This alternative would maintain the same economic benefits for commercial vessels but at levels lower than those afforded by the preferred alternative. The second alternative, which has three sub-alternatives, would set ACLs as some percentage of the ABC. The three sub-alternatives are setting the ACL at 95 percent, 90 percent, and 85 percent of the ABC. All three sub-alternatives would have lower positive effects on the profits of commercial vessels than the preferred alternative.

Five alternatives, including the preferred alternative (as described in the preamble), were considered for modifying the management measures for the snowy grouper commercial sector. The first alternative, the no action alternative, would maintain the commercial trip limit of 100 lb (45 kg). Compared to the preferred alternative, the no action alternative would have a lower profit per trip but would also leave the commercial fishing season open almost year-round. Which of these two alternatives would result in higher annual vessel profits for commercial vessels cannot be ascertained. NMFS notes that, if the trip limit is maintained at 100 lb (45 kg), commercial vessels may not take full advantage of the revised ACL that would annually increase until at least 2019.

The second alternative would split the snowy grouper commercial ACL into two quotas: 50 percent to the first period (January 1–April 30) and 50 percent to the second period (May 1–December 31). Any remaining commercial quota from the first period would carry over into the second period; any remaining commercial quota from the second period would not carry over into the next fishing year. The following three sub-alternatives on trip limits would apply to each period: 100 lb (45 kg), 150 lb (47.5 kg), or 200 lb (91 kg). Given the commercial ACL increases, commercial harvest in the first period would likely remain open under any of the alternative trip limits because the commercial quota would not be caught, but commercial harvest in the second period would not be open very long with the highest trip limit resulting in the shortest fishing season. This alternative, with the trip limit of 200 lb (91 kg), would have the same effects on commercial vessel profits as the preferred alternative, because both alternatives would have the same trip limits and the same fishing season length. At lower trip limits, this alternative would allow a longer fishing season but also lower profit per trip than the preferred alternative. It cannot be determined if this alternative, with lower trip limits and a longer fishing season, would result in higher annual profits than the preferred alternative. In an effort to address the accessibility to the snowy grouper resource, the Council considered implementing a commercial split season, as in the second alternative, that would essentially spread out effort over time so that various fishers throughout the Council's area of jurisdiction would have access to the snowy grouper resource. The Council decided to retain the current commercial fishing year as the calendar year because snowy grouper are an important commercial species in the early part of the calendar year, when shallow-water groupers are closed to commercial harvest. In addition, snowy grouper earn higher prices during the early months of the year.

The third alternative would split the snowy grouper commercial ACL into two quotas: 40 percent to the first period (January 1–April 30) and 60 percent to the second period (May 1–December 31). Any remaining commercial quota from the first period would carry over into the second period; any remaining commercial quota from the second period would not carry over into the next fishing year. This alternative would maintain the current commercial trip limit of 100 lb (45 kg), for the first period and establish one of the following trip limits for the second

period: 100 lb (45 kg), 150 lb (47.5 kg), 200 lb (91 kg), 250 lb (112.5 kg), or 300 lb (135 kg). Under this alternative and given the ACL increases, commercial fishing would likely remain open throughout the first period but would not be open very long in the second period, with the highest trip limit resulting in the shortest fishing season. As with the second alternative, this alternative, when combined with lower trip limits, would provide longer fishing seasons but lower profit per trip than the preferred alternative. Similarly, this alternative, when combined with higher trip limits, would allow for a higher profit per trip but result in shorter fishing seasons. It cannot be determined if this alternative, with either lower or higher trip limits, would result in greater annual profits than the preferred alternative. Similar to the second alternative, the Council considered a split season to address the accessibility to the resource. For similar reasons mentioned above, this third alternative was not selected as the preferred alternative by the Council.

The fourth alternative is similar to the preferred alternative but would establish a trip limit of either 300 lb (135 kg), or 150 lb (47.5 kg). This alternative would result in a longer fishing season but a lower profit per trip under a trip limit of 150 lb (47.5 kg), or a shorter fishing season and a higher profit per trip under a trip limit of 300 lb (135 kg), than the preferred alternative. The differential impacts on the annual profits of commercial vessels between this alternative and the preferred alternative cannot be determined. However, the preferred alternative appears to provide a better balance between season length and profit per trip than this alternative with trip limits of either 150 lb (47.5 kg), or 300 lb (135 kg).

The fifth alternative would modify the snowy grouper commercial trip limit to 150 lb (47.5 kg), year-round or until the commercial ACL is met or projected to be met, except for the period of May through August from Florida's Brevard/Indian River County line northward when the trip limit will be one of the following: 200 lb (91 kg), 250 lb (112.5 kg), or 300 lb (135 kg). This alternative would provide for a lower trip limit than the preferred alternative, except in May through August when an equal or higher trip limit would be allowed in certain areas. This alternative would likely benefit commercial vessels in areas north of Indian River County, Florida, more than vessels in other areas, at least during the period when vessels in the northern areas are allowed higher trip limits. Whether total profits from all vessels would be higher under this alternative than under the preferred alternative cannot be determined. Although this alternative was not chosen as the preferred alternative, the Council acknowledged that fishermen in North Carolina have historically had limited access to snowy grouper at the beginning of the fishing year due to generally poor winter weather conditions. However, some milder winters in recent years have benefitted fishermen through some increased access to snowy grouper.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as small entity compliance guides. As part of the rulemaking process, NMFS prepared a fishery bulletin, which also serves as a small entity compliance guide. The fishery bulletin will be sent to all interested parties.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, South Atlantic, Snapper-Grouper, Snowy grouper.

Dated: July 15, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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

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

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

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

■ 2. In § 622.183, paragraph (b)(8) is added to read as follows:

§ 622.183 Area and seasonal closures.

* * * * *

(b) * * *

(8) *Snowy grouper recreational sector closure.* The recreational sector for snowy grouper in or from the South Atlantic EEZ is closed from January 1 through April 30, and September 1 through December 31, each year. During a closure, the bag and possession limit for snowy grouper in or from the South Atlantic EEZ is zero.

■ 3. In § 622.190, the last sentence in paragraph (a) introductory text and paragraph (a)(1) are revised to read as follows:

§ 622.190 Quotas.

* * * * *

(a) * * * The quotas are in gutted weight, that is eviscerated but otherwise whole, except for the quotas in paragraphs (a)(1), (a)(4), (a)(5), and (a)(6) of this section which are in both gutted weight and round weight.

(1) *Snowy grouper*—(i) For the 2015 fishing year—115,451 lb (52,368 kg), gutted weight; 136,233 lb (61,794 kg), round weight.

(ii) For the 2016 fishing year—125,760 lb (57,044 kg), gutted weight; 148,397 lb (67,312 kg), round weight.

(iii) For the 2017 fishing year—135,380 lb (61,407 kg), gutted weight; 159,749 lb (72,461 kg), round weight.

(iv) For the 2018 fishing year—144,315 lb (65,460 kg), gutted weight; 170,291 lb (77,243 kg), round weight.

(v) For the 2019 and subsequent fishing years—153,935 lb (69,824 kg), gutted weight; 181,644 lb (82,392 kg), round weight.

* * * * *

■ 4. In § 622.191, the first sentence in paragraph (a)(3) is revised to read as follows:

§ 622.191 Commercial trip limits.

* * * * *

(a) * * *

(3) *Snowy grouper.* Until the quota specified in § 622.190(a)(1) is reached—200 lb (91 kg), gutted weight; 236 lb (107 kg), round weight.* * *

* * * * *

■ 5. In § 622.193, paragraph (b)(2) is revised to read as follows:

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

* * * * *

(b) * * *

(2) *Recreational sector.* (i) If recreational landings, as estimated by the SRD, exceed the recreational ACL specified in paragraph (b)(2)(ii) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. When NMFS reduces the length of the following recreational fishing season, the following closure provisions apply: The bag and possession limits for snowy grouper in or from the South Atlantic EEZ are zero. These bag and possession limits also apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-

grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters. Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

(ii) The recreational ACL for snowy grouper is 4,152 fish for 2015; 4,483 fish for 2016; 4,819 fish for 2017, 4,983 fish for 2018; 5,315 fish for 2019 and subsequent fishing years.

* * * * *

[FR Doc. 2015–17801 Filed 7–20–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 80, No. 139

Tuesday, July 21, 2015

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Doc. No. AO–13–0163; AMS–FV–12–0069; FV13–905–1]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Secretary's Decision and Referendum Order on Proposed Amendments to Marketing Order No. 905

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and referendum order.

SUMMARY: This decision proposes amendments to Marketing Order No. 905 (order), which regulates the handling of oranges, grapefruit, tangerines, and tangelos (citrus) grown in Florida, and provides growers with the opportunity to vote in a referendum to determine if they favor the changes. The amendments are based on proposals made by the Citrus Administrative Committee (Committee), which is responsible for local administration of the order, and is comprised of growers and handlers. These amendments would: authorize regulation of new varieties and hybrids of citrus fruit; authorize the regulation of intrastate shipments of fruit; revise the process for redistricting the production area; change the term of office and tenure requirements for Committee members; authorize mail balloting procedures for Committee membership nominations; increase the capacity of financial reserve funds; authorize pack and container requirements for domestic shipments and authorize different regulations for different markets; eliminate the use of separate acceptance statements in the nomination process; and require handlers to register with the Committee. These proposed amendments are intended to improve the operation and administration of the order.

DATES: The referendum will be conducted from September 14 through October 5, 2015. The representative period for the purpose of the referendum is August 1, 2014, through July 31, 2015.

ADDRESSES: Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237.

FOR FURTHER INFORMATION CONTACT: Melissa Schmaedick, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, Post Office Box 952, Moab, UT 84532; Telephone: (202) 557–4783, Fax: (435) 259–1502, or Michelle Sharrow, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Melissa.Schmaedick@ams.usda.gov* or *Michelle.Sharrow@ams.usda.gov.*

Small businesses may request information on this proceeding by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued on March 28, 2013, and published in the March 28, 2013, issue of the **Federal Register** (78 FR 18899), and a Recommended Decision issued on February 23, 2015, and published in the March 3, 2015, issue of the **Federal Register** (80 FR 11335).

This action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and is therefore excluded from the requirements of Executive Orders 12866, 13563, and 13175.

Preliminary Statement

The proposed amendments are based on the record of a public hearing held on April 24, 2013, in Winter Haven, Florida, to consider such amendments to the order. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900). Notice of this hearing was published in the **Federal Register** on March 28, 2013 (78 FR 18899). The notice of hearing contained nine proposals submitted by the Committee.

The amendments in this decision would:

(1) Authorize regulation of new varieties and hybrids of citrus fruit;

(2) Authorize the regulation of intrastate shipments of fruit;

(3) Revise the process for redistricting the production area;

(4) Change the term of office and tenure requirements for Committee members;

(5) Authorize mail balloting procedures for Committee membership nominations;

(6) Increase the capacity of financial reserve funds;

(7) Authorize pack and container requirements for domestic shipments and authorize different regulations for different markets;

(8) Eliminate the use of separate acceptance statements in the nomination process; and

(9) Require handlers to register with the Committee.

The Department of Agriculture (USDA) also proposed to make such changes to the order as may be necessary, if any of the proposed changes are adopted, so that all of the order's provisions conform to the effectuated amendments.

A conforming change is needed in the title of 7 CFR part 905. It is proposed to be revised to ''ORANGES, GRAPEFRUIT, TANGERINES, AND PUMMELOS GROWN IN FLORIDA'' to reflect the proposed addition of pummelos as a regulated fruit and the inclusion of tangelos as a regulated hybrid variety.

Upon the basis of evidence introduced at the hearing and the record thereof, the Administrator of AMS on February 23, 2015, filed with the Hearing Clerk, USDA, a Recommended Decision and Opportunity to File Written Exceptions thereto by April 2, 2015. None were filed.

Small Business Considerations

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities.

Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly or disproportionately burdened. Marketing orders and amendments thereto are unique in that they are normally brought about through group action of essentially small entities for their own benefit.

According to the 2007 US Census of Agriculture, the number of citrus growers in Florida was 6,061. According to the National Agriculture Statistic Service (NASS) Citrus Fruit Report, published September 19, 2012, the total number of acres used in citrus production in Florida was 495,100 for the 2011/12 season. Based on the number of citrus growers from the US Census of Agriculture and the total acres used for citrus production from NASS, the average citrus farm size is 81.7 acres. NASS also reported the total value of production for Florida citrus at $1,804,484,000. Taking the total value of production for Florida citrus and dividing it by the total number of acres used for citrus production provides a return per acre of $3,644.69. A small grower as defined by the Small Business Administration (SBA) (13 CFR 121.201) is one that grosses less than $750,000 annually. Multiplying the return per acre of $3,644.69 by the average citrus farm size of 81.7 acres, yields an average return of $297,720.51. Therefore, a majority of Florida citrus producers are considered small entities under SBA's standards.

According to the industry, there were 44 handlers for the 2011/12 season, down 25 percent from the 2002/03 season. A small agricultural service firm as defined by the SBA is one that grosses less than $7,000,000 annually. Based on information submitted by industry, twenty one handlers would be considered small entities under SBA's standards. A majority of citrus handlers are considered large entities under SBA's standards.

The production area regulated under the order covers the portion of the state of Florida which is bound by the Suwannee River, the Georgia Border, the Atlantic Ocean, and the Gulf of Mexico. Acreage devoted to citrus production in the regulated area has declined in recent years.

According to data presented at the hearing, bearing acreage for oranges reached a high of 605,000 acres during the 2000/01 crop year. Since then, bearing acreage for oranges has decreased 28 percent. For grapefruit, bearing acreage reached a high of 107,800 acres during the 2000/01 crop year. Since the 2000/01 crop year, bearing acreage for grapefruit has decreased 58 percent. For tangelos, bearing acreage reached a high for the 2000/01 crop year of 10,800 acres for Florida. Since the 2000/01 crop year, bearing acreage for tangelos has decreased 62 percent. For tangerines and mandarins, bearing acreage reached a high for the 2000/01 crop year of 25,500 acres. Since the 2000/01 crop year, bearing acreage for tangerines and mandarins has decreased 53 percent.

According to data presented at the hearing, the total utilized production for oranges reached a high during the 2003/04 crop year of 242 million boxes. Since the 2000/01 crop year, total utilized production for oranges has decreased 34 percent. For grapefruit, the total utilized production reached a high during the 2001/02 crop year of 46.7 million boxes. Since the 2000/01 crop year, total utilized production for grapefruit has decreased 59 percent. For tangelos, the total utilized production reached a high during the 2002/03 crop year of 2.4 million boxes. Since the 2000/01 crop year, total utilized production for tangelos has decreased 45 percent. For tangerines and mandarins, the total utilized production reached a high during the 2001/02 crop year of 6.6 million boxes. Since the 2000/01 crop year, total utilized production for tangerines and mandarins has decreased 23 percent.

During the hearing held on April 24, 2013, interested persons were invited to present evidence on the probable regulatory and informational impact of the proposed amendments to the order on small businesses. The evidence presented at the hearing shows that none of the proposed amendments would have any burdensome effects on small agricultural producers or firms.

Material Issue Number 1—Definitions of ''Fruit'' and ''Variety''

The proposal described in Material Issue 1 would amend the definitions of ''fruit'' and ''variety'' in § 905.4 and § 905.5 to update terminology and authorize regulation of additional varieties and hybrids of citrus.

Currently, the New Varieties Development and Management Corporations, a non-profit research organization, is actively working to identify, acquire and sub-license promising citrus varieties and hybrids for the Florida citrus grower. In order to regulate these new varieties and hybrids, the definitions of fruit and variety must be amended so that these new varieties and hybrids can be regulated under the order.

Witnesses supported this proposal and stated that Florida growers have invested heavily and steadily in the development of new citrus varieties to meet changing demand and consumer preferences. Witnesses stated that it is imperative that the order be amended to keep pace with a rapidly changing industry and maximize its relevance and utility to the industry. No significant impact on small business entities is anticipated from this proposed change.

Material Issue Number 2—Intrastate Shipments

The proposal described in Material Issue 2 would amend the definition of ''handle or ship'' in § 905.9 to authorize regulation of intrastate shipments.

Currently, the Florida Citrus Commission, under the Florida Department of Citrus Rules Chapter 20, regulates the grade and size of intrastate shipments, while the Federal order regulates all interstate shipments and exports of fresh citrus. If the proposed amendment were implemented, authority to regulate intrastate shipments would be added to the Federal order. This amendment would allow for the eventual regulation of all fresh citrus shipments under the order if intrastate shipments were no longer regulated by the Florida Department of Citrus.

Witnesses explained that adding the authority to regulate intrastate shipments to the order would be a precautionary measure. If the Florida Department of Citrus were to stop regulating fresh citrus shipments, having the authority to do so under the Federal order would facilitate a streamlined transition of regulation from one program to the other. Such a transition would benefit growers and handlers as shipments of fresh citrus could continue without interruption.

Witnesses anticipated that handlers would incur little to no additional costs as a result of the proposed amendment. As currently proposed, the amendment would simply add an authority to the order. This authority would not be implemented unless warranted by other factors. If implemented, handlers of intrastate fresh citrus shipments would be subject to assessments under the order. However, the Florida Department of Citrus already collects assessments on intrastate shipments. Therefore, the cost of assessments collected on intrastate shipments, whether under the State or Federal program, would continue. In conclusion, it is determined that the benefits of adding the authority to regulate intrastate shipments of fresh

citrus to the order would outweigh any costs.

Material Issue Number 3—Redistricting

The proposal described in Material Issue 3 would amend § 905.14 to revise the process for redistricting the production area.

The proposed amendment would grant flexibility to the Committee in redefining grower districts within the production area when the criteria and relevant factors within the production area warrant redistricting. Disease and natural disasters over the past decade have significantly affected bearing acreage. The proposed amendment would allow the Committee at any time, subject to the approval of the Secretary, to base their determination of grower districts on the number of bearing trees, volume of fresh fruit, total number of citrus acres, and other relevant factors when conditions warrant redistricting.

According to a witness, the proposed amendment would give the Committee, in future seasons, the flexibility to adjust grower districts to reflect the shift in production of fresh varieties and fresh volume. In addition, the Committee would be able to adjust grower districts based on the number of trees lost to disease and natural disasters. Thus, it is not expected that this proposal would result in any additional costs to growers or handlers.

Material Issue Number 4—Term of Office

The proposal described in Material Issue 4 would amend § 905.20 to change the term of office of Committee members from one to two years, and change the tenure limits for Committee members from three to four years.

According to a witness, a two-year term would allow for biennial nomination meetings, which would provide administrative efficiencies and stability. The current one-year term of office is administratively inefficient and requires additional Committee resources. Moreover, limiting terms to one year results in an annual effort to nominate and appoint new members. This process is costly to the Committee and requires time and resources for industry members to participate. A two-year term would reduce these costs. For the reasons described above, it is determined that the proposed amendment would benefit industry participants and improve administration of the order. The costs of implementing this proposal would be minimal, if any.

Material Issue Number 5—Mail Balloting

The proposal described in Material Issue 5 would amend § 905.22 to authorize mail balloting procedures for Committee membership nominations. Nomination meetings have low participation rates due to time, travel, and administrative costs.

The proposed amendment would allow the Committee to conduct the nomination and/or election of members and alternates by mail or other means according to the rules and regulations recommended by the Committee and approved by the Secretary. Currently, the Committee holds grower nomination meetings in each of the three grower districts and one shipper nomination meeting annually. Witnesses indicated that attending these meetings is costly due to travel expenses and time away from their growing or handling operations. While the proposed amendment would result in some increased expenses for printing and mailing of ballot materials, witnesses indicated that the potential savings to growers and handlers far exceed those costs.

Moreover, witnesses indicated that the additional benefit of increased participation in the nomination process as a result of materials being sent to all interested parties would outweigh the costs of conducting nominations by mail. This would be particularly true in the case of small business entities that have fewer resources and relatively less flexibility in managing their businesses compared to larger businesses. For these reasons, it is determined that the cost savings, increased participation, and other benefits gained from conducting nomination meetings via mail would outweigh the potential costs of implementing this proposal.

Material Issue Number 6—Financial Reserves Fund

The proposal described in Material Issue 6 would amend § 905.42 to authorize the Committee to increase the capacity of its financial reserve funds from approximately six months of a fiscal period's expenses to approximately two fiscal periods' expenses. Such reserve funds could be used to cover any expenses authorized by the Committee or to cover necessary liquidation expenses if the order is terminated.

The proposed amendment would allow the Committee to increase their reserves up to two fiscal periods' expenses. Currently, reserves are capped at approximately one half of one year's expenses. Witnesses explained that the current cap on reserves is too restrictive and could limit the Committee's ability to develop and implement projects requiring advertising, promotion or research without raising the assessment rate during the season.

As discussed earlier in this decision, witnesses considered the need to develop and promote new hybrid varieties and markets to be essential to reviving the health of the fresh citrus sector. According to them, not increasing the reserve cap would inhibit the Committee's ability to address these needs.

Also, without the proposed amendment it would become more difficult for the Committee to avoid assessment rate increases annually or during a season. According to the record, the proposed amendment would also provide greater stability in the administration of the order's assessment rate. Under the current reserve limit, the Committee would need to increase the assessment rate mid-season if the need for additional revenues for research or promotion activities occurs after the assessment rate and budget are finalized. Increasing the assessment rate mid-season confuses industry members and creates additional burdens in administering the order.

For the reasons discussed above, it is determined that the benefits of increasing the maximum level of funds that can be held in the financial reserves would outweigh the costs.

Material Issue Number 7—Regulation of Shipments

The proposal described in Material Issue 7 would amend § 905.52 to: authorize different regulations for different market destinations; allow for the regulation of pack and container requirements for interstate shipments; and, in the absence of state regulation, allow for the establishment of requirements for intrastate shipments.

This would allow shippers to meet varying customer demands in different market destinations. In addition, the proposed amendment would allow regulation and orderly marketing to continue for intrastate shipments if Florida State fresh citrus regulations were discontinued. This authority will not be implemented unless state regulations were no longer in effect.

The proposed amendment to regulate containers and establish quality standards for the production area would not have any adverse effects on small businesses if approved. Continued orderly marketing of fresh citrus shipments within the State of Florida would equally benefit all segments of the industry and consumers by

maintaining quality standards and consistency.

Material Issue Number 8—Nomination Acceptance

The proposal described in Material Issue 8 would Amend § 905.28 to eliminate the use of separate acceptance statements in the nomination process. Currently, nominees complete both background and acceptance statements when they are nominated. The elimination of the acceptance statement would reduce paperwork and administrative costs. Therefore, it is determined that the proposed amendment would benefit both large and small-scale fresh citrus businesses, and would reduce costs and improve the administration of the order.

Material Issue Number 9—Handler Registration

The proposal described in Material Issue 9 would Amend § 905.7 to require handlers to register with the Committee. Currently, the Florida Department of Agriculture and Consumer Services, Division of Fruit and Vegetables has a registration program for handlers of Florida citrus. The Committee contracts annually with the Division to obtain information on each handler's regulated shipments, both interstate and export, on a monthly basis.

A handler registration form would serve as an efficient means for obtaining handler information that would improve communication between the Committee and handlers. It would also assist the Committee in monitoring and enforcing compliance. If a handler were to not comply with regulations in effect under the order, the Committee would have that handler's contact information on file to begin the compliance enforcement process. Moreover, if a handler failed to respond to compliance enforcement requests, the Committee could revoke a handler's registration. Without the registration, a handler would not be able to ship citrus subject to order regulation.

Witnesses stated that while a handler registration program may result in additional administrative costs, the benefits of this proposed amendment would outweigh those costs. Also, the proposal would not disproportionately disadvantage small-sized businesses as all handlers, regardless of size, would be required to register with the Committee. Furthermore, the new requirement would not result in a direct cost to handlers as the cost of administering a handler registration program would be borne by the Committee.

For these reasons, it is determined that the benefits of requiring handlers to register with the Committee would be greater than the costs.

Interested persons were invited to present evidence at the hearing on the probable regulatory and informational impact of the proposed amendments to the order on small entities. The record evidence indicates that implementation of the proposals to authorize regulation of new varieties and hybrids of citrus fruit; authorize the regulation of intrastate shipments of fruit; revise the process for redistricting the production area; change the term of office and tenure requirements for Committee members; authorize mail balloting procedures for Committee membership nominations; increase the capacity of financial reserve funds; authorize pack and container requirements for intrastate shipments and authorize different regulations for different markets; eliminate the use of separate acceptance statements in the nomination process; and, require handlers to register with the Committee would improve the operation of the order and are not anticipated to impact small businesses disproportionately.

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule. These amendments are intended to improve the operation and administration of the order and to assist in the marketing of fresh Florida citrus.

Committee meetings regarding these proposals, as well as the hearing date and location, were widely publicized throughout the Florida citrus industry, and all interested persons were invited to attend the meetings and the hearing to participate in Committee deliberations on all issues. All Committee meetings and the hearing were public forums and all entities, both large and small, were able to express views on these issues. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

Paperwork Reduction Act

Current information collection requirements for Part 905 are approved by the Office of Management and Budget (OMB) under OMB Number 0581–0189—''Generic OMB Fruit Crops.'' In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the termination of the Letter of Acceptance has been submitted to the Office of Management and Budget (OMB) for approval. The Letter of Acceptance has no time or cost burden associated with it due to the fact that handlers simply sign the form upon accepting nomination to the Committee. As a result, the current number of hours associated with OMB No. 0581–0189, Generic Fruit Crops, would remain the same: 7,786.71 hours.

No other changes in these requirements are anticipated as a result of this proceeding. Should any such changes become necessary, they would be submitted to OMB for approval.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS is committed to complying with the Government Paperwork Elimination Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

AMS is also committed to complying with the E-Government Act to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Civil Justice Reform

The amendments to the order proposed herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have retroactive effect. If adopted, the proposed amendments would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this proposal.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed no later than 20 days after the date of entry of the ruling.

Findings and Conclusions

The findings and conclusions, rulings, and general findings and determinations included in the Recommended Decision set forth in the March 3, 2015, issue of the **Federal Register** are hereby approved and adopted.

Marketing Order

Annexed hereto and made a part hereof is the document entitled ''Order Amending the Order Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida.'' This document has been decided upon as the detailed and appropriate means of effectuating the foregoing findings and conclusions.

It is hereby ordered, That this entire decision be published in the **Federal Register**.

Referendum Order

It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400–407) to determine whether the annexed order amending the order regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production of citrus in the production area.

The representative period for the conduct of such referendum is hereby determined to be August 1, 2014, through July 31, 2015.

The agents of the Secretary to conduct such referendum are hereby designated to be Christian Nissen and Jennie Varela, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1124 First Street South, Winter Haven, Florida 33880; telephone: (863) 324–3375; or fax: (863) 291–8614, or Email: *Christian.Nissen@ams.usda.gov* or *Jennie.Varela@ams.usda.gov,* respectively.

Order Amending the Order Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida [1]

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary to the findings and determinations that were previously made in connection with the issuance of the marketing order; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings and Determinations Upon the Basis of the Hearing Record

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR part 900), a public hearing was held upon proposed further amendment of Marketing Order No. 905, regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Upon the basis of the record, it is found that:

(1) The marketing order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, would tend to effectuate the declared policy of the Act;

(2) The marketing order, as amended, and as hereby proposed to be further amended, regulates the handling of oranges, grapefruit, tangerines, and pummelos grown in the production area in the same manner as, and are applicable only to, persons in the respective classes of commercial and industrial activity specified in the marketing order upon which a hearing has been held;

(3) The marketing order, as amended, and as hereby proposed to be further amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The marketing order, as amended, and as hereby proposed to be further amended, prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of oranges, grapefruit, tangerines, and pummelos grown in the production area; and

(5) All handling of oranges, grapefruit, tangerines, and pummelos grown in the production area as defined in the marketing order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, all handling of oranges, grapefruit, tangerines, and pummelos grown in Florida shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby proposed to be amended as follows:

The provisions of the proposed marketing order amending the order contained in the Recommended Decision issued on February 23, 2015, and published in the March 3, 2015, issue of the **Federal Register** will be and are the terms and provisions of this order amending the order and are set forth in full herein.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Pummelos, Reporting and recordkeeping requirements, Tangerines.

For the reasons set out in the preamble, 7 CFR part 905 is proposed to be amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND PUMMELOS GROWN IN FLORIDA

■ 1. The authority citation for 7 CFR part 905 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Revise the heading of part 905 to read as set forth above.

■ 3. Revise § 905.4 to read as follows:

§ 905.4 Fruit.

Fruit means any or all varieties of the following types of citrus fruits grown in the production area:

(a) Citrus sinensis, Osbeck, commonly called ''oranges'';

(b) Citrus paradisi, MacFadyen, commonly called ''grapefruit'';

(c) Citrus reticulata, commonly called ''tangerines'' or ''mandarin'';

(d) Citrus maxima Merr (L.); Osbeck, commonly called ''pummelo''; and,

(e) ''Citrus hybrids'' that are hybrids between or among one or more of the four fruits in paragraphs (a) through (d) of this section and the following: trifoliate orange (Poncirus trifoliata), sour orange (C. aurantium), lemon (C. limon), lime (C. aurantifolia), citron (C. medica), kumquat (Fortunella species), tangelo (C. reticulata x C. paradisi or C. grandis), tangor (C. reticulata x C. sinensis), and varieties of these species. In addition, citrus hybrids include: tangelo (C. reticulata x C. paradisi or C. grandis), tangor (C. reticulata x C. sinensis), Temple oranges, and varieties thereof.

■ 4. Revise § 905.5 to read as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 905.5 Variety.

Variety or *varieties* means any one or more of the following classifications or groupings of fruit:

(a) *Oranges.* (1) Early and Midseason oranges;

(2) Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;

(3) Navel oranges.

(b) *Grapefruit.* (1) Red Grapefruit, to include all shades of color;

(2) White Grapefruit.

(c) *Tangerines and mandarins.* (1) Dancy and similar tangerines;

(2) Robinson tangerines;

(3) Honey tangerines;

(4) Fall-Glo tangerines;

(5) US Early Pride tangerines;

(6) Sunburst tangerines;

(7) W-Murcott tangerines;

(8) Tangors.

(d) *Pummelos.* (1) Hirado Buntan and other pink seeded pummelos;

(2) [Reserved].

(e) *Citrus hybrids*—(1) *Tangelos.* (i) Orlando tangelo;

(ii) Minneola tangelo.

(2) Temple oranges.

(f) Other varieties of citrus fruits specified in § 905.4, including hybrids, as recommended and approved by the Secretary: *Provided,* That in order to add any hybrid variety of citrus fruit to be regulated under this provision, such variety must exhibit similar characteristics and be subject to cultural practices common to existing regulated varieties.

■ 5. Revise § 905.7 to read as follows:

§ 905.7 Handler.

Handler is synonymous with *shipper* and means any person (except a common or contract carrier transporting fruit for another person) who, as owner, agent, or otherwise, handles fruit in fresh form, or causes fruit to be handled. Each handler shall be registered with the Committee pursuant to rules recommended by the Committee and approved by the Secretary.

■ 6. Revise § 905.9 to read as follows:

§ 905.9 Handle or ship.

Handle or *ship* means to sell, transport, deliver, pack, prepare for market, grade, or in any other way to place fruit in the current of commerce within the production area or between any point in the production area and any point outside thereof.

■ 7. Revise § 905.14 to read as follows:

§ 905.14 Redistricting.

The Committee may, with the approval of the Secretary, redefine the districts into which the production area is divided or reapportion or otherwise change the grower membership of districts, or both: *Provided,* That the membership shall consist of at least eight but not more than nine grower members, and any such change shall be based, insofar as practicable, upon the respective averages for the immediately preceding three fiscal periods of: The number of bearing trees in each district; the volume of fresh fruit produced in each district; the total number of acres of citrus in each district; and other relevant factors. Each redistricting or reapportionment shall be announced on or prior to March 1 preceding the effective fiscal period.

■ 8. Revise § 905.20 to read as follows:

§ 905.20 Term of office.

The term of office of members and alternate members shall begin on the first day of August of even-numbered years and continue for two years and until their successors are selected and have qualified. The consecutive terms of office of a member shall be limited to two terms. The terms of office of alternate members shall not be so limited. Members, their alternates, and their respective successors shall be nominated and selected by the Secretary as provided in §§ 905.22 and 905.23.

■ 9. In § 905.22, revise paragraphs (a) (1) and (b) (1) and add paragraph (c) to read as follows:

§ 905.22 Nominations.

(a) *Grower members.* (1) The Committee shall give public notice of a meeting of producers in each district to be held not later than June 10th of even-numbered years, for the purpose of making nominations for grower members and alternate grower members. The Committee, with the approval of the Secretary, shall prescribe uniform rules to govern such meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated, and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of June.

* * * * *

(b) *Shipper members.* (1) The Committee shall give public notice of a meeting for bona fide cooperative marketing organizations which are handlers, and a meeting for other handlers who are not so affiliated, to be held not later than June 10th of even-numbered years, for the purpose of making nominations for shipper members and their alternates. The Committee, with the approval of the Secretary, shall prescribe uniform rules to govern each such meeting and the balloting thereat. The chairperson of each such meeting shall publicly announce at the meeting the names of the persons nominated and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes cast, the weight by volume of those shipments voted, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of June.

* * * * *

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, nomination and election of members and alternate members to the Committee may be conducted by mail, electronic mail, or other means according to rules and regulations recommended by the Committee and approved by the Secretary.

■ 10. Revise § 905.28 to read as follows:

§ 905.28 Qualification and acceptance.

Any person nominated to serve as a member or alternate member of the Committee shall, prior to selection by the Secretary, qualify by filing a written qualification and acceptance statement indicating such person's qualifications and willingness to serve in the position for which nominated.

■ 11. In § 905.42, revise the first sentence of paragraph (a) to read as follows:

§ 905.42 Handler's accounts.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately two fiscal periods' expenses. * * *

■ 12. In § 905.52, revise paragraphs (a)(4) and (5) and add paragraph (a)(6) to read as follows:

§ 905.52 Issuance of regulations.

(a) * * *

(4) Establish, prescribe, and fix the size, capacity, weight, dimensions, marking (including labels and stamps), or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of fruit.

(5) Provide requirements that may be different for the handling of fruit within the production area, the handling of

fruit for export, or for the handling of fruit between the production area and any point outside thereof within the United States.

(6) Any regulations or requirements pertaining to intrastate shipments shall not be implemented unless Florida statutes and regulations regulating such shipments are not in effect.

* * * * *

Dated: July 14, 2015.

Rex. A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–17588 Filed 7–20–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 141009847–5604–01]

RIN 0648–XD558

Pacific Island Fisheries; 2015 Annual Catch Limits and Accountability Measures

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

ACTION: Proposed specifications; request for comments.

SUMMARY: NMFS proposes annual catch limits (ACLs) for Pacific Island bottomfish, crustacean, precious coral, and coral reef ecosystem fisheries, and accountability measures (AMs) to correct or mitigate any overages of catch limits. The proposed ACLs and AMs would be effective in fishing year 2015. The fishing year for each fishery begins on January 1 and ends on December 31, except for precious coral fisheries, which begins July 1 and ends on June 30 the following year. The proposed catch limits and accountability measures support the long-term sustainability of fishery resources of the U.S. Pacific Islands.

DATES: NMFS must receive comments by August 5, 2015.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2014–0130, by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0130,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Send written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

Instructions: NMFS may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible.

NMFS prepared environmental analyses that describe the potential impacts on the human environment that would result from the proposed annual catch limits and accountability measures. NMFS provided additional background information in the 2014 proposed and final specifications (78 FR 77089, December 20, 2013; 79 FR 4276, January 27, 2014). Copies of the environmental analyses and other documents are available at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, NMFS PIRO Sustainable Fisheries, 808–725–5176.

SUPPLEMENTARY INFORMATION: Fisheries in the U.S. Exclusive Economic Zone (EEZ, or Federal waters) around the U.S. Pacific Islands are managed under archipelagic fishery ecosystem plans (FEP) for American Samoa, Hawaii, the Pacific Remote Islands, and the Mariana Archipelago (covering Guam and the Commonwealth of the Northern Mariana Islands (CNMI)). A fifth FEP covers pelagic fisheries. The Western Pacific Fishery Management Council (Council) developed the FEPs, and NMFS implemented them under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Each FEP contains a process for the Council and NMFS to specify ACLs and AMs; that process is codified at Title 50 Code of Federal Regulations Section 665.4 (50 CFR 665.4). The regulations require NMFS to specify, every fishing year, an ACL for each stock and stock complex of management unit species (MUS) included in an FEP, as recommended by the Council and considering the best available scientific, commercial, and other information about the fishery. If a fishery exceeds an ACL, the regulations require the Council to take action, which may include reducing the ACL for the subsequent fishing year by the amount of the overage, or other appropriate action.

Annual Catch Limits

NMFS proposes to specify ACLs for bottomfish, crustacean, precious coral, and coral reef ecosystem fishery MUS in American Samoa, Guam, the CNMI, and Hawaii. NMFS based the proposed specifications on recommendations from the Council at its 160th meeting held on June 24–27, 2014. The Council recommended 112 ACLs: 26 in American Samoa, 26 in Guam, 26 in the CNMI, and 34 in Hawaii. The Council recommended that NMFS specify multi-year ACL and accountability measures effective in fishing years 2015–2018. NMFS proposes to implement the specifications for fishing year 2015, 2016, 2017, and 2018 separately prior to each fishing year (January 1 through December 31 each year, except for precious coral fisheries, which is July 1 through June 30). The proposed ACLs are identical to those that NMFS specified for the 2014 fishing year for all crustaceans (except for spiny lobster), bottomfish (except Hawaii non-Deep 7 bottomfish), and precious corals. For spiny lobster, Hawaii non-Deep 7 bottomfish, and coral reef ecosystem species, the ACLs are based on new estimates of maximum sustainable yield (MSY) and would be specified at five percent below ABC (95 percent of ABC). At the 161st meeting held October 20–23, 2014, the Council maintained its recommendations from the 160th meeting.

NMFS is not proposing ACLs for MUS that are currently subject to Federal fishing moratoria or prohibitions. These MUS include all species of gold coral (78 FR 32181, May 29, 2013), the three Hawaii seamount groundfish (pelagic armorhead, alfonsin, and raftfish, 75 FR 69015, November 10, 2010), and deepwater precious corals at the Westpac Bed Refugia (75 FR 2198, January 14, 2010). The current prohibitions on fishing for these MUS serve as the functional equivalent of an ACL of zero.

Additionally, NMFS is not proposing ACLs for bottomfish, crustacean, precious coral, or coral reef ecosystem MUS identified in the Pacific Remote Islands Area (PRIA) FEP. This is because fishing is prohibited in the EEZ within 12 nm of emergent land, unless authorized by the U.S. Fish and Wildlife Service (USFWS) (78 FR 32996, June 3, 2013). To date, NMFS has not received fishery data for any such approvals. In addition, there is no suitable habitat for these stocks beyond the 12-nm no-

fishing zone, except at Kingman Reef, where fishing for these resources does not occur. Therefore, the current prohibitions on fishing serve as the functional equivalent of an ACL of zero. However, NMFS will continue to monitor authorized fishing within the Monument in consultation with the U.S. Fish and Wildlife Service, and may develop additional fishing requirements, including Monument-specific catch limits for species that may require them.

NMFS is also not proposing ACLs for pelagic MUS at this time, because NMFS previously determined that pelagic species are subject to international fishery agreements or have a life cycle of approximately one year and, therefore, are statutorily excepted from the ACL requirements.

Proposed Annual Catch Limit Specifications

The following four tables list the proposed ACL specifications for 2015.

TABLE 1—AMERICAN SAMOA

Fishery	Management unit species	Proposed ACL specification (lb)
Bottomfish	Bottomfish multi-species stock complex	101,000
Crustacean	Deepwater shrimp	80,000
	Spiny lobster	4,845
	Slipper lobster	30
	Kona crab	3,200
Precious Coral	Black coral	790
	Precious corals in the American Samoa Exploratory Area	2,205
Coral Reef Ecosystem	*Selar crumenophthalmus*—atule, bigeye scad	37,400
	Acanthuridae—surgeonfish	129,400
	Carangidae—jacks	19,900
	Carcharhinidae—reef sharks	1,615
	Crustaceans—crabs	4,300
	Holocentridae—squirrelfish	15,100
	Labridae—wrasses	16,200
	Lethrinidae—emperors	19,600
	Lutjanidae—snappers	63,100
	Kyphosidae—rudderfishes	2,000
	Mollusks—turbo snail; octopus; giant clams	18,400
	Mugilidae—mullets	4,600
	Mullidae—goatfishes	11,900
	Scaridae—parrotfish	272,000
	Serranidae—groupers	25,300
	Siganidae—rabbitfishes	200
	Bolbometopon muricatum—bumphead parrotfish	235
	Cheilinus undulatus—Humphead (Napoleon) wrasse	1,743
	All other CREMUS combined	18,400

TABLE 2—MARIANA ARCHIPELAGO—GUAM

Fishery	Management unit species	Proposed ACL specification (lb)
Bottomfish	Bottomfish multi-species stock complex	66,800
Crustaceans	Deepwater shrimp	48,488
	Spiny lobster	3,135
	Slipper lobster	20
	Kona crab	1,900
Precious Coral	Black coral	700
	Precious corals in the Guam Exploratory Area	2,205
Coral Reef Ecosystem	*Selar crumenophthalmus*—atulai, bigeye scad	50,200
	Acanthuridae—surgeonfish	97,600
	Carangidae—jacks	29,300
	Carcharhinidae—reef sharks	1,900
	Crustaceans—crabs	7,300
	Holocentridae—squirrelfish	11,400
	Kyphosidae—chubs/rudderfish	9,600
	Labridae—wrasses	25,200
	Lethrinidae—emperors	53,000
	Lutjanidae—snappers	18,000
	Mollusks—octopus	23,800
	Mugilidae—mullets	17,900
	Mullidae—goatfish	15,300
	Scaridae—parrotfish	71,600
	Serranidae—groupers	22,500
	Siganidae—rabbitfish	18,600
	Bolbometopon muricatum—bumphead parrotfish	797 (CNMI and Guam combined)

TABLE 2—MARIANA ARCHIPELAGO—GUAM—Continued

Fishery	Management unit species	Proposed ACL specification (lb)
	Cheilinus undulatus—humphead (Napoleon) wrasse	1,960
	All other CREMUS combined	185,000

TABLE 3—MARIANA ARCHIPELAGO—CNMI

Fishery	Management unit species	Proposed ACL specification (lb)
Bottomfish	Bottomfish multi-species stock complex	228,000
Crustacean	Deepwater shrimp	275,570
	Spiny lobster	7,410
	Slipper lobster	60
	Kona crab	6,300
Precious Coral	Black coral	2,100
	Precious corals in the CNMI Exploratory Area	2,205
Coral Reef Ecosystem	*Selar crumenophthalmus*—Atulai, bigeye scad	77,400
	Acanthuridae—surgeonfish	302,600
	Carangidae—jacks	44,900
	Carcharhinidae—reef sharks	5,600
	Crustaceans—crabs	4,400
	Holocentridae—squirrelfishes	66,100
	Kyphosidae—rudderfishes	22,700
	Labridae—wrasses	55,100
	Lethrinidae—emperors	53,700
	Lutjanidae—snappers	190,400
	Mollusks—turbo snail; octopus; giant clams	9,800
	Mugilidae—mullets	4,500
	Mullidae—goatfish	28,400
	Scaridae—parrotfish	144,000
	Serranidae—groupers	86,900
	Siganidae—rabbitfish	10,200
	Bolbometopon muricatum—Bumphead parrotfish	797 (CNMI and Guam combined)
	Cheilinus undulatus—Humphead (Napoleon) wrasse	2,009
	All other CREMUS combined	7,300

TABLE 4—HAWAII

Fishery	Management unit species	Proposed ACL specification (lb)
Bottomfish	Non-Deep 7 bottomfish	178,000
Crustacean	Deepwater shrimp	250,773
	Spiny lobster	15,000
	Slipper lobster	280
	Kona crab	27,600
Precious Coral	Auau Channel black coral	5,512
	Makapuu Bed—Pink coral	2,205
	Makapuu Bed—Bamboo coral	551
	180 Fathom Bank—Pink coral	489
	180 Fathom Bank—Bamboo coral	123
	Brooks Bank—Pink coral	979
	Brooks Bank—Bamboo coral	245
	Kaena Point Bed—Pink coral	148
	Kaena Point Bed—Bamboo coral	37
	Keahole Bed—Pink coral	148
	Keahole Bed—Bamboo coral	37
	Precious corals in the Hawaii Exploratory Area	2,205
Coral Reef Ecosystem	*Selar crumenophthalmus*—akule, bigeye scad	988,000
	Decapterus macarellus—opelu, mackerel scad	438,000
	Acanthuridae—surgeonfishes	342,000
	Carangidae—jacks	161,200
	Carcharhinidae—reef sharks	9,310
	Crustaceans—crabs	33,500
	Holocentridae—squirrelfishes	148,000
	Kyphosidae—rudderfishes	105,000

TABLE 4—HAWAII—Continued

Fishery	Management unit species	Proposed ACL specification (lb)
	Labridae—wrasses	205,000
	Lethrinidae—emperors	35,500
	Lutjanidae—snappers	330,300
	Mollusks—octopus	35,700
	Mugilidae—mullets	19,200
	Mullidae—goatfishes	165,000
	Scaridae—parrotfishes	239,000
	Serranidae—groupers	128,400
	All other CREMUS combined	485,000

Accountability Measures

Each year, NMFS and local resource management agencies in American Samoa, Guam, the CNMI, and Hawaii collect information about MUS catches and apply them toward the appropriate ACLs. Pursuant to 50 CFR 665.4, when the available information indicates that a fishery is projected to reach an ACL for a stock or stock complex, NMFS must notify permit holders that fishing for that stock or stock complex will be restricted in Federal waters on a specified date. The restriction serves as the AM to prevent an ACL from being exceeded, and may include, closing the fishery, closing specific areas, changing to bag limits, or restricting effort.

However, local resource management agencies do not have the personnel or resources to process catch data in near-real time, so fisheries statistics are generally not available to NMFS until at least six months after agencies collect and analyze the data. Although the State of Hawaii has the capability to monitor and track the catch of seven preferentially-targeted bottomfish species in near-real time, (78 FR 59626, September 27, 2013), these capabilities do not exist for other Hawaii bottomfish, crustacean, precious coral, and coral reef ecosystem fisheries, or for fisheries in American Samoa, Guam, and the CNMI.

Additionally, Federal logbook and reporting from fisheries in Federal waters is not sufficient to accurately monitor and track catches towards the proposed ACL specifications. This is because most fishing for bottomfish, crustacean, precious coral, and coral reef ecosystem MUS occurs in state waters, generally 0–3 nm from shore. For these reasons, NMFS proposes to specify the Council's recommended AM, which is to apply a moving three-year average catch to evaluate fishery performance against the proposed ACLs. Specifically, NMFS and the Council would use the average catch of fishing year 2013, 2014, and 2015 to evaluate fishery performance against a particular 2015 ACL. This process would be repeated in future fishing years. At the end of each fishing year, the Council would review catches relative to each ACL. If NMFS and the Council determine the three-year average catch for the fishery exceeds the specified ACL, NMFS would reduce the ACL for that fishery by the amount of the overage in the subsequent year.

NMFS will consider public comments on the proposed ACLs and AMs and will announce the final specifications in the **Federal Register**. NMFS must receive any comments by the date provided in the **DATES** heading, not postmarked or otherwise transmitted by that date. Regardless of the final ACL specifications and AMs, all other management measures will continue to apply in the fisheries.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator for Fisheries has determined that these proposed specifications are consistent with the applicable FEPs, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

Certification of Finding of No Significant Impact on Substantial Number of Small Entities

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that these proposed specifications, if adopted, would not have a significant economic impact on a substantial number of small entities. A description of the proposed action, why it is being considered, and the legal basis for it are contained in the preamble to these proposed specifications.

The proposed action would specify annual catch limits (ACL) and accountability measures (AM) for Pacific Island bottomfish, crustacean, precious coral, and coral reef ecosystem fisheries for 2015. The 2015 ACLs and AMs for all crustaceans (except for spiny lobster), bottomfish (except Hawaii non-Deep 7 bottomfish), and precious corals are identical to those NMFS specified for the 2014 fishing year. For spiny lobster, Hawaii non-Deep 7 bottomfish, and coral reef ecosystem species, the ACL is based on new estimates of maximum sustainable yield (MSY) and would be specified at 95 percent of acceptable biological catch (ABC).

The National Marine Fisheries Service (NMFS) based the proposed specifications on recommendations from the Western Pacific Fishery Management Council (Council) at the Council's 160th meeting held from June 24–27, 2014, and reaffirmed again at the 161st meeting held from October 20–23, 2014. For this action, the Council recommended 112 ACLs: 26 in American Samoa, 26 in Guam, 26 in CNMI, and 34 in Hawaii. NMFS would specify the ACLs for the 2015–2018 fishing years, which begin on January 1 and end on December 31, except for precious coral fisheries, which begin July 1 and end on June 30 the following year.

The vessels impacted by this action are federally permitted to fish under the Fishery Ecosystem Plans for American Samoa, the Marianas Archipelago (Guam and the CNMI) and Hawaii. The numbers of vessels permitted under these Fishery Ecosystem Plans affected by this action are as follows: American Samoa (0), Marianas Archipelago (3), and Hawaii (11). Based on available information, NMFS has determined that all impacted entities are small entities under the SBA definition of a small entity, *i.e.,* they are engaged in the business of fish harvesting, are independently owned or operated, are not dominant in their field of operation, and have annual gross receipts not in excess of $20.5 million if fishing for finfish (NAICS code 114111), $5.5 million if fishing for shellfish (NAICS

code: 114112), or $7.5 million if fishing for other marine life such as precious corals (NAICS code: 114119). Therefore, there would be no disproportionate economic impacts between large and small entities. Furthermore, there would be no disproportionate economic impacts among the universe of vessels based on gear, home port, or vessel length.

Even though this proposed action would apply to a substantial number of vessels, the implementation of this action should not result in significant adverse economic impact to individual vessels. For active fisheries, the ACLs are the same as, or greater than, the current annual yields. The Council and NMFS are not considering in-season closures in any of the fisheries to which these ACLs apply because fishery management agencies are not able to track catch relative to the ACLs during the fishing year. As a result, fishermen would be able to fish throughout the entire year. In addition, the ACLs, as proposed, would not change the gear types, areas fished, effort, or participation of the fishery during the 2015 fishing year. A post-season review of the catch data would be required to determine whether any fishery exceeded its ACL by comparing the ACL to the most recent 3-year average catch for which data is available. If an ACL is exceeded, the Council and NMFS would take action in future fishing years to correct the operational issue that caused the ACL overage. NMFS and the Council would evaluate the environmental and social and economic impacts of future actions, such as changes to future ACLs or AMs, after the required data are available. Specifically, if NMFS and the Council determine that the three-year average catch for a fishery exceeds the specified ACL, NMFS would reduce the ACL for that fishery by the amount of the overage in the subsequent year.

The proposed action does not duplicate, overlap, or conflict with other Federal rules and is not expected to have significant impact on small entities (as discussed above), organizations, or government jurisdictions. The proposed action also will not place a substantial number of small entities, or any segment of small entities, at a significant competitive disadvantage to large entities. As such, an initial regulatory flexibility analysis is not required and none has been prepared.

This action has been determined to be exempt from review under E.O. 12866.

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

Dated: July 15, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2015–17778 Filed 7–20–15; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 80, No. 139

Tuesday, July 21, 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 AGRIGULTURE

Agricultural Research Service

Availability of the Final Environmental Assessment and a Finding of No Significant Impact for the U.S. Department of Agriculture—Agricultural Research Service Brooksville, Florida Land Transfer to Florida Agricultural and Mechanical University

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture (USDA) Agricultural Research Service (ARS) made a Finding of No Significant Impact (FONSI) for the transfer of land and facilities from USDA–ARS Subtropical Agricultural Research Station (STARS) in Brooksville, Florida, to the Florida Agricultural and Mechanical University (FAMU) for the purpose of agricultural research. The FONSI document is based on impact analysis documented in the Environmental Assessment (EA) that was available for public comment beginning February 25 through April 1, 2015, and finalized on June 30, 2015.

FOR FURTHER INFORMATION CONTACT: Cal Mather, Environmental Protection Specialist, USDA–ARS–SHEMB, NCAUR, 1815 North University Street, Room 2060, Peoria, Illinois 61604, telephone: 309–681–6608, or email: *cal.mather@ars.usda.gov.* Copies of the Final EA may also be available for public viewing during normal business hours at the following locations:

- Samuel H. Coleman Memorial Library (FAMU), 525 Orr Drive, Tallahassee, Florida 32307
- Istachatta Library Station, 16246 Lingle Road, Brooksville, Florida 34601
- East Hernando Branch Library, 6457 Windmere Road, Brooksville, Florida 34602
- Spring Hill Branch Library, 9220 Spring Hill Drive, Spring Hill, Florida 34608
- West Hernando Branch Library, 6335 Blackbird Avenue, Brooksville, Florida 34613
- Main Library/Brooksville, 238 Howell Avenue, Brooksville, Florida 34601

SUPPLEMENTARY INFORMATION: In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, an EA was prepared to evaluate the proposed transfer of approximately 3,800 acres of land and facilities at the USDA–ARS STARS in Brooksville, Florida, to FAMU. The USDA–ARS signed a FONSI on June 30, 2015, based on the Final EA.

The Final EA evaluated the proposed approximately 3,800 acres of land and facilities located on four separate properties at the USDA–ARS STARS in Brooksville, Florida to FAMU. The Final EA also evaluated future proposed uses of land and facilities to be transferred, according to FAMU's proposed Plan of Work. In accordance with the March 1, 2014, Memorandum of Understanding executed between the United States Government, represented by the Secretary, and the University Board of Trustees, upon transfer to FAMU, the land will be used for agricultural and natural resources research for a period of no less than 25 years, supporting the 1890 land grant university mission, promoting education and community collaboration, and establishing a Beginning Farmers and Ranchers Program at the Property. FAMU would assume responsibility for management and maintenance of the constructed facilities and land to be conveyed from USDA–ARS.

The USDA–ARS STARS was one of 10 units designated for closure in the fiscal year 2012 Presidential budget. The proposed transfer of land and facilities from USDA–ARS to FAMU would be in accordance with Section 732 of Public Law (P.L.) 112–55, as extended under P.L. 113–76, 2014 Consolidated Appropriations Act, which authorizes the Secretary to convey, with or without consideration, certain USDA–ARS facilities to entities that are eligible to receive real property, including: Land-grant colleges and universities (as defined in Section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977); 1994 Institutions (as defined in Section 532 of the Equity in Educational Land-Grant Status Act of 1994); and Hispanic-serving agricultural colleges and universities (as defined in Section 1404(10) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977). Under P.L. 113–76, the conveyance authority expires on September 30, 2015, and all conveyances must be completed by that date.

Two alternatives are analyzed in the Final EA, the Proposed Action Alternative and the No Action Alternative. The Final EA addresses potential impacts of these alternatives on the natural and human environment.

- Proposed Action Alternative—Under the proposed action alternative, the Secretary would transfer the USDA–ARS land and facilities to FAMU, and FAMU, its tenant(s), and/or its partner(s) would implement the Reasonably Foreseeable Future Actions described in the Final EA upon transfer of the land and facilities. The land would be used for agricultural and natural resources research for a period of no less than 25 years.
- No Action Alternative—Under the no action alternative, the USDA–ARS land and facilities would not be transferred to FAMU. It is assumed that under the no action alternative, USDA–ARS would have no resources to operate and/or maintain the properties and that the properties would fall into a state of disrepair.

On February 25, 2015, USDA–ARS published a notice of availability (NOA) of the Draft EA and notified the public of a 30-day public review and comment period, scheduled to close on March 26, 2015. The February 25, 2015, NOA was published in the two major newspapers serving the Brooksville/Hernando County, Florida area: The Tampa Bay Times and The Tampa Tribune. The Tampa Tribune NOA was published in both English and Spanish. On March 2, 2015, USDA–ARS published a NOA of the Draft EA in the **Federal Register** (FR) (80 FR 11155, March 2, 2015). To make the FR NOA public comment period concurrent with the local newspapers, the comment period was extended an additional 6 days in notices published in the same newspapers and

closed on April 1, 2015, instead of the originally scheduled March 26, 2015.

The USDA–ARS used and coordinated the NEPA commenting process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act (16 U.S.C. 470(f) as provided for in 36 CFR 800.2(d)(3)). During the public comment period, USDA–ARS received two public comments regarding the transfer of lands and facilities from USDA–ARS to FAMU. None of the public comments received identified any substantial evidence regarding significant environmental impacts resulting from the proposed land transfer.

Based on its analysis of the Final EA for the property transfer, USDA–ARS has found that the transfer of properties could have adverse effects on previously identified historic properties. USDA–ARS, Florida Division of Historical Resources (FLDHR) and FAMU have signed a Memorandum of Agreement (MOA) to address the adverse effects from the proposed transfer and to avoid, minimize, or mitigate the adverse effects to any previously identified historic properties. The MOA also stipulates a Programmatic Agreement (PA) between FAMU and FLDHR for the long-term management of historic properties on the conveyed parcels; the PA will establish a consultation process that mirrors Section 106 and continue consultations with the FLDHR and the Seminole Tribe of Florida on Native American sites located on the properties. With the implementation of the MOA to address adverse effects on historic properties, there would be no significant impact to the environment from transferring approximately 3,800 acres of land and facilities at the USDA–ARS STARS in Brooksville, Florida, to the Board of Trustees of the Florida Agricultural and Mechanical University, for use by FAMU. Therefore, USDA–ARS will not prepare an Environmental Impact Statement for this proposed action.

Dated: July 13, 2015.

Chavonda Jacobs-Young,

Administrator, Agricultural Research Service.

[FR Doc. 2015–17912 Filed 7–20–15; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 15, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if they are received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Request for Administrative Review.

OMB Control Number: 0584–0520.

Summary of Collection: The Food and Nutrition Service (FNS) of the U.S. Department of Agriculture is the Federal agency responsible for the Supplemental Nutrition Assistance Program (SNAP). The Food and Nutrition Act of 2008 (7 U.S.C. 2011–2036), as codified under 7 CFR parts 278 and 279, requires that the FNS determine the eligibility of retail food stores and certain food service organizations to participate in the SNAP. If a retail or wholesale firm is found to be ineligible by FNS, or is otherwise aggrieved by certain FNS actions(s), that firm has the right to file a written request for review of the administrative action with FNS.

Need and Use of the Information: The request for administrative review is a formal letter, provided by the requester, with an original signature. FNS receives the letter requesting an administrative review and maintains it as part of the official review record. The designated reviewer will adjudicate the appeals process and make a final determination regarding the aggrieved action.

Description of Respondents: Business or other for profit; Farms.

Number of Respondents: 1,459.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 298.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–17796 Filed 7–20–15; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0009]

Notice of Affirmation; New and Revised Treatments for Various Plant Commodities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are affirming our earlier determination that it was necessary to immediately add to the Plant Protection and Quarantine Treatment Manual treatment schedules for various plant commodities. In a previous notice, we made available to the public for review and comment treatment evaluation documents that described the new treatment and revised schedules and explained why we have determined that they are effective at neutralizing certain target pests.

DATES: Effective [*Insert date of publication in the* **Federal Register**], we are affirming the addition to the Plant Protection and Quarantine Treatment Manual of the treatments described in the notice published at 79 FR 17496–17497 on March 28, 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Inder P.S. Gadh, Senior Risk Manager—Treatments, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2018.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR chapter III are intended, among other things, to prevent the introduction or dissemination of plant pests and noxious weeds into or within the United

States. Under the regulations, certain plants, fruits, vegetables, and other articles must be treated before they may be moved into the United States or interstate. The phytosanitary treatments regulations contained in 7 CFR part 305 (referred to below as the regulations) set out standards for treatments required in parts 301, 318, and 319 of 7 CFR chapter III for fruits, vegetables, and other articles.

In § 305.2, paragraph (b) states that approved treatment schedules are set out in the Plant Protection and Quarantine (PPQ) Treatment Manual.[1] Section 305.3 sets out the processes for adding, revising, or removing treatment schedules in the PPQ Treatment Manual. In that section, paragraph (b) sets out the process for adding, revising, or removing treatment schedules when there is an immediate need to make a change. The circumstances in which an immediate need exists are described in § 305.3(b)(1). They are:

- PPQ has determined that an approved treatment schedule is ineffective at neutralizing the targeted plant pest(s).
- PPQ has determined that, in order to neutralize the targeted plant pest(s), the treatment schedule must be administered using a different process than was previously used.
- PPQ has determined that a new treatment schedule is effective, based on efficacy data, and that ongoing trade in a commodity or commodities may be adversely impacted unless the new treatment schedule is approved for use.
- The use of a treatment schedule is no longer authorized by the U.S. Environmental Protection Agency or by any other Federal entity.

In accordance with § 305.3(a)(1), we published a notice[2] in the **Federal Register** on March 28, 2014 (79 FR 17496–17497, Docket No. APHIS–2013–0009), announcing our determination that several additions to the PPQ Treatment Manual were necessary to mitigate the risk from various plant pests, based on evidence presented in treatment evaluation documents (TEDs) we made available with the notice. We also determined that the ongoing trade of commodities would be adversely impacted unless the new and revised treatment schedules were approved for use. The treatments were added to the PPQ Treatment Manual, but subject to change or removal based on public comment.

We solicited comments on the notice for 60 days ending on May 27, 2014. We received one comment by that date, from an importers association representative who raised concerns about the revised treatment schedule for asparagus.

Specifically, the commenter stated that there have been no pests detected during post-fumigation inspections to justify the revision of the fumigation process from 2 hours to 2.5 hours. Furthermore, the commenter stated that the additional 30 minutes of fumigation would have a negative impact on the quality of the asparagus. The commenter suggested that Animal and Plant Health Inspection Service (APHIS) and Peru collaborate to develop a systems approach to mitigate the plant pest risks, rather than use the prescribed fumigation treatment.

As noted in the TED, in 2007, live *Copitarsia* spp. larvae were detected on Peruvian asparagus during a post-fumigation inspection. As an interim measure to ensure trade would continue uninterrupted, PPQ increased the treatment duration by 30 minutes for all temperature ranges and monitored its effectiveness against all stages of the pest. Since the revision was made there have been no interceptions of *Copitarsia* spp. larvae on asparagus imported into the United States from Peru.

We understand the commenters' concern regarding the negative effects the fumigation process has on the quality of the vegetables. We acknowledge that there is a potential risk of negative impacts on the quality or shelf life of commodities treated with fumigation and seek to minimize those efforts to the extent possible, but note that our primary concern must be to prevent the introduction of plant pests into the United States. We will, however, add a statement to the treatment T101–b–1 regarding the potential reduction in the shelf life of the treated asparagus.

We welcome and encourage opportunities to collaborate with our stakeholders and trading partners to further mitigate the risks associated with the importation of commodities. If we receive scientific information that supports the development of a systems approach, we would consider the information and make appropriate recommendations based on that information.

Therefore, in accordance with our regulations in § 305.3(b)(3), we are affirming our addition of the new and revised treatment schedules for use for the various plant commodities to the PPQ Treatment Manual.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 15th day of July 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–17840 Filed 7–20–15; 8:45 am]

BILLING CODE 3410–34–P

[1] The PPQ Treatment Manual is available at *http://www.aphis.usda.gov/import_export/plants/manuals/index.shtml* or by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Manuals Unit, 92 Thomas Johnson Drive, Suite 200, Frederick, MD 21702.

[2] To view the notice, TEDs, and comment we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0009.*

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0097]

Monsanto Co.; Availability of Preliminary Plant Pest Risk Assessment and Draft Environmental Assessment of Maize Genetically Engineered for Increased Ear Biomass

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service is making available for public comment a preliminary plant pest risk assessment and draft environmental assessment for maize designated as event MON 87403, which has been genetically engineered for increased ear biomass.

DATES: We will consider all comments that we receive on or before August 20, 2015.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0097.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2014–0097, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents for this petition and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0097* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

Supporting documents for this petition are also available on the APHIS Web site at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS Petition Number 14–213–01p.

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov.* To obtain copies of the petition, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. APHIS received a petition (APHIS Petition Number 14–213–01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination of nonregulated status of maize (*Zea mays*) designated as event MON 87403, which has been genetically engineered for increased ear biomass. The Monsanto petition states that information collected during field trials and laboratory analyses indicates that MON 87403 maize is not likely to be a plant pest and therefore should not be a regulated article under APHIS' regulations in 7 CFR part 340.

According to our process [1] for soliciting public comment when considering petitions for determinations of nonregulated status of GE organisms, APHIS accepts written comments regarding a petition once APHIS deems it complete. In a notice [2] published in the **Federal Register** on January 20, 2015 (80 FR 2674–2675, Docket No. APHIS–2014–0097), APHIS announced the availability of the Monsanto petition for public comment. APHIS solicited comments on the petition for 60 days ending on March 23, 2015, in order to help identify potential environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition. APHIS received 20 comments on the petition. Issues raised during the comment period include the contamination of conventional crop production, the potential for disruption of trade due to the presence of unwanted genetically engineered commodities in exports, the potential for negative impacts on plant fitness and the environment, and health concerns. APHIS has evaluated the issues raised during the comment period and, where appropriate, has provided a discussion of these issues in our draft environmental assessment (EA).

After public comments are received on a completed petition, APHIS evaluates those comments and then provides a second opportunity for public involvement in our decisionmaking process. According to our public review process (see footnote 1), the second opportunity for public involvement follows one of two approaches, as described below.

If APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises no substantive new issues, APHIS will follow Approach 1 for public involvement. Under Approach 1, APHIS announces in the **Federal Register** the availability of APHIS' preliminary regulatory determination along with its EA, preliminary finding of no significant impact (FONSI), and its plant pest risk assessment (PPRA) for a 30-day public review period. APHIS will evaluate any information received related to the petition and its supporting documents during the 30-day public review period.

If APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises substantive new issues, APHIS will follow Approach 2. Under Approach 2, APHIS first solicits written comments from the public on a draft EA and preliminary PPRA for a 30-day comment period through the publication of a **Federal Register**notice. Then, after reviewing and evaluating the comments on the draft EA and preliminary PPRA and other information, APHIS will revise the PPRA as necessary and prepare a final EA and, based on the final EA, a National Environmental Policy Act (NEPA) decision document (either a FONSI or a notice of intent to prepare an environmental impact statement). For this petition, we are using Approach 2.

As part of our decisionmaking process regarding a GE organism's regulatory status, APHIS prepares a PPRA to assess the plant pest risk of the article. APHIS also prepares the appropriate environmental documentation—either an EA or an environmental impact statement—in accordance with NEPA, to provide the Agency and the public with a review and analysis of any potential environmental impacts that may result if the petition request is approved.

APHIS has prepared a preliminary PPRA and has concluded that maize designated as event MON 87403, which has been genetically engineered for increased ear biomass, is unlikely to pose a plant pest risk. In section 403 of the Plant Protection Act, ''plant pest'' is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

APHIS has also prepared a draft EA in which we present two alternatives based on our analysis of data submitted by Monsanto, a review of other scientific data, field tests conducted under APHIS oversight, and comments received on the petition. APHIS is considering the following alternatives: (1) Take no action, *i.e.,* APHIS would not change the regulatory status of maize designated as event MON 87403, or (2) make a determination of nonregulated status of maize designated as event MON 87403.

The EA was prepared in accordance with (1) 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

[1] On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice describing our public review process for soliciting public comments and information when considering petitions for determinations of nonregulated status for GE organisms. To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129.*

[2] To view the notice, the petition, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0097.*

Implementing Procedures (7 CFR part 372).

In accordance with our process for soliciting public input when considering petitions for determinations of nonregulated status for GE organisms, we are publishing this notice to inform the public that APHIS will accept written comments on our draft EA and our preliminary PPRA regarding the petition for a determination of nonregulated status from interested or affected persons for a period of 30 days from the date of this notice. Copies of the draft EA and the preliminary PPRA, as well as the previously published petition, are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. After reviewing and evaluating the comments on the draft EA and the preliminary PPRA and other information, APHIS will revise the PPRA as necessary and prepare a final EA. Based on the final EA, APHIS will prepare a NEPA decision document (either a FONSI or a notice of intent to prepare an environmental impact statement). If a FONSI is reached, APHIS will furnish a response to the petitioner, either approving or denying the petition. APHIS will also publish a notice in the **Federal Register** announcing the regulatory status of the GE organism and the availability of APHIS' final EA, PPRA, FONSI, and our regulatory determination.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 15th day of July 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–17845 Filed 7–20–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0007]

Notice of Affirmation of Addition of a Treatment Schedule for Methyl Bromide Fumigation of Figs

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are affirming our earlier determination that it was necessary to immediately add to the Plant Protection and Quarantine Treatment Manual a treatment schedule for methyl bromide fumigation of figs for certain pests, including Chilean false red mite. In a previous notice, we made available to the public for review and comment a treatment evaluation document that described the new treatment schedule and explained why we have determined that it is effective at neutralizing these pests.

DATES: Effective July 21, 2015, we are affirming the addition to the Plant Protection and Quarantine Treatment Manual of the treatment described in the notice published at 80 FR 10661–10662 on February 27, 2015.

FOR FURTHER INFORMATION CONTACT: Dr. Inder P.S. Gadh, Senior Risk Manager—Treatments, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 851–2018.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR chapter III are intended, among other things, to prevent the introduction or dissemination of plant pests and noxious weeds into or within the United States. Under the regulations, certain plants, fruits, vegetables, and other articles must be treated before they may be moved into the United States or interstate. The phytosanitary treatments regulations contained in 7 CFR part 305 (referred to below as the regulations) set out standards for treatments required in 7 CFR parts 301, 318, and 319 for fruits, vegetables, and other articles.

In § 305.2, paragraph (b) states that approved treatment schedules are set out in the Plant Protection and Quarantine (PPQ) Treatment Manual.[1] Section 305.3 sets out a process for adding, revising, or removing treatment schedules in the PPQ Treatment Manual. In that section, paragraph (b) sets out the process for adding, revising, or removing treatment schedules when there is an immediate need to make a change. The circumstances in which an immediate need exists are described in § 305.3(b)(1). They are:

- PPQ has determined that an approved treatment schedule is ineffective at neutralizing the targeted plant pest(s).
- PPQ has determined that, in order to neutralize the targeted plant pest(s), the treatment schedule must be administered using a different process than was previously used.
- PPQ has determined that a new treatment schedule is effective, based on efficacy data, and that ongoing trade in a commodity or commodities may be adversely impacted unless the new treatment schedule is approved for use.
- The use of a treatment schedule is no longer authorized by the U.S. Environmental Protection Agency or by any other Federal entity.

In accordance with § 305.3(b), we published a notice[2] in the **Federal Register** on February 27, 2015 (80 FR 10661–10662, Docket No. APHIS–2015–0007), announcing our determination that a new methyl bromide fumigation treatment schedule to control certain pests, including Chilean false red mite (*Brevipalpus chilensis*), on figs (*Ficus carica*) is effective, based on evidence presented in a treatment evaluation document (TED) we made available with the notice. We also determined that ongoing trade in figs would be adversely impacted unless the new treatment is approved for use. The treatment was added to the PPQ Treatment Manual, but was subject to change based on public comment.

We solicited comments on the notice for 60 days ending on April 28, 2015. We received one comment by that date, from a private citizen. The commenter stated that methyl bromide is known to deplete the stratospheric ozone layer, and that authorizing its use for treating figs violates the Montreal Protocol, in which the United States agreed to gradually reduce and ultimately eliminate use of methyl bromide.

The United States Government encourages methods that do not use methyl bromide to meet phytosanitary standards where alternatives are deemed to be technically and economically feasible, practical, and effective. At present, methyl bromide fumigation is the only authorized treatment that meets the above criteria for the treatment of external pests on figs. In addition, in accordance with Montreal Protocol Decision XI/13 (paragraph 7), APHIS is committed to promoting and employing gas recapture technology and other methods whenever possible to minimize harm to the environment caused by methyl bromide emissions.

Paragraph 5 of Article 2H of the Montreal Protocol does allow for quarantine and preshipment uses of methyl bromide, and does not specify a maximum number of such applications. Therefore, the application of this treatment is not in conflict with the

[1] The Treatment Manual is available on the Internet at *http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/treatment.pdf* or by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Manuals Unit, 92 Thomas Johnson Drive, Suite 200, Frederick, MD 21702.

[2] To view the notice, the TED, and the comment we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0007.*

protocol. Treatment of figs with methyl bromide fumigation is also consistent with the International Plant Protection Convention's standard of requiring the least restrictive phytosanitary measures to mitigate pests of concern.

Therefore, in accordance with the regulations in § 305.3(b)(3), we are affirming our addition of a methyl bromide treatment schedule for figs to control certain pests, as described in the TED made available with the previous notice. The treatment schedule is numbered T101-i-2–2. The treatment schedule will be listed in the PPQ Treatment Manual, which is available as described in footnote 1 of this document.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 15th day of July 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–17841 Filed 7–20–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Kootenai National Forest; Lincoln and Sanders Counties; Montana; Kootenai National Forest Young Growth Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement (EIS) to disclose the environmental effects of commercial and non-commercial vegetation management activities and prescribed burning of activity fuels. Access management changes and other design features are included to protect resources and facilitate management activities. The project is located across the Kootenai National Forest Kootenai National Forest, Lincoln and Sanders Counties, Montana.

DATES: Comments concerning the scope of the analysis must be received within 30 days from the date of publication in the **Federal Register**.

ADDRESSES: Send written comments to Chris Savage; Forest Supervisor, Kootenai National Forest, 31374 US Hwy 2, Libby, MT 59923. Comments may also be sent via email to *comments-northern-kootenai@fs.fed.us;* or via facsimile to (406) 283–7709.

FOR FURTHER INFORMATION CONTACT: Contact Janis Bouma, Project Team Leader, Kootenai National Forest, 31374 US Hwy 2, Libby, MT 59923. Phone: (406) 283–7774.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On May 20, 2014, Department of Agriculture Secretary Vilsack announced the designation of approximately 45.6 million acres of National Forest System lands across 94 national forests in 35 states to address insect and disease threats that weaken forests and increase the risk of forest fire. The Kootenai National Forest is the only forest in Montana that lies completely within these priority landscapes. The Governor of Montana has asked that priority be given to project development within these designated insect and disease areas, and created his Forest in Focus Initiative to accelerate the pace and scale of forest restoration in the state of Montana. The Kootenai National Forest Young-Growth Project area is approximately 400,000 acres in size and is located only in second-growth; previously harvested timber stands about across the Kootenai National Forest.

Purpose and Need for Action

The purpose and need for this project is: (1) Improve the resiliency of the timber stands to insects and disease; (2); improve wildlife habitat especially for grizzly bear and lynx; (3) address impacts from climate change and, 4) and to decrease risk of stand-replacing wildfire.

Overall project benefits and the purpose associated with young-growth vegetation management will be to improve stand conditions and increase resistance to insects, disease, and stand-replacement wildfire while also providing for abundance of forage and improved habitat conditions for a variety of wildlife species. Managing these stands is important in order to reach a healthier stocking rate and to increase overall growth and vigor of the stand by reducing competition and stress on remaining conifers. Management of these stands would also increase quantities of grasses, forbs, and shrubs that many wildlife species utilize in the early stage of forest development, thereby improving foraging habitat for grizzly bear, lynx, and other wildlife species. The project would allow for adaptive management over the next 10 to 15 years as stand conditions would allow and to respond to local environmental conditions and stocking rates. All of these benefits fall within the Governor's criteria.

Proposed Action

The proposed action includes non-commercial and commercial vegetation management activities that accomplish the following:

Habitat improvement for grizzly bear and lynx; (2) Reduce fuel loading and ladder fuels; (3) Break up the continuity of fuels; (4) Reduce tree densities and tree species susceptible to fire mortality; (5) Increase fire resilient species; (6) Reduce susceptibility to insects and potential disease; (7) Increase tree vigor and resilience to disturbance.

Project NEPA analysis would employ various adaptive management screens across the initial proposed acreage. These ''screens'' would be used to avoid impacts to Threatened and Endangered wildlife and plant species, and sensitive areas. Treatment boundaries could also be further narrowed depending on localized site conditions including soils conditions, standard wildlife effects mitigations, and Best Management Practices (BMPs). Therefore, the actual, on-the ground vegetation management would be considerably smaller than the initial 400,000 acres proposed for evaluation. The project would rely on the existing road system to reach the stands with a need for treatment, with no new specified road construction proposed for this analysis. Prior logging systems such as previous skid trails may be used if evidence of them still exists. If site-specific Forest Plan amendments may be needed, then the proposed treatments would be dropped or deferred to another future project analysis.

The acres included in this anticipated decision would provide forest products for an array of markets. A portion of the acreage, predominately the older second growth, would provide a saw log product. Many of the acres would provide non-saw products such as post and pole. These offerings of forest products would be assessed for economic feasibility and may be mixed and matched with other offerings or decisions in order to ensure economic viability. Additionally, in order to anticipate and respond to future timber market opportunities or newly developed markets, the analysis would consider biomass removal in addition to traditional commercial timber harvest activities.

Various silvicultural treatments would be proposed to meet the vegetative objectives for the previously harvested areas and move the landscape

towards the desired ranges. Often two or more treatments, for example commercial harvest followed by non-commercial thinning may be prescribed for the same unit. Pre-commercial thinning would occur either following a commercial entry or as the only treatment. Trees cut during this activity may be removed as biomass (if future market opportunities develop) or left on site and the slash treated by a variety of fuels treatments.

Possible Alternatives

The Forest Service will consider a range of alternatives. One of these will be the ''no action'' alternative in which none of the proposed action would be implemented. Additional alternatives may be included in response to issues raised by the public during the scoping process or due to additional concerns for resource values identified by the Interdisciplinary Team.

Responsible Official

The Forest Supervisor of the Kootenai National Forest, 31374 US Highway 2, Libby, MT 59923–3022, is the Responsible Official. As the Responsible Official, I will decide if the proposed action will be implemented. I will document the decision and rationale for the decision in the Record of Decision.

Nature of Decision To Be Made

Based on the purpose and need, the Responsible Official reviews the proposed action, the other alternatives, the environmental consequences, and public comments on the analysis in order to make the following decision:

(1) Whether the proposed action will proceed as proposed, as modified by an alternative, or not at all?

(2) Whether to implement timber harvest and associated fuels treatments, and prescribed burning, including the design features and potential mitigation measures to protect resources; and if so, how much and at what specific locations;

(3) What, if any, specific project monitoring requirements are needed to assure design features and potential mitigation measures are implemented and effective, and to evaluate the success of the project objectives. A project specific monitoring plan will be developed.

Preliminary Issues

Initial analysis by the Interdisciplinary Team has brought forward seven issues that may affect the design of the project: (1) Susceptibility to severe wildfire; (2) Effect on wildlife habitat, especially lynx, grizzly bear, and bull trout; (3) Effect on big game winter range; (4) Economic viability of commercial treatments; (5) Cost of non-commercial treatments; (6) Effects on water quality and aquatic habitats; and (7) Effects on weed introduction and spread.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. The Interdisciplinary Team will continue to seek information, comments, and assistance from Federal, State, and local agencies, Tribal governments, and other individuals or organizations that may be interested in, or affected by, the proposed action. The overall development of the project would also be done through a collaborative process with interested parties, including the Kootenai Forest Stakeholders Coalition, Lincoln County, Sanders County, and timber industry.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will become part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered.

Dated: July 10, 2015.

Chris S. Savage,

Forest Supervisor, Kootenai National Forest

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[FR Doc. 2015–17770 Filed 7–20–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2015–0010]

Notice of Proposed Changes to the National Handbook of Conservation Practices for the Natural Resources Conservation Service

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA).

ACTION: Notice of availability of proposed changes in the NRCS National Handbook of Conservation Practices for public review and comment.

SUMMARY: Notice is hereby given of the intention of NRCS to issue a series of revised conservation practice standards in the National Handbook of Conservation Practices. These standards include: Channel Bed Stabilization (Code 584), Karst Sinkhole Treatment (Code 527), Open Channel (Code 582), Pond (Code 378), Surface Drain, Field Ditch (Code 607), Surface Drain, Main or Lateral (Code 608), Vertical Drain (Code 630) and Waste Hauling (Code 321). NRCS State Conservationists who choose to adopt these practices for use within their States will incorporate them into section IV of their respective electronic Field Office Technical Guide. Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 requires NRCS to make available for public review and comment all proposed revisions to conservation practice standards used to carry out HEL and wetland provisions of the law.

DATES: *Effective Date:* This is effective July 21, 2015.

Comment Date: Submit comments on or before August 20, 2015. Final versions of these new or revised conservation practice standards will be adopted after the close of the 30-day period and after consideration of all comments.

ADDRESSES: Comments should be submitted, identified by Docket Number NRCS–2015–0010, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail or hand delivery:* Public Comments Processing, Attention: Regulatory and Agency Policy Team, Strategic Planning and Accountability, Natural Resources Conservation Service, 5601 Sunnyside Avenue, Building 1–1112D, Beltsville, Maryland 20705.

NRCS will post all comments on *http://www.regulations.gov.* In general, personal information provided with comments will be posted. If your comment includes your address, phone number, email, or other personal identifying information (PII), your comments, including personal information, may be available to the public. You may ask in your comment that your PII be withheld from public view, but this cannot be guaranteed.

FOR FURTHER INFORMATION CONTACT: Wayne Bogovich, National Agricultural Engineer, Conservation Engineering Division, Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue SW., Room 6136 South Building, Washington, DC 20250.

Electronic copies of the proposed revised standards are available through *http://www.regulations.gov* by accessing Docket No. NRCS–2015–0010. Alternatively, copies can be downloaded or printed from the following Web site: *http://go.usa.gov/TXye.* Requests for paper versions or inquiries may be directed to Emil Horvath, National Practice Standards Review Coordinator, Natural Resources Conservation Service, Central National Technology Support Center, 501 West Felix Street, Fort Worth, Texas 76115.

SUPPLEMENTARY INFORMATION: The amount of the proposed changes varies considerably for each of the conservation practice standards addressed in this notice. To fully understand the proposed changes, individuals are encouraged to compare these changes with each standard's current version as shown at: *http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/technical/cp/ncps/?cid=nrcs143026849.*

To aid in this comparison, following are highlights of some of the proposed revisions to each standard:

Channel Bed Stabilization (Code 584)—The proposed changes provide additional clarification regarding the conditions where the practice applies, general criteria, considerations, and technical references.

Karst Sinkhole Treatment (Code 527)—The proposed changes provide additional clarification regarding the conditions where the practice applies, general criteria, sinkhole treatment/closing and considerations.

Open Channel (Code 582)—The agency refined the definition, modified criteria, added considerations, updated requirements for plans and specifications, and updated requirements for operation and maintenance.

Pond (Code 378)—The agency refined the definition, modified criteria, updated considerations, updated requirements for plans and specifications, and updated requirements for operation and maintenance.

Surface Drain, Field Ditch (Code 607)—The agency changed the definition for clarity, along with a purpose and criteria added to allow use of this practice to collect irrigation tailwater for reuse.

Surface Drain, Main or Lateral (Code 608)—The agency removed the reference to the ambiguous phrase 'water management system' in the purpose to improve clarity. Criteria was added allowing the use of this practice as a component to collect irrigation tailwater, for use in a Tailwater Recovery System, (Code 447) along with a reference to the two-stage channel design process in NRCS National Engineering Handbook, Part 654.1005 in areas where increased channel stability is required.

Vertical Drain (Code 630)—The agency incorporated plain language into this practice standard by adding verbiage to address potential negative effects on underground habitat, in conditions where practice applies. NRCS also added a statement in plans and specifications, focusing on documenting specific site characteristics, in relation to potential contamination sources. Finally, the agency added a references section with National Engineering Handbook 633, Chapter 26, gradation Design of Sand and Gravel Filters.

Waste Hauling (Code 321)—This is a new national conservation practice standard with a 1-year lifespan. This practice removes manure hauling from the Waste Transfer (Code 634) standard that has been utilized extensively by a number of States for several years. The Waste Transfer standard is structural and long-term in character which does not fit the hauling of manure and other agricultural waste very well. The Waste Hauling standard is short term and non-structural. Waste Hauling is the practice of moving manure or other agricultural waste products by vehicle from a region where concentration of waste production makes it very difficult to find cropland for application that does not already exhibit very high nutrient levels due to previous application. Additionally, the practice will be used to move agricultural waste in watersheds with water quality problems to markets outside the impacted watershed. The Waste Hauling contract will be with the end user of the product, and must be used in conjunction with a CPS Nutrient Management (Code 590) plan.

Signed this 13th day of July, 2015, in Washington, DC.

Jason A. Weller,

Chief, Natural Resources Conservation Service.

[FR Doc. 2015–17797 Filed 7–20–15; 8:45 am]

BILLING CODE 3410–16–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Missouri Advisory Committee for a Meeting To Hear Testimony Regarding Police and Community Interaction in Missouri

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Missouri Advisory Committee (Committee) will hold a meeting on Thursday, August 20, 2015, for the purpose of hearing presenters testify about the civil rights issues regarding police and community interactions in Missouri.

Members of the public are invited and welcomed to make statements into the record during two open forum periods. The first open forum will be held from 12:00 p.m. until 12:30 p.m. The second open forum will be held from 6:15 p.m. until 6:45 p.m. Members of the public are also entitled to submit written comments; the comments must be received in the regional office by September 20, 2015. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8311, or emailed to Melissa Wojnaroski, Civil Rights Analyst, at *mwojnaroski@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Closed-captioning of the meeting will be provided. If other persons who will attend the meeting require other accommodations, please contact Carolyn Allen at *callen@usccr.gov* at the Midwestern Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=258* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov*, or may contact the

Regional Programs Unit at the above email or street address.

Agenda

10:30–10:45 a.m. Introduction and Opening Remarks
S. David Mitchell, Missouri Advisory Committee Chairman
10:45–12:00 p.m. *Panel 1: Academic/Government Panel*
- Dr. Claiborn
- Pat Hinkel
- Representative, UMKC Criminology
- Local and State Government representatives

12:00–12:30 p.m. Open Forum
12:30–2:00 p.m. LUNCH
2:00–3:15 p.m. *Panel 2: Community Representatives I*
- Damon Daniel, The Ad Hoc Group Against Crime
- Herston Fails, 100 Black Men of Kansas City
- Sarah Rossi, ACLU of Missouri
- Montague Simmons, Organization for Black Struggle

3:20–4:35 p.m. *Panel 3: Law Enforcement*
- Chief Williams, Springfield, MO Police Dept.
- Chief Forte, Kansas City Police Dept
- Representative, Jackson County Police Dept
- Representative, International Association of Chiefs of Police

4:35–4:55 p.m. Break
4:55–6:10 p.m. *Panel 4: Community Representatives II*
- Pastor Floyd Wiggins, Raytown MO Living Word Testament Church
- Gloria Ortiz Fisher, West Side Housing
- Representative, Urban League of Greater Kansas City
- Families and Individuals Directly Impacted

6:15–6:45 p.m. Open Forum II
6:45–7:00 p.m. Closing Remarks
S. David Mitchell, Missouri Advisory Committee Chair
7:00 p.m. Adjournment

DATES: The meeting will be held on Thursday, August 22, 2015, at 10:30 a.m.

ADDRESSES: The meeting will be held at the Bruce R. Watkins Cultural Center, 3700 Blue Pkwy, Kansas City, MO 64130

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at 312–353–8311 or *mwojnaroski@usccr.gov*.

Dated: July 15, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–17760 Filed 7–20–15; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Vermont Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Vermont Advisory Committee to the Commission will convene at 11:00 a.m. (EDT) on Friday, July 31, 2015 by conference call. The purpose of the meeting is to discuss and vote on a project proposal regarding housing in Vermont. The committee selected the topic and its last open meeting.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–556–4997, conference ID: 7001560. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Persons interested in the issue are also invited to submit written comments; the comments must be received in the regional office by Monday, August 31, 2015. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov*. Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://www.facadatabase.gov/committee/meetings.aspx?cid=278* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda

Update on Headquarters and Commission Activities
Barbara de La Viez, Designated Federal Official
Update on SAC Activities
Diane B. Snelling, Chair
Review, Discussion, and Vote on Project Proposal
Vermont State Advisory Committee
Targets and Milestones
Diane B. Snelling, Chair
Open Comment

DATES: Friday, July 31, 2015, at 11:00 a.m. (EDT).
Public Call Information:
Dial: 888–556–4997.
Conference ID: 7001560.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis at *ero@usccr.gov,* or 202–376–7533.

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting may be published less than 15 calendar days prior to the meeting because of the exceptional circumstance of a procedural miscommunication which is now corrected.

Dated: Wednesday, July 15, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–17745 Filed 7–20–15; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Washington Advisory Committee for the Purpose of Hearing Testimony on School Integration

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Washington State Advisory Committee (Committee) to the Commission will be

held on Thursday, August 13, 2015, for the purpose of holding a public meeting on school integration. The meeting will be held at the Douglass-Truth Library, 2300 E. Yesler Way, Seattle, WA 98122. The meeting is scheduled to begin at 1:30 p.m., and adjourn at approximately 5:00 p.m. PDT.

Members of the public are entitled to make comments in the open period at the end of the meeting. Members of the public may also submit written comments. The comments must be received in the Western Regional Office of the Commission by September 13, 2015. The address is Western Regional Office, U.S. Commission on Civil Rights, 300 N. Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Persons wishing to email their comments may do so by sending them to Angelica Trevino, Civil Rights Analyst, Western Regional Office, at *atrevino@usccr.gov.* Persons who desire additional information should contact the Western Regional Office, at (213) 894–3437, (or for hearing impaired TDD 913–551–1414), or by email to *atrevino@usccr.gov.* Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://database.faca.gov/committee/meetings.aspx?cid=280* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Western Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Western Regional Office at the above email or street address.

Agenda: 1:30 p.m.—Public meeting on school integration of equity in school expenditures

Public comment—4:30 p.m.

Adjournment—5:00 p.m.

DATES: Thursday, August 13, 2015.

ADDRESSES: The Douglass-Truth Library, 2300 E. Yesler Way, Seattle, WA 98122.

FOR FURTHER INFORMATION CONTACT: Peter Minarik, DFO, at (213) 894–3437 or *pminarik@usccr.gov.*

Dated: July 15, 2015.

David Mussatt,

Chief, Regional Programs Coordination Unit.

[FR Doc. 2015–17747 Filed 7–20–15; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Vermont Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a briefing meeting of the Vermont Advisory Committee to the Commission will convene at 10:00 a.m. (EDT) on Monday, August 10, 2015 in Room 11 at the Vermont State House located at 115 State St., Montpelier, VT 05633. The purpose of the briefing meeting is to hear from government officials, advocates, and other experts as well as the public on the topic of housing in Vermont. The agenda is being finalized.

Closed-captioning of the meeting will be provided. If other persons who plan to attend the meeting require other accommodations, please contact Evelyn Bohor at ero@*usccr.gov* at the Eastern Regional Office at least ten (10) working days before the scheduled date of the meeting.

Time will be set aside at the end of the briefing so that members of the public may address the Committee after the formal presentations have been completed. Persons interested in the issue are also invited to submit written comments; the comments must be received in the regional office by Thursday, September 10, 2015. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://www.facadatabase.gov/committee/meetings.aspx?cid=278* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda

Welcome and Introductions
  Diane B. Snelling, Chair
Briefing
  Vermont State Advisory Committee
  Government Officials, Advocates, Experts
Administrative Matters
  Barbara J. de La Viez, Designated Federal Official
Open Comment

DATES: Monday, August 10, 2015 (EDT).

ADDRESSES: The meeting will be in Room 11 at the Vermont State House located at 115 State St., Montpelier, VT 05633.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis at *ero@usccr.gov,* or 202–376–7533

Dated: Tuesday, July 14, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–17746 Filed 7–20–15; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Mississippi Advisory Committee to Vote on Its Advisory Memorandum on the Civil Rights Concerns Relating to Distribution of Federal Child Care Subsidies in Mississippi

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Mississippi Advisory Committee (Committee) will hold a meeting on Tuesday, September 8, 2015, at 2:00 p.m. CST for the purpose of discussing and voting on an advisory memorandum on the civil rights concerns relating to potential disparities in the distribution of federal child care subsidies in Mississippi on the basis of race or color. The committee previously gathered testimony on the topic April 29, 2015, and May 13, 2015. The Committee will also discuss and vote on whether to pursue a project on race and prosecutorial discretion in Mississippi.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–510–1765, conference ID: 8100238. Any interested member of the public may call this number and listen to the meeting. The conference call operator will ask callers to identify themselves, the organization

they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also invited and welcomed to make statements at the end of the conference call. In addition, members of the public may submit written comments; the comments must be received in the regional office by October 8, 2015. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=257* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda:

Welcome and Introductions
Susan Glisson, Chair
Discussion and Vote on Childcare Subsidy Advisory Memorandum
Mississippi Advisory Committee
Discussion and Vote on Race and Prosecutorial Discretion Concept Paper
Open Comment
Adjournment

DATES: The meeting will be held on Tuesday, September 8, 2015, at 2:00 p.m. CST.

Public Call Information: Dial: 888–510–1765; Conference ID: 8100238

FOR FURTHER INFORMATION CONTACT: Melissa Mojnaroski, DFO, at 312–353–8311 or *mwojnaroski@usccr.gov.*

Dated: July 15, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–17785 Filed 7–20–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–17–2015]

Foreign-Trade Zone (FTZ) 127—West Columbia, South Carolina; Authorization of Production Activity; Isola USA Corporation; (Dielectric Prepreg and Copper-Clad Laminate); Ridgeway, South Carolina

On March 17, 2015, the Richland-Lexington Airport District, Columbia Metropolitan Airport, grantee of FTZ 127, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Isola USA Corporation, located within Site 4 of FTZ 127, in Ridgeway, South Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 18196, 04–03–2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: July 15, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–17855 Filed 7–20–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on August 25, 2015, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. New Business.

Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than August 18, 2015.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 25, 2015 pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 10(d), that the portion of this meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information contact Yvette Springer on (202) 482–2813.

Dated: July 16, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–17814 Filed 7–20–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Processing Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Processing Equipment Technical Advisory Committee

(MPETAC) will meet on August 4, 2015, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

Agenda

Open Session

1. Opening remarks and introductions.
2. Presentation of papers and comments by the Public.
3. Discussions on results from last, and proposals from last Wassenaar meeting.
4. Report on proposed and recently issued changes to the Export Administration Regulations.
5. Other business.

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10 (a) (1) and 10 (a) (3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than July 28, 2015.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 20, 2015, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 10(d)), that the portion of the meeting dealing with matters the premature disclosure of which would be likely to frustrate significantly implementation of a proposed agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public. For more information, call Yvette Springer at (202) 482–2813.

Dated: July 16, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–17817 Filed 7–20–15; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic from the People's Republic of China: Initiation of Antidumping Duty New Shipper Review; 2014–2015

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

SUMMARY: On May 11, 2015, the Department received a timely request for a new shipper review (NSR) from Jinxiang Huameng Imp & Exp Co. (Huameng), in accordance with section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(c). On May 22, 2015 Department issued a letter to Huameng requesting that it correct certain deficiencies in its initial request.[1] On July 6, 2015, Huameng submitted a timely response to the Department's request.[2] The Department of Commerce (Department) has determined that the request for a NSR of the antidumping duty order on fresh garlic from the People's Republic of China (PRC) meets the statutory and regulatory requirements for initiation. The period of review (POR) is November 1, 2014, through April 30, 2015.

DATES: Effective Date: July 21, 2015.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

The Department published the antidumping duty order on fresh garlic from the PRC in the **Federal Register** on November 16, 1994.[3] On May 11, 2015, the Department received a timely request for a NSR from Huameng. Huameng certified that it is the exporter and producer of the fresh garlic upon which the request for a NSR is based. Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), Huameng certified that it did not export fresh garlic for sale to the United States during the period of investigation (POI).[4] Moreover, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Huameng certified that, since the investigation was initiated, it never has been affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI, including those not individually examined during the investigation.[5] Further, as required by 19 CFR 351.214(b)(2)(iii)(B), it certified that its export activities are not controlled by the central government of the PRC.[6] Huameng also certified it had no subsequent shipments of subject merchandise.[7]

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Huameng submitted documentation establishing the following: (1) the date of its first sale to an unaffiliated customer in the United States; (2) the date on which the fresh garlic was first entered; (3) the volume of that shipment.[8]

The Department queried the database of U.S. Customs and Border Protection (CBP) in an attempt to confirm that the shipment reported by Huameng had entered the United States for consumption and that liquidation had been properly suspended for antidumping duties. The information which the Department examined was consistent with that provided by Huameng in its request.[9]

Period of Review

Pursuant to 19 CFR 351.214(c), an exporter or producer may request a NSR within one year of the date on which its subject merchandise was first entered. Moreover, 19 CFR 351.214(d)(1) states that if the request for the review is made during the six-month period ending

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[1] *See* Letter from Mark Hoadley, ''Opportunity to Correct Deficiencies,'' dated May 22, 2015.

[2] *See* Letter from Huameng, ''Deficiency Corrections for Antidumping New Shipper Review Request filed on behalf of Jinxiang Huameng Imp & Exp Co., Ltd.,''(Deficiency Corrections) dated July 6, 2015.

[3] *See Antidumping Duty Order: Fresh Garlic From the People's Republic of China,* 59 FR 59209 (November16, 1994).

[4] *See* Huameng's request for a NSR dated May 11, 2015, at Exhibit 2.

[5] *Id.*

[6] *Id.*

[7] *See* Deficiency Corrections at page 4.

[8] *Id.* at Exhibit 1.

[9] *See* Memorandum to the File from Andrew Huston, ''New Shipper Reviews of the Antidumping Duty Order on Fresh Garlic from the People's Republic of China: Customs Entries from November 1, 2014, to April 30, 2015,'' dated July 9, 2015.

with the end of the semiannual anniversary month, the Secretary will initiate a NSR in the calendar month immediately following the semiannual anniversary month. Further, 19 CFR 315.214(g)(1)(i)(B) states that if the NSR was initiated in the month immediately following the semiannual anniversary month, the POR will be the six-month period immediately preceding the semiannual anniversary month. Within one year of the date on which its fresh garlic was first entered, Huameng made the request for a NSR that included all documents and information required by the statute and regulations. Its request was filed in May, which is the semiannual anniversary month of the order. Therefore, the POR is November 1, 2014, through April 30, 2015.[10]

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(b), and the information on the record, the Department finds that Huameng's request meets the threshold requirements for initiation of a NSR and, therefore, is initiating a NSR of Huameng. The Department intends to issue the preliminary results within 180 days after the date on which this review is initiated and the final results within 90 days after the date on which we issue the preliminary results.[11]

It is the Department's usual practice in cases involving non-market economies to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate (*i.e.,* a separate rate) provide evidence of *de jure* and *de facto* absence of government control over the company's export activities.[12] Accordingly, the Department will issue questionnaires to Huameng that include a separate rate section. The review will proceed if the responses provide sufficient indication that Huameng is not subject to either *de jure* or *de facto* government control with respect to its exports of fresh garlic.

The Department will instruct CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for certain entries of the subject merchandise from Huameng in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Specifically, the bonding privilege will only apply to entries of subject merchandise exported and produced by Huameng, the sales of which are the basis for this NSR request.

Interested parties requiring access to proprietary information in this proceeding should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: July 15, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–17834 Filed 7–20–15; 08:45 am]

BILLING CODE 3510–DS–P

[10] *See* 19 CFR 351.214(g)(1)(i)(B).

[11] *See* section 751(a)(2)(B)(iv) of the Act.

[12] *See* Import Administration Policy Bulletin, Number: 05.1. (*http://ia.ita.doc.gov/policy/bull05–1.pdf*).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–945]

Prestressed Concrete Steel Wire Strand From the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order

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

SUMMARY: On May 1, 2015, the Department of Commerce (the ''Department'') initiated the first five-year (''sunset'') review of the antidumping duty order on prestressed concrete steel wire strand (''PC strand'') from the People's Republic of China (''PRC'') pursuant to section 751(c) of the Tariff Act of 1930, as amended (the ''Act'').[1] As a result of this sunset review, the Department finds that revocation of the antidumping duty order on PC strand from the PRC would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: *Effective Date:* July 21, 2015.

FOR FURTHER INFORMATION CONTACT: Bob Palmer, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9068.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 2015, the Department published the notice of initiation of the sunset review of the antidumping duty order on PC strand from the PRC. In accordance with 19 CFR 351.218(d)(1)(i), the Department received notices of intent to participate in these sunset reviews from Insteel Wire Products Company, Sumiden Wire Products Corporation, and WMC Steel, LLC (collectively, ''Petitioners'') within 15 days after the date of publication of the *Initiation Notice* and the effective date of the initiation of this sunset review.[2] Petitioners claimed interested party status under section 771(9)(C) of the Act.

On June 1, 2015, the Department received an adequate substantive response from Petitioners within the deadline specified in 19 CFR 351.218(d)(3)(i).[3] We received no responses from respondent interested parties. As a result, the Department conducted an expedited (120-day) sunset review of the order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Analysis of Comments Received

All issues raised in this sunset review are addressed in the ''Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Prestressed Concrete Steel Wire Strand from the People's Republic of China'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with, and hereby adopted by, this notice (''Decision Memorandum''). The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order were to be revoked. Parties may find a complete discussion of all issues raised in the review and the corresponding recommendations in this public memorandum which is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (''ACCESS''). Access to ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit,

[1] *See Initiation of Five-Year (''Sunset'') Review,* 80 FR 24900 (May 1, 2015).

[2] *See* Letter to the Secretary from Petitioners, ''Five-Year (''Sunset'') Review of the Antidumping Duty Order on Prestressed Concrete Steel Wire Strand From the People's Republic of China—Notice of Intent to Participate'' (May 15, 2015).

[3] *See* Letter to the Secretary from Petitioners, ''Five-Year (''Sunset'') Review of Antidumping Duty Order on Prestressed Concrete Steel Wire Strand from the People's Republic of China—Domestic Industry's Substantive Response'' (June 1, 2015).

room B8024 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum is available directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

Scope of the Order

The merchandise subject to the antidumping duty order is PC strand, produced from wire of non-stainless, non-galvanized steel, which is suitable for use in prestressed concrete (both pretensioned and post-tensioned) applications. The product definition encompasses covered and uncovered strand and all types, grades, and diameters of PC strand. PC strand is normally sold in the United States in sizes ranging from 0.25 inches to 0.70 inches in diameter. PC strand made from galvanized wire is only excluded from the scope if the zinc and/or zinc oxide coating meets or exceeds the 0.40 oz./ft^2 standard set forth in ASTM–A–475. Imports of the subject merchandise are currently classifiable under subheadings 7312.10.3010 and 7312.10.3012 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Final Results of Review

Pursuant to section 752(c) of the Act, we determine that revocation of the antidumping duty order on PC strand from the PRC would be likely to lead to continuation or recurrence of dumping at weighted-average margins up to 193.55 percent.

Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return of destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This sunset review and notice are in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: July 14, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–17836 Filed 7–20–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–869]

Large Residential Washers From the Republic of Korea: Rescission of Countervailing Duty Administrative Review; 2014

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

SUMMARY: The Department of Commerce is rescinding the administrative review of the countervailing duty order on large residential washers (washers) from the Republic of Korea (Korea) covering the period January 1, 2014 through December 31, 2014.

DATES: *Effective:* July 21, 2015.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith, AD/CVD Operations Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–5255.

SUPPLEMENTARY INFORMATION:

Background

On April 3, 2015, the Department published in the **Federal Register** a notice of initiation of an administrative review of the countervailing duty order on washers from Korea covering the period January 1, 2014 through December 31, 2014.[1] The review covers two companies: Daewoo Electronics Corporation (Daewoo) and Samsung Electronics Co., Ltd (Samsung). On May 29, 2015, Whirlpool Corporation (Petitioner) withdrew its request for a review of both Daewoo and Samsung.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. The Department published the initiation on April 3, 2015.[2] Petitioner's withdrawal of its review request for both Daewoo and Samsung was submitted within the 90-day period following the publication of the *Initiation* and, thus, is timely.[3] No other party requested an administrative review of this countervailing duty order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review of the countervailing duty order on washers from Korea.

Assessment

The Department will instruct U.S. Customs and Border Patrol (CBP) to assess countervailing duties on all appropriate entries. Because the Department is rescinding this review in its entirety, the entries to which this administrative review pertained shall be assessed countervailing duties at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice.

Notifications

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of the APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with regulations and terms of an APO is a violation, which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(l) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: July 10, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–17846 Filed 7–20–15; 8:45 am]

BILLING CODE 3510–DS–P

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[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 80 FR 18202 (April 3, 2015) (*Initiation*). Samsung's name was misspelled in that notice and subsequently corrected in *Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 24233 (April 30, 2015).

[2] *See Initiation.*

[3] *See* Petitioner's May 29, 2015 letter.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–813]

Certain Preserved Mushrooms from India: Partial Rescission of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: The Department of Commerce (the Department) is partially rescinding its administrative review of the antidumping duty order on certain preserved mushrooms (mushrooms) from India for the period February 1, 2014, through January 31, 2015 (POR).

DATES: *Effective Date:* July 21, 2015.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or Terre Keaton Stefanova, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4929 or (202) 482–1280, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 2, 2015, the Department published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' of the antidumping duty order on mushrooms from India for the POR.[1]

On March 2, 2015, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), the Department received timely requests from Monterey Mushrooms Inc. (the petitioner), and Sunny Dell Foods Inc. (Sunny Dell), a domestic interested party, to conduct an administrative review of the sales of Agro Dutch Industries Limited (Agro Dutch), Himalya International Ltd. (Himalya), Hindustan Lever Ltd. (formerly Ponds India, Ltd.) (Hindustan), Transchem Ltd. (Transchem), and Weikfield Foods Pvt. Ltd (Weikfield).[2]

On April 3, 2015, the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on mushrooms from India with respect to the above-named companies.[3]

On May 1, 2015, we received a no shipment claim for the POR from Weikfield.[4]

On July 2, 2015, the petitioner and Sunny Dell timely withdrew their request for a review of Agro Dutch, Hindustan, Transchem, and Weikfield.[5]

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of notice of initiation of the requested review. The petitioner's and Sunny Dell's withdrawal requests were filed before the 90-day deadline. Therefore, in response to the withdrawals of request for review of Agro Dutch, Hindustan, Transchem and Weikfield, and pursuant to 19 CFR 351.213(d)(1), we are rescinding this review with regard to these companies. However, because the petitioner and Sunny Dell did not withdraw their requests for review of Himalya, the instant review will continue with respect to this company.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

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

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with section 751 of the Act and 19 CFR 351.213(d)(4).

Dated: July 15, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–17839 Filed 7–20–15; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 80 FR 5509 (February 2, 2015).

[2] *See* March 2, 2015, letters from the petitioner and Sunny Dell regarding request for administrative review.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 18202 (April 3, 2015).

[4] *See* Letter from Weikfield to the Department, dated April 30, 2015.

[5] *See* July 2, 2015, letters from the petitioner and Sunny Dell regarding withdrawal of request for review.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Recreational Charter Vessel Guide and Owner Data Collection

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before September 21, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be

directed to Amber Himes-Cornell, (206) 526–4221; or *Amber.Himes@noaa.gov or Dan Lew, (530) 554–1842, or Dan.Lew@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for reinstatement, with changes of a previously approved information collection.

Numerous management measures have recently been proposed or implemented that affect recreational charter boat fishing for Pacific halibut off Alaska. On January 5, 2010, NMFS issued a final rule establishing a limited entry permit system for charter vessels in the guided halibut sport fishery in International Pacific Halibut Commission Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska) (75FR554). This permit system is intended to address concerns about the growth of fishing capacity in this fishery sector, which accounts for a substantial portion of the overall recreational halibut catch in Alaska. On March 16, 2011, a size limit on Pacific halibut caught while charter boat fishing in Area 2C for the 2011 fishing season was established (76FR14300). In addition, a Halibut Catch Sharing Plan (76FR44156) was implemented in 2014 that altered the way Pacific halibut is allocated between the guided sport (*i.e.,* the charter sector) and the commercial halibut fishery.

To assess the effect of regulatory restrictions (currently in place or potential) on charter operator and owner behavior and welfare, it is necessary to obtain a better general understanding of the Alaska recreational charter boat industry. Some information useful for this purpose is already collected from existing sources, such as charter vessel logbooks administered by the Alaska Department of Fish and Game (ADF&G). In addition, a voluntary survey under this OMB Control Number administered to collect economic information for three fishing seasons (2011–2013) from business owners in the charter fleet was administered between 2012 and 2014. It collected information on vessel and crew characteristics, services offered to clients, spatial and temporal aspects of their operations and fishing behavior, and costs and earnings information for the three fishing seasons prior to implementation of the Halibut Catch Sharing Plan. These data were collected directly from the industry since they are not available from other existing data sources. A description of the previously-fielded survey and a summary of the results are available in a NOAA Technical Memorandum that can be accessed at *http://www.afsc.noaa.gov/Publications/AFSC-TM/NOAA-TM-AFSC-299.pdf.*

To evaluate changes in the charter sector associated with the Halibut Catch Sharing Plan, the National Marine Fisheries Service's (NMFS) Alaska Fisheries Science Center proposes to continue the implementation of the survey of charter vessel owners to collect annual cost, earnings, and employment data that will supplement logbook data collected by ADF&G. The proposed data collection will provide another three years of basic economic information about the charter sector beyond the 2011 to 2013 data that was collected previously, including revenues produced from different products and services provided to clients, fixed and variable operating costs, and locations of purchases. These data will support improved analysis and of the effects of fisheries regulations on the charter fishing industry, information that is increasingly needed by the North Pacific Fishery Management Council and NMFS to more completely understand ongoing halibut allocation issues and other fishery management issues involving the charter industry. The survey will have minor changes, including, possibly, a small set of questions about how charter vessels have been impacted by a new management program)

II. Method of Collection

The method of data collection will be a survey of charter vessel owners implemented through a voluntary mail questionnaire.

III. Data

OMB Control Number: 0648–0647.

Form Number: None.

Type of Review: Regular submission (reinstatement, with changes, of a previously approved information collection).

Affected Public: Individuals or households; business or other for profit organizations.

Estimated Number of Respondents: 1,200.

Estimated Time per Response: 60 minutes.

Estimated Total Annual Burden Hours: 1,200.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 15, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–17768 Filed 7–20–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Commerce Spectrum Management Advisory Committee Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information and the National Telecommunications and Information Administration (NTIA) on spectrum management policy matters.

DATES: The meeting will be held on August 26, 2015, from 1:00 p.m. to 4:00 p.m., Eastern Daylight Time.

ADDRESSES: The meeting will be held at the Boeing Regional Headquarters, 929 Long Bridge Drive, Arlington, VA 22202. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4099, Washington, DC 20230 or emailed to *BWashington@ntia.doc.gov.*

FOR FURTHER INFORMATION CONTACT: Bruce M. Washington, Designated Federal Officer, at (202) 482–6415 or *BWashington@ntia.doc.gov;* and/or visit NTIA's Web site at *http://www.ntia.doc.gov/category/csmac.*

SUPPLEMENTARY INFORMATION: *Background:* The Committee provides

advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management in order to: license radio frequencies in a way that maximizes their public benefits; keep wireless networks as open to innovation as possible; and make wireless services available to all Americans. *See* Charter at *http://www.ntia.doc.gov/other-publication/2013/csmac-2013-charter.* This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. 904(b). The Committee functions solely as an advisory body in compliance with the FACA. For more information about the Committee visit: *http://www.ntia.doc.gov/category/csmac.*

Matters to Be Considered: The Committee provides advice to the Assistant Secretary to assist in developing and maintaining spectrum management policies that enable the United States to maintain or strengthen its global leadership role in the introduction of communications technology and services and innovation, thus expanding the economy, adding jobs, and increasing international trade, while at the same time providing for the expansion of existing technologies and supporting the country's homeland security, national defense, and other critical needs of government missions. The Committee will hear reports of the following Subcommittees:

1. General Occupancy Measurements and Quantification of Federal Spectrum Use
2. Spectrum Sharing Cost Recovery Alternatives
3. Industry and Government Collaboration

NTIA will post a detailed agenda on its Web site, *http://www.ntia.doc.gov/category/csmac,* prior to the meeting. To the extent that the meeting time and agenda permit, any member of the public may speak to or otherwise address the Committee regarding the agenda items. *See Open Meeting and Public Participation Policy,* available at *http://www.ntia.doc.gov/category/csmac.*

Time and Date: The meeting will be held on August 26, 2015, from 1:00 p.m. to 4:00 p.m., Eastern Daylight Time. The times and the agenda topics are subject to change. The meeting will be available via two-way audio link and may be webcast. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/category/csmac,* for the most up-to-date meeting agenda and access information.

Place: The meeting will be held on the Ground Floor of the Boeing Regional Headquarters, 929 Long Bridge Drive, Arlington, VA 22202. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4099, Washington, DC 20230, or emailed to *BWashington@ntia.doc.gov.* The meeting will be open to the public and press on a first-come, first-served basis. Space is limited. In conformance with the access controls at the site, all visitors, including Foreign National Visitors, must send a written request to attend the meeting in person to Mr. Washington at *BWashington@ntia.doc.gov* no later than August 19, 2015. The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Mr. Washington at (202) 482–6415 or *BWashington@ntia.doc.gov* at least ten (10) business days prior to the meeting.

Status: Interested parties are invited to attend and to submit written comments to the Committee at any time before or after the meeting. Parties wishing to submit written comments for consideration by the Committee in advance of a meeting must send them to NTIA's Washington, DC office at the above-listed address and comments must be received five (5) business days before the scheduled meeting date, to provide sufficient time for review. Comments received after this date will be distributed to the Committee, but may not be reviewed prior to the meeting. It would be helpful if paper submissions also include a compact disc (CD) containing copies of the submissions in Microsoft Word or PDF formats. CDs should be labeled with the name and organizational affiliation of the filer. Alternatively, comments may be submitted electronically to *BWashington@ntia.doc.gov.* Comments provided via electronic mail also may be submitted in one or more of the formats specified above.

Records: NTIA maintains records of all Committee proceedings. Committee records are available for public inspection at NTIA's Washington, DC office at the address above. Documents including the Committee's charter, member list, agendas, minutes, and any reports are available on NTIA's Committee Web page at *http://www.ntia.doc.gov/category/csmac.*

Dated: July 15, 2015.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2015–17748 Filed 7–20–15; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant an Exclusive License of U.S. Government-Owned Patents

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 35 U.S.C. 209 (e) and 37 CFR 404.7 (a)(1)(i), announcement is made of the intent to grant an exclusive, royalty-bearing, revocable license to US Patent Application 14/500,084, filed September 29, 2014, entitled, ''A mechanical tourniquet apparatus and method of use'' and US Patent Application 14/500,191, filed September 29, 2014, entitled, ''A pneumatic tourniquet apparatus and method of use'' and PCT Patent Application PCT/US2014/058079, filed September 29, 2014, entitled, ''A mechanical tourniquet apparatus and method of use'' and PCT Patent Application PCT/US2014/058098, filed September 29, 2014, entitled, ''A pneumatic tourniquet apparatus and method of use'' to Alphapointe, a non-profit corporation, having a principal place of business at 7501 Prospect, Kansas City, MO 64132.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For licensing issues, Mr. Barry Datlof, Office of Research & Technology Assessment, (301) 619–0033. For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: Anyone wishing to object to the grant of this license can file written objections along with supporting evidence, if any, within 15 days from the date of this publication. Written objections are to be filed with the Command Judge Advocate (see **ADDRESSES**).

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–17761 Filed 7–20–15; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2015–0026]

Proposed Collection; Comment Request

AGENCY: U.S. Army Corps of Engineers, Civil Works Directorate, Department of Army, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the U.S. Army Corps of Engineers, Civil Works Directorate, Department of Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received September 21, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the U.S. Army Corps of Engineers, Directorate of Civil Works, Office of Planning and Policy, ATTN: Douglas Gorecki, 441 G Street, Washington, DC 20314, or call 202–761–5450.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: U.S. Army Corps of Engineers, Instrument(s) for Navigation Improvement Survey(s), Generic Collection OMB Control Number 0710–XXXX.

Needs and Uses: The primary purpose of the collections to be conducted under this clearance is to provide data which will be used in conjunction with other information to derive numerical values of shipper's, waterway carrier's and commercial fisher's behavior and estimates of transportation cost savings resulting from changes to the navigation infrastructure. In general, all collections under this generic clearance will be designed based upon accepted statistical practices and sampling methodologies, will gather consistent and valid data that are representative of the target population(s), address non-response bias issues, and achieve response rates needed to obtain statistically useful results.

Affected Public: Commodity shippers who use coastal harbors and/or inland waterways; carriers who transit inland waterways; and commercial fishers.

Annual Burden Hours: 500 hours.

Number of Respondents: 1500.

Responses per Respondent: 1.

Average Burden per Response: 0.33 hours.

Frequency: On occasion.

Respondents are users of the nation's inland waterways, harbors and ports including commercial shippers and commercial fishermen. The sample population is typically identified using available data on vessel ownership, commodities shipped; port residents (firms) and commercial fishing fleet owners and licensed fishers. The surveys are often coordinated with local governments and trade associations to encourage cooperation for a high response rate.

Dated: July 15, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–17776 Filed 7–20–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–33]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–33 with attached Policy Justification and Sensitivity of Technology.

Dated: July 15, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

JUL 14 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-33, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost $2.5 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 15–33

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Republic of Korea (ROK)

(ii) *Total Estimated Value:*

Major Defense Equipment*	$ .862 billion
Other	$1.638 billion
TOTAL	$2.500 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Upgrade of 134 KF–16C/D Block 52 aircraft, to include: 150 Modular Mission Computers (MMC 7000AH), 150 Active Electronically Scanned Array Radars (AESA), 150 AN/APX–125 or equivalent Advanced Identification Friend or Foe (AIFF) Systems, 150 LN–260 Embedded Global Positioning System/Inertial Navigation Systems, 150 Upgraded Radar Warning Receivers (RWR), 150 AN/ALQ–213 EW Management Units, 3 Joint Helmet Mounted Cueing System (JHMCS) II Group C Helmets, 150 JHMCS II Group A and B Helmets, 31 Joint Mission Planning Systems (JMPS), 5 GBU–54 Laser Joint Direct Attack Munitions (JDAM), 5 KMU–57C/B Bomb Tail Kits, 2 GBU–39 Small Diameter Bomb Guided Test Vehicles, 8 GBU–39 Small Diameter Bomb Tactical Training Rounds, 2 BRU–61 Small Diameter Bomb Common Carriage Assemblies, 5 MK–82 General Purpose Practice Bombs, 2 Joint Programmable Fuzes, 2 CBU–105 Wind Corrected Munitions Dispenser (WCMD) Sensor Fuzed Weapons (SFW), 1 CNU–411C/E,

WCMD Container, 2 ATM–65 Maverick Training Missiles, 2 ATM–84 Harpoon Block II Training Missiles, 2 AGM–84 Harpoon Block II Guidance Units, 2 CATM–9X–2 Captive Air Training Missiles, and 1 AIM–9X–2 Guidance Unit. Also included are containers, missile support and test equipment, provisioning, spare and repair parts, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor technical support services, and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (QEO, Amd #2)

(v) *Prior Related Cases, if any:*

FMS case QEO, $185M–3Jan14

FMS case QEO, Amd #1-$5M–11Mar14

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex.

(viii) *Date Report Delivered to Congress:* 14 JULY 2015

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Korea (ROK)—KF–16 Upgrade Program

The Government of the ROK requested a possible sale for the upgrade of 134 KF–16C/D Block 52 aircraft, to include: 150 Modular Mission Computers (MMC 7000AH), 150 Active Electronically Scanned Array Radars (AESA), 150 AN/APX–125 or equivalent Advanced Identification Friend or Foe (AIFF) Systems, 150 LN–260 Embedded Global Positioning System/Inertial Navigation Systems, 150 Upgraded Radar Warning Receivers (RWR), 150 AN/ALQ–213 EW Management Units, 3 Joint Helmet Mounted Cueing System (JHMCS) II Group C Helmets, 150 JHMCS II Group A and B, 31 Joint Mission Planning Systems (JMPS), 5 GBU–54 Laser Joint Direct Attack Munitions (JDAM), 5 KMU–57C/B Bomb Tail Kits, 2 GBU–39 Small Diameter Bomb Guided Test Vehicles, 8 GBU–39 Small Diameter Bomb Tactical Training Rounds, 2 BRU–61 Small Diameter Bomb Common Carriage Assemblies, 5 MK–82 General Purpose Practice Bombs, 2 Joint Programmable Fuzes, 2 CBU–105 Wind Corrected Munitions Dispenser (WCMD) Sensor Fuzed Weapons (SFW), 1 CNU–411C/E, WCMD Container, 2 ATM–65 Maverick Training Missiles, 2 ATM–84 Harpoon Block II Training Missiles, 2 AGM–84 Harpoon Block II Guidance Units, 2 CATM–9X–2 Captive Air Training Missiles, and 1 AIM–9X–2 Guidance Unit. Also included are containers, missile support and test equipment, provisioning, spare and repair parts, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor technical support services, and other related elements of logistics and program support. The total estimated cost is $2.5 billion.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by meeting the legitimate security and defense needs of an ally and partner nation. The ROK is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring peace and stability in that region. It is vital to the U.S. national interest to assist our Korean ally in developing and maintaining a strong and ready self-defense capability. The KF–16 Upgrade Program ensures interoperability and continued relations between the ROK and the U.S. Government for the foreseeable future.

The ROK Air Force is modernizing its KF–16 fleet to better support its air defense needs. This upgrade allows the ROK to protect and maintain critical airspace and provide a powerful defensive and offensive capability to preserve the security of the Korean peninsula and its vital national assets.The ROK will have no difficulty absorbing this additional equipment and support into its armed forces.

The proposed sale of this support will not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin Corporation in Fort Worth, Texas and Northrop Grumman Corporation in Falls Church, Virginia. The purchaser requested offsets. At this time, agreements are undetermined and will be defined in negotiations between the purchaser and contractor.

Implementation of this proposed sale requires travel of approximately 2 U.S. Government personnel on a permanent basis (potentially until contract completion) for program technical support and management oversight. This program also requires contractor personnel to travel to the ROK to meet similar requirements. The exact number of personnel will be defined during the contract negotiation.

There is no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 15–33

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. This sale involves the release of sensitive technology to Korea. The ROK has operated the KF–16 aircraft since 1994. This upgrade provides an updated platform of that same basic capability.

2. Sensitive and/or classified up to Secret elements of the proposed KF–16 upgrade include hardware, accessories, components, and associated software: Northrup Grumman AESA Radar, AN/APX–125 Advanced IFF (or equivalent), Modular Mission Computer (MMC), LN–260 Embedded Global Position System/Inertial Navigation System (GPS/INS), Digital AN/ALR–69A Radar Warning Receiver (RWR), Joint Helmet Mounted Cueing System II (JHMCS II), Joint Mission Planning System (JMPS), Joint Direct Attack Munition (JDAM) series weapons, GBU–39 Small Diameter Bomb (SDB), MK–82/84 general purpose bombs, Joint Programmable Fuze (JPF), Wind Corrected Munition Dispenser (WCMD) Sensor Fuzed Weapon (SFW), Harpoon Block II, and AIM–9X–2.

3. Active Electronically Scanned Array (AESA) radars represent the latest in fire control radar technology. AESA radars contain digital technology, including high processor and transmitter power, sensitive receiver electronics, and Synthetic Aperture Radar (SAR) technology, which creates high resolution radar ground maps. This radar also incorporates Non-Cooperative Target Recognition (NCTR), which is a technology that utilizes measurements taken of an aircraft engine and compares those measurements with a database to aid in combat identification of that aircraft. Complete hardware is classified Secret; major components and subsystems are classified Secret; software is classified Secret; and technical data and documentation are classified up to Secret.

4. The AN/APX–125 Advanced Identification Friend or Foe (AIFF) is a dual Mode 4 and 5 capable system. It is Unclassified unless/until Mode IV and/or Mode V operational evaluator parameters are loaded into the equipment. Classified elements of the IFF system include software object code, operating characteristics, parameters, and technical data. Mode IV and Mode V anti-jam performance specifications/data, software source code, algorithms, and tempest plans or reports will not be

offered, released, discussed or demonstrated.

5. The Modular Mission Computer (MMC) is the central aircraft computer of the F–16. It serves as the hub for all aircraft subsystems and avionics data transfer. The hardware and software are classified Secret.

6. The LN–260 Embedded GPS–INS is a sensor that combines GPS and inertial sensor inputs to provide accurate location information for navigation and targeting. The EGI LN–260 is Unclassified. The GPS cryptovariable keys needed for highest GPS accuracy are classified up to Secret.

7. The AN/ALR–69A Digital Radar Warning Receiver (RWR) is the latest in RWR technology, designed to detect incoming radar signals, identify and characterize those signals to a specific threat, and alert the aircrew through the RWR System display. The system consists of external antennae mounted on the fuselage and wingtips. The ALR–69A is based on a digitally-controlled, 16 channel broadband receiver that scans within a specific frequency spectrum and is capable of adjusting to threat changes by modifications to the software. In Country Reprogramming RWR capability will not be provided as part of this export. Hardware is Unclassified. Software is Secret. Technical data and documentation to be provided is Secret.

8. The Joint Helmet Mounted Cueing System (JHMCS) II is a modified HGU–55/P helmet that incorporates a visor-projected Heads-Up Display (HUD) to cue weapons and aircraft sensors to air and ground targets. This system projects visual targeting and aircraft performance information on the back of the helmet's visor, enabling the pilot to monitor this information without interrupting his field of view through the cockpit canopy. This provides improvement for close combat targeting and engagement. Hardware is Unclassified.

9. The Joint Mission Planning System (JMPS) is a multi-platform PC based mission planning system. JMPS hardware is Unclassified and the software is classified up to Secret.

10. The GBU–31(v)1/31(v)3/38 are 2000lbs and 500lbs Joint Direct Attack Munition (JDAM) weapons respectively, with a guidance tail kit that converts unguided free-fall bombs into accurate, adverse weather ''smart'' munitions. The GBU–31(v)1 utilizes a MK–84 bomb body and the (v)3 utilizes a BLU–109 bomb body. With the addition of a new tail section that contains an inertial navigational system and a global positioning system guidance control unit, JDAM improves the accuracy of unguided, general-purpose bombs in any weather condition. JDAM can be launched from very low to very high altitudes in a dive, toss and loft, or in straight and level flight with an on-axis or off-axis delivery. The JDAM enables multiple weapons to be directed against single or multiple targets on a single pass. The JDAM AUR (All Up Round) and all of its components are Unclassified, technical data for JDAM is classified up to Secret.

11. The GBU–54/56 are 500lbs/2000lbs dual mode laser and GPS guided JDAMs respectively. The GBU–54/56 contains a DSU–40 Laser Sensor that uses both Global Position System aided inertial navigations and/or Laser guidance to execute threat targets. The Laser sensor enhances the standard JDAM's reactive target capability by allowing rapid prosecution of fixed targets with large initial target location errors (TLE). The DSU–40 Laser sensor also provides the additional capability to engage mobile targets moving up to 70 mph. The DSU–40 Laser sensor is a strap down (non-gimbaled) sensor that attaches to the Mk-84 or Blu-117 bomb body in the forward fuze well. Information revealing target designation tactics and associated aircraft maneuvers, the probability of destroying specific/peculiar targets, vulnerabilities regarding countermeasures and the electromagnetic environment is classified Secret. Information revealing the probability of destroying common/unspecified targets, the number of simultaneous lasers the laser seeker head can discriminate, and data on the radar/infra-red frequency is classified Confidential.

12. The GBU–39 Small Diameter Bomb (SDB) is a 250lb class weapon designed as a small autonomous, conventional, air-to-ground, precision glide weapon able to strike fixed and stationary re-locatable targets from standoff range. The SDB weapon system consists of the GBU–39 weapon and the BRU–61/A carriage system. The SDB uses tightly coupled Anti-Jam GPS aided INS for guidance to the coordinates of a stationary target. The warhead is a very effective multipurpose penetrating and blast fragmentation warhead. A proximity sensor provides a height of burst capability. The hardware and software are classified Secret.

13. The BRU–61/A carriage system consists of a four-place rack with a self-contained pneumatic charging and accumulator section designed to carry the GBU–39 SDB. Four ejector assemblies hold the individual weapons. Internal avionics and wire harnesses connect the carriage system to the aircraft and to the individual weapons. The carriage avionics assembly provides the interface between the individual stores and the aircraft for targeting, GPS keys, alignment, fuze settings, and weapon release sequence information. The hardware is Unclassified.

14. The MK–82/84 are 500lbs/2000lbs general purpose bombs respectively designed to attack soft and intermediately protected targets. The destruction mechanism is blast and fragmentation. The weapons are Unclassified.

15. The Joint Programmable Fuze (JPF) FMU–152 is a multi-delay, multi-arm and proximity sensor compatible with general purpose blast, frag and hardened-target penetrator weapons. The JPF settings are cockpit selectable in flight when used with JDAM weapons. The JPF hardware is Unclassified.

16. CBU–105D/B Sensor Fused Weapon (SFW) is an advanced 1,000 lb class cluster bomb munition containing sensor fused sub-munitions that are designed to attack and defeat a wide range of moving or stationary land and maritime threats with minimal collateral damage. The SFW is currently the only combat proven, clean battle weapon that meets U.S. policy regarding cluster munition safety standards. The CBU–105 major components include the SUU–66 Tactical Munitions Dispenser (TMD), ten (10) BLU–108 sub-munitions, each with four (4) ''hockey puck'' shaped skeet infrared sensing projectiles for a total of forty (40) warheads. The munition is delivered in its All-Up-Round (AUR) configuration. This configuration is Unclassified. No access to the CBU–105 in other than its AUR configuration is anticipated. Although very difficult to open, access to the sub-munitions, and technical data are classified up to Secret.

17. The TGM–65G Maverick is the inert/training version of an air-to-ground missile. The hardware is Unclassified, but has an overall classification of Secret. The Secret aspects of the Maverick system are tactics, information revealing its vulnerability to countermeasures, and counter-countermeasures. Manuals and technical documents that are necessary for operational use and organizational maintenance have portions that are classified Confidential. Performance and operating logic of the countermeasures circuits are Secret.

18. The AGM–84 Harpoon missile is an air-launched, anti-ship, 75nm range, sea skimming, ''fire and forget'' missile with auto-pilot navigation and multiple waypoint capability. Harpoon Block I terminal guidance is provided by a radar

seeker with a selectable attack profile. The Harpoon Block II upgrade incorporates software and hardware changes that will add an improved Anti-Surface Warfare (ASUW) capability against ships in the open ocean and in the littoral. Harpoon Block II hardware improvements include a new Guidance Control Unit (GCU) that uses GPS aided inertial navigation. This improves the missile's overall navigation accuracy. GPS accuracy also gives Harpoon Block II an inherent secondary role against land-based targets, making Block II useful in coastal target suppression roles. Harpoon Block II software improvements includes changes to the launching system that provides the operator with the ability to superimpose a geographic coastline on the mission planning screen. This allows the user to shape the search pattern of the Harpoon seeker in ASUW mode, enhancing its performance in littoral areas. The information on the Harpoon is classified Secret.

19. The AIM–9X–2 Sidewinder missile is a 5th generation air-to-air guided missile that employs a passive infrared (IR) target acquisition system that features digital technology and micro-miniature solid-state electronics. The AIM–9X–2 AUR is Confidential, major components and subsystems range from Unclassified to Confidential, and technical data and other documentation are classified up to Secret.

20. If a technologically advanced adversary obtained knowledge of the specific hardware or software in the proposed sale, the information could be used to develop countermeasures which might reduce weapons system effectiveness or be used in the development of a system with similar or advanced capabilities.

21. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

22. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Korea.

[FR Doc. 2015–17774 Filed 7–20–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–HA–0162]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by August 20, 2015.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Surveys on Viability of TRICARE Standard and TRICARE Extra; OMB Control Number 0720–0031.

Type of Request: Reinstatement.

Number of Respondents: 50000.

Responses Per Respondent: 1.

Annual Responses: 50000.

Average Burden Per Response: 5 minutes.

Annual Burden Hours: 4167.

Needs and Uses: The survey will gather data on providers (physicians and mental health providers) to assess the extent to which they are aware of the overall TRICARE program, accept new TRICARE Standard patients specifically, and the extent to which these physicians accept Medicare patients. The information gathered through this project will be used to generate reports to address the legislative requirements specified in section 711 of the FY08 NDAA and section 721 of the FY 2012 NDAA. Information resulting from the collection efforts of this project will assist DoD in developing policies and initiatives to improve TRICARE beneficiaries' access to civilian providers. The results of the previous survey efforts have been briefed to, or provided in written communication to the Defense Health Agency and senior DoD personnel, TRICARE Regional Office Directors and their staff, members of Congress, selected state leaders and selected medical societies, staff members of the Government Accountability Office, TRICARE Beneficiary Groups, at the Military Health Service (MHS) Conferences. The results have also been referenced in public media such as the Military Officers Association of America. None of these audiences have ever been provided information that would permit them to identify individual providers, but instead were briefed using aggregate measures of provider knowledge or behavior within specific analysis groups such as health care markets or provider areas of specialization.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra at the Office of Management and Budget, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: July 16, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–17844 Filed 7–20–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0062]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Federal Perkins Loan Program Master Promissory Note

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 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 20, 2015.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://wwww.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0062. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* 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, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

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: Federal Perkins Loan Program Master Promissory Note.

OMB Control Number: 1845–0074.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 276, 934.

Total Estimated Number of Annual Burden Hours: 138, 467.

Abstract: The Federal Perkins Loan Master Promissory Note (MPN) provides the terms and conditions of the Perkins Loan program and is prepared by the participating eligible institution and signed by the borrower. The borrower may receive loans for a single academic year or multiple academic years. The adoption of the MPN in the Perkins Loan Program has simplified the loan process by eliminating the need for institutions to prepare and students to sign, a promissory note each award year.

Dated: July 16, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–17829 Filed 7–20–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2149–000]

Century Marketer LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Century Marketer LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 3, 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: July 14, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17786 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14675–000]

Siting Renewables, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On April 9, 2015, Siting Renewables, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project to be located at the existing Chain Dam on the Lehigh River,

near the City of Easton, Northampton County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed Chain Dam Hydroelectric Project would consist of the following: (1) An existing 20-foot-high concrete gravity dam with a 690-foot-long spillway; (2) an existing impoundment having a surface area of approximately 300 acres and a storage capacity of 1,200 acre-feet at an elevation of 190 feet mean sea level (msl); (2) three channels, each with a very low head (VLH) 500-kilowatt (kW) turbine-generator unit, with a maximum generating capacity of 1,500 kW, with a maximum hydraulic capacity of 2,300 cubic feet per second under a net head of 13.5 feet, (3) three new, heavy flotsam racks; (4) a crest-mounted walkway carrying hydraulic and electrical conduits from the VLH turbines to a new powerhouse; and (5) a 280-foot-long 12.42/7.2 kilovolt primary transmission line. The estimated annual generation of the proposed project would be 7,880,000 kilowatt-hours.

Applicant Contact: Mr. Ralph J. Jones, Siting Renewables, LLC, 1800 Rt. 34, Suite 101, Wall, NJ 07719; phone: (855) 946–7652.

FERC Contact: Monir Chowdhury; phone: (202) 502–6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14675–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14675) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 14, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17790 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–505–000]

Natural Gas Pipeline Company of America, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Chicago Market Expansion Project, and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Chicago Market Expansion Project (Project) involving construction and operation of facilities by Natural Gas Pipeline Company of America, LLC (Natural) in Livingston County, Illinois. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. 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 August 9, 2015.

If you sent comments on this Project to the Commission before the opening of this docket on June 1, 2015, you will need to file those comments in Docket No. CP15–505–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this proposed Project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a Natural representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Natural provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. 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 Project docket number (CP15–505–000) with your submission:

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Proposed Project

Natural proposes to construct and operate a new compressor station and associated facilities in Livingston County, Illinois. Specifically, Natural proposes to construct and operate one new 30,000 horsepower compressor station with suction and discharge station interconnect piping; and ancillary facilities. The Project would provide about 238,000 dekatherms of incremental northbound firm transportation capacity to the city of Chicago, Illinois and neighboring areas.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 21 acres of land of which 19.2 acres would remain as the permanent facility following construction. The remaining 1.8 acres consists of temporary workspace necessary to accommodate construction of the Project. The temporary workspace would be restored to its previous land use and maintained in its pre-construction condition.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. The NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed Project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the proposed Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary (for directions on the use of eLibrary, please see the additional Information Section on page 6). Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this Project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultations with the Illinois State Historic Preservation Office (SHPO), and to solicit its views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[4] We will define the Project-specific Area of Potential Effects (APE) in consultation with the SHPO as the Project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Indian 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 project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project.

Copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''Document's & Filings'' link. Click on the eLibrary link, click on General Search and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP15–505). 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: July 9, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17806 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–18–000]

Eastern Shore Natural Gas Company; Supplemental Notice of Intent To Prepare an Environmental Assessment for the Proposed White Oak Mainline Expansion Project and Request for Comments on Environmental Issues

On January 22, 2015, the Federal Energy Regulatory Commission (FERC or Commission) issued in Docket No. CP15–18–000 a *Notice of Intent to Prepare an Environmental Assessment for the Proposed White Oak Mainline Expansion Project and Request for Comments on Environmental Issues* (NOI). Since its application in the above-referenced docket, FERC staff has requested information regarding the proposed facilities, as well as alternative routes to the proposed Kemblesville Loop [1] in Chester County, Pennsylvania. On June 2, 2015, FERC staff also conducted an onsite environmental review of the proposed pipeline and several alternative routes. In response to data requested by FERC staff, Eastern Shore Natural Gas Company (Eastern Shore) provided information on four alternative pipeline routes. FERC staff is further evaluating Alternative Route 2 as described in Eastern Shore's April 21, 2015 response. This Supplemental Notice is being issued to seek comments on Alternative Route 2 and opens a new scoping period for interested parties to file comments on environmental issues specific to this alternative route.

The January 22, 2015 NOI announced that the FERC staff will prepare an environmental assessment (EA) to address the environmental impacts of the White Oak Mainline Expansion Project (Project). Please refer to the NOI for more information about the overall facilities proposed by Eastern Shore in Pennsylvania and Delaware, and FERC staff's EA process. The Commission will use the EA in its decision-making process to determine whether the Project is in the public convenience and necessity.

The Commission previously solicited public input on the Project in the beginning of 2015. We [2] are now specifically seeking comments on the Kemblesville Loop Alternative Route 2 to help the Commission staff evaluate the environmental impact associated with the alternative and how that compares to the currently proposed route. Please note that this special scoping period will close on August 8, 2015.

This Supplemental Notice is being sent to the Commission's current environmental mailing list for this Project, including new landowners that would be affected by the alternative pipeline route.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if the easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature located on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the eFiling feature located on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing;'' or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of Kemblesville Loop Alternative Route 2

The Kemblesville Loop Alternative Route 2 would be collocated entirely with the existing right-of-way for Eastern Shore's White Oak mainline

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[1] A pipeline loop is constructed parallel to an existing pipeline to increase capacity.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

pipeline and existing loop. This alternative route would involve construction in residential areas as the surrounding area has been developed into several residential subdivisions since installation of the original mainline pipeline. The Kemblesville Loop Alternative Route 2 would be about 2.1 miles in length and would use previously disturbed land and two existing crossing locations of the White Clay Creek National Wild and Scenic River, administered by the U.S. Department of Interior's National Park Service, using a flume and/or dam and pump crossing method. In comparison, the currently proposed 3.9-mile-long route would follow existing rights-of-way for 41.9 percent of the route and would include two horizontal directional drill crossings of tributaries of the White Clay Creek National Wild and Scenic River.

An overview map of the Kemblesville Loop Alternative Route 2 that follows the existing Eastern Shore pipeline right-of-way and the currently proposed route is included in Appendix 1.[3]

Currently Identified Environmental Issues

We have identified several issues that we think deserve attention for our comparison of the proposed route and the Kemblesville Loop Alternative Route 2 based on a review of the proposed facilities and the environmental information provided by Eastern Shore. This preliminary list of issues may be changed based on your comments and our analysis.

- crossings of the White Clay Creek National Wild and Scenic River;
- old growth forested areas along the pipeline routes; and
- noxious weeds.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; commenters; and local libraries and newspapers. This list also includes landowners affected by the pipelines as currently proposed, as well as landowners that may be affected by the Kemblesville Loop Alternative Route 2. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project.

Copies of the completed EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of a CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP15–18). 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.*

Dated: July 9, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17805 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

[3] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2134–000]

Sky River Asset Holdings, LLC; Supplemental Notice that Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Sky River Asset Holdings, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 29, 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: July 9, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17804 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2130–000]

Roosevelt Wind Project, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Roosevelt Wind Project, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 29, 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: July 9, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17813 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–51–000]

City Water and Light Plant of the City of Jonesboro; Notice of Filing

July 9, 2015.

Take notice that on July 8, 2015, the City Water and Light Plant of the City of Jonesboro submitted a Supplement to its March 6, 2015 application of cost-based revenue requirements schedule for reactive power production capability.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 20, 2015.

Dated: July 9, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17808 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–8–000]

Northwest Pipeline, LLC: Notice of Availability of the Environmental Assessment for the Proposed Kalama Lateral Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Kalama Lateral Project, proposed by Northwest Pipeline, LLC (Northwest) in the above-referenced docket. Northwest requests authorization to construct and operate about 3.1 miles of natural gas transmission pipeline and associated facilities in Cowlitz County, Washington. The Project would provide about 320 million cubic feet per day of natural gas to the NW Innovation Works' (NWIW) proposed Kalama Manufacturing & Marine Export Facility Methanol Plant, a methanol production facility that would be located at the Port of Kalama, also in Cowlitz County.

The EA assesses the potential environmental effects of the construction and operation of the Kalama Lateral Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of

the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

There were not any agencies that participated as cooperating agencies in the preparation of the EA.

The proposed Kalama Lateral Project includes the following facilities:

- About 3.1 miles of 24-inch-diameter natural gas pipeline;
- one meter station, the Kalama Delivery Lateral Meter Station, within the boundaries of the Methanol Plant;
- one pig launcher at the proposed interconnect/tie-in location with the existing Ignacio to Sumas 30-inch-diameter mainline and one pig receiver at the proposed meter station site; and
- new appurtenances at the proposed tie-in location, including a new tap, valve, and isolated flange.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding.

In addition, the Kalama Lateral Project EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426 (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before August 12, 2015.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket number (CP15–8–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP15–8). 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.*

Dated: July 13, 2015..

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17789 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

[1] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP15–101–000]

Florida Gas Transmission Company, LLC; Notice of Informal Settlement Conference

Take notice that an informal settlement conference will be convened in this proceeding commencing at 10:00 a.m. (EDT) on Wednesday, July 22, 2015 and continuing on Thursday, July 23, 2015, at the offices of the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For additional information, please contact Ken Ende at (202) 502–6762, *kenneth.ende@ferc.gov,* or Andrew Schulte at (202) 502–8136, *andrew.schulte@ferc.gov* or Cheryl Feik Ryan at (202) 502–6506, *cheryl.ryan@ferc.gov.*

Dated: July 13, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17788 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL13–88–000]

Northern Indiana Public Service Company v. Midcontinent Independent System Operator, Inc. and PJM Interconnection, L.L.C.; Notice of Request for Comments

On September 11, 2013, Northern Indiana Public Service Company (NIPSCO) filed a complaint against Midcontinent Independent System Operator, Inc. (MISO) and PJM Interconnection, L.L.C. (PJM).[1] NIPSCO requested that the Commission order MISO and PJM (the RTOs) to reform the interregional planning process of the Joint Operating Agreement between MISO and PJM (MISO–PJM JOA). On June 15, 2015, the Commission held a technical conference to explore issues raised in the Complaint related to the MISO–PJM JOA and the MISO–PJM seam.

Shown below are post-technical conference questions for which the Commission seeks further comment. To the extent that any response calls for specific revisions to the MISO–PJM JOA, the Commission requests that parties also provide redline revisions to the MISO–PJM JOA where possible.

1. According to comments made at the technical conference, it appears that several MISO and/or PJM stakeholder groups are currently working on potential revisions to the MISO–PJM JOA, MISO tariff and/or PJM tariff (*e.g.,* models and assumptions, Market Efficiency Project and Cross Border Market Efficiency Project criteria, etc.). Please comment on the status of that effort, the potential revisions being considered, and the timing of any proposed revisions to be filed with the Commission for consideration.

2. Provide specific examples of types of facilities that could have a significant benefit (*e.g.,* relieving congestion across the seam) but may not pass MISO's regional Market Efficiency Project and/or Cross-Border Market Efficiency Project criteria. To the extent such facilities would have significant benefit, what steps do the RTOs need to take to address the matter?

3. What specific revisions would need to be made to the MISO–PJM JOA in order to better align the existing regional transmission planning cycles with the interregional transmission planning process?

4. Would revisions to the MISO–PJM JOA to require the RTOs to, annually, or at some other regular interval, conduct a joint interregional transmission planning study help to address the issues created by the configuration of the PJM and MISO planning regions? If so, what specific revisions to the MISO–PJM JOA would be required?

5. Based on comments at the technical conference, it appears that projects that successfully navigate the Interregional Planning Stakeholder Advisory Committee process must be studied and approved two more times—once through the MISO regional planning process and once through the PJM regional planning process. Please give specific examples of reforms that could be made to address this ''triple hurdle'' [2] (*e.g.,* creation of a new project category for interregional transmission projects to be eligible for selection in the two RTOs' respective regional transmission plans).

6. Please explain whether the avoidance of market-to-market payments should be included in the assessment of the benefits of Cross-Border Market Efficiency Projects.

7. Should the MISO–PJM JOA be revised to include the process and study scope of the ''Quick Hit'' [3] study process? Please explain why or why not.

8. Explain ways in which the RTOs can better coordinate planning of new generator interconnection and generator retirement. Would using models with the same assumptions and criteria be one way to better coordinate? What specific revisions would need to be made to the MISO–PJM JOA?

Interested parties should submit comments in response to the questions above on or before August 14, 2015. Reply comments must be filed on or before August 31, 2015.

ADDRESSES: Parties may submit comments by one of the following methods: Agency Web site: *http://www.ferc.gov/.* Follow the instructions for submitting comments via the eFiling link found under the ''Documents and Filing'' tab.

Mail: Those unable to file comments electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

All comments submitted should be identified by Docket No. EL13–88–000.

For further information contact:

Jason Strong (Technical Information)
Federal Energy Regulatory Commission, Office of Energy Market Regulation
888 First Street NE., Washington, DC 20426
(202) 502–6124
jason.strong@ferc.gov

Ben Foster (Technical Information)
Federal Energy Regulatory Commission, Office of Energy Policy and Innovation
888 First Street NE., Washington, DC 20426
(202) 502–6149
ben.foster@ferc.gov

Lina Naik (Legal Information)
Federal Energy Regulatory Commission, Office of the General Counsel
888 First Street NE., Washington, DC 20426
(202) 502–8882
lina.naik@ferc.gov

Dated: July 15, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17811 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

[1] NIPSCO Complaint, Docket No. EL13–88–000 (filed Sept. 11, 2013).

[2] Various panelists referred to this process as the ''triple hurdle'' problem.

[3] MISO and PJM state that under the newly initiated PJM and MISO ''Quick Hit'' study, the RTOs are considering near-term upgrades to remedy recent historical interregional congestion issues. MISO and PJM explain that this study allows projects to be identified more quickly and alleviate the underlying issues promptly. MISO and PJM Joint Comments at 3, n.10 (filed Mar. 31, 2015). *See also* PJM/MISO Interregional Planning Stakeholder Advisory Committee Meeting Presentation at 4 (The ''Quick Hit'' study goal is to identify valuable projects on the MISO–PJM seam. Valuable projects are those that will relieve known Market-to-Market issues, are completed in a relatively short time frame, have a quick payback on investment, and are not greenfield projects.)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–525–000; PF15–9–000]

UGI Sunbury, LLC; Notice of Application

Take notice that on July 1, 2015, UGI Sunbury, LLC (Sunbury), 460 N. Gulph Road, King of Prussia, PA 19406, filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Parts 157 and 284 of the Commission's Regulations requesting: (i) A certificate authorizing Sunbury to construct, own, and operate new interstate natural gas pipeline facilities (Sunbury Pipeline Project); (ii) a blanket certificate authorizing Sunbury to construct and/or abandon certain eligible facilities, and (iii) a blanket certificate authorizing Sunbury authority to provide open-access transportation services with pre-granted abandonment authority. The Sunbury Pipeline Project is designed to add an additional 200,000 Dth/d of new

pipeline capacity to industrial and residential users and would require the construction of approximately 34.4 miles of 20-inch-diameter pipeline in Snyder, Union, Northumberland, Montour, and Lycoming Counties, Pennsylvania.

The Sunbury Pipeline Project would run generally north to south, interconnecting with the pipeline facilities of Transcontinental Gas Pipeline Company and the MARC I Pipeline at its northern end and also interconnecting with the distribution facilities of UGI Penn Natural Gas and UGI Central Penn Gas. At its southern terminus the Sunbury Pipeline would connect to the proposed Hummel Station Generating Facility at the existing site of the coal-fired Sunbury Generating Facility in Snyder County, Pennsylvania. The estimated cost of the Project is $178,243,345. The filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application should be directed to Anthony C. Cox, Director, UGI Sunbury, LLC, One Meridian Blvd., Suite 2C01, Wyomissing, PA 19610, phone: (610) 373–7999, facsimile: (610) 374–4288, email: *acox@sunburypipeline.com,* or Janna R. Chesno, Hogan Lovells US LLP, 555 Thirteen Street NW., Washington, DC 20004, phone: (202) 637–5600, facsimile: (202) 637–5910, email: *janna.chesno@hoganlovells.com.*

On December 30, 2014 the Commission granted Sunbury's request to utilize the Pre-Filing Process and assigned Docket No. PF15–9–000 to staff activities involved in the Sunbury Pipeline Project. Now, as of the filing of the July 1 application, the Pre-Filing Process for this Project has ended. From this time forward, this proceeding will be conducted in Docket No. CP15–525–000 as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 5 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; *see*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: August 5, 2015.

Dated: July 15, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17810 Filed 7–20–15; 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 exempt wholesale generator filings:

Docket Numbers: EG15–105–000.

Applicants: Prairie Breeze Wind Energy III LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Prairie Breeze Wind Energy III LLC.

Filed Date: 7/15/15.

Accession Number: 20150715–5103.

Comments Due: 5 p.m. ET 8/5/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2881–014; ER14–787–002; ER13–1541–008; ER13–1101–009; ER10–2886–014; ER10–2885–014; ER10–2884–014; ER10–2883–014; ER10–2882–014; ER10–2663–014; ER10–2641–014; EL15–39–000.

Applicants: Alabama Power Company, Southern Power Company, Mississippi Power Company, Georgia Power Company, Gulf Power Company, Oleander Power Project, Limited Partnership, Southern Company—Florida LLC, Southern Turner Cimarron I, LLC, Spectrum Nevada Solar, LLC, Campo Verde Solar, LLC, Macho Springs Solar, LLC.

Description: Answer of Alabama Power Company, et al., to the April 27, 2015 Order.

Filed Date: 6/26/15.

Accession Number: 20150701–0178.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER14–1485–004.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: PJM Request to Release Stay in Docket No. ER14–1485–000 to be effective 6/11/2014.

Filed Date: 7/15/15.

Accession Number: 20150715–5088.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–279–001.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Compliance Filing—Central Nebraska Public Power & Irrig. District Stated Rate to be effective 1/1/2015.

Filed Date: 7/15/15.

Accession Number: 20150715–5093.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–529–001.

Applicants: Arizona Public Service Company.

Description: Compliance filing: OATT Modifications Pursuant to Order 676–H to be effective 5/15/2015.

Filed Date: 7/15/15.

Accession Number: 20150715–5084.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–547–001.

Applicants: Avista Corporation.

Description: Compliance filing: Avista Corp OATT Order 676–H Compliance Filing to be effective 7/16/2015.

Filed Date: 7/15/15.

Accession Number: 20150715–5082.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–1419–002.

Applicants: Emera Maine.

Description: Compliance filing: Order No. 676–H compliance filing to be effective 5/15/2015.

Filed Date: 7/15/15.

Accession Number: 20150715–5054.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–2207–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) Rate Filing: First Revised Service Agreement No. 3915; Queue Y2–042/Z2–104 (WMPA) to be effective 6/19/2015.

Filed Date: 7/15/15.

Accession Number: 20150715–5081.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–2208–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: Section 205(d) Rate Filing: Winter Reliability Solution to be effective 9/14/2015.

Filed Date: 7/15/15.

Accession Number: 20150715–5083.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–2209–000.

Applicants: Public Service Company of New Mexico.

Description: Section 205(d) Rate Filing: Certificates of Concurrence—Multiple ANPP Agreements to be effective 5/24/2012.

Filed Date: 7/15/15.

Accession Number: 20150715–5116.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–2210–000.

Applicants: Public Service Company of New Mexico.

Description: Tariff Cancellation: Cancellation of Filed Version to be effective 2/27/2013.

Filed Date: 7/15/15.

Accession Number: 20150715–5117.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–2211–000.

Applicants: MidAmerican Energy Services, LLC.

Description: Baseline eTariff Filing: Market-Based Rates—Initial Filing to be effective 9/14/2015.

Filed Date: 7/15/15.

Accession Number: 20150715–5125.

Comments Due: 5 p.m. ET 8/5/15.

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: July 15, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–17799 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12711–005]

Ocean Renewable Power Company; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Extension of License Term.

b. *Project No.:* 12711–005.

c. *Date Filed:* June 5, 2015.

d. *Applicant:* Ocean Renewable Power Company.

e. *Name of Project:* Cobscook Bay Tidal Energy Project.

f. *Location:* Cobscook Bay, Washington County, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Nathan E. Johnson, Ocean Renewable Power Company, 66 Pearl Street, Suite 301, Portland, ME 04101.

i. *FERC Contact:* Ms. Andrea Claros, (202) 502–8171, *andrea.claros@ferc.gov*.

j. Deadline for filing comments, motions to intervene, and protests, is 30 days from the issuance date of this notice by the Commission. All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments.

Please include the project number (P–12711–005) on any comments, motions, or recommendations filed.

k. *Description of Request:* Ocean Renewable Power Company (ORPC) requests the Commission to extend the term of the Cobscook Bay Tidal Energy Project pilot project license for two years from February 1, 2020 to February 1, 2022. ORPC received an eight-year pilot project license on February 27, 2012. ORPC states that precedence exists for longer-term (10 year) pilot project licenses. ORPC is currently in a technology optimization phase and the extension would provide opportunity to test alternative turbine designs.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number

excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208- 3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the application. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: July 14, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17787 Filed 7–20–15; 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: EC15–168–000.
Applicants: Blue Cube Operations LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Action of Blue Cube Operations LLC.
Filed Date: 7/14/15.
Accession Number: 20150714–5176.
Comments Due: 5 p.m. ET 8/4/15.

Docket Numbers: EC15–169–000.
Applicants: MDU Resources Group, Inc., Thunder Spirit Wind, LLC, Ace Wind LLC.
Description: Application of MDU Resources Group, Inc., et al. for Authorization Under Section 203 of the Federal Power Act for Disposition of Jurisdiction Facilities and Request for Expedited Consideration and Confidential Treatment.
Filed Date: 7/14/15.
Accession Number: 20150714–5180.
Comments Due: 5 p.m. ET 8/4/15.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–102–000.
Applicants: Grant Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Grant Wind, LLC.
Filed Date: 7/14/15.
Accession Number: 20150714–5137.
Comments Due: 5 p.m. ET 8/4/15.

Docket Numbers: EG15–103–000.
Applicants: McCoy Solar, LLC.
Description: Notice of Self-certification of Exempt Wholesale Generator Status of McCoy Solar, LLC.
Filed Date: 7/14/15.
Accession Number: 20150714–5138.
Comments Due: 5 p.m. ET 8/4/15.

Docket Numbers: EG15–104–000.
Applicants: Javelina Wind Energy, LLC.
Description: Notice of Self-certification of Exempt Wholesale Generator Status of Javelina Wind Energy, LLC.
Filed Date: 7/14/15.
Accession Number: 20150714–5139.
Comments Due: 5 p.m. ET 8/4/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–2138–002.
Applicants: Limon Wind III, LLC.
Description: Supplement to January 8, 2015 Notice of Non-Material Change in Status of Limon Wind III, LLC.
Filed Date: 7/10/15.
Accession Number: 20150710–5256.
Comments Due: 5 p.m. ET 7/31/15.

Docket Numbers: ER15–511–001.
Applicants: NorthWestern Corporation.
Description: Compliance filing: Compliance Filing—NAESB v003 WEQ Business Practice Standards to be effective 5/15/2015.
Filed Date: 7/15/15.
Accession Number: 20150715–5049.
Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–533–001.
Applicants: Public Service Company of New Mexico.
Description: Compliance filing: Compliance Filing to Order No. 676–H Compliance Filing to be effective 5/15/2015.
Filed Date: 7/15/15.
Accession Number: 20150715–5031.
Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–1400–001.
Applicants: Erie Power, LLC.
Description: Tariff Amendment: Erie Power Market Based Rate Tariff Supplement to be effective 6/1/2015.
Filed Date: 6/22/15.
Accession Number: 20150622–5074.
Comments Due: 5 p.m. ET 7/29/15.

Docket Numbers: ER15–1706–001.
Applicants: Newark Energy Center, LLC.
Description: Tariff Amendment: Response to Deficiency Letter to be effective 7/1/2015.
Filed Date: 7/15/15.
Accession Number: 20150715–5022.
Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–1831–001.
Applicants: AEP Texas Central Company.
Description: Tariff Amendment: TCC–TNC-Brazos Electric Power Cooperative Amend & Restated TSA Amd to be effective 5/5/2015.
Filed Date: 7/15/15.
Accession Number: 20150715–5024.
Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–1832–001.
Applicants: AEP Texas North Company.

Description: Tariff Amendment: TCC–TNC-Brazos Electric Cooperative Amend & Restated TSA Concurrence Amd to be effective 5/5/2015.

Filed Date: 7/15/15.

Accession Number: 20150715–5025.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–2205–000.

Applicants: Prairie Breeze Wind Energy III LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Application to be effective 9/14/2015.

Filed Date: 7/15/15.

Accession Number: 20150715–5027.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–2205–001.

Applicants: Prairie Breeze Wind Energy III LLC.

Description: Tariff Amendment: Supplement to Market-Based Rate Application to be effective 9/14/2015.

Filed Date: 7/15/15.

Accession Number: 20150715–5039.

Comments Due: 5 p.m. ET 8/5/15.

Docket Numbers: ER15–2206–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 3336; Queue No. X2–059 to be effective 7/15/2015.

Filed Date: 7/15/15.

Accession Number: 20150715–5047.

Comments Due: 5 p.m. ET 8/5/15.

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: July 15, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–17798 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2131–000]

Milo Wind Project, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Milo Wind Project, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 29, 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: July 9, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17803 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2205–001]

Prairie Breeze Wind Energy III LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Prairie Breeze Wind Energy III LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 4, 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: July 15, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17807 Filed 7–20–15; 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 Supplemented Complaint

Take notice that on July 7, 2015, pursuant to section 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, TransSource, LLC filed a request for immediate waiver of the tariff deadlines for executing a Facilities Study Agreement and posting any deposits, and a second supplement to its formal complaint filed on June 23, 2015, against the PJM Interconnection, LLC, as supplemented on June 29, 2015, as more fully explained in the supplemented 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 17, 2015 for responses to this filing. This comment date does not affect the July 10, 2015 date for comments on the Complaint filing in this docket.

Dated: July 9, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–17812 Filed 7–20–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9930–90–OA]

Notification of a Public Teleconference of the Chartered Clean Air Scientific Advisory Committee (CASAC) and the CASAC Oxides of Nitrogen Primary NAAQS Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the Chartered Clean Air Scientific Advisory Committee (CASAC) and the CASAC Oxides of Nitrogen Primary National Ambient Air Quality Standards (NAAQS) Review Panel to discuss CASAC draft reviews of EPA's *Integrated Science Assessment (ISA) for Oxides of Nitrogen—Health Criteria (Second External Review Draft—January 2015)* and *Review of the Primary National Ambient Air Quality Standards for Nitrogen Dioxide: Risk and Exposure Assessment Planning Document.*

DATES: The teleconference will be held on Thursday, August 13, 2015 from 1:00 p.m. to 5:00 p.m. (Eastern Time).

ADDRESSES: The public teleconference will be held by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public teleconference may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; by telephone/voice mail at (202) 564–2050 or at *yeow.aaron@epa.gov.* General information about the CASAC, as well as any updates concerning the meeting announced in this notice, may be found on the EPA Web site at *http://www.epa.gov/casac.*

SUPPLEMENTARY INFORMATION: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and NAAQS and recommend any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC shall also provide advice, information, and recommendations to the Administrator on the scientific and technical aspects of issues related to the criteria for air quality standards, research related to air quality, sources of air pollution, and of adverse effects which may result from various strategies to attain and maintain air quality standards. The CASAC is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. Section 109(d)(1) of the CAA requires that the Agency periodically review and revise, as appropriate, the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including oxides of nitrogen. EPA is currently reviewing the primary (health-based) NAAQS for nitrogen dioxide (NO_2), as an indicator for health effects caused by the presence of oxides of nitrogen in the ambient air.

Pursuant to FACA and EPA policy, notice is hereby given that the Chartered CASAC and the CASAC Oxides of Nitrogen Primary NAAQS Review Panel will hold a public teleconference to discuss CASAC draft reviews of these two EPA documents. The CASAC Oxides of Nitrogen Primary NAAQS Review Panel and the CASAC will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Technical Contacts: Any technical questions concerning the *Integrated Science Assessment for Oxides of Nitrogen—Health Criteria (Second*

External Review Draft—January 2015) should be directed to Dr. Molini Patel (*patel.molini@epa.gov*), EPA Office of Research and Development, and technical questions concerning the *Review of the National Ambient Air Quality Standards for Nitrogen Dioxide: Risk and Exposure Assessment Planning Document* should be directed to Dr. Scott Jenkins (*jenkins.scott@epa.gov*), EPA Office of Air and Radiation.

Availability of Meeting Materials: Prior to the meeting, the review documents, agenda and other materials will be accessible through the calendar link on the blue navigation bar at *http://www.epa.gov/casac/.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a federal advisory committee to consider as it develops advice for EPA. Interested members of the public may submit relevant written or oral information on the topic of this advisory activity, and/or the group conducting the activity, for the CASAC to consider during the advisory process. Input from the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for CASAC panels to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should contact the DFO directly. *Oral Statements:* In general, individuals or groups requesting an oral presentation on a public teleconference will be limited to three minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Mr. Aaron Yeow, DFO, in writing (preferably via email) at the contact information noted above by August 6, 2015 to be placed on the list of public speakers. *Written Statements:* Written statements should be supplied to the DFO via email at the contact information noted above by August 6, 2015 so that the information may be made available to the Panel members for their consideration. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Aaron Yeow at (202) 564–2050 or *yeow.aaron@epa.gov.* To request accommodation of a disability, please contact Mr. Yeow preferably at least ten days prior to each meeting to give EPA as much time as possible to process your request.

Dated: July 14, 2015.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Staff Office.

[FR Doc. 2015–17849 Filed 7–20–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0424; FRL–9929–50]

FIFRA Scientific Advisory Panel; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 4–day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) to consider and review Development of a Spatial Aquatic Model (SAM) for Pesticide Risk Assessment.

DATES: The meeting will be held on September 15–18, 2015, from approximately 9:00 a.m. to 5:00 p.m.

Comments. The Agency encourages written comments be submitted on or before September 1, 2015, and requests for oral comments be submitted on or before September 8, 2015. However, written comments and requests to make oral comments may be submitted until the date of the meeting, but anyone submitting written comments after September 1, 2015, should contact the Designated Federal Official (DFO) listed under **FOR FURTHER INFORMATION CONTACT**. For additional instructions, see Unit I.C. of the **SUPPLEMENTARY INFORMATION**.

Nominations. Nominations of candidates to serve as ad hoc members of FIFRA SAP for this meeting should be provided on or before August 5, 2015.

Webcast. This meeting may be webcast. Please refer to the FIFRA SAP Web site at *http://www.epa.gov/scipoly/sap* for information on how to access the webcast. Please note that the webcast is a supplementary public process provided only for convenience. If difficulties arise resulting in webcasting outages, the meeting will continue as planned.

Special accommodations. For information on access or services for individuals with disabilities, and to request accommodation of a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

ADDRESSES: *Meeting:* The meeting will be held at the Environmental Protection Agency, Conference Center, Lobby Level, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA 22202.

Comments. Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2015–0424, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

Nominations, requests to present oral comments, and requests for special accommodations: Submit nominations to serve as ad hoc members of FIFRA SAP, requests for special accommodations, or requests to present oral comments to the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Fred Jenkins, DFO, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number:

(202) 564–3327; email address: j*enkins.fred@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) and FIFRA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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

1. *Submitting CBI.* Do not submit CBI information to EPA through regulations.gov or email. If your comments contain any information that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting your comments.

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

C. How may I participate in this meeting?

You may participate in this meeting by following the instructions in this unit. To ensure proper receipt by EPA, it is imperative that you identify docket ID number EPA–HQ–OPP–2015–0424 in the subject line on the first page of your request.

1. *Written comments.* The Agency encourages written comments be submitted, using the instructions in **ADDRESSES** and Unit I.B., on or before September 1, 2015, to provide FIFRA SAP the time necessary to consider and review the written comments. Written comments are accepted until the date of the meeting; however, anyone submitting written comments after September 1, 2015, should contact the DFO listed under **FOR FURTHER INFORMATION CONTACT**. Anyone submitting written comments at the meeting should bring 20 copies for distribution to FIFRA SAP.

2. *Oral comments.* The Agency encourages each individual or group wishing to make brief oral comments to FIFRA SAP submit their request to the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before September 8, 2015, to be included on the meeting agenda. Requests to present oral comments will be accepted until the date of the meeting and, to the extent that time permits, the Chair of FIFRA SAP may permit the presentation of oral comments at the meeting by interested persons who have not previously requested time. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment. Oral comments before FIFRA SAP are limited to approximately 5 minutes unless prior arrangements have been made. In addition, each speaker should bring 20 copies of his or her comments and presentation for distribution to FIFRA SAP at the meeting.

3. *Seating at the meeting.* Seating at the meeting will be open and on a first-come basis.

4. *Request for nominations to serve as ad hoc members of FIFRA SAP for this meeting.* As part of a broader process for developing a pool of candidates for each meeting, FIFRA SAP staff routinely solicits the stakeholder community for nominations of prospective candidates for service as ad hoc members of FIFRA SAP. Any interested person or organization may nominate qualified individuals to be considered as prospective candidates for a specific meeting. Individuals nominated for this meeting should have expertise in one or more of the following areas: Aquatic Exposure Modeling, Pesticide Fate and Transport Modeling, Surface Water Hydrology, Watershed Modeling, Water Quality Modeling, Stream Transport Modeling, Geographic Information Systems (GIS), Agronomic Practices, Crop Growth Modeling, Climate Modeling. Nominees should be scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments on the scientific issues for this meeting. Nominees should be identified by name, occupation, position, address, email address, and telephone number. Nominations should be provided to the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before August 5, 2015. The Agency will consider all nominations of prospective candidates for this meeting that are received on or before that date. However, final selection of ad hoc members for this meeting is a discretionary function of the Agency.

The selection of scientists to serve on the FIFRA SAP is based on the function of the Panel and the expertise needed to address the Agency's charge to the Panel. No interested scientists shall be ineligible to serve by reason of their membership on any other advisory committee to a Federal department or agency or their employment by a Federal department or agency, except EPA. Other factors considered during the selection process include availability of the potential Panel member to fully participate in the Panel's reviews, absence of any conflicts of interest or appearance of lack of impartiality, independence with respect to the matters under review, and lack of bias. Although financial conflicts of interest, the appearance of lack of impartiality, lack of independence, and bias may result in disqualification, the absence of such concerns does not assure that a candidate will be selected to serve on the FIFRA SAP. Numerous qualified candidates are identified for each Panel. Therefore, selection decisions involve carefully weighing a number of factors including the candidates' areas of expertise and professional qualifications and achieving an overall balance of different scientific perspectives on the Panel. The Agency anticipates selecting approximately eight ad hoc scientists to have the collective breadth of experience needed to address the Agency's charge for this meeting,

FIFRA SAP members are subject to the provisions of 5 CFR part 2634—Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture, as supplemented by EPA in 5 CFR part 6401. In anticipation of this requirement, prospective candidates for service on FIFRA SAP will be asked to submit confidential financial information which shall fully disclose, among other financial interests, the candidate's employment, stocks, and bonds, and where applicable, sources of research support. EPA will evaluate the candidates financial disclosure form to assess whether there are financial conflicts of interest, appearance of a lack of impartiality, or any prior involvement with the development of the documents under consideration (including previous scientific peer review) before the candidate is considered further for service on FIFRA SAP. Those who are selected from the pool of prospective candidates will be asked to attend the public meetings and to participate in the discussion of key issues and assumptions at these meetings. In addition, they will be asked to review and to help finalize the meeting minutes. The list of FIFRA SAP members participating at this meeting will be posted on the FIFRA SAP Web site at *http://www.epa.gov/scipoly/sap* or may be obtained from the OPP Docket at *http://www.regulations.gov*.

II. Background

A. Purpose of FIFRA SAP

FIFRA SAP serves as the primary scientific peer review mechanism of EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) and is structured to provide scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues as to the impact of regulatory actions on health and the environment. FIFRA SAP is a Federal advisory committee established in 1975 under FIFRA that operates in accordance with requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix). FIFRA SAP is composed of a permanent panel consisting of seven members who are appointed by the EPA Administrator from nominees provided by the National Institutes of Health and the National Science Foundation. FIFRA established a Science Review Board (SRB) consisting of at least 60 scientists who are available to FIFRA SAP on an ad hoc basis to assist in reviews conducted by FIFRA SAP. As a scientific peer review mechanism, FIFRA SAP provides comments, evaluations, and recommendations to improve the effectiveness and quality of analyses made by Agency scientists. Members of FIFRA SAP are scientists who have sufficient professional qualifications, including training and experience, to provide expert advice and recommendation to the Agency.

B. Public Meeting

The USEPA Office of Pesticide Programs (OPP) conducts aquatic exposure assessments to determine whether pesticides that are applied according to label directions can result in water concentrations that may adversely impact human health or aquatic organisms. If estimated aquatic exposures indicate a potential for adverse effects, the assessment needs to characterize the likelihood of occurrence, including the range in magnitude of exposure, the frequency of exceeding toxicity thresholds, the location of likely exposures, and the potential for exposure to populations at risk.

The goal of SAM is to improve on OPP's existing aquatic exposure assessments by providing more systematic spatial- and temporal contexts for aquatic exposure assessments for both human health (drinking water) and aquatic organisms. Such context is needed to address common risk management questions regarding the likelihood of the exposure that may exceed toxicity thresholds of concern and, should such exposures occur, how often, how long, and where adverse impacts from pesticides in water overlap with populations at risk. Though much of SAM is based upon OPP's traditional water models (*i.e.,* Surface Water Concentration Calculator [SWCC] comprised of the Pesticide Root Zone Model version 5 [PRZM5] and Variable Volume Water Model [VVWM]), the model is new in its spatial approach to modeling the fate and transport of pesticides and has been optimized for speed and efficiency.

C. FIFRA SAP Documents and Meeting Minutes

EPA's background paper, related supporting materials, charge/questions to FIFRA SAP, FIFRA SAP composition (*i.e.,* members and ad hoc members for this meeting), and the meeting agenda will be available by approximately mid-August. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available at *http://www.regulations.gov* and the FIFRA SAP Web site at *http://www.epa.gov/scipoly/sap*.

FIFRA SAP will prepare meeting minutes summarizing its recommendations to the Agency approximately 90 days after the meeting. The meeting minutes will be posted on the FIFRA SAP Web site or may be obtained from the OPP Docket at *http://www.regulations.gov*.

Authority: 7 U.S.C. 136 *et. seq.;* 21 U.S.C. 301 *et seq.*

Dated: July 7, 2015.

David J. Dix,

Director, Office of Science Coordination and Policy.

[FR Doc. 2015–17854 Filed 7–20–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9930–97–Region 3]

Delegation of Authority To Implement and Enforce Outer Continental Shelf Air Regulations to the Maryland Department of the Environment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: On April 4, 2014, the Environmental Protection Agency (EPA) sent the Maryland Department of the Environment (MDE) a letter acknowledging MDE has been delegated the authority to implement and enforce sections of the Outer Continental Shelf (OCS) Air Regulations. To inform regulated facilities and the public of MDE's delegation of authority to implement and enforce OCS regulations, EPA is making available a copy of EPA's letter to MDE through this notice.

DATES: On April 4, 2014, EPA sent MDE a letter acknowledging MDE has been delegated the authority to implement and enforce OCS Regulations.

ADDRESSES: Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Cathleen Kennedy Van Osten, (215) 814–2746, or by email at *vanosten.cathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: On January 8, 2014, MDE requested delegation of authority to implement, administer, and enforce Title 40 of the Code of Federal Regulations, Part 55 (Outer Continental Shelf Air Regulations). On April 4, 2014, EPA sent MDE a letter acknowledging that MDE has been delegated the authority to implement and enforce OCS regulations. A copy of EPA's letter to MDE follows:

''The Honorable Robert M. Summers, Secretary
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
Dear Secretary Summers:

Thank you for your January 8, 2014 letter to the U.S. Environmental Protection Agency (EPA) requesting formal delegation of authority for the implementation, administration, and enforcement of the requirements of the Outer Continental Shelf (OCS) regulations within 25 miles of Maryland's seaward boundary. In response, EPA intends to grant the Maryland Department of the Environment (MDE) formal delegation of authority to implement and enforce OCS Regulations, pursuant to section 328(a)(3) of the Clean Air Act. As established in the Code of Federal Regulations, Title 40, Part 55 (40 CFR part 55), EPA will delegate implementation and enforcement authority to a state if the state has an adjacent OCS source, and EPA determines that the state's regulations are adequate. EPA has determined that delegation to a state shall be immediately effective upon EPA's receipt of a notice of intent (NOI) to construct an OCS source to be adjacent to that state.

The delegation will include the authority for the following sections of 40 CFR part 55, as exists on July 1, 2013:

- 55.1 Statutory authority and scope.
- 55.2 Definitions.
- 55.3 Applicability.
- 55.4 Requirements to submit a notice of intent.
- 55.6 Permit requirements.
- 55.7 Exemptions.
- 55.8 Monitoring, reporting, inspections, and compliance.
- 55.9 Enforcement.
- 55.10 Fees.
- 55.13 Federal requirements that apply to OCS sources.
- 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.
- 55.15 Specific designation of corresponding onshore areas.
- Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State.

EPA is not delegating the authority to implement and enforce 40 CFR part 55.5 (Corresponding onshore area designation), 55.11 (Delegation), and 55.12 (Consistency updates), as authority for these sections is reserved for the Administrator. As stated in 40 CFR Part 55.11 (b), EPA shall delegate implementation and enforcement authority if it is determined that the State's regulations are adequate, including a demonstration by the state that the state has:

(1) Adopted the appropriate portions of 40 CFR part 55 into state law;

(2) Submitted a letter from the State Attorney General confirming that Maryland has adequate authority under the state law to implement and enforce the relevant portions of 40 CFR part 55;

(3) Adequate resources to implement and enforce the requirements of 40 CFR part 55; and

(4) Adequate administrative procedures to implement and enforce the requirements of this part, including public notice and comment procedures.

EPA has reviewed MDE's delegation request and concludes that it meets the requirements for delegation. Therefore, delegation will be effective on the date EPA receives a NOI of constructing an OCS source adjacent to Maryland. On this date, MDE will automatically be authorized to implement, administer, and enforce the sections of 40 CFR part 55 listed above for the OCS sources in which Maryland will be the corresponding onshore area.

I appreciate MDE's efforts to implement the OCS regulations and look forward to working with you to foster the growth of alternative energy projects in Maryland. If you have any questions, please do not hesitate to contact me or have your staff contact Ms. Linda Miller, Maryland Liaison, at 215–814–2068.

Sincerely,
Shawn M. Garvin
Regional Administrator''

This notice acknowledges that MDE has been delegated the authority to implement and enforce OSC Air Regulations.

Dated: July 10, 2015.

William C. Early,

Acting, Regional Administrator, Region III.

[FR Doc. 2015–17850 Filed 7–20–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, July 16, 2015 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

Federal Register Notice of Previous Announcement—80 FR 40065

THIS ITEM WAS ALSO DISCUSSED: Motion to Set Priorities and Scheduling on Pending Enforcement Matters Awaiting Reason-to-Believe Consideration.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

FOR FURTHER INFORMATION CONTACT: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2015–17957 Filed 7–17–15; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Relations Information Collection Requests

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Submission for OMB Review: Request for Comments.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS), hereby announces the submission of the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The information collection requests are FMCS forms: Arbitrator's Report and Fee Statement (Agency Form R–19; OMB control number 3076–0003), Arbitrator's Personal Data Questionnaire (Agency Form R–22; OMB control number 3076–0001), and Request for Arbitration Panel (Agency Form R–43; OMB control number 3076–0002). No comments were received pursuant to FMCS's prior 60-day notice in the **Federal Register** on April 28, 2015.

These information collection requests were previously approved by OMB and we are requesting their reinstatement without change to the collections. These information collections will be used to collect information to determine applicant suitability for the arbitration roster, to monitor the work of arbitrators, and to collect information that facilitates the processing of arbitration requests.

The OMB 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) Evaluates the accuracy of the agency's estimates of the burden of the proposed collection information;

(3) Enhance the quality, utility, and clarity of the information to be collected;

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

Burden: FMCS receives approximately 100 responses per year to the Arbitrator's Personal Data Questionnaire (OMB No. 3076–001); 1,984 responses per year to the Arbitrator's Report and Fee Statement (OMB No. 3076–0003); and 13,179 responses per year to the Request for Arbitration Panel form (OMB No. 3076–0002).

Affected Entities: Individuals who apply for admission to the FMCS Roster of Arbitrators; arbitrators who render decision under FMCS arbitration policies and procedures; and employers, labor unions and their representative who request arbitration services.

DATES: Comments must be submitted on or before August 20, 2015.

ADDRESSES: Submit written comments to: Email: *oira_submissions@omb.eop.gov.* Please include the FMCS form numbers, the information collection title and the OMB control number in the subject line of your message. Comments may also be sent to fax number 202.395.5806 to the attention of Desk Officer for FMCS.

SUPPLEMENTARY INFORMATION: For additional information, see the related

60-day notice published in the **Federal Register** on April 28, 2015, at 80 FR 23550, 23551.

Dated: July 16, 2015.

Jeannette Walters-Marquez,

Attorney Advisor.

[FR Doc. 2015–17837 Filed 7–20–15; 8:45 am]

BILLING CODE 6732–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 5, 2015.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309:

1. *Trident IV, L.P.; Trident IV Professionals Fund, L.P.; Trident Capital IV, L.P.; Stone Point Capital LLC; Stone Point GP Ltd.; CD Trident III, LLC; JC Trident GP, LLC; DW Trident GP, LLC; NZ Trident GP, LLC; Charles A. Davis, all of Greenwich, Connecticut; James D. Carey, Riverside, Connecticut; David J. Wermuth, New York, New York; and Nicolas D. Zerbib,* Larchmont, New York; to acquire voting shares of Atlantic Capital Bancshares, Inc., and thereby indirectly acquire voting shares of Atlantic Capital Bank, both in Atlanta, Georgia.

Board of Governors of the Federal Reserve System, July 16, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–17833 Filed 7–20–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-15–15AOX; Docket No. CDC–2015–0052]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

This notice invites comment on a proposed Harmful Algal Bloom Illness-related Surveillance System (HABISS) information collection.

DATES: Written comments must be received on or before September 21, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0052 by any of the following methods:

- Federal eRulemaking Portal: Regulation.gov. Follow the instructions for submitting comments.
- Mail: Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to Regulations.gov, including any personal information provided. For access to the docket to read background documents or comments received, go to Regulations.gov.

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Harmful Algal Bloom-related Illness Surveillance System (HABISS)—NEW—National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Due to defunding and as part of a revision in 2014 of the information collection entitled *National Disease Surveillance Program II: Disease Summaries* (OMB Control Number 0920–0004), CDC discontinued its data collection of harmful algal bloom-related illnesses through its Harmful Algal Bloom-related Illness Surveillance System (HABISS). However, in part to the Great Lakes Restorative Initiative, the National Center for Emerging and Zoonotic Infectious Diseases (NCEZID) now considers harmful algal bloom-related illness surveillance as a priority and will seek a three-year OMB approval for HABISS.

The goal of harmful algal bloom-related illness surveillance is to collect data on harmful algal blooms (HABs), human illnesses, and animal illnesses related to HAB exposures and use the data to better define and prevent HAB-related illnesses. HABs are the fast growth of aquatic organisms including algae, cyanobacteria, phytoplankton, and similar organisms. HABs can produce potent natural toxins that can contaminate surface water used for recreation, drinking water, or food sources. Contaminated water and food can cause illness when people or animals have exposures to them. HABs are an emerging public health concern with several outbreaks related to HAB exposures through contact, inhalation, and ingestion of contaminated fish, shellfish, and water. In humans and animals, illnesses related to HAB exposures have ranged from dermatologic, respiratory, gastrointestinal, neurological illness, and even death. HABs might be identified through the reporting of single cases of human or animal illness as indicators.

HABISS data will be reported by states and territories in a web-based electronic reporting system. The National Outbreak Reporting System (NORS) (OMB Control Number 0920–0004) is an existing password-protected web-based surveillance platform for national reporting of foodborne, waterborne, and other enteric outbreaks. HAB-related outbreaks can already be reported by state and territorial health departments in NORS; however, there is currently no national surveillance for single cases of human or animal illnesses. State and territorial staff with access to NORS will be able to use a hyperlink on the NORS main user page to report individual human and animal case information related to HAB exposures. State agencies will voluntarily report single human and animal illnesses related to HAB exposures, as well as environmental data about HABs.

HABISS data will include the date of the HAB, the type of exposure that the person or animal had, the length of the exposure, signs and symptoms, and laboratory testing. No Personally Identifiable Information (PII) will be reported or collected. CDC will use the data to better characterize human and animal illnesses related to HAB exposures and to inform future prevention efforts, health departments, federal partners and other stakeholders.

There are no costs to respondents other than their time.

CDC will analyze and present the collected data through summaries and reports.

It is estimated that epidemiologists will report illnesses and HAB events three times during the year with a burden of 20 minutes. An estimated total burden for HABISS data reporting is 57 hours per year.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State Epidemiologists	Harmful Algal Bloom Illness Surveillance System (HABISS) data elements (electronic, year-round).	57	3	20/60	57
Total					57

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–17792 Filed 7–20–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10387, CMS–10110 and CMS–10393]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by *September 21, 2015.*

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ___, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10387 Skilled Nursing Facility (SNF) Prospective Payment System and Consolidated

Billing

CMS–10110 Manufacturer Submission of Average Sales Price (ASP) Data for Medicare Part B

Drugs and Biologicals

CMS–10393 Medicare Beneficiary and Family-Centered Satisfaction Survey

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Reinstatement of a previously approved collection; *Title of Information Collection:* Skilled Nursing Facility (SNF) Prospective Payment System and Consolidated Billing; *Use:* We are requesting approval of a reinstatement of a Change of Therapy OMRA for Skilled Nursing Facilities (SNFs). As described in CMS–1351–F, we finalized the assessment effective October 1, 2011. SNFs are required to submit this assessment. The COT OMRA is comprised of a subset of resident assessment information developed for use by SNFs to satisfy a Medicare payment requirement. The burden associated with this is the SNF staff time required to complete the COT OMRA, SNF staff time to encode the data, and SNF staff time spent in transmitting the data. SNFs are required to complete a COT OMRA when a SNF resident was receiving a sufficient level of rehabilitation therapy to qualify for an Ultra High, Very High, High, Medium, or Low Rehabilitation category and when the intensity of therapy (as indicated by the total reimbursable therapy minutes (RTM) delivered, and other therapy qualifiers such as number of therapy days and disciplines providing therapy) changes to such a degree that it would no longer reflect the RUG–IV classification and payment assigned for a given SNF resident based on the most recent assessment used for Medicare payment. The COT OMRA is a type of required PPS assessment which uses the same item set as the End of Therapy (EOT) OMRA. *Form Number:* CMS–10387 (OMB Control Number: 0938–1140); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other For-profits and Not-for-profit institutions); *Number of Respondents:* 15,421; *Total Annual Responses:* 678,524; *Total Annual Hours:* 701,119. (For policy questions regarding this collection contact Penny Gershman at 410–786–6643).

2. *Type of Information Collection Request:* Reinstatement of a previously approved collection; *Title of Information Collection:* Manufacturer Submission of Average Sales Price (ASP) Data for Medicare Part B Drugs and Biologicals; *Use:* In accordance with section 1847A of the Social Security Act (the Act), Medicare Part B covered drugs and biologicals not paid on a cost or prospective payment basis are paid based on the average sales price (ASP) of the drug or biological, beginning in Calendar Year (CY) 2005. The ASP data reporting requirements are specified in section 1927 of the Act. The reported ASP data are used to establish the Medicare payment amounts. The reporting template was revised in CY 2011 in order to facilitate accurate collection of ASP data. An accompanying user guide with instructions on the template's use was also created and included an explanation of the data elements in the template. *Form Number:* CMS–10110 (OMB Control Number: 0938–0921); *Frequency:* Quarterly; *Affected Public:* Private sector (Business or other For-profits); *Number of Respondents:* 180; *Total Annual Responses:* 720; *Total Annual Hours:* 34,560. (For policy questions regarding this collection contact Amy Gruber at 410–786–1542).

3. *Type of Information Collection Request:* Extension of a previously approved collection; *Title of Information Collection:* Medicare Beneficiary and Family-Centered Satisfaction Survey; *Use:* The data collection methodology used to determine Beneficiary Satisfaction flows from the proposed sampling approach. Based on recent literature on survey methodology and response rates by mode, we recommend using a data collection that is done primarily by mail. A mail-based methodology will achieve the goals of being efficient, effective, and minimally burdensome for beneficiary respondents. We anticipate that a mail-based methodology could yield a response rate of approximately 60 percent. In order to achieve this response rate, we would recommend a 3 staged approach to data collection:

(1) Mailout of a covering letter, the paper survey questionnaire, and a postage-paid return envelope.

(2) Mailout of a post card that thanks respondents and reminds the non-respondents to please return their survey.

(3) Mailout of a follow-up covering letter, the paper survey questionnaire, and a postage-paid return envelope.

Through the pilot test, we will determine the response rate that can be achieved using this approach. If it is deemed necessary, a prenotification letter, additional mailout reminders and a telephone non-response step can be added to the protocol to achieve desired response rate. *Form Number:* CMS–10393 (OMB Control number: 0938–1177); *Frequency:* Once; *Affected Public:* Individuals or households; *Number of Respondents:* 16,010; *Number of Responses:* 16,010; *Total Annual Hours:* 4,002. (For policy questions regarding this collection, contact Coles Mercier at 410–786–2112.)

Dated: July 16, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–17824 Filed 7–20–15; 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: Form CB–496, ''Title IV–E Programs Quarterly Financial Report''

OMB No.: 0970–0205

Description: This is a financial report submitted following the end of each fiscal quarter by each State or Tribe with an approved title IV–E plan administering any of three title IV–E entitlement grant programs—Foster Care, Adoption Assistance or Guardianship Assistance.

The purpose of this form is to enable each State or Tribe to meet its statutory and regulatory requirement to report program expenditures made in the preceding fiscal quarter and to estimate program expenditures to be made in the upcoming fiscal quarter. This form also allows States and Tribes to report the actual and estimated average monthly number of children assisted in each of the three IV–E entitlement grant programs in the preceding and upcoming fiscal quarters, respectively.

The Administration for Children and Families provides Federal funding at the rate of 50 percent for nearly all allowable and legitimate administrative costs of these programs and at other funding rates for other specific categories of costs as detailed in Federal statute and regulations. The information collected in this report is used by this agency to calculate quarterly Federal grant awards and to enable oversight of the financial management of the programs. Legislation enacted in 2014 through Public Law 113–183, the ''Preventing Sex Trafficking and Strengthening Families Act'' added a requirement that title IV–E grantees annually report on the methodology used to calculate adoption savings due to the application of differing title IV–E Adoption Assistance eligibility criteria for children designated as an ''applicable child'' along with an accounting of the amount of and the expenditure of any such savings.

To accommodate this change in the law, we have added additional data entry lines in part 4 of Form CB–496, ''Annual Adoption Savings Calculation and Accounting Report'' which will be submitted annually by grantees.

In addition, the same law adds additional requirements that title IV–E grantees develop and implement policies and procedures to identify, document, and determine appropriate services for any child or youth in the placement, care or supervision of the title IV–E agency who is at-risk of becoming a sex trafficking victim or who is determined as a sex trafficking victim.

To accommodate this change in the law we have added additional reporting lines and prior quarter reporting odes for expenditure reporting and child counts and in parts 1 and 2 of Form CB–496.

Respondents: States (including Puerto Rico and the District of Columbia) and Tribes* with approved title IV–E plans. (*An estimated 15 Tribes have or will have approved title IV–E plans within the next 3-year period.)

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Form CB–496: Title IV–E Programs Quarterly Financial Report	67	4	21	5,628

Estimated Total Annual Burden Hours: 5,628.

Additional Information:

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment:

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–17793 Filed 7–20–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2000–D–0067]

Medical Device Patient Labeling; Request for Comments; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration is announcing the following public workshop entitled ''Medical Device Patient Labeling''. The purpose of the public workshop is to discuss issues associated with the development and use of medical device

patient labeling including content, testing, use, access, human factors, emerging media formats, and promotion and advertising. The Center for Devices and Radiological Health (CDRH) is seeking input into these topics from patients and advocacy groups, academic and professional organizations, industry, standards organizations, and governmental Agencies. Ideas generated during this workshop will help facilitate development or revision of guidances and/or standards for medical device patient labeling.

Date and Time: The workshop will be held on September 29, 2015, from 8 a.m. to 5 p.m. and September 30, 2015, from 8 a.m. to 5 p.m.

Location: The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503A), Silver Spring, MD 20993–0002. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please visit the following Web site: *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm*

Contact Person: Antoinette (Tosia) Hazlett, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5424, Silver Spring, MD 20993–0002, 301–796–6119, *Tosia.Hazlett@fda.hhs gov*.

Registration: Registration is free and available on a first-come, first-served basis. Persons interested in attending the ''Medical Device Patient Labeling'' public workshop must register online by 4 p.m. on September 21, 2015. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. If time and space permit, onsite registration on the days of the public workshop will be provided beginning at 7 a.m. If you need special accommodations due to a disability, please contact Susan Monahan at least 7 days in advance of the meeting.

To register for the public workshop, please visit CDRH's Workshops and Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*. (Select this public workshop from the posted events list.) Please provide complete contact information for each attendee, including name, title, affiliation, email, and telephone number. Those without Internet access should contact Susan Monahan to register (see *Contact Person*). Registrants will receive confirmation after they have been accepted. You will be notified if you are on a waiting list.

Streaming Webcast of the Public Workshop: This public workshop will also be Webcast. Persons interested in viewing the Webcast must register online by 4 p.m. on September 21, 2015. Early registration is recommended because Webcast connections are limited. Organizations are requested to register all participants, but to view using one connection per location. Webcast participants will be sent technical system requirements after registration and will be sent connection access information after September 25, 2015. If you have never attended a Connect Pro event before, test your connections at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* (FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Comments: FDA is holding this public workshop to obtain stakeholder input on medical device patient labeling. In order to permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public workshop. The deadline for submitting comments regarding this public workshop is October 30, 2015.

Regardless of attendance at the public workshop, interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville MD 20852. 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. In addition, when responding to specific topics as outlined in ''Topics for Discussion'', please identify the topic you are addressing. 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.*

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at: *http://www.regulations.gov.* A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. A link to the transcripts will also be available approximately 45 days after the public workshop on the Internet at: *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.*

SUPPLEMENTARY INFORMATION:

I. Background

The CDRH Guidance on Medical Device Patient Labeling (available at *http://www.fda.gov/medicaldevices/deviceregulationandguidance/guidancedocuments/ucm070782.htm*) serves to assist manufacturers in their development of patient labeling and to assist Center reviewers in their review and evaluation of the manufacturers' labeling. Medical device patient labeling includes any medical device information that is intended for a lay audience. It is intended to help assure that the device is used safely and effectively. This labeling may pertain to therapeutic, restorative, diagnostic, or cosmetic devices. Medical device patient labeling is supplied in many formats, for example: As patient brochures, patient leaflets, user manuals, videos or audio recording, and through physical or online media. This labeling is intended to be supplied to or available to patients or their lay caregivers for their use with or without accompanying professional counseling. While some patients receive labeling from their healthcare practitioners or device suppliers, others receive it in the packaging of over-the-counter devices. CDRH is collecting public comment to use in updating the Medical Device Patient Labeling Guidance.

FDA is committed to supporting the development and availability of patient labeling which supports the safe and effective use of medical devices by patients. To inform FDA in their efforts, they are seeking input on the topics identified in section II.

II. Topics for Discussion

FDA seeks to address and receive comments on the following topics:

A. Current Medical Device Patient Labeling

(1) The current use and practice trends of medical device patient labeling development and use. For example: When is medical device patient labeling used? How much medical device patient labeling exists? How much modification and revision of existing medical device patient labeling

occurs, and under what circumstances? What is the role of voluntary consensus standards in developing medical device patient labeling?

(2) What risks or adverse outcomes have been reported in association with the use of medical device patient labeling? What communication barriers have been encountered, and how can they be mitigated?

(3) Is there any part of the medical device patient labeling development process that presents a barrier to receiving approval or clearance from CDRH? If so, please provide examples of the specific issues, how frequently this occurs, and suggestions which constructively address these barriers.

(4) What are the best ways to foster efficient networking with patients and advocacy groups, academic and professional organizations, industry, standards organizations, and government Agencies to address medical device patient labeling needs?

B. Medical Device Patient Labeling Needs Assessment

(1) Describe the parameters that should be used in determining priority areas of development of medical device patient labeling, including both therapeutic and diagnostic devices.

(2) What are best practices for conducting a needs assessment of medical device patient labeling?

C. Advancing Development

(1) What could advance the development and use of medical device patient labeling?

(2) How should patient labeling be considered in the development stages of all medical device labeling?

(3) What resources (*e.g.,* registries, industry, or patient advocacy groups,) could be tapped to advance the development of medical device patient labeling?

(4) What are potential changes to guidances and regulations, or advances in current science that may help develop and enhance medical device patient labeling to address the needs of medical device manufacturers, device suppliers, and device users?

Dated: July 15, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–17800 Filed 7–20–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0411]

Cooperative Agreement for Research, Education, and Outreach in Support of the Food and Drug Administration Food Safety Modernization Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of grant funds for a cooperative agreement to support the FDA Food Safety Modernization Act (FSMA) implementation efforts by the Illinois Institute of Technology's (IIT) National Center for Food Safety and Technology (NCFST). The estimated amount of support in fiscal year (FY) 2015 will be for up to $5 million (direct plus indirect costs), with the possibility of 2 additional years of support for up to $7 million each year, subject to the availability of funds. This award will improve public health by continued support of an applied research, education, and outreach program related to the science behind and implementation of preventive controls, and on training and technical assistance.

DATES: Important dates are as follows:

1. The application due date is August 14, 2015.
2. The anticipated start date is September 1, 2015.
3. The opening date is August 1, 2015.
4. The expiration date is August 31, 2015.

ADDRESSES: Submit the electronic application to: *http://www.grants.gov.* For more information, see section III of the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Wanda Honeyblue, Food and Drug Administration, Center for Food Safety and Applied Nutrition (CFSAN), 5100 Paint Branch Pkwy. (HFS–002), Rm. 4D–034, College Park, MD 20740, 301–796–3500, email: *wanda.honeyblue@fda.hhs.gov;* or Martin Bernard, Division of State Acquisitions, Agreements and Grants (DSAAG) (HFA–500), Food and Drug Administration, 5630 Fishers Lane, Rockville, MD 20857, 240–402–7564, email: *Martin.Bernard@fda.hhs.gov.*

For more information on this funding opportunity announcement (FOA) and to obtain detailed requirements, please refer to the full FOA located at *http://www.grants.gov/.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Funding Opportunity Number: RFA–FD–15–035

Catalog of Federal Domestic Assistance Number: 93.103

A. Background

FDA has supported the NCFST under seven previously awarded cooperative agreements (53 FR 15736, 56 FR 46189, 59 FR 24703, 64 FR 39512, 69 FR 25405, 74 FR 26408, and 79 FR 23360). NCFST was established by IIT to bring together the food safety and technology expertise of academia, industry, and FDA for the purpose of supporting research and outreach efforts related to the safety of foods based on a common goal of enhancing the safety of the food supply for U.S. consumers. NCFST has been successful in developing research programs such as those related to low-moisture foods, and outreach programs such as those related to sprout safety; these successes were achieved as a result of NCFST partnering with industry, academia, and FDA.

NCFST is structured so that representatives of participating organizations play a role in establishing policy and administrative procedures, as well as identifying long- and short-term research, outreach, and training needs. With this organizational structure, NCFST is able to build cooperative food safety programs on a foundation of knowledge about current industrial trends in food processing and packaging technologies, regulatory perspectives from public health organizations, and fundamental scientific expertise from academia. This award will improve public health by continued support of an applied research, education, and outreach program related to the science behind and implementation of preventive controls associated with manufacturing, processing, packing, and holding of human and animal food, and on training and technical assistance.

B. Program Objectives

With an increasingly diverse domestic and global food supply, FDA continues to face complex food safety issues associated with the foods that it regulates. Some of these complex issues can be effectively addressed by further strengthening the available science-based programs established through NCFST/Institute for Food Safety and Health (IFSH). FDA also believes that innovative research and outreach programs such as those established at NCFST/IFSH can further support the development of proactive approaches to

the prevention of food safety problems before they occur. With the enactment of FSMA in 2011, the collaboration with NCFST/IFSH has become increasingly important as FDA works to fulfill its mandate to develop a modern, prevention-based food safety system. FDA regards the development and strengthening of public-private partnerships for research and outreach on preventive controls to be a key element of its FSMA implementation strategy.

This cooperative agreement will provide continued support so that NCFST/IFSH can meet the objective to support the implementation of FSMA through research, education, and outreach, with particular emphasis on identifying the science to support implementation of preventive controls associated with manufacturing, processing, packing, and holding of human and animal food, and on training and technical assistance.

C. Eligibility Information

Competition is limited to IIT as FDA believes IIT's continued support of the Food Safety Preventive Controls Alliance (FSPCA) already established at NCFST/IFSH uniquely qualifies IIT to fulfill the objectives of the proposed cooperative agreement. IIT's Moffett Center, where NCFST is located, is a unique facility that includes offices, classrooms, a distance-learning center, and support facilities, which permit appropriate research, development, and training activities. The physical layout of the facility provides maximum versatility in the use and capability to simultaneously operate several different activities related to research, development, and training to support FSMA rules. The distance learning facility located in room 216 in building 91 of the IIT Moffett Campus is equipped with state-of-the-art audio-visual equipment for conducting and broadcasting interactive training programs and workshops to the food industry, as well as for Webinar communications with IFSH stakeholders, including government, academia, and industry.

Since 1988, IIT has provided an environment in which scientists from diverse backgrounds such as academia, government, and industry have brought their unique perspectives to focus on contemporary issues of food safety. NCFST/IFSH functions as a neutral ground where scientific exchange about generic food safety issues occurs freely and is channeled into the design of cooperative food safety programs. Activities at NCFST are focused on multiple areas associated with food safety and FSMA, including but not limited to, preventive controls for human and animal foods, supplier verification, and national training.

Since 2011, IIT has served as the coordinator of the FSPCA and, since 2012, the Sprout Safety Alliance (SSA), leveraging the expertise of academia, industry, and FDA for the purpose of developing and delivering standardized curricula related to food safety and FSMA requirements. In addition to alliance training, NCFST/IFSH plans to develop the National Training and Technical Assistance Network to provide outreach and technical assistance to industry in the future. The new distance-learning training center developed at the IIT's Moffett Center can be used to partially address training and outreach needs related to FSMA. Through this facility, training can be provided on curricula currently being developed by the FSPCA for human and animal food and by the SSA for sprouts, and for training activities related to other appropriate FSMA activities such as the Foreign Supplier Verification Program.

The proposed cooperative activities will fill existing gaps in knowledge, food safety training, and expertise for outreach associated with improving the safety of foods via FSMA implementation, and will provide fundamental food safety information in the public domain for use by all segments of the food science community for industry and regulatory training activities.

II. Award Information/Funds Available

A. Award Amount

The Center for Food Safety and Applied Nutrition (CFSAN) at FDA intends to commit up to $5 million in FY 2015 (direct plus indirect costs) with the possibility of 2 additional years of up to $ 7 million each year. Future year amounts will depend on annual appropriations and successful performance.

B. Length of Support

The award will provide 1 year of support and include future recommended support for 2 additional years, contingent upon satisfactory performance in the achievement of project and program objectives during the preceding year and the availability of Federal fiscal year appropriations.

III. Electronic Application, Registration, and Submission

Only one electronic application will be accepted. To submit an electronic application in response to this FOA, the applicant should first review the full announcement located at *http://www.grants.gov/.* (FDA has verified the Web site addresses throughout this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.) For the electronically submitted application, the following steps are required:

- Step 1: Obtain a Dun and Bradstreet (DUNS) Number
- Step 2: Register With System for Award Management (SAM)
- Step 3: Obtain Username & Password
- Step 4: Authorized Organization Representative (AOR) Authorization
- Step 5: Track AOR Status
- Step 6: Register With Electronic Research Administration (eRA) Commons

Steps 1 through 5, in detail, can be found at *http://www07.grants.gov/applicants/organization_registration.jsp.* Step 6, in detail, can be found at *https://commons.era.nih.gov/commons/registration/registrationInstructions.jsp.* After you have followed these steps, submit the electronic application to: *http://www.grants.gov.*

Dated: July 15, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–17795 Filed 7–20–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–2076]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Survey on the Occurrence of Foodborne Illness Risk Factors in Selected Restaurant Facility Types

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 20, 2015.

ADDRESSES: To ensure that comments on the information collection are received,

OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0744. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Survey on the Occurrence of Foodborne Illness Risk Factors in Selected Restaurant Facility Types (2013–2022)

OMB Control Number 0910–0744

I. Background

In 2013–2014, the U.S. Food and Drug Administration (FDA) initiated a study in two foodservice facility types: Full service and fast food restaurants. The study will span 10 years in its entirety and aims to:

- Assist FDA with developing retail food safety initiatives and policies focused on the control of foodborne illness risk factors—preparation practices and employee behaviors most commonly reported to the Centers for Disease Control and Prevention as contributing factors to foodborne illness outbreaks at the retail level. (*i.e.* food from unsafe sources, poor personal hygiene, inadequate cooking, improper holding time and temperature, and contaminated equipment/cross-contamination);
- Identify retail food safety work plan priorities and allocate resources to enhance retail food safety nationwide;
- Track changes in the occurrence of foodborne illness risk factors in retail and foodservice establishments over time; and
- Inform recommendations to the retail and foodservice industry and state, local, tribal, and territorial regulatory professionals on reducing the occurrence of foodborne illness risk factors.

TABLE 1—DESCRIPTION OF THE FACILITY TYPES INCLUDED IN THE SURVEY

Facility type	Description
Full Service Restaurants	A restaurant where customers place their order at their table, are served their meal at the table, receive the service of the wait staff, and pay at the end of the meal.
Fast Food Restaurants	A restaurant that is not a full service restaurant. This includes restaurants commonly referred to as quick service restaurants and fast casual restaurants.

The statutory basis for FDA conducting this study is derived from the Public Health Service Act (42 U.S.C. 243, section 311(a)). Responsibility for carrying out the provisions of the Act relative to food protection was transferred to the Commissioner of Food and Drugs in 1968 (21 CFR 5.10(a)(2) and (4)). Additionally, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq) and the Economy Act (31 U.S.C. 1535) require FDA to provide assistance to other Federal, state, and local government bodies.

The objectives of the study are to:

- Identify the foodborne illness risk factors that are in most need of priority attention during each data collection period;
- Track trends in the occurrence of foodborne illness risk factors over time;
- Examine potential correlations between operational characteristics of food establishments and the control of foodborne illness risk factors;
- Examine potential correlations between elements within regulatory retail food protection programs and the control of foodborne illness risk factors; and
- Evaluate the impact of industry food safety management systems in controlling the occurrence of foodborne illness risk factors.

The data from the 2013–2014 information collection in restaurants is currently being analyzed by FDA. A report summarizing the findings is expected to be released in 2015. In order to analyze trends, FDA is proposing to conduct two additional data collections in 2017–2018 and 2021–2022 using the same methodology employed in the 2013–2014 data collection. This methodology is described as follows.

In order to obtain a sufficient number of observations to conduct statistically significant analysis, FDA will conduct approximately 400 data collections in each restaurant facility type during each data collection period. This sample size has been calculated to provide for sufficient observations to be 95 percent confident that the compliance percentage is within 5 percent of the true compliance percentage.

A geographical information system database containing a listing of businesses throughout the United States will be used as the establishment inventory for the data collections. FDA will sample establishments from the inventory based on the descriptions in table 1. FDA does not intend to sample operations that handle only prepackaged food items or conduct low risk food preparation activities. The *FDA Food Code* contains a grouping of establishments by risk, based on the type of food preparation that is normally conducted within the operation (Ref. 1). The intent is to sample establishments that fall under risk categories 2 through 4.

FDA has approximately 25 Regional Retail Food Specialists (Specialists) who will serve as the data collectors for the 10 year study. The Specialists are geographically dispersed throughout the United States and possess technical expertise in retail food safety and a solid understanding of the operations within each of the facility types to be surveyed. The Specialists are also standardized by FDA's Center for Food Safety and Applied Nutrition personnel in the application and interpretation of the *FDA Food Code* (Ref. 1).

Sampling zones will be established which are equal to the 150 mile radius around a Specialist's home location. The sample will be selected randomly from among all eligible establishments located within these sampling zones. The Specialists are generally located in major metropolitan areas (*i.e.* population centers) across the contiguous United States. Population centers usually contain a large concentration of the establishments FDA intends to sample. Sampling from the 150 mile radius sampling zones around the Specialists' home locations provides three advantages to the study:

1. It provides a cross section of urban and rural areas from which to sample the eligible establishments.
2. It represents a mix of small, medium, and large regulatory entities having jurisdiction over the eligible establishments.

3. It reduces overnight travel and therefore reduces travel costs incurred by the Agency to collect data.

The sample for each data collection period will be evenly distributed among Specialists. Given that participation in the study by industry is voluntary and the status of any given randomly selected establishment is subject to change, substitute establishments will be selected for each Specialist for cases where the restaurant facility is misclassified, closed, or otherwise unavailable, unable, or unwilling to participate.

Prior to conducting the data collection, Specialists will contact the state or local jurisdiction that has regulatory responsibility for conducting retail food inspections for the selected establishment. The Specialist will verify with the jurisdiction that the facility has been properly classified for the purposes of the study and is still in operation. The Specialist will also ascertain whether the selected facility is under legal notice from the state or local regulatory authority. If the selected facility is under legal notice, the Specialist will not conduct a data collection, and a substitute establishment will be used. An invitation will be extended to the state or local regulatory authority to accompany the Specialist on the data collection visit.

A standard form will be used by the Specialists during each data collection. The form is divided into three sections: Section 1—''Establishment Information;'' Section 2—''Regulatory Authority Information;'' and Section 3—''Foodborne Illness Risk Factor and Food Safety Management System Assessment.'' The information in Section 1—''Establishment Information'' will be obtained during an interview with the establishment owner or person in charge by the Specialist and will include a standard set of questions.

The information in Section 2—''Regulatory Authority Information'' will be obtained during an interview with the program director of the state or local jurisdiction that has regulatory responsibility for conducting inspections for the selected establishment. Section 3 includes three parts: Part A for tabulating the Specialists' observations of the food employees' behaviors and practices in limiting contamination, proliferation, and survival of food safety hazards; Part B for assessing the food safety management being implemented by the facility; and Part C for assessing the frequency and extent of food employee hand washing. The information in Part A will be collected from the Specialists' direct observations of food employee behaviors and practices. Infrequent, nonstandard questions may be asked by the Specialists if clarification is needed on the food safety procedure or practice being observed. The information in Part B will be collected by making direct observations and asking follow up questions of facility management to obtain information on the extent to which the food establishment has developed and implemented food safety management systems. The information in Part C will be collected by making direct observations of food employee hand washing. No questions will be asked in the completion of Section 3, Part C of the form.

FDA will collect the following information associated with the establishment's identity: Establishment name, street address, city, state, zip code, county, industry segment, and facility type. The establishment identifying information is collected to ensure the survey is not duplicative. The establishment identifying information is collected to ensure the data collections are not duplicative. Other information related to the nature of the operation, such as seating capacity and number of employees per shift, will also be collected. Data will be consolidated and reported in a manner that does not reveal the identity of any establishment included in the study.

FDA is working with the National Center for Food Protection and Defense to develop a Web-based platform in FoodSHIELD to collect, store, and analyze data for the Retail Risk Factor Study. Once developed, this platform will be accessible to state, local, territorial, and tribal regulatory jurisdictions to collect data relevant to their own risk factor studies. FDA is currently transitioning from the manual entry of data to the use of hand-held technology. FDA will be pilot testing the use of hand-held technology during its 2015–2016 risk factor study data collection in institutional foodservice and retail food stores, with the goal to have it fully implemented for the 2017–2018 data collection in restaurants. When a data collector is assigned a specific establishment, he or she will conduct the data collection and enter the information into the Web-based data platform. The interface will support the manual entering of data, as well as the ability to upload a fillable PDF.

In the **Federal Register** of December 11, 2014 (79 FR 73596), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received one comment; however, this comment did not address the information collection.

The burden for the 2017–2018 data collection is as follows. For each data collection, the respondents will include: (1) The person in charge of the selected restaurant facility (whether it be a fast food or full service restaurant); and (2) the program director (or designated individual) of the respective regulatory authority. In order to provide the sufficient number of observations needed to conduct a statistically significant analysis of the data, FDA has determined that the same number of data collections will be required in each of the two restaurant facility types as was required in the 2013–2014 data collection (*i.e.* 400). Therefore, the total number of responses for restaurants will be 1,600 (400 data collections × 2 facility types × 2 respondents per data collection).

The burden associated with the completion of Sections 1 and 3 of the form is specific to the person in charge of the selected facilities. It includes the time it will take the person in charge to accompany the data collector as he or she completes Sections 1 and 3 of the form. The burden related to the completion of Section 2 of the form is specific to the program directors (or designated individuals) of the respective regulatory authorities. It includes the time it will take to answer the data collectors' questions and is the same regardless of the facility type.

To calculate the estimate of the hours per response, FDA will use the average data collection duration for the same facility types during the 2013–2014 data collection. FDA estimates that it will take the persons in charge of full service restaurants and fast food restaurants 104 minutes (1.73 hours) and 82 minutes (1.36 hours), respectfully, to accompany the data collectors while they complete Sections 1 and 3 of the form. In comparison, for the 2013–2014 data collection, the burden estimate was 106 minutes (1.76 hours) in full service restaurants and 73 minutes (1.21 hours) in fast food restaurants. FDA estimates that it will take the program director (or designated individual) of the respective regulatory authority 30 minutes (0.5 hours) to answer the questions related to Section 2 of the form. This burden estimate is unchanged from the last data collection. Hence, the total burden estimate for a data collection in a full service restaurant, including both the program director's and the person in charge's responses, is 134 minutes (104 + 30) (2.23 hours). The total burden estimate for a data collection in a fast food restaurant, including both the program director's and the person in charge's responses, is 112 minutes 82 + 30 (1.86 hours).

Based on the number of entry refusals from the 2013–2014 data collection, we estimate a refusal rate of 2 percent. The estimate of the time per non-respondent is five minutes (0.08 hours) for the person in charge to listen to the purpose of the visit and provide a verbal refusal of entry.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Number of non-respondents	Number of responses per non-respondent	Total annual non-responses	Average burden per response	Total hours
2017–2018 Data Collection (Fast Food Restaurants)—Completion of Sections 1 and 3	400	1	400				1.36	544
2017–2018 Data Collection (Full Service Restaurants)—Completion of Sections 1 and 3	400	1	400				1.73	692
2017–2018 Data Collection-Completion of Section 2—All Facility Types	800	1	800				0.5 (30 minutes)	400
2017–2018 Data Collection-Entry Refusals—All Facility Types				16	1	16	0.08 (5 minutes)	1.28
Total Hours								1,637.28

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

II. Reference

The following reference has been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and is available electronically at *http://www.regulations.gov.*

1. *FDA Food Code* available at *http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/default.htm.*

Dated: July 15, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–17809 Filed 7–20–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–0990–0424–30D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, 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). 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 20, 2015

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–0990–0424–30D for reference.

Information Collection Request Title: Pregnancy Assistance Fund (PAF) Study Abstract: The Office of Adolescent Health (OAH), U.S. Department of Health and Human Services (HHS) is requesting approval by OMB on a revised data collection. The Pregnancy Assistance Fund (PAF) Study will provide information about program design, implementation, and impacts through a rigorous assessment of program impacts and implementation of two programs designed to support expectant and parenting teens. These programs are located in Houston, Texas and throughout the state of California. This revision to this information collection request includes the 12-month follow-up survey instrument related to the impact study. The data collected from this instrument in the two study sites will provide a detailed understanding of program impacts about one year after youth are enrolled in the study, at which time they first have access to the programming offered by each site. Clearance is requested for three years.

Need and Proposed Use of the Information: The data will serve two main purposes. First, the data will be used to determine program effectiveness by comparing outcomes on repeat pregnancies, sexual risk behaviors, health and well-being, and parenting behaviors between treatment (program) and control youth. Second, the data will be used to understand whether the programs are more effective for some youth than others. The findings from these analyses of program impacts will be of interest to the general public, to policymakers, and to organizations interested in supporting expectant and parenting teens.

Likely Respondents: 1,913 study participants

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
12-month follow-up survey of impact study participants	638	1	35/60	372.2
Total				372.2

Terry S. Clark,
Asst Information Collection Clearance Officer.

[FR Doc. 2015–17777 Filed 7–20–15; 8:45 am]

BILLING CODE 4168–11–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment; 60-Day Proposed Information Collection; Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions (OMB NO. 0917–0028)

AGENCY: Indian Health Service, HHS.

ACTION: Notice and request for comments. Request for extension of approval.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, which requires 60 days for public comment on proposed information collection projects, the Indian Health Service (IHS) invites the general public to take this opportunity to comment on the information collection titled, ''Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions,'' Office of Management and Budget (OMB) Control Number 0917–0028.

This previously approved information collection project was last published in the **Federal Register** (77 FR 52749) on August 30, 2012, and allowed 30 days for public comment. No public comment was received in response to the notice. This notice announces our intent to submit this collection, which expires November 30, 2015, to OMB for approval of an extension, and to solicit comments on specific aspects for the proposed information collection.

A copy of the supporting statement is available at *www.regulations.gov* (see Docket ID IHS–2015–0004).

Proposed Collection: Title: Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions (OMB No. 0917–0028). *Type of Information Collection Request:* Extension, without revision, of currently approved information collection, 0917–0028, Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions. There are no program changes or adjustments in burden hours. *Form(s):* Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions. *Need and Use of Information Collection:* This is a request for approval of the collection of information as required by section 408 of the Indian Child Protection and Family Violence Prevention Act, Public Law (Pub. L.) 101–630, 104 Stat. 4544, and 25 United States Code (U.S.C.) 3201–3211.

The IHS is required to compile a list of all authorized positions within the IHS where the duties and responsibilities involve regular contact with, or control over, Indian children; and to conduct an investigation of the character of each individual who is employed, or is being considered for employment in a position having regular contact with, or control over, Indian children [25 U.S.C. 3207(a)(1) and (2)]. Title 25 U.S.C. 3207(b) requires regulations prescribing the minimum standards of character to ensure that none of the individuals appointed to positions involving regular contact with, or control over, Indian children have been found guilty of, or entered a plea of nolo contendere or guilty to any felonious offense, or any of two or more misdemeanor offenses under Federal, State, or Tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.

In addition, 42 U.S.C. 13041 requires each agency of the Federal Government, and every facility operated by the Federal Government (or operated under contract with the Federal Government), that hires (or contracts for hire) individuals involved with the provision of child care services to children under the age of 18 to assure that all existing and newly hired employees undergo a criminal history background check. The background investigation is to be initiated through the personnel program of the applicable Federal agency. This section requires employment applications for individuals who are seeking work for an agency of the Federal Government, or for a facility or program operated by (or through contract with) the Federal Government, in positions involved with the provision of child care services to children under the age of 18, to contain a question asking whether the individual has ever been arrested for or charged with a crime involving a child. *Affected Public:* Individuals and households. *Type of Respondents:* Individuals.

The table below provides: Types of data collection instruments, Estimated number of respondents, Number of responses per respondent, Average burden hour per response, and Total annual burden hour(s).

ESTIMATED ANNUAL BURDEN HOURS

Data collection instrument(s)	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden responses (in hours)
Addendum to Declaration for Federal Employment (OMB 0917–0028)	3000	1	12/60	600
Total	3000			600

There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Requests for Comments: Your written comments and/or suggestions are invited on one or more of the following points:

(a) Whether the information collection activity is necessary to carry out an agency function;

(b) whether the agency processes the information collected in a useful and timely fashion;

(c) the accuracy of the public burden estimate (the estimated amount of time needed for individual respondents to provide the requested information);

(d) whether the methodology and assumptions used to determine the estimates are logical;

(e) ways to enhance the quality, utility, and clarity of the information being collected; and

(f) ways to minimize the public burden through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

ADDRESSES: Send your written comments, requests for more information on the proposed collection, or requests to obtain a copy of the data collection instrument and instructions to Tamara Clay by one of the following methods:

- *Mail:* Tamara Clay, Information Collection Clearance Officer, 801 Thompson Avenue, TMP, STE 450–30, Rockville, MD 20852–1627.
- *Phone:* 301–443–4750.
- *Email: tamara.clay@ihs.gov*.
- *Fax:* 301–443–2316.

Comment Due Date: September 21, 2015. Your comments regarding this information collection are best assured of having full effect if received within 60 days of the date of this publication.

Dated: July 8, 2015.

Robert G. McSwain,

Acting Director, Indian Health Service.

[FR Doc. 2015–17872 Filed 7–20–15; 8:45 am]

BILLING CODE 4160–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Calorie Restriction, IGF–1 and Stress Resistance III.

Date: August 13, 2015.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Bita Nakhai, Ph.D., Scientific Review Branch, National Institute on Aging, Gateway Bldg., 2c212, 7201 Wisconsin Avenue, Bethesda, MD 20814, 301–402–7701, *nakhaib@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: July 15, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–17752 Filed 7–20–15; 8:45 am]

BILLING CODE 4140–01P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; 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 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 Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; PAR–15–154—Development of Medications to Treat Alcohol Use Disorders (U44).

Date: August 6, 2015.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAAA, NIH, 5635 Fishers Lane, Room 2019, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Katrina Foster, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, NIH, 5635 Fishers Lane, Room 2019, Rockville, MD 20852, (301) 443–4032, *katrina@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 92.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Supports Awards, National Institutes of Health, HHS)

Dated: July 15, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–17750 Filed 7–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; 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 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 Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, ZAA1 EE01 AA–2 and AA–3 Conflict Review.

Date: August 7, 2015.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAAA, NIH, 5635 Fishers Lane, Room 2019, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Katrina Foster, Ph.D., Chief, Extramural Project Review Branch,

National Institute on Alcohol Abuse and Alcoholism, NIH, 5635 Fishers Lane, Room 2019, Rockville, MD 20852, (301) 443–4032, *katrina@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 92.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Supports Awards, National Institutes of Health, HHS)

Dated: July 15, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–17751 Filed 7–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) Drug Testing Advisory Board (DTAB) will meet on August 6, 2015, from 9:00 a.m. to 4:00 p.m. E.D.T., and on August 7, 2015, from 9:00 a.m. to 2:00 p.m. E.D.T. The DTAB will convene in both open and closed sessions on these two days.

On August 7, 2015, from 9:00 a.m. to 11:30 a.m., the meeting will be open to the public. The meeting will include updates on the status of the proposed revisions to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (urine/oral fluid) and the Request for Information (hair), review of the public comments to the proposed revisions to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (urine/oral fluid), review of the public comments to the Request for Information (hair), and DTAB's process for evaluating the scientific supportability of alternate specimens for Federal Workplace Drug Testing Programs.

The public is invited to attend the open session in person or to listen via web conference. Due to the limited seating space and call-in capacity, registration is requested. Public comments are welcome. To make arrangements to attend, obtain the web conference call-in numbers and access codes, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register at the SAMHSA Advisory Committees Web site at *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx* or contact the CSAP DTAB Designated Federal Official, Dr. Janine Denis Cook (see contact information below).

On August 6, 2015, from 9:00 a.m. to 4:00 p.m., and August 7, 2015, from 11:30 a.m. to 2:00 p.m., the Board will meet in closed session to discuss the proposed revisions to the Mandatory Guidelines for Federal Workplace Drug Testing Programs. Therefore, this meeting is closed to the public as determined by the Administrator, SAMHSA, in accordance with 5 U.S.C. 552b(c)(9)(B) and 5 U.S.C. App. 2, section 10(d).

Meeting information and a roster of DTAB members may be obtained by accessing the SAMHSA Advisory Committees Web site, *http://www.samhsa.gov/about-us/advisory-councils/drug-testing-advisory-board-dtab*, or by contacting Dr. Cook.

Committee Name: Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Prevention Drug Testing Advisory Board.

Dates/Time/Type: August 6, 2015, from 9:00 a.m. to 4:00 p.m. E.D.T.: CLOSED. August 7, 2015, from 9:00 a.m. to 11:30 a.m. E.D.T.: OPEN. August 7, 2015, from 11:30 a.m. to 2:00 p.m. E.D.T.: CLOSED.

Place: Sugarloaf Conference Room; SAMHSA Building; 1 Choke Cherry Road; Rockville, Maryland 20850.

Contact: Janine Denis Cook, Ph.D., Designated Federal Official; CSAP Drug Testing Advisory Board; 1 Choke Cherry Road, Room 7–1043; Rockville, Maryland 20857; *Telephone:* 240–276–2600; *Fax:* 240–276–2610; *Email: janine.cook@samhsa.hhs.gov*.

Janine Denis Cook,

Designated Federal Official, DTAB, Division of Workplace Programs, Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration.

[FR Doc. 2015–17818 Filed 7–20–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties. For the calendar quarter beginning July 1, 2015, the interest rates for overpayments will be 2 percent for corporations and 3 percent for non-corporations, and the interest rate for underpayments will be 3 percent for both corporations and non-corporations. This notice is published for the convenience of the importing public and U.S. Customs and Border Protection personnel.

DATES: *Effective Date:* July 1, 2015.

FOR FURTHER INFORMATION CONTACT: Michael P. Dean, Revenue Division, Collection and Refunds Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 614–4882.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 provides different interest rates applicable to overpayments: One for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2015–12, the IRS determined the rates of interest for the calendar quarter beginning July 1, 2015, and ending on September 30, 2015. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (1%) plus two

percentage points (2%) for a total of three percent (3%) for both corporations and non-corporations. For corporate overpayments, the rate is the Federal short-term rate (1%) plus one percentage point (1%) for a total of two percent (2%). For overpayments made by non-corporations, the rate is the Federal short-term rate (1%) plus two percentage points (2%) for a total of three percent (3%). These interest rates are subject to change for the calendar quarter beginning October 1, 2015, and ending December 31, 2015.

For the convenience of the importing public and U.S. Customs and Border Protection personnel the following list of IRS interest rates used, covering the period from before July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

Beginning date	Ending date	Underpay-ments (percent)	Overpayments (percent)	Corporate overpayments (Eff. 1–1–99) (percent)
070174	063075	6	6	
070175	013176	9	9	
020176	013178	7	7	
020178	013180	6	6	
020180	013182	12	12	
020182	123182	20	20	
010183	063083	16	16	
070183	123184	11	11	
010185	063085	13	13	
070185	123185	11	11	
010186	063086	10	10	
070186	123186	9	9	
010187	093087	9	8	
100187	123187	10	9	
010188	033188	11	10	
040188	093088	10	9	
100188	033189	11	10	
040189	093089	12	11	
100189	033191	11	10	
040191	123191	10	9	
010192	033192	9	8	
040192	093092	8	7	
100192	063094	7	6	
070194	093094	8	7	
100194	033195	9	8	
040195	063095	10	9	
070195	033196	9	8	
040196	063096	8	7	
070196	033198	9	8	
040198	123198	8	7	
010199	033199	7	7	6
040199	033100	8	8	7
040100	033101	9	9	8
040101	063001	8	8	7
070101	123101	7	7	6
010102	123102	6	6	5
010103	093003	5	5	4
100103	033104	4	4	3
040104	063004	5	5	4
070104	093004	4	4	3
100104	033105	5	5	4
040105	093005	6	6	5
100105	063006	7	7	6
070106	123107	8	8	7
010108	033108	7	7	6
040108	063008	6	6	5
070108	093008	5	5	4
100108	123108	6	6	5
010109	033109	5	5	4
040109	123110	4	4	3
010111	033111	3	3	2
040111	093011	4	4	3
100111	093015	3	3	2

Dated: July 13, 2015.

Kevin K. McAleenan,

Deputy Commissioner.

[FR Doc. 2015–17820 Filed 7–20–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0122]

Agency Information Collection Activities: Screening Requirements for Carriers

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Screening Requirements for Carriers. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before August 20, 2015 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (80 FR 25313) on May 4, 2015, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Screening Requirements for Carriers.

OMB Number: 1651–0122.

Abstract: Section 273(e) of the Immigration and Nationality Act (8 U.S.C. 1323(e) the Act) authorizes the Department of Homeland Security to establish procedures which carriers must undertake for the proper screening of their alien passengers prior to embarkation at the port from which they are to depart for the United States, in order to become eligible for an automatic reduction, refund, or waiver of a fine imposed under section 273(a)(1) of the Act. To be eligible to obtain such an automatic reduction, refund, or waiver of a fine, the carrier must provide evidence to CBP that it screened all passengers on the conveyance in accordance with the procedures listed in 8 CFR 273.3.

Some examples of the evidence the carrier may provide to CBP include: a description of the carrier's document screening training program; the number of employees trained; information regarding the date and number of improperly documented aliens intercepted by the carrier at the port(s) of embarkation; and any other evidence to demonstrate the carrier's efforts to properly screen passengers destined for the United States.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Carriers.

Estimated Number of Respondents: 65.

Estimated Time per Respondent: 100 hours.

Estimated Total Annual Burden Hours: 6,500.

Dated: July 15, 2015.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2015–17815 Filed 7–20–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0092]

Agency Information Collection Activities: Application for Withdrawal of Bonded Stores for Fishing Vessels and Certificate of Use

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Application for Withdrawal of Bonded Stores for Fishing Vessels and Certificate of Use (CBP Form 5125). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before August 20, 2015 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed

to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (80 FR 27335) on May 13, 2015, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Application for Withdrawal of Bonded Stores for Fishing Vessels and Certificate of Use.

OMB Number: 1651–0092.

Form Number: CBP Form 5125.

Abstract: CBP Form 5125, *Application for Withdrawal of Bonded Stores for Fishing Vessel and Certificate of Use,* is used to request the permission of the CBP port director for the withdrawal and lading of bonded merchandise (especially alcoholic beverages) for use on board fishing vessels involved in international trade. The applicant must certify on CBP Form 5125 that supplies on board were either consumed, or that all unused quantities remain on board and are adequately secured for use on the next voyage. CBP uses this form to collect information such as the name and identification number of the vessel, ports of departure and destination, and information about the crew members. The information collected on this form is authorized by section 1309 and 1317 of the Tariff Act of 1930, and is provided for by 19 CFR 10.59(e) and 10 65, and 27 CFR 290. CBP Form 5125 is accessible at: *http://www.cbp.gov/newsroom/publications/forms?title=5125*

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Carriers.

Estimated Number of Respondents: 500.

Estimated Number of Total Annual Responses: 500.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 165.

Dated: July 15, 2015.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2015–17816 Filed 7–20–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0015]

Agency Information Collection Activities: Application for Extension of Bond for Temporary Importation

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Application for Extension of Bond for Temporary Importation (CBP Form 3173). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before August 20, 2015 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (80 FR 24952) on May 1, 2015, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Application for Extension of Bond for Temporary Importation

OMB Number: 1651–0015

Form Number: CBP Form 3173

Abstract: Imported merchandise which is to remain in the customs territory for a period of one year or less without the payment of duties is entered as a temporary importation, as authorized under the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202). When this time period is not sufficient, it may be extended by submitting an application on CBP Form 3173, ''*Application for Extension of Bond for Temporary Importation.*'' This form is provided for by 19 CFR 10.37 and is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%203173.pdf.*

Current Actions: CBP proposes to extend the expiration date of this information collection with no changes to the burden hours or to Form 3173.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 1,200.

Estimated Number of Annual Responses per Respondent: 14.

Estimated Total Annual Responses: 16,800.

Estimated Time per Response: 13 minutes.

Estimated Total Annual Burden Hours: 3,646.

Dated: July 15, 2015.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2015–17819 Filed 7–20–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0001]

Agency Information Collection Activities: Petition for Alien Fiancé (e), Form I–129F; Revision of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: 60-Day Notice.

SUMMARY: DHS, USCIS invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until September 21, 2015.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0001 in the subject box, the agency name and Docket ID USCIS–2006–0028. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.regulations.gov* under e-Docket ID number USCIS–2006–0028;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Laura Dawkins, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, telephone number 202–272–8377 (comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0028 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Alien Fiancé (e).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–129F; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–129F must be filed with USCIS by a citizen of the United States in order to petition for an alien fiancé (e), spouse, or his/her children.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–129F is approximately 43,819 and the estimated hour burden per response is 3 hours per response; and the estimated number of respondents providing biometrics is 43,819 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 182,725 hours.

Dated: July 15, 2015.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2015–17775 Filed 7–20–15; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5832–N–06]

60-Day Notice of Proposed Information Collection: Pay for Success Demonstration Application

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date: September 21, 2015.*

ADDRESSES: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

FOR FURTHER INFORMATION CONTACT: Marlisa Grogan, Special Needs Assistance Specialist, SNAPS, CPD, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Marlisa Grogan at *Marlisa.M.Grogan@hud.gov* or telephone 202–402–4350. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Pay for Success Demonstration Application.

OMB Approval Number: 2506–0207.

Type of Request: Extension, without change, of a currently approved collection.

Form Number: SF 424, HUD SF 424 SUPP (if applicable), HUD–2993 (if applicable), HUD–96011 (if applicable), HUD–2880, SF–LLL.

Description of the need for the information and proposed use: The information to be collected will be used to rate applications, to determine eligibility for the PFS Demonstration and to establish grant amounts. Applicants, which must be public or private nonprofit organizations, will respond to narrative prompts to demonstrate their experience and expertise in PFS financing and to describe their intended program design, both for PFS Demonstration activities, such as conducting a feasibility assessment and structuring a PFS transaction, as well as deal implementation activities, such as administering a PSH intervention, tracking outcomes, and making success payments.

Respondents: Public or private nonprofit organizations.

Estimated Number of Respondents: 9 applicants.

Estimated Number of Responses: 9 applicants.

Frequency of Response: 1 response per year.

Average Hours per Response: 22.21 hours.

Total Estimated Burdens: 194.68 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 15, 2015.

Harriet Tregoning,

Principal Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2015–17861 Filed 7–20–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 5600–FA–43]

Announcement of Funding Awards Capital Fund Emergency Safety and Security Grants Fiscal Year 2015

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department. The public was notified of the availability of the Emergency Safety and Security funds with PIH Notice 2014–09 (Notice), which was issued May 12, 2014. Additionally, Public Housing Authorities (PHAs) were notified of funds availability via electronic mail and a posting to the HUD Web site. PHAs were funded in accordance with the terms of the Notice. This announcement contains the consolidated names and addresses of this year's award recipients under the Capital Fund Emergency Safety and Security grant program.

FOR FURTHER INFORMATION CONTACT: For questions concerning the Emergency Safety and Security awards, contact Ivan Pour, Director, Office of Capital Improvements, Office of Public Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4130, Washington, DC 20410, telephone (202) 708–1640. Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The Capital Fund Emergency Safety and Security program provides grants to

PHAs for physical safety and security measures necessary to address crime and drug-related emergencies. More specifically, in accordance with Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (1937 Act), and Public Law 113–235 (Consolidated and Further Continuing Appropriations Act, 2015) (FY 2015 appropriations), Congress appropriated funding to provide assistance to ''public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared disasters occurring in fiscal year [2015].''

The FY 2015 awards in this Announcement were evaluated for funding based on the criteria in the Notice. These awards are funded from the set-aside in the FY 2015 appropriations. In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of the 29 awards made under the set aside in Appendix A to this document.

Dated: July 13, 2015.

Lourdes Castro Ramírez,

Principal Deputy Assistant Secretary for Public and Indian Housing.

Appendix A

Capital Fund Emergency Safety and Security Program FY2015 Awards

Name/address of applicant	Amount funded	Project description
Uniontown Housing Authority, P.O. Box 1160, Uniontown, AL 36786.	$178,595	Security Cameras, Lighting, and Fencing.
Housing Authority of the City of Los Angeles, 2600 Wilshire Boulevard, Los Angeles, CA 90057.	$250,000	Security Camera System.
Housing Authority of the County of Los Angeles, 700 West Main Street, Alhambra, CA 91801.	$226,272	Security Cameras and Lighting.
Housing Authority of the City of Oxnard, 435 South D Street, Oxnard, CA 93030.	$250,000	Security Camera System.
Housing Authority of the City of Norwalk, P.O. Box 508, Norwalk, CT 06856.	$116,454	Exterior Lighting, Fencing, and Entry Doors.
Housing Authority of the City of Cocoa, 828 Stone Street, Cocoa, FL 32922.	$250,000	Security Cameras, Lighting, Doors, and Deadbolt Locks.
Northwest Georgia Housing Authority, P.O. Box 1428, Rome, GA 30162.	$247,788	Security Cameras, Access-Controlled Doors, Alarms, and Entry Doors.
Housing Authority of City of East St. Louis, 700 N. 20th St, East St. Louis, IL 62205.	$250,000	Security Camera System.
Chicago Housing Authority, 60 E. Van Buren, Chicago, IL 60660.	$248,845	Security Camera System.
Kokomo Housing Authority, 210 E. Taylor Street, Kokomo, IN 46901.	$222,810	Security Camera System and Exterior Lighting.
Kansas City, KS Housing Authority, 1124 N. 9th Street, Kansas City, KS 66101.	$250,000	Security Camera System and a Telephone Entry System.
Louisville Metro Housing Authority, 420 South 8th Street, Louisville, KY 40203.	$250,000	Locks and Lighting, Replace the Entry System, and Relocate the Security station.
Housing Authority of Richmond, P.O. Box 786, Richmond, KY 40476.	$250,000	Security Cameras.
Holyoke Housing Authority, 475 Maple Street, Holyoke, MA 01040.	$169,090	Security Cameras and Lighting.
North Adams Housing Authority, 150 Ashland Street, North Adams, MA 01247.	$250,000	Security Cameras and Fencing.
Housing Authority of Baltimore City, 417 E. Fayette Street, Baltimore, MD 21202–3431.	$250,000	Security Cameras and Lighting.
Fort Fairfield Housing Authority, 18 Fields Lane, Fort Fairfield, ME 04742.	$124,797	Security Camera System, Doors, Locks, Lighting, and Fencing.
Detroit Housing Commission, 1301 E. Jefferson, Detroit, MI 48207.	$227,990	Security Camera System, Doors, Alarm System, and Security Access System.
Housing Authority of the Town of Carrollton, 107 N. Monroe Street, Carrollton, MO 64633.	$51,996	Security Cameras, Locks, Lighting, and Fencing.
City of Hickory Public Housing Authority, 841 S. Center Street, Hickory, NC 28602.	$250,000	Security Cameras.
Rocky Mount Housing Authority, P.O. Box 4717, Rocky Mount, NC 27803.	$218,386	Security Cameras and Lighting.
Housing Authority of the Town of Morristown, 31 Early Street, Morristown, NJ 07960.	$250,000	Security Cameras.
New York City Housing Authority, 250 Broadway, New York, NY 10007.	$250,000	Security Camera System and Security Operations Center.
Catskill Housing Authority, P.O. Box 362, Catskill, NY 12414.	$45,002	Security Camera System.
Housing Authority of Anthony, P.O. Box 1710, Anthony, TX 79821.	$55,760	Fencing, Doors, and Lighting.
Austin Housing Authority, 1124 S. IH35, Austin, TX 78704.	$250,000	Security Camera System, Lighting, and Fencing.
San Antonio Housing Authority, 818 Flores Street, San Antonio, TX 78204.	$250,000	Lighting, and Fencing.
Housing Authority of Tatum, P.O. Box 1066, Tatum, TX 75691.	$248,930	Security Cameras, Gates, Fencing, Doors, Lighting, and Security Screens.

Name/address of applicant	Amount funded	Project description
Richmond Redevelopment and Housing Authority, 901 Chamberlayne Parkway, Richmond, VA 23220–2309.	$154,000	Window Bars.

[FR Doc. 2015–17863 Filed 7–20–15; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GX15DA009DU2000]

Agency Information Collection Activities: Request for Comments on the National Ground-Water Monitoring Network Cooperative Funding Program

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of a new information collection, National Ground-Water Monitoring Network Cooperative Funding Program.

SUMMARY: We (the U.S. Geological Survey) are notifying the public that we have submitted to the Office of Management and Budget (OMB) the information collection request (ICR) described below. To comply with the Paperwork Reduction Act of 1995 (PRA) and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this ICR.

DATES: To ensure that your comments on this ICR are considered, OMB must receive them on or before August 20, 2015.

ADDRESSES: Please submit written comments on this information collection directly to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, via email: (*OIRA_SUBMISSION@omb.eop.gov*); or by fax (202) 395–5806; and identify your submission with 'OMB Control Number 1028–NEW National Ground-Water Monitoring Network Cooperative Funding Program'. Please also forward a copy of your comments and suggestions on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7195 (fax); or *gs-info_collections@usgs.gov* (email). Please reference 'OMB Information Collection 1028–NEW: National Ground-Water Monitoring Network Cooperative Funding Program' in all correspondence.

FOR FURTHER INFORMATION CONTACT: Daryll Pope,, U.S. Geological Survey, 3450 Princeton Pike, Suite 110, Lawrenceville, NJ 08648 (mail); 609–771–3933 (phone); or *dpope@usgs.gov* (email). You may also find information about this ICR at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The USGS is working with the Federal Advisory Committee on Water Information (ACWI) and its Subcommittee on Ground Water (SOGW) to develop and administer a National Ground-Water Monitoring Network (NGWMN). This network is required as part of Public Law 111–11, Subtitle F—Secure Water: Section 9507 ''Water Data Enhancement by the United States Geological Survey''. The Network will consist of an aggregation of wells from existing Federal, State, Tribal, and local groundwater monitoring networks. To support data providers for the National Ground-Water Monitoring Network, the USGS will be providing funding through cooperative agreements to water-resource agencies that collect groundwater data. The USGS will be soliciting applications for funding that will request information from the Agency collecting the data. Proposals will be submitted through the *www.grants.gov* Web site. Elements of the proposal will include contact information (phone number and email address), and a proposal describing their existing data collection and a plan to evaluate their data for incorporation into the NGWMN. The proposal will be evaluated by the USGS and the NGWMN Program Board to appropriate funding. The proposal will describe the groundwater networks to be included in the NGWMN, the purpose of the networks, an estimate of the number of wells they would submit for the network, an overview of the methods they would use to select and classify wells for the network a description of data collection techniques, and information on their databases. The proposal would also require estimates of one-time costs to complete the above tasks and annual costs to participate in the network.

II. Data

OMB Control Number: 1028–NEW.

Title: National Ground-Water Monitoring Network Cooperative Funding Program.

Type of Request: Approval of new information collection.

Respondent Obligation: Required to obtain benefit.

Frequency of Collection: Annually.

Description of Respondents: Multistate, State, Tribal, or Local water-resource agencies who operate groundwater monitoring networks.

Estimated Total Number of Annual Responses: 100 applications, 25 reports.

Estimated Time per Response: We estimate that it will take 30 hour(s) per person to prepare the proposal. This includes time to review the NGWMN Framework Document to understand the Network design and requirements for data providers. In prior years respondents to similar projects have spent up to 125 hours to prepare the final report.

Estimated Annual Burden Hours: 3000 for applications, 3125 for reports.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: There are no ''non-hour cost'' burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. Until the OMB approves a collection of information, you are not obliged to respond.

Comments: On 02/06/2015, we published a **Federal Register** notice (80 FR 6746) announcing that we would submit this ICR to OMB for approval and soliciting comments. The comment period closed on 04/07/2015. We received no comments.

III. Request for Comments

We again invite comments concerning this ICR as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) how to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection

techniques or other forms of information technology.

Please note that comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask us and OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

William L. Cunningham,

Chief, Office of Groundwater.

[FR Doc. 2015–17835 Filed 7–20–15; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/ A0A501010.999900 253G]

Pueblo of San Ildefonso—Pueblo de San Ildefonso Liquor Control Act of 2015

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Pueblo of San Ildefonso—Pueblo de San Ildefonso Liquor Control Act of 2015. This codification repeals and replaces the existing Pueblo of San Ildefonso Ordinance Legalizing the Introduction, Possession, and Sale of Intoxicants, enacted by the Ildefonso Pueblo Council, which was published in the **Federal Register** on January 22, 1976 (41 FR 3326).

DATES: Effective Date: This amended code shall become effective 30 days after July 21, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Mattingly, Tribal Government Officer, Southwest Regional Office, Bureau of Indian Affairs, 1011 Indian School Road NW., Suite 254, Albuquerque, NM 87104; Telephone: (505) 563–3446; Fax: (505) 563–3101, or Ms. Laurel Iron Cloud, Bureau of Indian Affairs, Office of Indian Services, 1849 C Street NW., MS–4513–MIB, Washington, DC 20240; Telephone: (202) 513–7641.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Pueblo of San Ildefonso Tribal Council duly adopted the Pueblo de San Ildefonso Liquor Control Act of 2015 by Resolution No. SI–R15–004 on March 29, 2015. This **Federal Register** notice supersedes the Pueblo of San Ildefonso Ordinance Legalizing the Introduction, Possession, and Sale of Intoxicants, enacted by the Ildefonso Pueblo Council, which was published in the **Federal Register** on January 22, 1976 (41 FR 3326).

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Tribal Council of the Pueblo of San Ildefonso duly adopted the Pueblo de San Ildefonso Liquor Control Act of 2015 by Resolution No. SI–R15–004 on March 29, 2015.

Dated: July 14, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

The Pueblo of San Ildefonso—Pueblo de San Ildefonso Liquor Control Act of 2015 Liquor Control Act of 2015 shall read as follows:

Chapter 1. Administration

Section 1.1 Title. This act shall be known as the Pueblo de San Ildefonso Liquor Control Act.

Section 1.2 Purpose. The purpose of the Pueblo de San Ildefonso Liquor Control Act is to regulate and control the sale, possession and consumption of liquor within the Pueblo de San Ildefonso lands for the public health, safety and welfare.

Section 1.3 Authority. The Pueblo has enacted this Liquor Control Act in exercise of its inherent governmental authority over its lands and activities occurring thereon and in accordance with its governing Agreement, The Government, Section 5. Authority. This Liquor Act is in conformance with the laws of New Mexico, as required by Federal law and 18 U.S.C. 1161.

Section 1.4 Definitions. As used in this Act, the following terms shall apply:

A. ''Alcohol'' or ''Liquor'' includes the four varieties of liquor commonly referred to as alcohol, spirits, wine, and beer, and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous, or malt liquor or otherwise intoxicating, and every liquor or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine, or beer.

B. ''Council'' means the Pueblo de San Ildefonso Tribal Council.

C. ''Governor'' means the Governor of the Pueblo de San Ildefonso, or his or her designee.

D. ''Licensed premises'' means the location within Pueblo lands at which a licensee is permitted to sell and allow the consumption of liquor. Includes such buildings and surrounding land as designated in the liquor license.

E. ''Licensee'' means a person who has been issued tribal liquor license by the Pueblo, to sell liquor on the licensed premises under the provisions of this Act.

F. ''Minor'' means any person under the age of twenty-one (21) years.

G. ''Package sale'' means any sale of liquor in a container or containers filled or packed by a manufacturer or wine bottler and sold by a liquor licenses in an unbroken package for consumption off the licensed liquor establishment premises, and not for resale.

H. ''Person'' means any individual, business, or other legal entity, and includes the Pueblo and its wholly owned commercial entities.

I. ''Pueblo'' means the Pueblo de San Ildefonso, a federally recognized Tribe of Indians.

J. ''Public place'' means any location or premises on Pueblo lands to which the general public has unrestricted access.

K. ''Pueblo de San Ildefonso lands'' means all lands within the exterior boundaries of the Pueblo de San Ildefonso, including rights-of-way, lands owned by or for the benefit of the Pueblo, tribally purchased lands, and lands that may be leased by the Pueblo de San Ildefonso. Also referred to as ''Pueblo Lands.''

L. ''Sale'' or ''sales'' means the exchange, barter, donation, selling, supplying, or distribution of liquor.

M. ''Server'' means a person who sells, serves or dispenses liquor for consumption on or off licensed premises, and includes persons who manage, direct or control the sale or service of liquor.

N. ''Tribal Court'' means the trial court of the Pueblo.

Section 1.5 Tribal Liquor License.

A. Every person who sells liquor on Pueblo lands must hold a tribal liquor license issued by the Pueblo for each location on Pueblo Lands where liquor is sold.

B. A liquor license shall not be transferred, sold or assigned and is only valid for the licensed premises identified on the License.

C. A liquor license shall designate whether the licensed premises is

permitted to have package sales and/or by the drink.

D. The Pueblo in its discretion may place terms, conditions, and/or restrictions on the sale of liquor at licensed premises, including, but not limited to, the hours and days of operation and the type of liquor sold.

E. The term of a liquor license shall be two (2) years.

F. All persons issued a Liquor License shall:

(1) Prominently display the license in the business location;

(2) be responsible for the sale of liquor on Pueblo Lands by their business, and for the conduct of his or her officers, agents, and employees in relation to the sale of liquor;

(3) ensure that all servers have successfully completed, within the past three (3) years, an alcohol server education program and examination approved by the director of the New Mexico Alcohol and Gaming Division.

(4) ensure all handling, stocking, and sale of liquor shall be made by persons twenty-one (21) years of age or older. Proof of age must be shown by a current and valid state driver's license, tribal identification card, or other government issued identification that contains birth date and photo of the holder of the license or identification.

G. Any person licensed to sell liquor within the Pueblo shall obtain general public liability insurance insuring the licensee and the Pueblo against any claims, losses or liability whatsoever for any acts or omissions of the licensee or business invitee on the licensed premises resulting in injury, loss or damage to any other party, with coverage limits in the amount not less than $1,000,000 (one million dollars) per occurrence.

H. The Pueblo has the authority to suspend, revoke or terminate a Tribal liquor license for any violations arising from this Act or other Pueblo Criminal and Civil Code violations.

Chapter 2. Sale of Liquor; Restricted Areas

Section 2.1 Sales Limited. Sales of liquor are allowed at the following locations only:

A. The Pueblo's convenience stores.

Section 2.2 Sales for Personal Use; Resale Prohibited. All sales allowed by this Act shall be for personal use of the individual purchaser. Such sales for personal non-commercial use must be in package form or by the drink. Resale of any liquor by a person not licensed under this Act is prohibited.

Section 2.3 Right to Refuse Sale. Any person authorized to sell liquor within the Pueblo shall have the authority to refuse to sell liquor to any person unable to produce proof of age and identity, or to any person who appears intoxicated.

Section 2.4 Acceptable Proof of Age for Purchase. If there is a question of a Person's age to purchase liquor, such person shall be required to present any one of the following identification cards which shows his or her correct age and bears his or her signature and photograph:

A. A driver's license of any state or identification card issued by any state department of motor vehicles;

B. United States active duty military ID;

C. A passport;

D. An official identification or tribal membership card issued by a federally recognized tribe.

Section 2.5 Liquor in Undesignated Areas. The sale and possession of liquor in areas of the Pueblo Lands which are not designated or licensed for the sale and possession of liquor pursuant to this Act is prohibited.

A. This prohibition does not pertain to the otherwise lawful transportation of liquor through Pueblo de San Ildefonso lands by persons remaining upon public highways or other areas paved for motor vehicles and where such liquor is not delivered, sold or offered for sale to anyone within Pueblo Lands.

B. This prohibition does not pertain to liquor wholesalers selling, transporting or delivering liquor to a person licensed by the Pueblo to sell liquor, or to a location designated for the sale of liquor.

Chapter 3. Offenses, Enforcement and Penalties

Section 3.1 Offenses. Any person who violates this Act is subject to a civil penalty, at a minimum. Offenses include, but are not limited to, the following:

A. No person under the age of twenty-one (21) shall consume, purchase, attempt to purchase, or have in his or her possession any liquor. Any person violating this section shall be guilty of a separate violation of this Act for each container acquired, bought or possessed.

B. Any person who sells, provides, or attempts to sell or provide any liquor to any person under the age of twenty-one (21) shall be guilty of violation of this Act for each sale or drink provided.

C. Any person who transfers in any manner an identification of age to a minor for purposes of permitting such minor to obtain liquor shall be guilty of a violation of this Act.

D. Any person who attempts to purchase liquor through the use of a false or altered identification shall be guilty of a violation of this Act.

E. It shall be a violation of this Act for any person within Pueblo Lands to buy liquor from any person other than those properly authorized and licensed by the Pueblo and in compliance with this Act.

F. It shall be a violation of this Act for any person within Pueblo Lands to sell liquor without a license.

G. It shall be a violation of this Act for any person licensed by this Act to sell liquor off of the licensed premises.

H. Any person who is not licensed pursuant to this Act who purchases liquor on Pueblo Lands and resells it, whether in the original container or not, shall be guilty of a violation of this Act.

I. It shall be a violation of this Act for any person to sell liquor to a person who is visibly intoxicated or appears to be intoxicated.

J. It shall be a violation of this Act for any person to sell or possess any liquor in any area of the Pueblo's lands which is not designated or licensed for the sale and possession of liquor pursuant to this Act.

K. Any person who violates any other provision of this Act shall be guilty of a violation of this Act.

Section 3.2 Enforcement Powers and Authorities. The Governor, or his or her designee, shall have the following powers and authorities for the enforcement of this Act:

A. To adopt rules, regulations or polices necessary to carry out the intent of this Act to regulate and control the sale, possession and consumption of liquor.

B. To inspect all licensed premises on which liquor is sold, consumed, possessed or distributed at all reasonable times for the purposes of ascertaining whether the requirements of this Act and any rules or regulations promulgated under this Act are being met and adhered to.

C. To work with the Tribal Prosecutor or Law Enforcement Officer to bring proceedings in Tribal Court to enforce this Act, and any related rules or regulations, as necessary.

D. To suspend, revoke or terminate a liquor license for any violations arising from this Act or other Pueblo Criminal and Civil Code violations.

Section 3.3 Civil Penalty. Any person, purchasing, possessing, selling, delivering, bartering, or manufacturing liquor products in violation of any part of this Act, or of any rule or regulation adopted pursuant to this Act, shall be subject to a civil assessment of not more than five thousand dollars ($5,000) for each violation.

Section 3.4 Criminal Penalty. In addition to civil penalties, a person may

be subject to criminal prosecution by the Pueblo for the purchasing, possessing, selling, delivering, bartering, or manufacturing liquor products in violation of any part of this Act, or of any rule or regulation adopted pursuant to this Act.

Section 3.5 Exclusion. For good and sufficient cause found, the Tribal Court may exclude from the Pueblo Lands any person who engages in an activity or activities prohibited by this Act to the extend such exclusion is not inconsistent with Pueblo law.

Section 3.6 Contraband. Any liquor that is possessed contrary to the terms of this Act are declared to be contraband. Any tribal agent, employee or officer who is authorized by the Governor to enforce this Act shall have the authority to, and shall seize all contraband. Any officer seizing contraband shall preserve the contraband in accordance with the applicable law of the Pueblo or state law. Upon being found in violation of this Act by the Tribal Court, the person shall forfeit all right, title, and interest in the items seized and they shall become the property of the Pueblo.

Chapter 4. Miscellaneous

Section 4.1 Effective Date. This Act shall take effect thirty days after the date of publication in the **Federal Register** by the Secretary of the Interior or the Secretary's designee.

Section 4.2 Repeal of Inconsistent Law or Provisions. The Pueblo's Ordinance Legalizing the Introduction, Possession and Sale of Intoxicants, dated January 15, 1976, and published in the January 22, 1976 **Federal Register** is hereby repealed in its entirety. Further, any and all Council resolutions, or provisions in the Pueblo de San Ildefonso Civil and Criminal Code, or other laws, which conflict in any way with the provisions of this Act are hereby repealed to the extent that they are inconsistent with or conflict with or are contrary to the spirit and/or purpose of this Act.

Section 4.3 Severability. If any provision of this Act is found to be unconstitutional or unlawful by the Pueblo de San Ildefonso Tribal Courts or Federal Courts, such provision(s) shall be stricken and the remainder of this Act shall continue in full force and effect.

Section 4.4 Amendment. The Council may amend this Act upon majority vote of the Council, subject to the publication in the **Federal Register** by the Secretary of the Interior or his designee.

Section 4.5 Sovereign Immunity. Nothing in this Act shall be construed as a waiver of sovereign immunity or rights of the Pueblo.

[FR Doc. 2015–17887 Filed 7–20–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/A0A501010. 999900 253G]

Wampanoag Tribe of Gay Head (Aquinnah) Liquor Control Ordinance 14–01

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the liquor ordinance of the Wampanoag Tribe of Gay Head (Aquinnah). This ordinance regulates and controls the possession, sale and consumption of liquor within the jurisdiction of the Wampanoag Tribe of Gay Head (Aquinnah). The ordinance will increase the ability of the Wampanoag Tribe of Gay Head (Aquinnah) to control liquor distribution and possession on tribal lands and Indian country, and at the same time will provide an important source of revenue for the strengthening of the tribal government and the delivery of tribal services.

DATES: Effective Date: This code shall become effective July 21, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Sherry Lovin, Acting Regional Tribal Government Officer, Southern Plains Regional Office, Bureau of Indian Affairs, P.O. Box 368, Anadarko, Oklahoma 73005, Telephone: (405) 247–1534, Fax: (405) 247–9240; or Ms. Laurel Iron Cloud, Chief, Division of Tribal Government Services, Office of Indian Services, Bureau of Indian Affairs, 1849 C Street NW., MS–4513–MIB, Washington, DC 20240, Telephone: (202) 513–7641.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in Rice v. Rehner, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Wampanoag Tribe of Gay Head Tribal (Aquinnah) Tribal Council duly adopted the Aquinnah Wampanoag Liquor Ordinance 14–01 on September 17, 2014.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Wampanoag Tribe of Gay Head Tribal (Aquinnah) Tribal Council duly adopted the Aquinnah Wampanoag Liquor Ordinance 14–01 by Resolution No. 2014–34 on September 17, 2014.

Dated: July 14, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

Ordinance 14–01 Aquinnah Wampanoag Liquor Ordinance shall read as follows:

SECTION 1.1. TITLE

This Ordinance shall be known as the Aquinnah Wampanoag Liquor Ordinance (''Tribe'') and shall be referenced as the Liquor Ordinance.

SECTION 1.2. FINDINGS AND PURPOSE

A. The introduction, possession, and sale of liquor in Indian Country has historically been recognized as a matter of special concern to Indian tribes and to the United States. The control of liquor on the Tribe's Tribal Lands remains exclusively subject to the legislative enactments of the Tribe in its exercise of its governmental powers over Tribal Lands, and the United States.

B. Federal law prohibits the introduction of liquor into Indian Country (18 U.S.C. Sec. 1154), and authorized tribes to decide when and to what extent liquor transactions, sales, possession and service shall be permitted on their Tribal Lands (18 U.S.C. Sec. 1161).

C. Pursuant to the authority in Article VII, Sec. 1 of the Tribe's Constitution, the Tribal Council has the authority ''manage, control and administer the affairs of the tribe and shall determine its policies and procedures.''

D. The enactment of this Liquor Ordinance to govern liquor sales and service on Tribal Lands, will increase the ability of the Tribe to control liquor distribution and possession on Tribal Lands, and at the same time will provide an important source of revenue for the continued operation of Tribal government and the delivery of governmental services, as well as provide an amenity to customers at tribal gaming facilities, tribal hotels, concert venues and golf courses.

SECTION 1.3. DEFINITIONS

A. Unless otherwise required by the context, the term ''liquor'' as used throughout this Liquor Ordinance shall mean ''alcohol'', ''alcoholic beverages'', ''liqueur or cordial'', ''malt beverages'' and ''wine'' as those terms are defined by the Massachusetts State Liquor

Control Act, M.G.L. Chapter 138 Section 1 as amended and incorporated by reference herein.

B. ''Tribal Lands'' means all ''Settlement Lands'' as defined by the Massachusetts Indian Land Claim Settlement Act, 25 U.S.C. 1771 *et seq.,* as the ''private settlement lands'' described in paragraph 6 of the Joint Memorandum of Understanding Concerning Settlement of the Gay Head, Massachusetts, Indian Land Claims'' executed on November 22, 1983 (''Settlement Agreement'') and ''public settlement lands'' described in paragraph 4 of the Settlement Agreement as:

1. Public Settlement Lands: The Common Lands consisting of 238 acres (which include the Cranberry Lands, the Face of the Cliffs, and the Herring Creek), including the Menemsha Lands legally described as:

Parcel One: The Cranberry Lands

These lands consist of the parcels shown on the Assessors Maps of the Town of Gay Head, as those maps configured on the date of this deed (the ''Assessors Maps'') as follows: Map 3, Parcel 1 and Map 4, Parcel 63.

Parcel Two: The Face of the Cliffs

''The clay in the cliffs'' as set forth in a set-off of the same dated December 21, 1878, in Dukes County Probate Court Proceedings Case No. D1–235, EXCEPTING AND EXCLUDING all property shown as Lot A on a ''Plan of Land in Gay Head, Mass. Surveyed for Trustees of Aquinnah Realty Trust, June 8, 1989, scale 1 in. = 30 ft., Vineyard Haven Surveying, Box 1548, Beach Road, Vineyard Haven, MA 02568,'' and consisting of 504 Sq. Ft., which Plan is recorded in the Dukes County Registry of Deeds as Gay Head Case File No. 85.

Parcel Four: The Herring Creek

Those rights reserved in a set off dated December 21, 1878, in Dukes County Probate Proceeding Case No. D1–235, in the Herring Fishery, for the purpose of fishing and clearing the creeks, a strip of land one rod wide on each side of the creek, so long as the said reservation may be needed for that purpose. The approximate location of Herring Creek is shown on Gay Head Assessor's Map 11. Said Creek runs through Lots 381, 382, 383 and 384 on said Partition Plan, above mentioned, and said Creek also runs through The Cook Lands, which is Parcel Three, above mentioned.

2. Private Settlement Lands: The former Strock Estate consisting of three parcels of about 175 acres legally described as ''The land in Gay Head, Dukes County, Massachusetts, shown as Lots 68, 71, 72, 73, 80, 86, 179, 246, 254, 294, 299, 300, 309, 316, 319, 324, and 325 on a ''Plan of Gay Head Showing the Partition of the Common Lands as Made by Joseph T. Pease and Richard L. Pease, Commissioners, by John H. Millen, Civil Engineer on file with Dukes County Probate Court.'';

3. Any lands title to which is held in trust by the United States for the benefit of the Tribe or individual tribal member of the Tribe, or held by the Tribe or individual member of the Tribe subject to restriction by the United States against alienation and over which the Tribe exercises governmental power; and

4. All lands acquired into trust for the benefit of the Tribe.

C. ''Tribe'' means the Wampanoag Tribe of Gay Head (Aquinnah).

SECTION 1.4. JURISDICTION

To the extent permitted by applicable law, the Tribe asserts jurisdiction to determine whether liquor sales and service are permitted on Tribal Lands. As provided in section 1.6 of this Ordinance, liquor sales and service are limited to tribal gaming facilities, tribal hotels, concert venues and golf courses. Nothing in this Ordinance is intended nor shall be construed to limit the jurisdiction of the Tribe over Tribal Lands.

SECTION 1.5. RELATION TO OTHER LAWS

All prior ordinances, resolutions and motions of the Tribe regulating, authorizing, prohibiting, or in any way dealing with the sale or service of liquor are hereby repealed and are of no further force or effect to the extent they are inconsistent or conflict with the provisions of this Ordinance. No Tribal business licensing law or other Tribal law shall be applied in a manner inconsistent with the provisions of this Ordinance.

SECTION 1.6. AUTHORIZED SALE AND SERVICE OF LIQUOR

Liquor may be offered for sale and may be served on Tribal Lands only at tribal gaming facilities, and at tribal hotels, concert venues, and golf courses. Any other liquor sales are strictly prohibited.

SECTION 1.7. PROHIBITIONS

A. General Prohibitions. The commercial introduction of liquor for sales and service, other than as permitted by this Ordinance, is prohibited within Tribal Lands, and is hereby declared an offense under Tribal law. Federal liquor laws applicable to Indian Country shall remain applicable to any person, act, or transaction which is not authorized by this Ordinance and violators of this Ordinance shall be subject to federal prosecution as well as to legal action in accordance with the law of the Tribe.

B. Age Restrictions. No person shall be authorized to serve liquor unless they are at least 21 years of age. No person may be served liquor unless they are 21 years of age.

C. Off Premises Consumption of Liquor.

1. All liquor sales and service authorized by this Ordinance are permitted only at the authorized locations as set forth in section 1.6 of this Ordinance. No open containers of liquor, or unopened containers of liquor in bottles, cans, or otherwise may be permitted outside of those premises.

D. No person shall sell any liquor to any person obviously under the influence of liquor.

E. No person who is obviously under the influence of liquor may purchase or consume liquor on any authorized premises.

SECTION 1.8. CONFORMITY WITH STATE LAW

Authorized liquor sales and service on Tribal Lands shall comply with Massachusetts State Liquor Control Act standards to the extent required by 18 U.S.C. Sec. 1161.

SECTION 1.9. PENALTY

A. Any person or entity possessing, selling, serving, bartering, or manufacturing liquor products in violation of any part of this Ordinance shall be subject to a civil fine of not more than $500 for each violation involving possession, but up to $5,000 for each violation involving selling, bartering, or manufacturing liquor products in violation of this Ordinance, and violators may be subject to exclusion from Tribal Lands.

B. In addition, persons or entities subject to the criminal jurisdiction of the Tribe who violate this Ordinance shall be subject to criminal penalties as provided in applicable tribal criminal law.

C. All contraband liquor shall be confiscated by an authorized law enforcement agent.

D. The Aquinnah Judiciary shall have exclusive jurisdiction to enforce this Ordinance and the civil fines, criminal punishment and exclusion authorized by this section.

SECTION 1.10. SOVEREIGN IMMUNITY PRESERVED

Nothing in this Ordinance is intended or shall be construed as a waiver of the sovereign immunity of the Tribe. No manager or employee of the Tribe or the Aquinnah Wampanoag Gaming Corporation shall be authorized, nor shall they attempt, to waive the sovereign immunity of the Tribe pursuant to this Ordinance.

SECTION 1.11. SEVERABILITY

If any provision or provisions in this Ordinance are held invalid by a court of competent jurisdiction, this Ordinance shall continue in effect as if the invalid provision(s) were not a part hereof.

SECTION 1.12. EFFECTIVE DATE

This Ordinance shall be effective following approval by the Tribal Council and approval by the Secretary of the Interior or his/her designee and publication in the **Federal Register** as provided by federal law.

[FR Doc. 2015–17903 Filed 7–20–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/ A0A501010.999900 253G]

Omaha Tribe of Nebraska—Amendment to Alcoholic Beverage Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the amendment to the Omaha Tribe of Nebraska's Alcoholic Beverage Control Ordinance, Title 8, Section 8–3–1 of the Omaha Tribal Code, to make the tribal sales tax on the purchase of alcoholic beverages consistent with the sales and use tax laws of the state. The amended Omaha Tribe of Nebraska's Alcoholic Beverage Control Ordinance, Title 8, Section 8–3–1 of the Omaha Tribal Code was last published in the **Federal Register** on February 28, 2006 (71 FR 10056).

DATES: Effective Date: This code shall become effective 30 days after July 21, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Todd Gravelle, Tribal Government Officer, Great Plains Regional Office, Bureau of Indian Affairs, 115 4th Avenue SE., Aberdeen, SD, 57401; Telephone: (605) 226–7376; Fax: (605) 226–7379, or Ms. Laurel Iron Cloud, Chief, Division of Tribal Government Services, Office of Indian Services, Bureau of Indian Affairs, 1849 C Street NW., MS–4513–MIB, Washington, DC 20240; Telephone (202) 513–7641.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Omaha Tribe of Nebraska adopted this amendment to Title 8, Section 8–3–1 of the Omaha Tribal Code by Resolution No. 14–10 on October 24, 2013.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Tribal Council of the Omaha Tribe of Nebraska duly adopted this amendment to the Omaha Tribe of Nebraska's Alcoholic Beverage Control Ordinance, Title 8, Section 8–3–1 of the Omaha Tribal Code on October 24, 2013.

Dated: July 14, 2015.

Kevin K. Washburn

Assistant Secretary—Indian Affairs.

The amendment to the Omaha Tribe of Nebraska's Alcoholic Beverage Control Ordinance, Title 8, Section 8–3–1 of the Omaha Tribal Code shall read as follows:

SECTION 8–3–1. Sales Tax Levied.

There is hereby imposed a Sales Tax on the purchase of alcoholic beverages from any retail licensee licensed under the provisions of this title and said Sales Tax shall be consistent with that of the prevailing Base Sales and Use Tax Rate of the State in which the facility selling alcoholic beverages is located, as that Sales and Use Tax Rate may be amended from time to time. A local Sales Tax shall be imposed in an amount consistent with those sales and use taxes, if any, imposed by local governments in addition to the State Sales and Use tax. Such sales tax shall be deposited in a specific fund for use to prevent and control substance abuse on the Reservation.

[FR Doc. 2015–17906 Filed 7–20–15; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–CONC–18186]; [PPWOBSADC0, PPMVSCS1Y.Y00000]

Notice of Extension of Concession Contracts

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: The National Park Service hereby gives public notice that it proposes to extend the following expiring concession contracts for a period of up to one (1) year, or until the effective date of a new contract, whichever occurs sooner.

DATES: Effective June 1, 2015.

FOR FURTHER INFORMATION CONTACT: Brian Borda, Chief, Commercial Services Program, National Park Service, 1201 Eye Street NW., 11th Floor, Washington, DC 20005, Telephone: 202–513–7156.

SUPPLEMENTARY INFORMATION: Pursuant to 36 CFR 51.23, the National Park Service has determined the proposed short-term extensions are necessary to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid such interruption. The publication of this notice merely reflects the intent of the National Park Service but does not bind the National Park Service to extend any of the contracts listed below.

CONCID	Concessioner	Park unit
ANIA903–05	Joe Klutsch	Aniakchak National Monument & Preserve.
ANIA904–05	Jay M. King	Aniakchak National Monument & Preserve.
ANIA906–05	Cinder River Lodge Alaska, LLC	Aniakchak National Monument & Preserve.
DENA003–15	Eric Jayne	Denali National Park & Preserve.
DENA005–04	Rainier Mountaineering, Inc.	Denali National Park & Preserve.
DENA006–04	Mountain Trip International, Inc.	Denali National Park & Preserve.
DENA008–04	Alaska Mountaineering School, LLC	Denali National Park & Preserve.
DENA009–04	Alpine Ascents International, Inc.	Denali National Park & Preserve.
DENA010–04	American Alpine Institute, Ltd.	Denali National Park & Preserve.
DENA011–04	National Outdoor Leadership School	Denali National Park & Preserve.

CONCID	Concessioner	Park unit
DENA018–15	Jon M. Nierenberg	Denali National Park & Preserve.
GAAR001–05	Richard A. Guthrie	Gates of the Artic National Park & Preserve.
GLBA015–06	Paul Johnson	Glacier Bay National Park & Preserve.
GLBA016–06	Whale Song Adventures, LLC	Glacier Bay National Park & Preserve.
GLBA018–06	Alaska Glacier Guides, Inc.	Glacier Bay National Park & Preserve.
GLBA019–06	Anchor Excursions, Inc.	Glacier Bay National Park & Preserve.
GLBA022–06	Craig S. Loomis	Glacier Bay National Park & Preserve.
GLBA023–06	Alaskan Sailing Expeditions, LLC	Glacier Bay National Park & Preserve.
GLBA024–06	Jimmie L. Rosenbruch	Glacier Bay National Park & Preserve.
GLBA025–06	James S. Kearns	Glacier Bay National Park & Preserve.
GLBA026–06	Denny Paul Corbin	Glacier Bay National Park & Preserve.
GLBA027–06	InterSea Discoveries, LLC	Glacier Bay National Park & Preserve.
GLBA028–06	Francis & Linda Kadrlik	Glacier Bay National Park & Preserve.
GLBA030–06	Ronn Patterson	Glacier Bay National Park & Preserve.
GLBA031–06	Geoff Wilson and Debbie Kay Bennett	Glacier Bay National Park & Preserve.
GLBA032–06	Sea Wolf Adventures, Inc.	Glacier Bay National Park & Preserve.
GLBA034–06	InterSea Discoveries, LLC	Glacier Bay National Park & Preserve.
GLBA901–05	Alsek River Guide Service, Inc.	Glacier Bay National Park & Preserve.
GLBA902–05	Alsek River Guide Service, Inc.	Glacier Bay National Park & Preserve.
LACL002–05	Alaska's River Wild Lodge, LLC	Lake Clark National Preserve.
LACL901–05	Arno Krumm	Lake Clark National Preserve.
NOAT901–06	Philip E. Driver	Noatak National Preserve.
NOAT904–06	James P. Jacobson	Noatak National Preserve.
NOAT906–06	Edmond Mont Mahoney	Noatak National Preserve.
SEKI004–98	DNC Parks and Resorts at Sequoia, Inc.	Sequoia & Kings Canyon National Parks.

Summary: Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes extension of visitor services for the contract listed below until the dates shown under the terms and conditions of the current contract as amended. The extension of operations does not affect any rights with respect to selection for award of a new concession contract.

CONCID	Concessioner	Park unit	Extend until
PAIS002–05	Worldwinds Windsurfing, Inc.	Padre Island National Seashore	December 31, 2015.

Dated: June 19, 2015.

Lena McDowall,

Chief Financial Officer.

[FR Doc. 2015–17871 Filed 7–20–15; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–18707;PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before June 27, 2015. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by August 5, 2015. 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: July 1, 2015.

Roger Reed,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

CALIFORNIA

San Diego County

Kwaaymii Homeland, Address Restricted, Mount Laguna, 15000506

DISTRICT OF COLUMBIA

District of Columbia

West Heating Plant, (Georgetown MRA) 1051 29th St. NW., Washington, 15000507

FLORIDA

Okeechobee County

First Methodist Episcopal Church, South, 200 NW. 2nd St., Okeechobee, 15000509

MASSACHUSETTS

Worcester County

Four Corners—Goodnow Farm Historic District, Gates, Goodnow, Old Colony, Rhodes & Thompson Rds., Princeton, 15000510

MONTANA

Carbon County

Camp Senia Historic District (Boundary Increase and Additional Data), Custer National Forest, Red Lodge, 15000511

NEW YORK

Erie County

East Hill Historic District, 98–367 E. Main St., Springville, 15000512

Sts. Peter and Paul Orthodox Church Complex, 40 Benzinger St., Buffalo, 15000513

Ontario County

St. Francis de Sales Parish Complex, 94, 110, 130 & 140 Exchange St., Geneva, 15000514

Orange County

Cottage in the Pines, 1200 NY 42, Deerpark, 15000515

Rockland County

Main School, 45 Mountain Ave., Hilburn, 15000516

Suffolk County

Babylon Library, The, 117 W. Main St., Babylon, 15000517

Tuthill, Daniel and Henry P., Farm, 1146 Main Rd., Jamesport, 15000518

Wyoming County

Roup, Barna C., House, 38 Borden Ave., Perry, 15000519

WYOMING

Natrona County

Edness Kimball Wilkins No. 1 Site, Address Restricted, Evansville, 15000520

In the interest of preservation, a three day comment period has been requested for the following resource:

FLORIDA

Lake County

Fruitland Park Community Center, 604 W. Berckman St., Fruitland Park, 15000508

[FR Doc. 2015–17771 Filed 7–20–15; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 156S180110; S2D2S SS08011000 SX064A000 15XS501520]

Final Four Corners Power Plant and Navajo Mine Energy Project; Record of Decision.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Notice of Availability; Record of Decision.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE) are announcing that the Record of Decision (ROD) for the Four Corners Power Plant (FCPP) and Navajo Mine Energy Project is available for public review. The Deputy Secretary for the Department of the Interior, Director of OSMRE, Director of the Bureau of Indian Affairs (BIA) and the Director of the Bureau of Land Management (BLM) signed the ROD on [July 15, 2015], which constitutes the final decision of the Department.

ADDRESSES: You may review the ROD online via OSMRE's Web site at: *http://www.wrcc.osmre.gov/Current_Initiatives/FCNAVPRJ/FCPPEIS.shtm.* Copies of the ROD are available to the public at the OSMRE's Western Region office, located at 1999 Broadway, Suite 3320, Denver, Colorado 80202–5733. Paper and CD copies of the ROD are also available at the following locations:

Navajo Nation Library—Highway 264 Loop Road, Window Rock, AZ 86515

Navajo Nation Division of Natural Resources—Executive Office Building 1–2636, Window Rock Blvd., Window Rock, AZ 86515

Hopi Public Mobile Library—1 Main Street, Kykotsmovi, AZ 86039

Albuquerque Main Library—501 Copper Ave., NW., Albuquerque, NM 87102

Cortez Public Library—202 N. Park Street, Cortez, CO 81321

Durango Public Library—1900 E. Third Ave., Durango, CO 81301

Farmington Public Library—2101 Farmington Ave., Farmington, NM 87401

Octavia Fellin Public Library—115 W. Hill Ave., Gallup, NM 87301

Shiprock Branch Library—U.S. Highway 491, Shiprock, NM 87420

Tuba City Public Library—78 Main Street, Tuba City, AZ 86045

Chinle Chapter House—Highway 191, Chinle, AZ 86503

Coalmine Canyon Chapter House—Highway 160 and Main Street, Tuba City, AZ 86045

Nenahnezad Chapter House—County Road 6675, Navajo Route 365, Fruitland, NM 87416

Shiprock Chapter House—East on Highway 64, Shiprock, NM 87420

Tiis Tsoh Sikaad Chapter House—12 miles east of U.S. 491 on Navajo Route 5 and ½ mile south on Navajo Route 5080

Upper Fruitland Chapter House—N562 Building #006–001, North of Highway N36, Fruitland, NM 87416

BLM Rio Puerco Field Office—435 Montano Road, NE., Albuquerque, NM 87107

BIA Navajo Region—301 West Hill Street, Gallup, NM 87301

BIA Chinle Office—Navajo Route 7, Building 136–C, Chinle, AZ 86503

BIA Eastern Navajo Office—Highland Road Code Talker Street, Building 222, Crownpoint, NM 87313

BIA Fort Defiance Office—Bonita Drive, Building 251–3, Fort Defiance, AZ 86504

BIA Ramah Office—HC–61, Box 14, Ramah, NM 87321

BIA Shiprock Office—Nataani Nez Complex Building, Second Floor, Highway 491 South, Shiprock, NM 87420

BIA Southern Pueblos Office—1001 Indian School Road, NW., Albuquerque, NM 87104

BIA Southern Ute Office—383 Ute Road, Building 1, Ignacio, CO 81137

BIA Ute Mountain Ute Office—Phillip Coyote Sr. Memorial Hall, 440 Sunset Blvd., Towaoc, CO 81334

BIA Western Navajo Agency—East Highway 160 and Warrior Drive, Tuba City, AZ 86045

In addition, a limited number of CD copies of the FEIS have been prepared and are available upon request. Because of the time and expense in producing and mailing CD and paper copies, OSMRE requests that the public review the Internet or publicly available copies, if possible. You may obtain a CD by contacting the person identified in **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: For further information contact Mychal Yellowman, Project Coordinator, telephone: 303–293–5049; address: 1999 Broadway, Suite 3320, Denver, Colorado 80202–5733; email: *myellowman@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Project
II. Background on the Four Corners Power Plant
III. Background on the Pinabete Mine Permit and the Navajo Mine Permit Renewal
IV. Alternatives
V. Response to Public Comment

I. Background on the Project

The purpose of the Proposed Action is to allow continued operations of the FCPP and Navajo Mine and operation of the associated transmission lines. The Proposed Action would be consistent with federal Indian trust policies, including, but not limited to, a preference for tribal self-determination and promoting tribal economic development for all tribes affected by the Proposed Action. The Final Environmental Impact Statement (FEIS) evaluates the direct, indirect, and cumulative impacts of the Proposed Action at the FCPP, the proposed Pinabete Permit area, the existing Navajo Mine Permit area, and the rights-of-way renewals for segments of four transmission lines that transmit power from the FCPP. The public may view information about the Proposed Action on OSMRE's Web site at: *http://www.wrcc.osmre.gov/Current_Initiatives/FCNAVPRJ/FCPPEIS.shtm.*

Cooperating agencies for this National Environmental Policy Act (NEPA) process include: The Bureau of Indian Affairs (BIA), the Bureau of Land Management (BLM), the U.S. Environmental Protection Agency (USEPA), the U.S. Fish and Wildlife Service (USFWS), the National Park Service (NPS), the U.S. Army Corps of Engineers (USACE), the Navajo Nation, and the Hopi Tribe.

OSMRE complied with Section 106 of the National Historic Preservation Act (54 U.S.C. 300101 *et seq.*) (NHPA Section 106) as provided for in 36 CFR 800.2(d)(3) concurrent with the NEPA process, including public involvement requirements and consultation with the State Historic Preservation Officer and

Tribal Historic Preservation Officer. Consultation with Tribes and individual Native Americans were conducted in accordance with applicable laws, regulations, and Department of the Interior (DOI) trust policy as summarized in the FEIS. Consultation is complete and Programmatic Agreements have been signed by the consulting parties. These agreements are included as attachments to the FEIS.

OSMRE also conducted formal consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (ESA; 16 U.S.C. 1536) and associated implementing regulations (50 CFR part 400). This formal consultation considered direct, indirect, and cumulative effects from the Proposed Action, and USFWS prepared a Biological Opinion which is included as an attachment to the FEIS.

Federal actions related to FCPP and Navajo Mine Energy Project will comply with all applicable laws and regulations, including: The Indian Business Site Leasing Act, 25 U.S.C. 415; the General Right-of-Way Act of 1948, 25 U.S.C. 323–328; the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201–1328; the Clean Water Act, 33 U.S.C. 1251–1387; the Clean Air Act, 42 U.S.C. 7401–7671q; the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001–3013; and Executive Orders relating to Environmental Justice, Sacred Sites, and Government-to-Government Consultation.

II. Background on Lease Amendment No. 3 at the Four Corners Power Plant

The FCPP is a coal-fired electric generating station located on Navajo tribal trust lands. FCPP currently includes two energy generation units producing approximately 1,500 megawatts, and provides power to more than 500,000 customers throughout the southwestern U.S. Nearly 80 percent of the employees at the plant are Native American. Arizona Public Service (APS) operates the FCPP and executed a lease amendment (Lease Amendment No. 3) with the Navajo Nation to extend the term of the FCPP lease for an additional 25 years, to 2041. Continued operation of the FCPP would require several federal actions, including:

- BIA approval of Lease Amendment No.3 for the FCPP, pursuant to 25 U.S.C. 415. As approved, the ash disposal area would be expanded within the existing FCPP lease area. There are no additional proposed changes to the FCPP, the switch yard, or any of the transmission lines and ancillary facilities, as part of the Proposed Action.
- BIA issuance of renewed rights-of-way, pursuant to 25 U.S.C. 323, for the continued operation of the FCPP, switchyard, and ancillary facilities; for a 500 kilovolt (kV) transmission line and two 345 kV transmission lines; and for ancillary transmission line facilities, including the Moenkopi Switchyard, an associated 12 kV line, and an access road (collectively the ''existing facilities''). These existing facilities are located on Navajo tribal trust lands, except for the 500 kV transmission line, which crosses both Navajo and Hopi tribal trust lands. The Proposed Action would continue operation and maintenance of these facilities. No upgrades to the existing facilities are part of the Proposed Action.
- BIA issuance of renewed rights-of-way to the Public Service of New Mexico (PNM) for the existing 345 kV transmission line. The transmission line will continue to be maintained and operated as part of the Proposed Action. No upgrades to this transmission line are planned as part of the Proposed Action.

In August 2012, the USEPA published its Federal Implementation Plan (FIP) for the Best Available Retrofit Technology (BART) at FCPP (40 CFR 49.5512). As a result, APS decommissioned Units 1, 2, and 3 at the FCPP in December 2013, and will install selective catalytic reduction equipment on Units 4 and 5 by 2018.

III. Background on Pinabete Mine Permit and the Navajo Mine Permit Renewal

NTEC proposes to conduct surface coal mining operations within a new 5,659-acre permit area, called the Pinabete Permit area. This proposed permit area lies within the boundaries of the existing Navajo Mine lease, which is located adjacent to the FCPP on Navajo tribal trust lands. Surface mining operations would occur on an approximately 2,744-acre portion of the proposed Pinabete Permit area, with a total disturbance footprint, including staging areas, of approximately 4,100 acres. The proposed Pinabete Permit area would, in conjunction with the mining of any reserves remaining within the existing Navajo Mine Permit area (Federal SMCRA Permit NM0003F), supply low-sulfur coal to the FCPP at a rate of approximately 5.8 million tons per year. Development of the Pinabete Permit area and associated coal reserves would use surface mining methods, and based on current projected customer needs, would supply coal to FCPP for up to 25 years beginning in 2016. The proposed Pinabete Permit area would include previously permitted but undeveloped coal reserves within Area IV North of the Navajo Mine Lease, and unpermitted and undeveloped coal reserves in a portion of Area IV South of the existing Navajo Mine Lease. Approval of the proposed Pinabete Permit would require several federal actions, including:

- OSMRE approval of the new SMCRA permit.
- BLM approval of a revised Mine Plan developed for the proposed maximum economic recovery of coal reserves.
- USACE approval of a Section 404 Individual Permit for impacts to waters of the United States from proposed mining activities.
- USEPA approval of a new source Section 402 National Pollutant Discharge Elimination System (NPDES) Industrial Permit associated with the mining and reclamation operations and coal preparation facilities.
- BIA approval of a proposed realignment for approximately 2.8 miles of BIA 3005/Navajo Road N–5082 (Burnham Road) in Area IV South to avoid proposed mining areas. This realignment would not be needed until 2022; however, the potential impacts of this realignment are analyzed in the FEIS.
- BIA approval or grant of permits or rights-of-way for access and haul roads, power supply for operations, and related facilities.

In addition, in 2014, OSMRE administratively delayed its decision on NTEC's renewal application for its existing Navajo Mine SMCRA Permit No. NM00003F. The EIS, therefore, also addresses alternatives and direct, indirect, and cumulative impacts of the 2014 renewal application action.

IV. Alternatives

Alternatives considered in the EIS include three different mine plan configurations at Navajo Mine; implementing highwall or longwall mining techniques at the Navajo Mine; two different ash disposal facility configurations at FCPP; conversion of FCPP to a renewable energy plant; implementing carbon capture and storage at FCPP; and use of an off-site coal supply option for FCPP.

V. Revisions to the Draft EIS

In accordance with the CEQ's regulations for implementing NEPA and the DOI's NEPA regulations, OSMRE solicited public comments on the Draft EIS. OSMRE responses to comments are included in Appendix F of the FEIS. Comments on the Draft EIS received from the public were considered and incorporated as appropriate into the

FEIS. Public comments resulted in the addition of clarifying text, but did not change any of the impact analyses or significance determinations.

In addition, the FEIS includes updates based on evolving regulatory guidance and completion of the Section 106 and Section 7 consultation processes.

The EPA published the Notice of Availability of the Final Environmental Impact Statement in the **Federal Register** by the OSMRE (80 FR 24965) on May 1, 2015. Printed and CD copies of the Draft EIS and Final EIS are available at the same locations as listed in **ADDRESSES** above. The ROD conditions OSMRE, BIA and BLM's approval on all mitigation measures identified in the Final EIS and additional mitigation measures identified in the Final Biological Opinion and the ROD.

Because BIA's and BLM's decision is approved by the Secretary of the Interior, it is not subject to administrative appeal in accordance with the regulations at 43 CFR 4.410(a)(3). Any challenges to BIA & BLM's decisions, must be brought in federal district court. OSMRE's decisions may be appealed by a person with an interest which is or may be adversely affected under the procedures set forth in 30 CFR 775 and 43 CFR part 4.

Authority: 40 CFR 1506.6, 40 CFR 1506.10

Dated: July 15, 2015.

Joseph G. Pizarchik,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2015–17881 Filed 7–20–15; 8:45 am]

BILLING CODE 4310–05P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1070A (Second Review)]

Crepe Paper From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on crepe paper from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: Effective Date: July 6, 2015.

FOR FURTHER INFORMATION CONTACT: Michael Haberstroh, (202) 205–3390, 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 review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On July 6, 2015, the Commission determined that the domestic interested party group response to its notice of institution (80 FR 17499, April 1, 2015) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] [2] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review 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, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on August 3, 2015, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution, and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before August 6, 2015 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by August 6, 2015. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to filing have changed. The most recent amendments took effect on July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from 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 review must be served on all other parties to the review (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 review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: July 15, 2015.

Jennifer Rohrbach,

Supervisory Attorney.

[FR Doc. 2015–17741 Filed 7–20–15; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] Chairman Meredith M. Broadbent and Commissioner F. Scott Kieff voted to conduct a full review.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–462 and 731–TA–1156–1158 (First Review) and 731–TA–1043–1045 (Second Review)]

Polyethylene Retail Carrier Bags From China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam; Notice of Commission Determination To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 (''The Act'') to determine whether revocation of the countervailing duty order on polyethylene retail carrier bags from Vietnam and revocation of the antidumping duty orders on polyethylene retail carrier bags from China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

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

FOR FURTHER INFORMATION CONTACT: Nathanael Comly (202–205–3174), 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 proceeding may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

For further information concerning the conduct of this proceeding and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On July 6, 2015, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group response to its notice of institution (80 FR 17490, April 1, 2015) and the respondent interested party group response with respect to the order on Malaysia were adequate. The Commission determined that it will proceed to a full review of the order on Malaysia. The Commission also found that the respondent interested party group responses with respect to the orders on China, Indonesia, Taiwan, Thailand, and Vietnam were inadequate. The Commission further determined that it will proceed to full reviews of the orders on China, Indonesia, Taiwan, Thailand, and Vietnam to promote administrative efficiency in light of its decision to proceed to a full review with respect to the order on Malaysia. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: July 15, 2015.

Jennifer Rohrbach,

Supervisory Attorney.

[FR Doc. 2015–17773 Filed 7–20–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–437 and 731–TA–1060–1061 (Second Review)]

Carbazole Violet Pigment 23 From China and India; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty and countervailing duty orders on carbazole violet pigment 23 from China and India would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

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

FOR FURTHER INFORMATION CONTACT: Cynthia Trainor ((202) 205–3354), 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 review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background. On July 6, 2015, the Commission determined that the domestic interested party group response to its notice of institution (80 FR 17499, April 1, 2015) of the subject five-year reviews was adequate and that the respondent interested party group responses were inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of these reviews 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, D, E, and F (19 CFR part 207).

Staff report. A staff report containing information concerning the subject matter of these reviews will be placed in the nonpublic record on August 20, 2015, and made available to persons on the Administrative Protective Order service list for these reviews. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions. As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to these reviews and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in these reviews. Comments are due on or before August 25, 2015 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to these reviews by August 25, 2015. However, should the Department of Commerce extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] The Commission has found the responses submitted by Nation Ford Chemical Co. and Sun Chemical Corp. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to filing have changed. The most recent amendments took effect on July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from 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 reviews must be served on all other parties to the reviews (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.

Determination. The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: July 15, 2015.

Jennifer Rohrbach,

Supervisory Attorney.

[FR Doc. 2015–17781 Filed 7–20–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Trade Adjustment Assistance Community College and Career Training Grants Round Four Evaluation

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the information collection request (ICR) proposal titled, ''Trade Adjustment Assistance Community College and Career Training Grants Round Four Evaluation,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before August 20, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201505-1291-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OASAM, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the Trade Adjustment Assistance Community College and Career Training (TAAACCCT) Grants Round Four Evaluation information collection. The fourth round of the TAACCCT grants program continues to provide community colleges and other eligible institutions of higher education with funds to expand and improve their ability to deliver education and career training programs that can be completed in two years or less and are suited for workers who are eligible for training under the Trade Adjustment Assistance for Workers program. The Round 4 evaluation will include an impact study involving random assignment and an implementation analysis. This ICR requests clearance for (1) collecting baseline information on participants of interventions in the Round 4 grantees selected for the impact study and (2) semi-structured fieldwork in the form of site visits to up to nine Round 4 grantees to learn from college administrators, program coordinators, faculty and instructional staff, industry and community partners, and employers. American Recovery and Reinvestment Act of 2009 section 801 authorizes this information collection.

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on February 26, 2015 (80 FR 10515).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201505–1291–001. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OASP.

Title of Collection: Trade Adjustment Assistance Community College and Career Training Grants Round Four Evaluation.

OMB ICR Reference Number: 201505–1291–001.

Affected Public: Individuals and Households; State, Local and Tribal Governments; Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 5,608.

Total Estimated Number of Responses: 11,270.

Total Estimated Annual Time Burden: 2,425 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: July 15, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–17830 Filed 7–20–15; 8:45 am]

BILLING CODE 4510–X23–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Tax Performance System

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, ''Tax Performance System,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before August 20, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201504-1205-011* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Tax Performance System (TPS) information collection. The TPS gathers and disseminates information on the timeliness and accuracy of State unemployment insurance (UI) tax operations. The DOL is required to review the timeliness, accuracy, and completeness of certain tax collections of States using the TPS. The TPS Operations Handbook, ET–407, prescribes the operation of this program. TPS data now are an integral part of UI PERFORMS, the performance management system for the UI program. UI PERFORMS incorporates a strategic planning process of identifying priorities; ongoing collection and monitoring of valid data to measure performance; identification of areas of potential improvement; and development of specific action steps to improve performance, followed by use of available data to determine whether the action steps are successful. Social Security Act section 303(a) authorizes this information collection. *See* 42 U.S.C. 503(a).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0332.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 23, 2015 (80 FR 3653).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0332. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Tax Performance System.

OMB Control Number: 1205–0332.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 52.

Total Estimated Number of Responses: 52.

Total Estimated Annual Time Burden: 90,428 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: July 15, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–17831 Filed 7–20–15; 8:45 am]

BILLING CODE 4510–FW–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, July 23, 2015.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. National Credit Union Share Insurance Fund Quarterly Report.
2. NCUA Guaranteed Notes Performance Report, and Corporate Stabilization Fund Assessment Determination.
3. NCUA's Rules and Regulations, Capital Planning and Stress Testing Schedules.
4. NCUA Rules and Regulations, Federal Credit Union Ownership of Fixed Assets.
5. NCUA's 2015 Mid-Year Operating Budget Reprogramming.

RECESS: 11:30 a.m.

TIME AND DATE: 11:45 a.m., Thursday, July 23, 2015.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Consideration of Supervisory Action. Closed pursuant to Exemptions (8), (9)(i)(B) and (9)(ii).
2. Personnel. Closed pursuant to Exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2015–17905 Filed 7–17–15; 11:15 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0031]

Information Collection: NRC FORM 171, ''DUPLICATION REQUEST''

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, NRC FORM 171, ''DUPLICATION REQUEST''.

DATES: Submit comments by September 21, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0031. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Tremaine Donnell, Office of Information Services, Mail Stop: T–5 F53, 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: Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0031 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- Federal rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0031.
- 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.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML15140A422.
- 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.
- NRC's Clearance Officer: A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2015–0031 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 171, ''Duplication Request.''

2. *OMB approval number:* 3150–0066.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 171.

5. *How often the collection is required or requested:* As needed (determined by the public ordering documents.)

6. *Who will be required or asked to respond:* Individuals, companies, or organizations requesting document duplication.

7. *The estimated number of annual responses:* 108.

8. *The estimated number of annual respondents:* 108.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 9.

10. *Abstract:* This form is utilized by the Public Document Room (PDR) staff members who collect information from the public requesting reproduction of publicly available documents in NRC Headquarters' Public Document Room. Copies of the form are utilized by the reproduction contractor to accompany the orders. One copy of the form is kept by the contractor for their records, one copy is sent to the public requesting the documents, and the third copy (with no credit card data) is kept by the PDR staff for 90 calendar days, and then securely discarded.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 14th day of July 2015.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2015–17765 Filed 7–20–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8943; ASLBP No. 08–867–02–OLA–BD01]

Atomic Safety and Licensing Board; Before Administrative Judges: Michael M. Gibson, Chair; Dr. Richard E. Wardwell; Brian K. Hajek; Alan S. Rosenthal (Special Assistant to the Board); In the Matter of Crow Butte Resources, INC.; (License Renewal for the In Situ Leach Facility, Crawford, Nebraska); Notice (Regarding Weapons at Atomic Safety and Licensing Board Proceeding)

July 14, 2015.

Notice is hereby given that the rules and policies regarding the possession of weapons in United States Courthouses and United States Federal Buildings in the State of Nebraska shall apply to all proceedings conducted in Nebraska by the Atomic Safety and Licensing Board of the U.S. Nuclear Regulatory Commission. This includes the evidentiary hearing in the above captioned proceeding scheduled to begin on Monday, August 24, 2015, at the Crawford Community Building in Crawford, Nebraska.[1]

Prohibited items, including weapons, will not be permitted. Accordingly, no person other than federal law enforcement personnel or law enforcement personnel from the Dawes County Sheriff's Department, or any other authorized Nebraska state or local law enforcement organization, while performing official duties, shall wear or otherwise carry a firearm, edged weapon, impact weapon, electronic control device, chemical weapon, ammunition, or other dangerous weapon.

This notice does not apply to state or local law enforcement officers responding to a call for assistance from within the Crawford Community Building.

It is so *ordered.*

For The Atomic Safety And Licensing Board.

Dated: July 14, 2015 in Rockville, Maryland.

Michael M. Gibson,

Chair, Administrative Judge.

[FR Doc. 2015–17848 Filed 7–20–15; 8:45 am]

BILLING CODE 7590–01–P

[1] Licensing Board Notice of Hearing (Notice of Evidentiary Hearing and Opportunity to Provide Written Limited Appearance Statements) (July 13, 2015) (unpublished).

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0171]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from June 25, 2015, to July 8, 2015. The last biweekly notice was published on July 7, 2015.

DATES: Comments must be filed by August 20, 2015. A request for a hearing must be filed by September 21, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0171. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Lynn Ronewicz, U.S. Nuclear

Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1927, email: *Lynn.Ronewicz@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0171 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- Federal rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0171.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0171, facility name, unit number(s), application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov,* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in Section 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner

must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nr.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the

document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Dominion Nuclear Connecticut, Inc. (DNC), Docket No. 50–336, Millstone Power Station, Unit No. 2 (MPS2), New London County, Connecticut

Date of amendment request: March 2, 2015. A publicly-available version is in ADAMS under Accession No. ML15069A226.

Description of amendment request: The amendment would revise Technical Specification (TS) 6.19, ''Containment Leakage Rate Testing Program,'' for MPS2. Specifically, DNC proposes to: (1) Revise the definition of P_a [peak calculated primary containment internal pressure] in TS 6.19 that was introduced into the TSs in License Amendment 203 to be consistent with the P_a value in TSs 3.6.1.2 and 3.6.1.3, and (2) revise the acceptance criteria for leakage rate testing of containment air lock door seals to substitute the use of the makeup flow method in lieu of the pressure decay method currently used at MPS2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1

[Does the] proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This proposed license amendment would revise the definition of P_a that was introduced into TS 6.19 under License Amendment 203 to be consistent with the P_a value in TSs 3.6.1.2 and 3.6.1.3. The design basis accident remains unchanged for the postulated events described in the MPS2 Final Safety Analysis Report (FSAR). Since the initial conditions and assumptions included in the safety analyses are unchanged, the consequences of the postulated events remain unchanged. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment [would] also revise the method of surveillance for leakage rate testing of the containment air lock door seals. The makeup flow method will continue to provide assurance that the containment leakage rate is within the limits assumed in the radiological consequences analysis of the design basis accident, therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2

[Does the] proposed amendment create the possibility for a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment would: (1) Revise the definition of P_a in TS 6.19 to be consistent with the P_a value in TSs 3.6.1.2 and 3.6.1.3, and (2) revise the method of surveillance for leakage rate testing of the containment air lock door seals. The proposed amendment does not change the way the plant is operated and does not involve a physical alteration of the plant. No new or different types of equipment will be installed and there are no physical modifications to existing equipment associated with the proposed amendment. Similarly, the proposed amendment would not physically change any plant systems, structures, or components involved in the mitigation of any postulated accidents. Thus, no new initiators or precursors of a new or different kind of accident are created.

Furthermore, the proposed amendment does not create the possibility of a new failure mode associated with any equipment or personnel failures.

Therefore, the proposed amendment would not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3

[Does the] proposed amendment involve a significant reduction in the margin of safety?

Response: No.

The proposed amendment would: (1) Revise the definition of P_a in TS 6.19 to be consistent with the P_a value in TSs 3.6.1.2 and 3.6.1.3, and (2) revise the method of surveillance for leakage rate testing of the containment air lock door seals. The proposed amendment does not represent any physical change to plant systems, structures, or components, or to procedures established for plant operation. The proposed amendment does not affect the inputs or assumptions of any of the design basis analyses and current design limits will continue to be met. Since the proposed amendment does not affect the assumptions or consequences of any accident previously analyzed, there is no significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

Acting NRC Branch Chief: Michael I. Dudek.

Dominion Nuclear Connecticut, Inc., Docket Nos. 50–336 and 50–423, Millstone Power Station, Unit Nos. 2 and 3, New London County, Connecticut

Date of amendment request: January 15, 2015, as supplemented on April 15, 2015. A publicly-available version is in ADAMS under Accession Nos. ML15021A128 and ML15111A449, respectively.

Description of amendment request: The proposed amendments would revise or add Surveillance Requirements to verify that the system locations susceptible to gas accumulation are sufficiently filled with water and to provide allowances which permit performance of the verification to the Technical Specifications. The changes are being made to address the concerns discussed in Generic Letter 2008–01,

''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems.'' The proposed amendments would be consistent with Technical Specification Task Force Traveler-523, Revision 2, Generic Letter 2008–01, ''Managing Gas Accumulation.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1

Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises or adds Surveillance Requirements (SRs) that require verification that the Emergency Core Cooling System (ECCS), Shutdown Cooling (SDC) System, and the Containment Spray System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. Gas accumulation in the subject systems is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The proposed SRs ensure that the subject systems continue to be capable to perform their assumed safety function and are not rendered inoperable due to gas accumulation. Thus, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2

Does the proposed amendment create the possibility for a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, SDC and the Containment Spray Systems are not rendered inoperable due to accumulated gas and provide allowances which permit performance of the revised verification. The proposed change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the proposed change does not impose any new or different requirements that could initiate an accident. The proposed change does not alter assumptions made in the safety analysis and is consistent with the safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3

Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, SDC and the Containment Spray Systems are not rendered inoperable due to accumulated gas and provide allowances which permit performance of the revised verification. The proposed change adds new requirements to manage gas accumulation in order to ensure the subject systems are capable of performing their assumed safety functions. The proposed SRs are more comprehensive than the current SRs and will ensure that the assumptions of the safety analysis are protected. The proposed change does not adversely affect any current plant safety margins or the reliability of the equipment assumed in the safety analysis.

Therefore, there are no changes being made to any safety analysis assumptions, safety limits or limiting safety system settings that would adversely affect plant safety as a result of the proposed change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

Acting NRC Branch Chief: Michael I. Dudek.

Duke Energy Florida, Inc. (DEF), et al., Docket No. 50–302, Crystal River Unit 3 Nuclear Generating Plant (CR–3), Citrus County, Florida

Date of amendment request: May 7, 2015. A publicly-available version is in ADAMS under Accession No. ML15134A160.

Description of amendment request: The amendment would revise Technical Specifications 5.1.1, 5.2.1.b, 5.3.2, and 5.6.2.3 by changing the title of the position with overall responsibility for the safe handling and storage of nuclear fuel and licensee initiated changes to the Offsite Dose Calculation Manual (ODCM) from either the Plant Manager or the Decommissioning Director to the General Manager Decommissioning.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, with NRC staff revisions provided in [brackets], which is presented below:

Criterion 1

Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The consolidation of Plant Manager and Decommissioning Director to General Manager Decommissioning changes to the Administrative Controls sections of the CR–3 Improved Technical Specifications has no effect on the performance of these defined responsibilities. The overall responsibility for these Administrative Controls sections remains at the same level or higher: (1) Delegating in writing the succession to this responsibility during any absence; (2) approving, prior to implementation, any change to tests, experiments or modifications to systems or equipment that affect stored nuclear fuel; (3) ensuring the acceptable performance of the staff involved in operating, maintaining, and providing technical support to ensure the safe handling and storage of the nuclear fuel; (4) ensuring that the training and retraining of the Certified Fuel Handler positions are in accordance with the applicable standards; and (5) ensuring that any licensee initiated changes to the ODCM are effective only after acceptance by the General Manager Decommissioning.

The proposed CR–3 ITS [Improved Technical Specifications] Administrative Controls sections consolidation of Plant Manager and Decommissioning Director to General Manager Decommissioning are administrative in nature, and have no direct effect on any plant system, the operation and maintenance of CR–3 or any previously evaluated accident.

These changes reflect DEF hierarchical changes associated with CR–3 decommissioning and placing the unit in the permanently defueled safe storage condition.

Criterion 2

Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed CR–3 ITS Administrative Controls sections consolidation of Plant Manager and Decommissioning Director to General Manager Decommissioning are administrative in nature, and have no direct effect on any plant system, the operation and maintenance of CR–3 or any previously evaluated accident. The consolidation of Plant Manager and Decommissioning Director to General Manager Decommissioning changes to the Administrative Controls sections of the CR–3 ITS have no effect on the performance of these previously delineated responsibilities. The overall responsibility for these Administrative Controls sections remains at the same level or higher.

These changes reflect DEF hierarchical changes associated with CR–3 decommissioning and placing the unit in the permanently defueled safe storage condition.

Criterion 3

Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed CR–3 ITS Administrative Controls sections consolidation of Plant

Manager and Decommissioning Director to General Manager Decommissioning are administrative in nature, have no direct effect on any plant system, does not involve any physical plant limits or parameters, License Condition, Technical Specification Limiting Condition of Operability, or operating philosophy, and therefore cannot affect any margin of safety.

The consolidation of Plant Manager and Decommissioning Director to General Manager Decommissioning changes to the Administrative Controls sections of the CR–3 ITS have no effect on the performance of these previously delineated responsibilities. The overall responsibility for these Administrative Controls sections remains at the same level or higher.

These changes reflect DEF hierarchical changes associated with CR–3 decommissioning and placing the unit in the permanently defueled safe storage condition.

Therefore, a no significant hazards consideration conclusion is reached.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, 550 South Tryon Street, Charlotte NC 28202.

NRC Branch Chief: Meena K. Khanna.

Duke Energy Progress Inc., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, New Hill, North Carolina

Date of amendment request: April 30, 2015. A publicly-available version is in ADAMS under Accession No. ML15126A117.

Description of amendment request: The amendment would revise the emergency plan by changing the emergency action levels from a scheme based upon Revision 5 of Nuclear Energy Institute (NEI)–99–01, ''Methodology for Development of Emergency Action Levels,'' to one based upon Revision 6 of NEI 99–01, ''Development of Emergency Action Levels for Non-Passive Reactors.'' The NRC formally endorsed NEI 99–01, Revision 6, in a letter dated March 28, 2013 (ADAMS Accession No. ML12346A463).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

These changes affect the HNP [Shearon Harris Nuclear Power Plant] Emergency Plan and do not alter any of the requirements of the Operating License or the Technical Specifications. The proposed changes do not reduce the effectiveness of the HNP Emergency Plan or the HNP Emergency Response Organization. The proposed changes do not modify any plant equipment and do not impact any failure modes that could lead to an accident. Additionally, the proposed changes do not impact the consequence of any analyzed accident since the changes do not affect any equipment related to accident mitigation.

Based on this discussion, the proposed amendment does not increase the probability or consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

These changes affect the HNP Emergency Plan and do not alter any of the requirements of the Operating License or the Technical Specifications. These changes do not modify any plant equipment and there is no impact on the capability of the existing equipment to perform their intended functions. No system setpoints are being modified and no changes are being made to the method in which plant operations are conducted. No new failure modes are introduced by the proposed changes. The proposed amendment does not introduce accident initiator or malfunctions that would cause a new or different kind of accident.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

These changes affect the HNP Emergency Plan and do not alter any of the requirements of the Operating License or the Technical Specifications. The proposed changes do not affect any of the assumptions used in the accident analysis, nor do they affect any operability requirements for equipment important to plant safety.

Therefore, the proposed changes will not result in a significant reduction in the margin of safety as defined in the bases for Technical Specifications covered in this license amendment request.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Deputy General Counsel, Duke Energy Corporation, 550 South Tyron Street, Mail Code DEC45A, Charlotte, NC 28202.

NRC Branch Chief: Shana R. Helton.

Southern Nuclear Operating Company, Inc., Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: May 7, 2015. A publicly-available version is in ADAMS under Accession No. ML15127A469.

Description of amendment request: The amendment request proposes changes to the Main Control Room Emergency Habitability System (VES) configuration and equipment safety designation. Because this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 Design Control Document (DCD), the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The design functions of the VES for the main control room (MCR) are to provide breathable air, maintain positive pressurization relative to the outside, provide cooling of MCR equipment and facilities, and provide passive air filtration within the MCR boundary. The VES is designed to satisfy these functions for up to 72 hours following a design basis accident.

The proposed changes to the ASME Code [American Society of Mechanical Engineers Boiler and Pressure Vessel Code] safety classification of components, equipment orientation and configuration, addition and deletion of components, and correction to the number of emergency air storage tanks would not adversely affect any design function. The proposed changes maintain the design function of the VES with safety-related equipment and system configuration consistent with the descriptions in UFSAR [Updated Final Safety Analysis Report] Figure 6.4.2. The proposed changes do not affect the support or operation of mechanical and fluid systems. There is no change to the response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor do the proposed changes described create any new accident precursors.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of

accident from any accident previously evaluated?

Response: No.

The proposed changes to revise the VES design related to the ASME Code safety classification, equipment orientation and configuration, addition and deletion of components, and correction to the number of emergency air storage tanks maintain consistency with the design function information in the USFAR. The proposed changes do not create a new fault or sequence of events that could result in a radioactive release. The proposed changes would not affect any safety-related accident mitigating function.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not affect the ability of the VES to maintain the safety-related functions to the MCR. The VES continues to meet the requirements for which it was designed and continues to meet the regulations. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, and no margin of safety is reduced.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Paul Kallan.

Southern Nuclear Operating Company, Inc., Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: April 9, 2015. A publicly-available version is in ADAMS under Accession No. ML5099A568.

Description of amendment request: The amendment request proposes changes to the Class 1E direct current and Uninterruptible Power Supply System, replacing four Spare Termination Boxes with a single Spare Battery Termination Box. Because this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 Design Control Document (DCD), the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of any systems or equipment that initiate an analyzed accident or alter any structures, systems, and components (SSC) accident initiator or initiating sequence of events. The [Uninterruptible Power Supply System] IDS design change involves replacing the four Spare Termination Boxes with a single Spare Battery Termination Box, and minor raceway and cable routing changes. The proposed changes maintain the method used to manually connect the Spare Battery Bank and Spare Battery Bank Charger to supply loads of one of the four 24 Hour Battery Switchboards or one of the two 72 Hour Battery Switchboards at a time while maintaining the independence of the IDS divisions. Therefore, the probabilities of the accidents evaluated in the [Updated Final Safety Analysis Report] UFSAR are not affected.

The proposed changes do not have an adverse impact on the ability of the IDS equipment to perform its design functions. The design of the IDS equipment continues to meet the same regulatory acceptance criteria, electrical codes, and standards as required by the UFSAR. Therefore, the proposed changes do not affect the prevention and mitigation of other abnormal events, *e.g.,* accidents, anticipated operational occurrences, earthquakes, floods and turbine missiles, or their safety or design analyses. In addition, the proposed changes do not have an adverse effect on any safety-related SSC or function used to mitigate an accident; therefore, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not change the design functions of IDS or any of the systems or equipment in the plant. The IDS design change involves replacing the four Spare Termination Boxes with a single Spare Battery Termination Box, and minor raceway and cable routing changes, and the electrical equipment continues to perform its design functions because the same electrical codes and standards as stated in the UFSAR continue to be met. The proposed changes maintain the method used to manually connect the Spare Battery Bank and Spare Battery Bank Charger to supply loads of one of the four 24 Hour Battery Switchboards or one of the two 72 Hour Battery Switchboards at a time while maintaining the independence of the IDS divisions.

These proposed changes do not adversely affect any IDS or SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or non-safety-related equipment. Therefore, this activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that result in significant fuel cladding failures.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes maintain existing safety margins. The proposed changes do not result in changes to the IDS design requirements or design functions. The proposed changes maintain existing safety margin through continued application of the existing requirements of the UFSAR. Therefore, the proposed changes satisfy the same design functions in accordance with the same codes and standards as stated in the UFSAR. These proposed changes do not affect any design code, function, design analysis, safety analysis input or result, or design/safety margin.

Because no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by these proposed changes, no margin of safety is reduced.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

Acting NRC Branch Chief: Paul Kallan.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2 (VEGP), Burke County, Georgia

Date of amendment request: May 19, 2015. A publicly-available version is in ADAMS under Accession No. ML15139A578.

Description of amendment request: The licensee submitted a license amendment request (LAR) proposing to revise the minimum indicated nitrogen cover pressure required per Technical Specification (TS) Surveillance Requirement (SR) 3.5.1.3 from the current requirement of 626 pounds per

square inch gauge (psig) back to the previous requirement of 617 psig. The values for the nitrogen cover pressure specified in SR 3.5.1.3 are indicated values as read on the main control board (MCB) indication. As noted in the LAR, the minimum nitrogen cover pressure was previously revised from 617 psig to 626 psig. That revision was requested as an interim measure to compensate for an increase in the uncertainty associated with the accumulator nitrogen cover pressure indication instrumentation, from the transmitter to the MCB indication. That uncertainty was attributed to a specific production batch of Veritrak/Tobar transmitters which shown to exhibit a temperature compensation shift effect of 1.58 percent. Of the 16 pressure transmitters installed in VEGP, 15 were Veritrak/Tobar transmitters. A conservative decision was made to increase the TS minimum indicated value. Subsequent to the issuance of that amendment, the higher uncertainty transmitters were replaced with a different model. As a result of the transmitter replacement, the uncertainty of the affected instrumentation was restored to the value assumed in the Westinghouse accident analysis. Therefore, a decrease of the indicated minimum nitrogen pressure value specified in the TS is requested.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment revises the minimum nitrogen cover pressure specified for the accumulators in SR 3.5.1.3 from 626 psig to 617 psig. The accumulators are not a precursor to any accident previously evaluated. The accumulators are used to mitigate the consequences of accidents previously evaluated. The proposed change does not affect the probability or the consequences of any accident previously evaluated.

Therefore, it is concluded that the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises the minimum nitrogen cover pressure specified for the accumulators in SR 3.5.1.3 from 626 psig to 617 psig. The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. The proposed change to the requirements of the TS assures that the acceptance limits of the accumulators with respect to assumptions in the LOCA [loss-of-coolant-accident] analyses continue to be met. The proposed change does not adversely affect the design function or operation of any structures, systems, and components important to safety.

Therefore, it is concluded that the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises the minimum nitrogen cover pressure specified for the accumulators in SR 3.5.1.3 from 626 psig to 617 psig. The proposed change to the indicated accumulator nitrogen cover pressure provides assurance that the requirements of the TS continue to bound the acceptance limits of the accumulators with respect to the assumptions in the LOCA analyses. Thus the proposed change to the accumulator minimum nitrogen cover pressure assures the existing margin of safety is maintained.

Therefore, it is concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jennifer M. Buettner, Associate General Counsel, Southern Nuclear Operating Company, 40 Inverness Center Parkway, Birmingham, AL 35201.

NRC Branch Chief: Robert J. Pascarelli.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: April 29, 2015. A publicly-available version is in ADAMS under Accession No. ML15127A260.

Description of amendment request: The amendment would revise the South Texas Project Electric Generation Station Updated Final Safety Analysis Report (UFSAR) Table 15.6–17 to correct errors introduced in UFSAR Revisions 16 and 17.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change of correcting UFSAR Table 15.6–17 does not involve physical modifications to plant equipment and does not change the operational methods or procedures. The proposed change does not affect any of the parameters or conditions that could contribute to the initiation of any accidents. Since [design basis accident (DBA)] initiators are not being altered by adoption of the proposed change, the probability of an accident previously evaluated is not affected. The safety margins and analytical conservatisms associated with the [Alternate Source Term (AST)] methodology have been evaluated and were found acceptable. The results of the revised DBA analyses, performed in support of the AST methodology change, are subject to specific acceptance criteria as specified in [Regulatory Guide (RG) 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors,'' July 2000; ADAMS Accession No. ML003716792]. The dose consequences resulting from these DBAs remain within the acceptance criteria presented in 10 CFR 50.67 and RG 1.183. The proposed change of correcting UFSAR Table 15.6–17 does not change the analytical results of the previously approved AST methodology change.

Based on the above discussion, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change is administrative in nature and does not require any physical changes to any structures, systems or components involved in the mitigation of any accidents. No new initiators or precursors of a new or different kind of accident are created. No new equipment or personnel failure modes that might initiate a new type of accident are created as a result of the proposed change.

Based on the above discussion, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change is administrative in nature and does not result in a significant reduction in the margin of safety. The safety margins and analytical conservatisms associated with the AST methodology were evaluated and found acceptable. The results of the revised DBA analyses, performed in support of the proposed change, are subject to specific acceptance criteria as specified in RG 1.183. The dose consequences resulting from these DBAs remain within the acceptance criteria presented in 10 CFR 50.67 and RG 1.183. The proposed change

continues to ensure that the dose results at the exclusion area boundary (EAB) and low population zone boundary (LPZ), as well as the Control Room and TSC [Technical Support Center], are within the specified regulatory limits.

Based on the above discussion, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: Steve Frantz, Esq., Morgan, Lewis & Bockius, 1111 Pennsylvania Avenue NW., Washington, DC 20004.

NRC Branch Chief: Michael M. Markley.

Virginia Electric and Power Company, Docket No. 50–339, North Anna Power Station, Unit No. 2, Louisa County, Virginia

Date of amendment request: May 22, 2015. A publicly-available version is in ADAMS under Accession No. ML15147A029.

Description of amendment request: The proposed license amendment would revise Technical Specification 3.8.1, ''AC Sources—Operating,'' to delete Note 1 to Surveillance Requirement (SR) 3.8.1.8 to remove the limitation that excludes Unit 2 from the verification test requirement.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The previously evaluated accident that could be affected is a complete loss of offsite power (LOOP). Analyses have been performed to confirm that power distribution system voltages and currents with both of the new Unit 2 alternate normal to emergency bus ties in service are adequate during a Unit trip scenario. The conditions under which the Unit 2 manual transfer capability is verified are the same as Unit 1. The verification test may only be performed under conditions that will not challenge steady state operation or challenge the safety of the Unit. Therefore, the Unit 2 verification test (manual transfer between Unit 2 normal offsite circuit and alternate required offsite circuit) will not significantly increase the probability of a LOOP.

Once a LOOP has occurred, the consequences are unaffected by availability of offsite power (normal offsite circuit and alternate required offsite circuit). Therefore, the Unit 2 verification test (normal offsite circuit and alternate required offsite circuit) will not affect the consequences of an accident previously evaluated.

Based on this discussion, the proposed amendment does not increase the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The purpose of the surveillance test is to verify the capability to manually transfer AC [alternating current] power sources from the normal offsite circuit to the alternate required offsite circuit. The only effect of the change is to permit the new Unit 2 required offsite circuits to be tested in the same manner and frequency as the corresponding Unit 1 circuits. Since the Unit 2 circuits are similar to the Unit 1 circuits, and the Unit 1 test is a required TS Surveillance to demonstrate operability of the alternate offsite circuits, permitting the Unit 2 circuits to undergo the same Surveillance test will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change enables SR testing of the new Unit 2 alternate offsite AC circuits to verify the capability to manually transfer AC power sources from the normal offsite circuit to the alternate required offsite circuit.

The margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The proposed change does not directly affect these barriers, nor does it involve any adverse impact on the Class 1E circuits or SSCs [systems, structures, and components] supplied by Class 1E power.

Therefore, the proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

NRC Branch Chief: Robert J. Pascarelli.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2 and 3, Oconee County, South Carolina

Date of amendment request: March 14, 2014.

Brief description of amendments: The amendments revised the Oconee Nuclear Station Technical Specifications (TSs) for the Inservice Testing Program to reflect the current edition of the American Society of Mechanical Engineers (ASME) Code that is referenced in 10 CFR 50.55a(b).

Date of Issuance: July 7, 2015.

Effective date: As of the date of issuance and shall be implemented

within 120 days from the date of issuance.

Amendment Nos.: 393, 395, and 394. A publicly-available version is in ADAMS under Accession No. ML15174A267; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: The amendments revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register***: March 31, 2015 (80 FR 17086).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 7, 2015.

No significant hazards consideration comments received: No.

Duke Energy Progress, Inc., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: June 19, 2014, as supplemented by letters dated October 23, 2014; November 13, 2014; January 30, 2015; May 13, 2015; and June 30, 2015.

Brief description of amendment: The amendment modifies Technical Specifications Table 3.3–4, ''Engineered Safety Features Actuation System Instrumentation,'' revising the Functional Unit 9.a, ''Loss-of-Offsite Power 6.9 kV Emergency Bus Undervoltage—Primary,'' instrumentation trip setpoint and associated allowable value, and adding two notes regarding channel setpoint surveillance.

Date of issuance: June 30, 2015.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: 146. A publicly-available version is in ADAMS under Accession No. ML15163A056; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–63 The amendment revised the Renewed Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register***: September 2, 2014 (79 FR 52061). The supplemental letters dated October 23, 2014; November 13, 2014; January 30, 2015; May 13, 2015; and June 30, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 30, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of amendment request: July 10, 2014, as supplemented by letter dated March 23, 2015.

Brief description of amendments: The amendments revised and added Technical Specification (TS) surveillance requirements to address the concerns discussed in Generic Letter 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems,'' dated January 11, 2008. The TS changes are based on TS Task Force Traveler-523, Revision 2, ''Generic Letter 2008–01, Managing Gas Accumulation,'' dated February 21, 2013.

Date of issuance: June 30, 2015.

Effective date: As of the date of issuance, to be implemented by May 31, 2016.

Amendments Nos.: 297 and 300. A publicly-available version is in ADAMS under Accession No. ML15154A614; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–44 and DPR–56: The amendments revised the Facility Operating Licenses and the TSs.

*Date of initial notice in **Federal Register***: September 2, 2014 (79 FR 52063). The supplemental letter dated March 23, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 30, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–220 and 50–410, Nine Mile Point Nuclear Station, Units 1 and 2, Oswego County, New York

Date of amendment request: September 11, 2014, as supplemented by letter dated November 10, 2014.

Brief description of amendment: The amendments revised the Technical Specifications (TSs) on licensed operator training and qualification education and experience eligibility requirements.

Date of issuance: July 8, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 218 and 148. A publicly-available version is in ADAMS under Accession No. ML15167A315; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–63 and NPF–69: The amendments revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register***: November 25, 2014 (79 FR 70215). The supplemental letter dated November 10, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 8, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1 (TMI–1), Dauphin County, Pennsylvania

Date of amendment request: July 10, 2014, as supplemented by letter dated May 7, 2015.

Brief description of amendment: The amendment revised the TMI–1 Technical Specifications (TSs). Specifically, the amendment modified TMI–1 TSs to address NRC Generic Letter 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems,'' as described in Technical Specification Task Force Traveler 523, Revision 2, ''Generic Letter 2008–01, Managing Gas Accumulation.''

Date of issuance: June 30, 2015.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: 285. A publicly-available version is in ADAMS under Accession No. ML15121A589; documents related to this amendment are listed in the Safety Evaluation (SE) enclosed with the amendment.

Renewed Facility Operating License No. DPR–50. The amendment revised the Facility Operating License and TSs.

*Date of initial notice in **Federal Register***: September 2, 2014 (79 FR 52063). The supplemental letter dated May 7, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in an SE dated June 30, 2015.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station (FCS), Unit No. 1, Washington County, Nebraska

Date of amendment request: August 16, 2013, as supplemented by letters dated August 13, 2014, and February 13 and March 24, 2015.

Brief description of amendment: The amendment revised the design basis method in the FCS Updated Safety Analysis Report (UFSAR) for controlling the raw water intake cell level during periods of elevated river levels.

Date of issuance: June 30, 2015.

Effective date: As of the date of issuance and shall be implemented within 180 days from the date of issuance.

Amendment No.: 282. A publicly-available version is in ADAMS under Accession No. ML15111A399; documents related to this amendment are listed in the Safety Evaluation (SE) enclosed with the amendment.

Renewed Facility Operating License No. DPR–40: The amendment revised the license and the design basis as described in the UFSAR.

*Date of initial notice in **Federal Register***: March 18, 2014 (79 FR 15149). The supplemental letters dated August 13, 2014, and February 13 and March 24, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in an SE dated June 30, 2015.

No significant hazards consideration comments received: No.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2 (DCPP), San Luis Obispo County, California

Date of amendment request: March 27, 2014, as supplemented by letters dated February 19 and April 29, 2015.

Brief description of amendments: The amendments revised various technical specification (TS) surveillance requirements associated with the DCPP emergency diesel generators (DGs). The changes reflect the results of a revised load study analysis, as well as a revision to the DG 30-minute load rating. These changes were submitted to address multiple issues identified by NRC and licensee investigations, and are intended to correct various non-conservative TS values associated with DG testing.

Date of issuance: July 1, 2015.

Effective date: As of the date of issuance and shall be implemented within 240 days from the date of issuance.

Amendment Nos.: 218 and 220. A publicly-available version is in ADAMS under Accession No. ML15162A882; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register***: August 19, 2014 (79 FR 49109). The supplemental letters dated February 19 and April 29, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments and public comment is contained in a Safety Evaluation dated July 1, 2015.

No significant hazards consideration comments received: Yes.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: January 30, 2015, as supplemented by letter dated March 20, 2015.

Brief description of amendment: The license amendment revised the Combined Licenses by revising Tier 2 * information contained within the Human Factors Engineering Design Verification, Task Support Verification, and Integrated System Validation plans. These documents are incorporated by reference in the Updated Final Safety Analysis Report.

Date of issuance: June 11, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 35. A publicly-available version is in ADAMS under Accession No. ML15141A449; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Combined Licenses Nos. NPF–91 and NPF–92: The amendments revised the Facility Combined Licenses.

*Date of initial notice in **Federal Register***: March 17, 2015 (80 FR 13902). The supplemental letter dated March 20, 2015, provided additional information that did not expand the scope of the amendment request and did not change the NRC staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 11, 2015.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: June 3, 2014, as supplemented by letter dated February 4, 2015.

Brief description of amendments: The amendments revised Technical Specification (TS) Figures 3.1–1 and 3.1–2, ''Surry Units 1 and 2 Reactor Coolant System Heatup Limitations,'' and ''Surry Units 1 and 2 Reactor Coolant System Cooldown Limitations,'' respectively, for clarification and to be fully representative of the allowable operating conditions during Reactor Coolant System (RCS) startup and cooldown evolutions. The revisions to TS Figures 3.1–1 and 3.1–2 include: (1) The extension of the temperature axes to reflect temperatures up to RCS full power operation; (2) the extension of the pressure axes to less than 0 pounds per square inch gage to bound RCS conditions when vacuum-assist fill of the RCS loops is performed; and (3) the addition of information regarding the reactor boltup temperature.

Date of issuance: June 26, 2015.

Effective date: As of its date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 285 and 285. A publicly-available version is in ADAMS under Accession No. ML15173A102.

Renewed Facility Operating License Nos. DPR–32 and DPR–37: The amendments revised the Renewed Facility Operating Licenses and the TSs.

*Date of initial notice in **Federal Register***: September 30, 2014 (79 FR 58812). The supplemental letter dated February 4, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 26, 2015.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 10th day of July, 2015.

For the Nuclear Regulatory Commission.

A. Louise Lund,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–17651 Filed 7–20–15; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. R2013–10R; Order No. 2586]

Rate Adjustment Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent court of appeals remand of its decision concerning implementation of the Full Service IMb requirements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 3, 2015. *Reply comments are due:* August 14, 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: On May 12, 2015, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in *United States Postal Service* v. *Postal Regulatory Commission,* 785 F.3d 740 (D.C. Cir. 2015). The court denied in part and granted in part a Postal Service petition for review of the Commission's November 21, 2013 order denying implementation of the Full Service IMb requirements for failure to comply with 39 U.S.C. 3622(d).[1] 785 F.3d at 744.

On July 8, 2015, the court issued its mandate remanding the case to the Commission. This order establishes procedures on remand and solicits comments on the standard to be applied when considering whether mail preparation changes are changes in rates with respect to 39 U.S.C. 3622(d).

Background. On September 26, 2013, the Postal Service filed notice of its planned priced adjustment for market dominant products.[2] The Postal Service's Notice and proposed rate increases failed to account for the planned implementation of the Full Service IMb requirements. Previously, on April 18, 2013, the Postal Service revised its Domestic Mail Manual to modify the eligibility requirements for mailers to qualify for automation First-Class, Standard, Periodicals, and Package Services rates. 78 FR 23137 (April 18, 2013). Full Service IMb was now required to qualify for automation rates, where previously mailers could qualify for automation rates by using either Full Service IMb or Basic IMb. This change in the mail preparation requirement for automation rates was scheduled to take place on January 26, 2014. *Id.* However, in its Notice, the Postal Service failed to adjust its billing determinants to account for the effects on the price cap calculation of the Full Service IMb requirements.

After considering the Postal Service's responses to information requests and comments from interested parties, the Commission issued Order No. 1890, finding that the Full Service IMb requirements ''constitute a classification change with rate implications pursuant to 39 U.S.C. 3622(d)(1)(A) and 39 CFR 3010.23(d).'' Order No. 1890 at 2. Accordingly, as the Postal Service failed to account for the deletion and redefinition of rate cells as a result of the Full Service IMb requirement when adjusting its billing determinants for First-Class, Standard, and Periodicals, the Commission found that the proposed rate adjustments exceeded the price cap.[3] As a result, the Commission gave the Postal Service the option either to defer implementation of the Full Service IMb requirements or to submit an amended notice of rate adjustment that included billing determinants adjusted to account for the effects of the new requirements. *Id.* at 36. The Postal Service chose to defer implementation of the Full Service IMb requirements and filed an appeal with the DC Circuit Court of Appeals.[4]

The court's opinion. On appeal the court affirmed the Commission's authority to determine when mail preparation changes affect the application of the price cap. Specifically, the court found that

> [t]he Commission's interpretation of the statute prevents the Postal Service from evading the price cap by shifting mailpieces to higher rates through manipulation of its mail preparation requirements. The Commission's interpretation is therefore consistent with the price cap's language and purpose, and the Commission's delegated authority to administer the cap. 785 F.3d at 751.

The court nevertheless concluded that the Commission's exercise of its authority was arbitrary and capricious for failing to ''articulate a comprehensible standard for the circumstances in which a change to mail preparation requirements such as the one in this case will be considered a 'change in rates.' '' *Id.* at 753. In the court's view, the Commission failed to properly explain the standard it was applying to determine when a mail preparation change constituted a price change. *Id.* at 754. Thus, it granted the Postal Service's petition in part and remanded the case to the Commission to ''enunciate an intelligible standard and then reconsider its decision in light of that standard.'' *Id.* at 756.

Request for comment. As directed by the court, the Commission will proceed to enunciate the standard applied to determine when mail preparation changes have rate effects with price cap implications, based on its expertise and past decisions considering similar changes. The Commission requests comments to afford all interested persons an opportunity to provide input on the standard used by the Commission.

In conducting its analysis of whether a mail preparation change constitutes a rate change, the Commission will evaluate the following four factors: (1) Whether the change alters a basic characteristic of a mailing, (2) the effect

[1] Order on Price Adjustments for Market Dominant Products and Related Mail Classification Changes, November 21, 2013 (Order No. 1890).

[2] United States Postal Service Notice of Market-Dominant Price Adjustment, September 26, 2013 (Notice).

[3] *Id.* at 5. The Postal Service made adjustments to the billing determinants to account for the effects of the Full Service IMb requirements on the price cap calculation for Package Services.

[4] Response of the United States Postal Service to Order No. 1890, November 29, 2013.

of the change on mailers, (3) the purpose of the change, and 4) whether the change results in a shift in volume of mail from one rate category to another. Each of these factors is weighed individually and the Commission intends to apply these factors to the Full Service IMb requirements in the decision on remand.

In assessing the first factor, whether a mail preparation change alters a basic characteristic of a mailing, the Commission considers the following characteristics: (a) Whether the change modifies the size, weight, or content of eligible mail, (b) whether the change alters the presentation and/or preparation of the mailing in a substantial way, (c) regularity of the change (periodic vs. one-time), (d) magnitude of the change, and (e) the complexity of the change relating to mailer behavior.

For the second factor, the Commission evaluates the following components to determine the effect of the mail preparation requirement on mailers: (a) Whether the change imposes fixed or variable costs, (b) the effect on high volume and low volume mailers, (c) the number of mailers affected, (d) the volume of mail affected, (e) the benefits to mailers, and (f) the timeframe for mailers to comply with the change.

In considering the purpose of the change, the Commission examines whether the change: (a) Improves the expeditious collection, transportation, and/or delivery of the mail, (b) aligns with changes in the Postal Service's network and/or equipment, and (c) is intended to increase a price.

For the final factor, the Commission takes into account whether the change in mail preparation requirements causes a shift in volume of mail from one rate category to another. This factor considers whether the changes result in the *de facto* elimination of a rate category or the deletion of a rate cell.

These factors are intended to serve as a guide for a case-by-case analysis to determine whether a mail preparation change is a rate change with price cap implications. In the absence of explicit statutory definitions for determining when a mail preparation change constitutes a rate change with respect to 39 U.S.C. 3622(d), commenters are invited to provide any views on whether the four factors listed above (*i.e.,* alter a basic characteristic of a mailing, effect on mailers, purpose of change, and shift volumes between rate cells) adequately set forth the parameters of mail preparation requirement changes to be examined to determine whether a change in mail preparation requirements has rate effects with price cap implications. Accordingly, to ensure that the Postal Service and other interested persons have an opportunity to provide input on the standard used by the Commission, the Commission solicits comments from interested persons on the four factors listed above and their components. Initial comments are due no later than August 3, 2015. Reply comments are due no later than August 14, 2015. All comments must be filed under Docket No. R2013–10R.

It is ordered:

1. The Commission establishes Docket No. R2013–10R to consider issues on remand.
2. Kenneth E. Richardson will continue to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.
3. Initial comments addressing the Commission's standard to determine when mail preparation changes have rate effects with price cap implications are due no later than August 3, 2015.
4. Reply comments addressing matters raised in initial comments are due no later than August 14, 2015.
5. All comments and other documents related to issues on remand must be filed under Docket No. R2013–10R.
6. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–17782 Filed 7–20–15; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2015–102; Order No. 2587]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an additional Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 22, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On July 14, 2015, the Postal Service filed notice that it has entered into an additional Global Expedited Package Services 3 (GEPS 3) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, 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 No. CP2015–102 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 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 22, 2015. The public portions of the filing 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 this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2015–102 for consideration of the matters raised by the Postal Service's Notice.
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 this proceeding (Public Representative).
3. Comments are due no later than July 22, 2015.
4. The Secretary shall arrange for publication of this order in the **Federal Register.**

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–17783 Filed 7–20–15; 8:45 am]

BILLING CODE 7710–FW–P

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[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, July 14, 2015 (Notice).

POSTAL REGULATORY COMMISSION

[Docket No. CP2015–101; Order No. 2588]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an additional Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 22, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

On July 14, 2015, the Postal Service filed notice that it has entered into an additional Global Expedited Package Services 3 (GEPS 3) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, 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 No. CP2015–101 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 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 22, 2015. The public portions of the filing 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 this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2015–101 for consideration of the matters raised by the Postal Service's Notice.
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 this proceeding (Public Representative).
3. Comments are due no later than July 22, 2015.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–17784 Filed 7–20–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, July 14, 2015 (Notice).

POSTAL REGULATORY COMMISSION

[Docket No. CP2015–104; Order No. 2591]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an additional Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 23, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On July 15, 2015, the Postal Service filed notice that it has entered into an additional Global Expedited Package Services 3 (GEPS 3) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, 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 No. CP2015–104 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 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 23, 2015. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis E. Kidd to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2015–104 for consideration of the matters raised by the Postal Service's Notice.
2. Pursuant to 39 U.S.C. 505, Curtis E. Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).
3. Comments are due no later than July 23, 2015.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–17826 Filed 7–20–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, July 15, 2015 (Notice).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75461; File No. SR–NYSEArca–2015–44]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment Nos. 1, 2, and 3 and Order Approving on an Accelerated Basis a Proposed Rule Change, as Modified by Amendment Nos. 1, 2, and 3, To List and Trade Shares of the SPDR® SSgA Flexible Allocation ETF Under NYSE Arca Equities Rule 8.600

July 15, 2015.

I. Introduction

On May 15, 2015, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the SPDR® SSgA Flexible Allocation ETF (''Fund'') under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on June 4, 2015.[3] On June 30, 2015, the Exchange filed Amendment No. 1 to the proposal.[4] On July 10, 2015, the Exchange filed Amendment No. 2 to the proposal.[5] The Exchange also filed Amendment No. 3 to the proposal on July 13, 2015.[6] The Commission received no comments on the proposal. The Commission is publishing this notice to solicit comments on Amendment Nos. 1, 2, and 3 from interested persons, and is approving the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, on an accelerated basis.

II. The Exchange's Description of the Proposal [7]

NYSE Arca proposes to list and trade shares of the Fund under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares.[8] The Shares will be offered by SSgA Active ETF Trust (''Trust''), which is organized as a Massachusetts business trust and is registered with the Commission as an open-end management investment company.[9] SSgA Funds Management, Inc. will serve as the investment adviser to the Fund (''Adviser'').[10] State Street Global Markets, LLC will be the principal underwriter and distributor of the Fund's Shares. State Street Bank and Trust Company will serve as administrator, custodian and transfer agent for the Fund (''Custodian'').

The Adviser is not a registered broker-dealer but is affiliated with a broker-dealer and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio.[11]

A. Principal Investments of the Fund

The Fund will seek to provide long-term total return. In seeking long-term total return, the Adviser will target a return that exceeds one-month London Interbank Offered Rate (''LIBOR'') by at least 4% every year over a five-year investment timeframe. According to the Exchange, the Fund will be actively managed and will not seek to replicate the performance of a specified index.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 75071 (May 29, 2015), 80 FR 31934.

[4] Amendment No. 1 replaces SR–NYSEArca–2015–44 as originally filed and supersedes such filing in its entirety. In Amendment No. 1, the Exchange clarifies that: (1) under normal circumstances, the SSgA Flexible Allocation Portfolio (''Portfolio'') will invest at least 80% of its net assets in exchange-traded products (''ETPs''), futures contracts based on the Chicago Board Options Exchange Volatility Index (''VIX Futures''), and equity options; (2) up to 20% of the Portfolio's net assets may be invested in the various investments described as ''Non-Principal Investments;'' (3) the Portfolio may invest in equities, including exchange-listed or over-the-counter common stock and preferred securities of domestic and foreign corporations, as Non-Principal Investments; (4) the restricted securities that may be held as Non-Principal Investments may be either fixed income or equity securities; (5) the derivatives that the Portfolio invests in may be based on equity or fixed income securities and/or equity or fixed income indices, currencies, and interest rates; (6) not more than 10% of the options that the Portfolio invests in will trade in markets that are not members of the Intermarket Surveillance Group (''ISG'') or are not parties to a comprehensive surveillance sharing agreement (''CSSA'') with the Exchange; and (7) to the extent the SSgA Active ETF Trust effects the creation or redemption of Shares in cash, such transactions will be effected in materially the same manner for all authorized participants. Amendment No. 1 also removes from the proposal a description of the circumstances in which the SSgA Active ETF Trust reserves the right to permit or require the substitution of the cash to replace any of the components of the portfolio of securities designated as consideration for the purchase of a ''Creation Unit.'' The Fund will offer and issue Shares only in ''Creation Units,'' aggregations of 50,000 Shares. *See* Amendment No. 1, at 17. All the amendments to the proposed rule change are available at: *http://www.sec.gov/comments/sr-nysearca-2015-44/nysearca201544.shtml.*

[5] In Amendment No. 2, the Exchange clarifies that: (1) not more than 10% of the net assets of the Fund will consist of equity securities that trade in markets that are not members of the ISG or are not parties to a CSSA with the Exchange; (2) the Fund will not invest in leveraged or inverse leveraged exchange-traded funds (''ETFs'') or leveraged or inverse leveraged exchange-traded notes (''ETNs''); and (3) over-the-counter-traded derivative assets, excluding forward foreign currency contracts, normally will be valued on the basis of quotes obtained from a third-party broker-dealer who makes markets in such securities or on the basis of quotes obtained from a third-party pricing service.

[6] Amendment No. 3 clarifies that equity securities held as ''Non-Principal Investments'' are separate from the ETPs categorized as ''Principal Investments.''

[7] Additional information regarding, among other things, the Shares, the Fund, its investment objective, its investments, its investment strategies, its investment methodology, its investment restrictions, its fees, its creation and redemption procedures, availability of information, trading rules and halts, and surveillance procedures can be found in Amendment No. 1 and in the Registration Statement. *See* Amendment No. 1, *supra* note 4, and Registration Statement, *infra* note 9, respectively.

[8] 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.

[9] The Trust is registered under the 1940 Act. On December 18, 2013, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act''), and under the 1940 Act relating to the Fund (File Nos. 333–173276 and 811–22542) (''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. 29524 (December 13, 2010) (File No. 812–13487).

[10] 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.

[11] *See* Amendment No. 1, *supra* note 4, at 5. In the event (a) the Adviser or any sub-adviser becomes registered as a broker-dealer or becomes 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. *See id.* at 5–6.

Under normal circumstances,[12] the Fund will invest substantially all of its assets in the Portfolio, a separate series of the SSgA Master Trust with an identical investment objective as the Fund. As a result, the Fund will invest indirectly in all of the securities and assets owned by the Portfolio.[13] The investment practices of the Portfolio are the same in all material respects to those of the Fund.

The Adviser will seek to gain exposure to a wide range of asset classes, including real estate; equity and fixed income securities, including high yield debt securities; commodities; instruments that seek to track movements in volatility indices; and cash and cash equivalents or money market instruments. Under normal circumstances, the Portfolio will invest at least 80% of its net assets in ETPs,[14] VIX Futures, and equity options (including options on ETPs).

B. Non-Principal Investments

While under normal circumstances, the Adviser will invest at least 80% of the Portfolio's net assets as described in the Principal Investments section, above, the Adviser may invest up to 20% of the Portfolio's net assets in other securities and financial instruments, as described below.

The Portfolio may hold in the following types of assets:

- Equities securities other than ETPs mentioned above,[15] including exchange-listed or over-the-counter (''OTC'') common stock and preferred securities of domestic and foreign corporations; real estate investment trusts; and the securities of other investment companies.
- Fixed income securities, including U.S. government and U.S. government agency securities; repurchase agreements and reverse repurchase agreements; bonds, including sovereign debt and U.S. registered, dollar-denominated bonds of foreign corporations, governments, agencies and supra-national entities; convertible securities; short term instruments, including money market instruments; inflation-protected public obligations, commonly known as ''TIPS,'' of the U.S. Treasury, as well as TIPS of major governments and emerging market countries; and variable and floating rate securities, including variable rate demand notes and variable rate demand obligations.
- Cash and cash equivalents.
- Restricted securities, including equity and fixed income restricted securities.
- The following types of derivatives: exchange-listed and non-exchange listed options (other than the equity options mentioned above), swaps, forward contracts, and futures contracts (other than the VIX Futures mentioned above). The derivatives that the Portfolio invests in may be based on equity or fixed income securities and/or equity or fixed income indices, currencies, and interest rates.

The Portfolio also may conduct foreign currency transactions on a spot (*i.e.,* cash) basis and engage in short sales ''against the box.'' [16]

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[17] In particular, the Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Exchange Act,[18] which requires, among other things, that the Exchange's rules be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with section 11A(a)(1)(C)(iii) of the Exchange Act,[19] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotation and last-sale information for the Shares and underlying equity securities traded on a national securities exchange will be available via the Consolidated Tape Association high speed line. The Exchange represents that the intra-day, closing and settlement prices of underlying equity securities traded on a national securities exchange, as well as exchange-traded futures and foreign exchange-traded common stocks and preferred securities, will be readily available from the exchanges trading such assets as well as automated quotation systems, published or other public sources, or on-line information services. Intra-day and closing price information for exchange-listed options and futures will be available from the applicable exchange and from major market data vendors. In addition, price information for U.S. exchange-listed options is available from the Options Price Reporting Authority. Quotation information from brokers and dealers or pricing services will be available for fixed income securities, spot, and forward currency transactions; and equity securities traded in the OTC market (*e.g.,* restricted securities and non-exchange listed securities of investment companies). Price information regarding OTC-traded derivative instruments, as well as equity securities traded in the OTC market, is available from major market data vendors. Pricing information regarding each asset class in which the Fund or Portfolio will invest will generally be available through nationally recognized data service providers through subscription arrangements.

The Commission also believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be

[12] The term ''under normal circumstances'' 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. *See id.* at 6, n.8.

[13] According to the Exchange, the Fund is intended to be managed in a ''master-feeder'' structure, under which the Fund will invest substantially all of its assets in a corresponding Portfolio (*i.e.* a ''master fund''), which is a separate 1940 Act-registered mutual fund that has an identical investment objective. As a result, the Fund (*i.e.,* the ''feeder fund'') will have an indirect interest in all of the securities and other assets owned by the Portfolio. Because of this indirect interest, the Fund's investment returns should be the same as those of the Portfolio, adjusted for the expenses of the Fund. In extraordinary instances, the Fund reserves the right to make direct investments in securities. The Adviser will manage the investments of the Portfolio. Under the master-feeder arrangement, and pursuant to the investment advisory agreement between the Adviser and the Trust, investment advisory fees charged at the Portfolio level will be deducted from the advisory fees charged at the Fund level. In extraordinary instances, the Fund reserves the right to make direct investments in securities to meet its investment objectives directly. *See id.* at 6, n.9.

[14] ETPs include ETFs registered under the 1940 Act, exchange-traded commodity trusts and exchange-traded notes. The Portfolio may also invest in ETPs that are qualified publicly traded partnerships (''QPTPs'').

[15] *See* Amendment No. 3, *supra* note 6.

[16] In a short sale against the box, the Fund agrees to sell at a future date a security that it either contemporaneously owns or has the right to acquire at no extra cost.

[17] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. *See* 15 U.S.C. 78c(f).

[18] 15 U.S.C. 78f(b)(5).

[19] 15 U.S.C. 78k–1(a)(1)(C)(iii).

necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the 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 the Fund's calculation of NAV at the end of the business day.[20]

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, the Indicative Optimized Portfolio Value (''IOPV'') of the Fund, 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. The Custodian, through the National Securities Clearing Corporation, will make available on each Business Day, immediately prior to the opening of business on the Exchange (currently 9:30 a.m., Eastern Time (''E.T.'')), the list of the names and the required number of shares of each Deposit Security or the required amount of Deposit Cash, as applicable, to be included in the current Fund Deposit (based on information at the end of the previous Business Day) for the Fund. The NAV of the Portfolio will be calculated by the Custodian and determined at the close of the regular trading session on the New York Stock Exchange (ordinarily 4:00 p.m. E.T.) on each day that such exchange is open. The Fund's Web site will include a form of the prospectus for the Fund that may be downloaded and additional information relating to NAV and other applicable information.

The Exchange represents that trading in the Shares 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.[21] Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares may be halted.

The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees.[22] The Exchange represents that the Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio.[23]

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. The Exchange states 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.[24] On behalf of the Exchange, FINRA will communicate as needed regarding trading in the Shares, underlying U.S. exchange-traded equity securities, exchange-traded options, futures, and foreign exchange-traded common stocks and preferred securities with other markets and other entities that are members of ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and underlying U.S. exchange-traded equity securities, exchange-traded options, futures, and common stocks and preferred securities of foreign corporations from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and U.S. exchange-traded equity securities, exchange-traded options, futures, and common stocks and preferred securities of foreign corporations from markets and other entities that are members of ISG or with which the Exchange has in place a CSSA.[25] FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine.

The Exchange represents that it 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.[26] In support of this proposal, the Exchange has also made the following representations:

(1) The Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) Trading in the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws, and 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.

(4) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in a Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (a) the procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IOPV will not be calculated or publicly disseminated; (d) how information regarding the IOPV and the Disclosed Portfolio is disseminated; (e) 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 (f) trading information.

(5) For initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 [27] under the Act, as

[20] Under accounting procedures followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund 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.

[21] 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 Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. *See* Amendment No. 1, *supra* note 4, at 22.

[22] *See id.* at 24.

[23] *See* note 11, *supra,* and accompanying text.

[24] *See* Amendment No. 1, *supra* note 4, at 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.

[25] For a list of the current members of ISG, *see www.isgportal.org.*

[26] *See* Amendment No. 1, *supra* note 4, at 22–23.

[27] 17 CFR 240 10A–3.

provided by NYSE Arca Equities Rule 5.3.

(6) While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged or inverse leveraged ETFs or ETNs (*e.g.,* 2X or 3X).[28]

(7) The Portfolio may invest up to 20% of its assets in derivatives.[29]

(8) The Portfolio may invest up to 25% of its total assets in one or more ETPs that are QPTPs and whose principal activities are the buying and selling of commodities or options, futures, or forwards with respect to commodities.[30]

(9) The Portfolio may invest up to 10% of its net assets in high yield debt securities.[31]

(10) Not more than 10% of the net assets of the Fund will consist of equity securities that trade in markets that are not members of the ISG or are not parties to CSSA with the Exchange.[32]

(11) The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, consistent with Commission guidance. The 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 the Fund's net assets are held in illiquid assets.[33]

(12) A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange.[34]

This approval order is based on all of the Exchange's representations, including those set forth above and in the Notice.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, is consistent with section 6(b)(5) of the Act [35] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on Amendment Nos. 1, 2 and 3

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment Nos. 1, 2, and 3 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–2015–44 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–2015–44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2015–44 and should be submitted on or before *August 11, 2015.*

V. Accelerated Approval of Proposed Rule Change as Modified by Amendment Nos. 1, 2, and 3

The Commission finds good cause to approve the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, prior to the 30th day after the date of publication of notice of the amendment in the **Federal Register.** The Exchange submitted Amendment Nos. 1, 2, and 3 to, among other things, provide clarifying details about the investments the Portfolio would be permitted to hold and the valuation of OTC-traded derivative assets, and to limit the percentage of the Portfolio that may be comprised of options that are listed on markets that are not members of the ISG or with which the Exchange does not have a CSSA.[36]

This information is useful for evaluating the likelihood of market participants engaging in effective arbitrage and the Exchange's ability to detect improper trading activity that impacts the price of the Shares. Accordingly, the Commission believes that Amendment Nos. 1, 2, and 3 are consistent with the provisions of section 6(b)(5) of the Act,[37] and therefore finds good cause, pursuant to section 19(b)(2) of the Act,[38] for approving the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Exchange Act, that the proposed rule change (SR–NYSEArca–2015–44), as modified by Amendment Nos. 1, 2, and 3, is hereby approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–17780 Filed 7–20–15; 8:45 am]

BILLING CODE 8011–01–P

[28] *See* Amendment No. 2, *supra* note 5.

[29] *See* Amendment No. 1, *supra* note 4, at 12, n.24.

[30] *See id.* at 9.

[31] *See id.* at 11.

[32] *See id.* at 10.

[33] *See id.* at 14.

[34] *See id.* at 23.

[35] 15 U.S.C. 78f(b)(5).

[36] *See* Amendment No. 1, *supra* note 4.

[37] 15 U.S.C. 78f(b)(5).

[38] 15 U.S.C. 78s(b)(2).

[39] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, July 23, 2015 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii)

and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims;

Litigation matters; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: July 16, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–17970 Filed 7–17–15; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75460; File No. SR–NYSEMKT–2015–48]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the Pilot Period Applicable to the Customer Best Execution Auction per Rule 971.1NY Until July 18, 2016

July 15, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 2, 2015, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the pilot period applicable to the Customer Best Execution Auction (''CUBE''), per Rule 971.1NY, until July 18, 2016. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to extend the pilot period applicable to certain aspects of the Customer Best Execution—or CUBE—Auction, which is currently set to expire on July 17, 2015, until July 18, 2016.

Background

Rule 971.1NY sets forth an electronic crossing mechanism for single-leg orders with a price improvement auction on the Exchange, referred to as the CUBE Auction.[4] The CUBE Auction, which was approved in April 2014, is designed to provide price improvement for paired orders of any size.[5] Two aspects of the CUBE were approved on a pilot basis—Rule 971.1NY(b)(1)(B), which establishes the permissible range of executions for CUBE Auctions for fewer than 50 contracts; and Rule 971.1NY(b)(8), which establishes that the minimum size for a CUBE Auction is one contract (together, the ''CUBE Pilot'').

An ATP Holder may initiate a CUBE Auction by electronically submitting for execution a limit order it represents as agent on behalf of a public customer, broker dealer, or any other entity (''CUBE Order'') against principal interest or against any other order it represents as agent, provided the initiating ATP Holder complies with Rule 971.1NY.[6] Rule 971.1NY(b)(1) sets forth the permissible range of executions for a CUBE Order.[7] Pursuant to the CUBE Pilot, a CUBE Order for fewer than 50 contracts is subject to tighter ranges of execution than larger CUBE Orders to maximize price improvement.[8] Specifically, if the CUBE Order is for fewer than 50 contracts, the range of permissible execution will be equal to or better than the National Best Bid/Offer (''NBBO''), provided that such price must be at least one cent better than any displayed interest in the Exchange's Consolidated Book.[9]

The CUBE Pilot was initially approved for a one-year pilot.[10] Pursuant to Commentary .01 to Rule 971.1NY, the CUBE Pilot would, if not amended, end on July 17, 2015. In connection with the CUBE Pilot, the Exchange agreed to submit certain data to provide supporting evidence that, among other things, there is meaningful competition for all size orders and that there is an active and liquid market functioning on the Exchange outside of the CUBE Auction.[11]

Proposal To Extend the Operation of the CUBE Pilot

The Exchange implemented the CUBE Auction to provide an electronic crossing mechanism for single-leg orders with a price improvement auction. The CUBE Pilot was designed to create tighter markets and ensure that each order receives the best possible price. The Exchange believes that the CUBE Pilot attracts order flow and promotes competition and price improvement opportunities for CUBE Orders of fewer than 50 contracts. The Exchange believes that extending the pilot period is appropriate because it

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See generally* Rule 971.1NY (Electronic Cross Transactions).

[5] *See* Securities Exchange Act Release No. 72025 (April 25, 2014), 79 FR 24779 (May 1, 2014) (NYSEMKT–2014–17) (the ''CUBE Approval Order'').

[6] In addition, CUBE provides for the automatic execution, under certain conditions, of a crossing transaction where there is a public customer order in the same options series on each side.

[7] Subject to specified exceptions, a CUBE Order to buy (sell) may execute at prices equal to or between the initiating price as the upper (lower) bound and the National Best Bid (''NBB'') (National Best Offer (''NBO'')) as the lower (upper) bound. *See* Rule 971.1NY(b).

[8] *See* Rule 971.1NY(b)(1)(B). Rule 971.1NY(b)(8), also subject to the pilot period, provides that the minimum size for a CUBE Auction is one contract.

[9] *See* Rule 971.1NY(b)(1)(B).

[10] *See* CUBE Approval Order, *supra,* n. 5. The CUBE Pilot was subsequently extended, until July 17, 2015, in order to align the expiration of the pilot period with that of other competing options exchange that offer electronic price improvement auctions similar to the CUBE. *See* Securities Exchange Act Release No. 74695 (April 9, 2015), 80 FR 20274 (April 15, 2015) (SR–NYSEMKT–2015–28).

[11] *See* CUBE Approval Order, *supra,* n. 5 at 79 FR 24779, at 24785–86, fn. 94–95. *See also* Commentary .01 to Rule 971.1NY.

will allow the Exchange and the Commission additional time to analyze data regarding the CUBE Pilot that the Exchange has committed to provide.[12] As such, the Exchange believes that it is appropriate to extend the current operation of the Pilot. Through this filing, the Exchange seeks to amend Commentary .01 to Rule 971.1NY and extend the current pilot period until July 18, 2016.[13] The Exchange notes that it would retain the text of Rules 971.1NY(b)(1)(B) and 971.1NY(b)(8). In further support of this proposed rule change, the Exchange would continue to submit to the Commission detailed data from, and analysis of, the CUBE Pilot. Further, the Exchange represents that it will provide certain additional data requested by the Commission regarding trading in the CUBE Auction for the six (6) month period from January 1, 2015 through June 30, 2015. The Exchange agrees to provide this data by January 18, 2016 and to make the summary of the data provided to the Commission publicly available. The Exchange continues to believe that there remains meaningful competition for all size orders and that there is an active and liquid market functioning on the Exchange outside of the CUBE Auction. The Exchange believes the additional data will substantiate the Exchange's belief and provide further evidence in support of permanent approval of the CUBE Pilot.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[14] in general, and furthers the objectives of Section 6(b)(5) of the Act[15] in particular, in that it is 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 a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that extending the pilot period is consistent with these principles because the CUBE Pilot is reasonably designed to create tighter markets and ensure that each order receives the best possible price, which benefits investors by increasing competition thereby maximizing opportunities for price improvement. The proposed extension would allow the CUBE Pilot to continue uninterrupted, thereby avoiding any potential investor confusion that could result from a temporary interruption in the CUBE Pilot. Because the CUBE Pilot is applicable to all CUBE Orders for fewer than 50 contracts, and to the requirement that the minimum size of the CUBE Auction is one contract, the proposal to extend the pilot merely acts to maintain status quo on the Exchange, which promotes just and equitable principles of trade and removes impediments to, and perfects the mechanism of, a free and open market and a national market system. The extension of the pilot period will allow the Commission and the Exchange to continue to monitor the CUBE Pilot to ascertain whether there is meaningful competition for all size orders and whether there is an active and liquid market functioning on the Exchange outside of the CUBE Auction.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change simply extends an established pilot program for an additional period and would allow for further analysis of the CUBE Pilot. In addition, the proposed extension would allow the CUBE Pilot to continue uninterrupted, thereby avoiding any potential investor confusion that could result from a temporary interruption in the CUBE Pilot. Thus, the proposal would 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

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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.[16]

A proposed rule change filed under Rule 19b-4(f)(6)[17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[18] 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, stating that the proposed rule change simply extends an established pilot program and that the waiver would allow the pilot to continue uninterrupted, thereby avoiding potential confusion for investors. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[19]

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)[20] 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

[12] *Id.*

[13] *See* proposed Commentary .01 to Rule 971.1NY.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78s(b)(2)(B).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2015–48 on the subject line.

Paper Comments

• Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2015–48. 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 Section, 100 F Street, NE., Washington, DC 20549–1090. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2015–48 and should be submitted on or before August 10, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–17759 Filed 7–20–15; 8:45 am]

BILLING CODE 8011–01P

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75458; File No. SR–NASDAQ–2015–081]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify NASDAQ Rule 7018 Governing Fees and Credits Assessed for Execution and Routing

July 15, 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 July 13, 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.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to modify changes to amend NASDAQ Rule 7018, governing fees and credits assessed for execution and routing of securities.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing to amend the fees and credits provided under NASDAQ Rule 7018. Specifically, NASDAQ is proposing to delete the charge it assesses a member firm for its orders that execute in the NASDAQ Market Center, which is assessed if the member firm has Market-on Close (''MOC'') or Limit-on-Close (''LOC'') orders that execute in the NASDAQ Closing Cross entered through a single NASDAQ Market Center market participant identifier (''MPID''), that represent more than 0.15% of Consolidated Volume during the month. Currently, the Exchange assesses a charge of $0.0030 per share executed in securities listed on NASDAQ (''Tape C''), and a charge of $0.00295 per share executed in securities listed on NYSE (''Tape A'') and on exchanges other than NASDAQ and the NYSE (''Tape B'') (collectively, the ''Tapes''). The Exchange is proposing to eliminate this charge under Rules 7018(a)(1), (2) and (3).

The Exchange is also proposing to add a new credit applied to securities of all three Tapes. Specifically, the Exchange proposes a $0.0029 per share executed credit provided to member firms that add Customer,[3] Professional,[4] Firm,[5] Non-NASDAQ Options Market (''NOM'') market maker[6] and/or broker-dealer[7] liquidity in Penny Pilot Options[8] and/or Non-Penny Pilot Options[9] of 1.25% or more of total industry average daily volume (''ADV'') in the customer clearing range for Equity and ETF option contracts per day, in a month on NOM. The Exchange believes that the new credit tier will provide incentive to NASDAQ market participants to also provide liquidity in NOM and notes that it currently provides a similar credit tier available for executions in securities of all three Tapes. That credit tier provides a slightly higher credit in return for a

[3] As defined by NASDAQ Options Rules, Chapter XV.

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] The Penny Pilot allows market participants to quote in penny increments in certain series of option classes and is designed to narrow the average quoted spreads in all classes in the Pilot, which may result in customers and other market participants to trade options at better prices. *See* NASDAQ Options Rules, Chapter XV, Sec. 2(1).

[9] *Id.*

certain level of Consolidated Volume in addition to total industry ADV.[10]

The Exchange is also deleting a credit tier applied to securities of all three Tapes. The Exchange currently provides a $0.0029 per share executed credit to a member firm (i) with shares of liquidity provided in all securities during the month representing more than 0.10% of Consolidated Volume during the month, through one or more of its NASDAQ Market Center MPIDs, and (ii) that adds Total NOM Market Maker Volume, as defined in Chapter XV, Section 2 of the Nasdaq Options Market rules, of 80,000 or more contracts per day in a month executed through one or more of its NOM MPIDs. The Exchange notes no member firms have elected to qualify in recent months for this credit.

The Exchange is also proposing to amend the qualification criteria a member firm is required to meet in order to receive a $0.0029 per share executed credit, which is available to securities of all three Tapes. Currently, the Exchange will provide a credit of $0.0029 per share executed to a member firm with (i) shares of liquidity provided in all securities during the month representing more than 0.08% of Consolidated Volume during the month, through one or more of its NASDAQ Market Center MPIDs, and (ii) Total Volume, as defined in Chapter XV, Section 2 of the NOM rules, of 100,000 or more contracts per day in a month executed through one or more of its NOM MPIDs. The Exchange is proposing to increase the Consolidated Volume required to meet the standard from 0.08% to 0.15%. The Exchange is also proposing to increase the level of Total Volume required under the tier from 100,000 or more contracts per day in a month to 125,000 or more contracts per day in a month. Lastly, the Exchange is making a clarifying change to the rule. Specifically, the Exchange is proposing to eliminate language from the credit tier that discusses NOM MPIDs. The Exchange notes that there are not MPIDs on NOM, but rather activity on NOM is measured by Participant.[11] Accordingly, the Exchange is correcting the rule text, but continuing to measure activity on NOM by Participant, unchanged.

The Exchange is proposing to increase the fee it assesses for participation in the Closing Cross. Currently, the Exchange assesses a charge of $0.0006 per share executed for all orders, other than MOC and LOC orders executed in the Closing Cross. The Exchange is proposing to increase the fee from $0.0006 to $0.0008 per share executed. Similarly, the Exchange is proposing to increase the charge assessed for participation in the Opening Cross. Currently, the Exchange assesses a charge a charge of $0.0006 per share executed for all orders, other than Market-on-Open (''MOO'') and Limit-on-Open (''LOO'') orders executed in the Opening Cross. The Exchange is proposing to increase the fee from $0.0006 to $0.0008 per share executed.

The Exchange is also proposing to add a new means by which a member firm may be excluded from the Excess Order Fee under Rule 7018(m)(4). In 2012, NASDAQ introduced an Excess Order Fee, imposed on MPIDs that have characteristics indicative of inefficient order entry practices.[12] The fee is designed to dissuade inefficient order entry practices that may place excessive burdens on the systems of NASDAQ and its member firms, and may negatively impact the usefulness and life cycle cost of market data. For example, market participants that flood the market with orders that are rapidly cancelled or that are priced away from the inside market do little to support meaningful price discovery. Currently, the Exchange excludes from the Excess Order Fee a member firm with a daily average Weighted Order Total of less than 100,000 during the month. NASDAQ believes that this exclusion is reasonable because a member firm with an extremely low volume of entered orders has only a *de minimis* impact on the market. The Exchange is proposing a new exclusion from the fee available to a member firm that is a registered NASDAQ market maker in at least 100 issues.[13] The Exchange believes that market makers in a significant number of securities should not be captured by the Excess Order Fee because, in their capacity as a market maker, they are adding beneficial liquidity in a large number of securities thereby improving market quality for all market participants. Consequently, the Exchange believes that such market-improving activity offsets any negative impact caused by a market maker exceeding the Order Entry Ratio.[14]

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[15] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[16] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

NASDAQ believes that elimination of the charges assessed member firms that provide certain levels of MOC and/or LOC orders executed in the Closing Cross is reasonable because the Exchange does not believe that market participants require additional incentives to participate in the Closing Cross using MOC and LOC orders. Currently, member firms are assessed a charge of $0.00295 per share executed for removal of Tape A and B securities as opposed to the default charge of $0.0030 per share executed. The Exchange believes that it is reasonable to eliminate the lower charge in Tape A and B securities because it does not believe that an incentive is needed to provide MOC and LOC orders in the Closing Cross. Moreover, the Exchange believes that it is reasonable to eliminate the charge as applied to Tape C securities because it is currently set at the default removal rate of $0.0030 per share executed, and therefore does not act as an incentive whatsoever. The Exchange believes that the proposed deletion of the charge tier is an equitable allocation and is not unfairly discriminatory because NASDAQ will apply the default charge assessed for removal of liquidity from NASDAQ. As

[10] A member firm will receive a $0.0030 per share executed credit if it has (i) shares of liquidity provided in all securities during the month representing at least 0.60% of Consolidated Volume during the month, through one or more of its NASDAQ Market Center MPIDs, and (ii) Adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non- Penny Pilot Options of 1.25% or more of total industry ADV in the customer clearing range for Equity and ETF option contracts per day in a month on NOM. *See* Rules 7018(a)(1)–(3).

[11] The term ''Options Participant'' or ''Participant'' means a firm, or organization that is registered with the Exchange pursuant to Chapter II of the NASDAQ Options Rules for purposes of participating in options trading on NOM as a ''Nasdaq Options Order Entry Firm'' or ''Nasdaq Options Market Maker''. *See* NASDAQ Options Rules, Chapter I, Sec. 1(a)(40).

[12] Securities Exchange Act Release Nos. 66951 (May 9, 2012), 77 FR 28647 (May 15, 2012) (SR–NASDAQ–2012–055).

[13] The Exchange will calculate a market maker's eligibility for the exclusion monthly, by taking the number of securities in which the market maker was registered in each trading day during the calendar month divided by the number of trading days in the calendar month, resulting in the average daily number of registered securities for the month.

[14] The Order Entry Ratio is the ratio of (i) the member firm's Weighted Order Total to (ii) the greater of one or the number of displayed, non-marketable orders sent to NASDAQ by the member firm that execute in full or in part. *See* Rule 7018(m)(2). Member firms with an Order Entry Ratio of 100 or more are assessed the Excess Order Fee.

[15] 15 U.S.C. 78f.

[16] 15 U.S.C. 78f(b)(4) and (5).

such, all member firms that do not otherwise qualify for a lower charge, will be assessed the same charge for removing liquidity from NASDAQ in the securities of all three Tapes.

NASDAQ believes that the proposed new $0.0029 per share executed credit tier based on NOM activity, which is applied to executions of displayed quotes/and orders (other than Supplemental Orders or Designated Retail Orders) in the securities of all three Tapes is reasonable because it continues to provide incentives to market participants to improve the NASDAQ Options Market and increase their participation on NASDAQ. As discussed, NASDAQ currently provides a credit with similar NOM-based qualification criteria under Rule 7018(a). The Exchange believes that the proposed new credit tier is an equitable allocation and is not unfairly discriminatory because the credit will be available to all member firms that provide the required level of average daily volume in option contracts. Tiers such as the proposed are not novel and have been previously implemented across all U.S. equities and options exchanges, including Nasdaq. Like all credit tiers, there is the possibility that some member firms may not be able to qualify for this credit tier as easily as others due to their size and capacity to transact on the Exchange. Notwithstanding, the Exchange does not believe that this credit tier discriminates unfairly because in return for the reduced credit, qualifying member firms are providing market improving participation to the benefit of all market participants and the Exchange is not placing any barriers to prevent any member firms to achieve the required levels of market improving participation. Further, the proposed volume threshold is less than previously established tiers.

NASDAQ believes that elimination of the $0.0029 per share executed credit tier based on providing a certain level of Consolidated Volume and NOM Market Maker Volume is reasonable because it is not currently effective in providing incentive to market participants to provide the volume necessary to meet the requirements of the tier. Deletion of this credit tier will allow the Exchange to offer other incentives, which may be more effective in providing incentive to market participants to provide market-improving order flow in return for a credit. The Exchange believes that the proposed elimination of the credit tier is an equitable allocation and is not unfairly discriminatory because no member firms have qualified for the credit in recent months and removal of the credit will not impact any member firms at this juncture.

The Exchange believes that the proposed amendments to the $0.0029 per share executed credit tier provided for transactions in securities of all three Tapes, which is provided in return for the member firm providing a certain level of Consolidated Volume and Total Volume, are reasonable because require a modest increase in the levels of Consolidated Volume and Total Volume in order to qualify for the credit. The Exchange chooses to offer credits to market participants in return for certain market-improving activity. The Exchange notes that from time to time it will adjust charges and credits, and/or the criteria required to receive them, in order to balance the incentives provided to market participants with the beneficial market activity the Exchange seeks to promote and attract. In the present case, the Exchange is requiring member firms to provide increased market participation in both NASDAQ and NOM in return for the credit, which NASDAQ believes better aligns the credit with the market improving behavior. The Exchange believes the clarifying change to the tier is reasonable because the language of the tier will more accurately reflect how the contracts are measured to meet the criteria. In this regard, the current criterion is meant to capture all contracts executed on NOM. Accordingly, the proposed amended rule text more accurately reflects that all of a Participant's contracts on NOM will be counted toward the requirement while also will removing inaccurate text, which may be confusing to market participants. The Exchange believes that the proposed changes to the credit tier is an equitable allocation and is not unfairly discriminatory because all member firms that qualify under the revised requirements of the tier will receive the credit.

The Exchange believes that the proposed increases to the charges assessed member firms for quotes and orders executed in the NASDAQ Closing and Opening Crosses under Rules 7018(d) and (e), respectively, are reasonable because NASDAQ must from time to time increase fees to cover expenses incurred in operating its systems in response to increased costs and/or decreased revenue from fees. The proposed increase in the charge to participate in the Closing and Opening Crosses using all other quotes and orders from $0.0006 per share executed to $0.0008 per share executed reflects a modest increase to better align the fee with the functionality provided. The Exchange notes that the charges continue to be lower than the charges assessed for using MOC and LOC orders to participate in the Closing Cross and MOO and LOO orders to participate in the Opening Cross, and are significantly lower than the default charge assessed for removal of liquidity from NASDAQ. The Exchange believes that the proposed increase in the charges for participation in the Closing and Opening Crosses is an equitable allocation and is not unfairly discriminatory because the charges will apply uniformly to all market participants that participate in the Crosses.

The Exchange believes that the proposed addition of a new exclusion from the Excess Order Fee is reasonable because NASDAQ would like to avoid providing market makers a disincentive to participate in NASDAQ. The Exchange notes that the Excess Order Fee was designed to dissuade inefficient order entry practices that may place excessive burdens on the systems of NASDAQ and its member firms. NASDAQ has observed market makers approaching the fee threshold near the end of the month reduce their participation in the market to avoid reaching an Order Entry Ratio that would trigger the fee. NASDAQ believes that it is reasonable to provide an exemption to registered market makers in order to avoid a decrease in quoting behavior, which will benefit all market participants. Moreover, the Exchange believes that the proposed 100 securities threshold is reasonable because it sets a modest level of securities in which the market maker must be registered, which balances the need to set a meaningful standard against setting the level too high to be achievable for most market makers. The Exchange notes that the Exchange may revisit the registered securities threshold should it determine that the level is too high or low. The Exchange believes that the proposed exemption from the fee is an equitable allocation and is not unfairly discriminatory because it will apply uniformly to all market makers, which, unlike other market participants, have obligations to provide liquidity to the market. The Exchange notes that liquidity is critical to the trading efficiency and quality of the exchange, and changes to enhance liquidity should be viewed favorably by all participants. The Exchange believes 100 securities threshold is an equitable allocation and is not unfairly discriminatory because it is a modest level of securities in which the market maker must be registered, which was selected by the Exchange

based on its observation of market maker activity, its desire to slowly unwind this program for market makers generally and is designed to provide the greatest improvement in market quality. To the extent the Exchange's estimation is incorrect, it may adjust the requirement appropriately. Lastly, the Exchange believes that the passive liquidity provisioning benefits provided by market making to liquidity seeking market participants, especially investors, materially outweighs any potential harm that may be caused by allowing a market maker to exceed the Order Entry Ratio threshold.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[17] NASDAQ notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, NASDAQ must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, NASDAQ believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the proposed changes to the charges assessed and credits available to member firms for execution of securities in securities of all three Tapes do not impose a burden on competition because NASDAQ's execution services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues. Excluding market makers from the Excess Order Fee does not place a burden on competition because the Exchange has balanced the goal of the fee with the potential negative impact on market quality and determined that excluding market makers from the fee will promote better market quality, and thereby promote NASDAQ's competitiveness among exchanges and other market venues. In sum, if the changes proposed herein are unattractive to market participants, it is likely that NASDAQ will lose market share as a result. Accordingly, NASDAQ does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (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–2015–081 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–2015–081. 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–2015–081, and should be submitted on or before August 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–17757 Filed 7–20–15; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78f(b)(8).

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75456; File No. SR–ICC–2015–013]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change To Provide for the Clearance of Additional Western European Sovereign Single Names

July 15, 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 July 6, 2015, ICE Clear Credit LLC (''ICC'') 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 primarily by ICC. The Commission is publishing this notice to solicit comments on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to adopt rules that will provide the basis for ICC to clear additional credit default swap contracts. ICC currently clears seven SWES Contracts: The Republic of Ireland, the Italian Republic, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Austria, and the Kingdom of the Netherlands. ICC is proposing to amend Subchapter 26I of its rules to provide for the clearance of additional SWES Contracts, specifically the Federal Republic of Germany, the French Republic, and the United Kingdom of Great Britain and Northern Ireland. The proposed change is dependent on the approval and implementation of the proposed rule change in SR–ICC–2015–009 and therefore, the text of the proposed rule change in Exhibit 5 should be read in conjunction with the proposed rule change in SR–ICC–2015–009.[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC 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. ICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to adopt rules that will provide the basis for ICC to clear additional credit default swap contracts. ICC currently clears seven SWES Contracts: the Republic of Ireland, the Italian Republic, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Austria, and the Kingdom of the Netherlands. ICC proposes amending Subchapter 26I of its Rules to provide for the clearance of additional SWES Contracts, specifically the Federal Republic of Germany, the French Republic, and the United Kingdom of Great Britain and Northern Ireland. ICC plans to offer these additional SWES Contracts on the 2003 and 2014 ISDA Credit Derivatives Definitions. The addition of these SWES Contracts will benefit the market for credit default swaps by providing market participants the benefits of clearing, including reduction in counterparty risk and safeguarding of margin assets pursuant to clearing house rules.

These additional SWES Contracts have terms consistent with the other SWES Contracts approved for clearing at ICC and governed by Subchapter 26I of the ICC Rules, namely the Republic of Ireland, the Italian Republic, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Austria, and the Kingdom of the Netherlands. Minor revisions to Subchapter 26I (Standard Western European Sovereign (''SWES'') Single Name) are made to provide for clearing the additional SWES Contracts and described as follows.

Rule 26I–102 is modified to include the Federal Republic of Germany, the French Republic, and the United Kingdom of Great Britain and Northern Ireland in the list of specific Eligible SWES Reference Entities to be cleared by ICC.

Section 17A(b)(3)(F) of the Act[4] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions and to comply with the provisions of the Act and the rules and regulations thereunder. These contracts are similar to the SWES Contracts currently cleared by ICC, and the additional SWES Contracts would be cleared pursuant to ICC's clearing arrangements and related financial safeguards, protections and risk management procedures, as modified by the proposed risk enhancements related to General Wrong Way Risk set forth in filing SR–ICC–2015–009.[5] The additional SWES Contracts will allow market participants an increased ability to manage risk. ICC believes that acceptance of the new contracts, on the terms and conditions set out in the ICC Rules, is consistent with the prompt and accurate clearance of and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[6]

Clearing of the additional SWES Contracts will also satisfy the requirements of Rule 17Ad–22.[7] In particular, in terms of financial resources, ICC would apply its initial margin methodology to the additional contracts (as modified by rule filing SR–ICC–2015–009).[8] ICC believes that this model would provide sufficient initial margin requirements to cover its credit exposure to its clearing members from clearing such contracts, consistent with the requirements of Rule 17Ad–22(b)(2).[9] In addition, ICC believes its Guaranty Fund, under its existing methodology, would, together with the required initial margin, provide sufficient financial resources to support the clearing of the additional contracts consistent with the requirements of Rule 17Ad–22(b)(3).[10] ICC also believes that its existing operational and managerial resources will be sufficient for clearing of the additional contracts, consistent with the requirements of Rule 17Ad–22(d)(4),[11] as the new contracts are substantially the same from an operational perspective as existing contracts. Similarly, ICC will use its existing settlement procedures and account structures for the new contracts, consistent with the requirements of Rule 17Ad–22(d)(5), (12) and (15)[12] as to the finality and accuracy of its daily settlement process and avoidance of the risk to ICC of settlement failures. ICC determined to accept the additional SWES Contracts for clearing in accordance with its governance process, which included review of the contracts and related risk management considerations by the ICC Risk Committee and approval by its Board. These governance arrangements are consistent with the requirements of Rule

[3] *See* Securities Exchange Act Release No. 34–75119 (June 8, 2015), 80 FR 33573 (June 12, 2015) (SR–ICC–2015–009). The text of the proposed rule change for rule filing SR–ICC–2015–009 can also be found on ICC's Web site at *https://www.theice.com/clear-credit/regulation.*

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] Pursuant to a telephone call with ICC's internal counsel on July 14, 2015, staff in the Division of Trading and Markets has modified the text of this sentence to further clarify that the proposed rule change is dependent on the approval and implementation of the proposed rule change in SR–ICC–2015–009.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 17 CFR 240.17Ad–22.

[8] Pursuant to a telephone call with ICC's internal counsel on July 14, 2015, staff in the Division of Trading and Markets has modified the text of this paragraph to further clarify that the proposed rule change is dependent on the approval and implementation of the proposed rule change in SR–ICC–2015–009.

[9] 17 CFR 240.17Ad–22(b)(2).

[10] 17 CFR 240.17Ad–22(b)(3).

[11] 17 CFR 240.17Ad–22(d)(4).

[12] 17 CFR 240.17Ad–22(d)(5), (12) and (15).

17Ad–22(d)(8).[13] Finally, ICC will apply its existing default management policies and procedures for the additional SWES Contracts. ICC believes that these procedures allow for it to take timely action to contain losses and liquidity pressures and to continue meeting its obligations in the event of clearing member insolvencies or defaults in respect of the additional single names, in accordance with Rule 17Ad–22(d)(11).[14]

B. Self-Regulatory Organization's Statement on Burden on Competition

The additional SWES Contracts will be available to all ICC participants for clearing. The clearing of these additional SWES Contracts by ICC does not preclude the offering of the additional SWES Contracts for clearing by other market participants. Accordingly, ICC does not believe that clearance of the additional SWES Contracts will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period 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–ICC–2015–013 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–ICC–2015–013. 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 Section, 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 filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's Web site at *https://www.theice.com/clear-credit/regulation.*

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–ICC–2015–013 and should be submitted on or before August 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–17755 Filed 7–20–15; 8:45 am]

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[13] 17 CFR 240.17Ad–22(d)(8).

[14] 17 CFR 240.17Ad–22(d)(11).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75454; File No. SR–MSRB–2015–05]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Consisting of an Amendment to MSRB Rule G–45, on Reporting of Information on Municipal Fund Securities

July 15, 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 30, 2015, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the MSRB. 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 MSRB filed with the Commission a proposed rule change consisting of an amendment to MSRB Rule G–45, on reporting of information on municipal fund securities (''proposed rule change''). The proposed rule change would delay by 60 days, until October 28, 2015, the date on which the first submissions must be made pursuant to Rule G–45. The first submissions on Form G–45 currently are due August 29, 2015. The MSRB proposes an immediate effectiveness for the proposed rule change. The proposed rule change would extend by 60 days the due date under a previously approved rule for the first submissions on Form G–45.

The text of the proposed rule change is available on the MSRB's Web site at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2015-Filings.aspx*, at the MSRB's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the MSRB included statements concerning the purpose of and basis for the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 MSRB 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 MSRB proposes to extend by 60 days until October 28, 2015 the date the first submissions are due under Rule G–45 on Form G–45. On February 21, 2014, the Commission approved the adoption of Rule G–45, on reporting of municipal fund securities, and electronic Form G–45, as well as associated amendments to Rules G–8, on books and records, and G–9, on preservation of records.[3] The effective date for that rule change was February 24, 2015. The first submissions under Rule G–45 are due August 29, 2015, which is 60 days from the end of the first reporting period of January 1–June 30, 2015. The purpose of Rule G–45 is to enable the MSRB to collect reliable information about 529 college savings plans (''529 plans'') solely for regulatory purposes and to analyze that information to better understand the market and the manner in which assets are invested.

After the SEC's approval of Rule G–45 and Form G–45, MSRB staff formed an industry User Group to develop the Form G–45 User's Manual (the ''manual''), which the rule specifies would include technical specifications for the Form, such as data entry. User Group members include representatives from twelve different industry organizations ranging from organizations that are involved in the distribution of multiple 529 plans to those that participate in the distribution of interests in only one plan. The range of expertise of User Group members includes data services provision and program management.

The User Group recommended that underwriters be afforded two methods of submitting data to the MSRB on Form G–45—manual submissions through the MSRB's Electronic Municipal Market Access Web site (''EMMA®'')[4] dataport web user interface and automated submissions through a computer-to-computer (''B2B'') interface. MSRB staff was responsive to those recommendations, and developed the two interfaces.

In February 2015, the MSRB released the manual and opened a beta test environment to assist underwriters with their submissions. Since that time, underwriters and industry trade groups have discussed with MSRB staff the challenges that underwriters are facing with programming the data for submission to the Board on Form G–45. Their concerns center on the ability to program automated B2B submissions, particularly information about investment options in 529 plans.

529 plans typically offer numerous investment options with multiple underlying mutual funds. To gather adequate information about 529 plans, Form G–45 requires detailed data about the various investment options available in 529 plans. The MSRB understands that the programming of such information for a Form G–45 submission is particularly challenging for underwriters because the required data must be collected from multiple computer systems. While the programmers for underwriters may be challenged by meeting the unextended deadline for the first filings on Form G–45, after the first B2B filing, the process would be automated and is expected to become more routine.

To help ensure that the MSRB receives reliable, complete and accurate filings on Form G–45 and to mitigate the burdens imposed on underwriters that are making their first submission under Rule G–45, the MSRB submits this proposed rule change to extend the date that the first submissions on Form G–45 are due by 60 days, until October 28, 2015. The proposed rule change would double the time allowed for underwriters to make their first submissions. The MSRB believes that the extension will provide underwriters with sufficient time to submit complete and accurate filings.[5] Subsequent Form G–45 filings would remain due 60 days from the end of each semi-annual reporting period.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with section 15B(b)(2)(C) of the Act,[6] which provides that the MSRB's rules shall:

> 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 facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.

In response to industry concerns about the ability to submit reliable, accurate and complete data on a timely basis, the proposed rule change would extend the date that the first submissions are due under a previously approved rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 15B(b)(2)(C) of the Act[7] requires that MSRB rules be designed not to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The MSRB does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the Act. The proposed rule change would extend the date that the first submissions on Form G–45 are due by 60 days from August 29, 2015 until October 28, 2015.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to section 19(b)(3)(A)[8] of the Act and Rule 19b–4(f)(6)[9] thereunder, the MSRB has designated the proposed rule change as one that effects a change that: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate.

[3] Exchange Act Release No. 71598 (Feb. 21, 2014), 79 FR 11161 (Feb. 27, 2014) (SR–MSRB–2013–04).

[4] EMMA is a registered trademark of the MSRB.

[5] Representatives of industry trade associations have suggested that the MSRB implement a one-year pilot period for submissions. According to those associations, this would allow underwriters sufficient time to work through any difficulties in the programming and data collection while not being subject to potential enforcement actions. The MSRB, however, believes that filings on Form G–45 must remain fully subject to MSRB rules and all other applicable federal securities laws, rules and regulations, and that a full year would be an excessive delay in the MSRB's gathering of reliable information about 529 plans.

[6] 15 U.S.C. 78*o*–4(b)(2)(C).

[7] *Id.*

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative until 30 days after the date of filing.[10] However, Rule 19b–4(f)(6)(iii) [11] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest.[12] The MSRB has requested that the Commission designate the proposed rule change operative upon filing,[13] as specified in Rule 19b–4(f)(6)(iii),[14] which would make the proposed rule change operative on June 30, 2015. The MSRB has stated that an earlier operative date would provide underwriters with certainty regarding the due date of their first submission on Form G–45.[15]

The Commission hereby grants the MSRB's request and believes that designating the proposed rule change operative upon filing is consistent with the protection of investors and the public interest.[16] According to the MSRB, Rule G–45 is designed to enable the MSRB to collect reliable information about 529 plans solely for regulatory purposes and to analyze that information to better understand the market and the manner in which assets are invested.[17] The Commission believes that designating the proposed rule change operative upon filing is consistent with the protection of investors and the public interest because it will provide underwriters with certainty regarding the due date of their initial Form G–45 submission, as well as help ensure that the MSRB receives reliable, complete and accurate filings on Form G–45. In addition, the proposed rule change is not making any substantive changes to MSRB rules; it is only extending the deadline under Rule G–45 for initial submissions of Form G–45 by 60 days, until October 28, 2015. Therefore, the Commission hereby designates the proposed rule change operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MSRB–2015–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2015–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the MSRB. 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–MSRB–2015–05 and should be submitted on or before August 11, 2015.

For the Commission, pursuant to delegated authority.[18]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–17779 Filed 7–20–15; 8:45 am]

BILLING CODE 8011–01–P

[10] *Id.*

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change, along with a brief description and text of such proposed rule change, at least five business days prior to the date of filing, or such shorter time as designated by the Commission. The MSRB satisfied this requirement on June 23, 2015.

[13] *See* SR–MSRB–2015–05.

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] *See supra* note 13.

[16] For the purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] *See supra* Section II.A.I.

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75459; File No. SR–EDGA–2015–10]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Withdrawal of Proposed Rule Change, as Modified by Amendment No. 1, To Amend Rules 11.6, 11.8, 11.9, 11.10 and 11.11 of EDGA Exchange, Inc.

July 15, 2015.

On February 20, 2015, EDGA Exchange, Inc. (''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Rules 11.6, 11.8, 11.9, 11.10 and 11.11 to clarify and to include additional specificity regarding the current functionality of the Exchange's system, including the operation of its order types and order instructions. On February 27, 2015, the Exchange filed Amendment No. 1 to the proposal.[3] The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on March 10, 2015.[4] On April 17, 2015, the Commission extended the time period in which to either approve or disapprove the proposed rule change, as modified by Amendment No. 1, to June 8, 2015.[5] The Commission received no comment letters on the proposed rule change, as modified by Amendment No. 1. On June 5, 2015, EDGA withdrew the proposed rule change, as modified by Amendment No. 1 (SR–EDGA–2015–10).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced SR–EDGA–2015–10 and superseded such filing in its entirety.

[4] *See* Securities Exchange Act Release No. 74435 (March 4, 2015), 80 FR 12655.

[5] *See* Securities Exchange Act Release No. 74763 (April 17, 2015), 80 FR 22751 (April 23, 2015).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–17758 Filed 7–20–15; 8:45 am]

BILLING CODE 8011–01–P

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75457; File No. SR–EDGX–2015–08]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Withdrawal of Proposed Rule Change, as Modified by Amendment No. 1, To Amend Rules 11.6, 11.8, 11.9, 11.10 and 11.11 of EDGX Exchange, Inc.

July 15, 2015.

On February 20, 2015, EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Rules 11.6, 11.8, 11.9, 11.10 and 11.11 to clarify and to include additional specificity regarding the current functionality of the Exchange's system, including the operation of its order types and order instructions. On February 27, 2015, the Exchange filed Amendment No. 1 to the proposal.[3] The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on March 10, 2015.[4] On April 17, 2015, the Commission extended the time period in which to either approve or disapprove the proposed rule change, as modified by Amendment No. 1, to June 8, 2015.[5] The Commission received no comment letters on the proposed rule change, as modified by Amendment No. 1. On June 5, 2015, EDGX withdrew the proposed rule change, as modified by Amendment No. 1 (SR–EDGX–2015–08).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–17756 Filed 7–20–15; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced SR–EDGX–2015–08 and superseded such filing in its entirety.

[4] *See* Securities Exchange Act Release No. 74439 (March 4, 2015), 80 FR 12666.

[5] *See* Securities Exchange Act Release No. 74762 (April 17, 2015), 80 FR 22753 (April 23, 2015).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75455; File No. SR–Phlx–2015–61]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Customer Rebate Program, Multiply Listed Options, and Singly-Listed Options

July 15, 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 July 1, 2015, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the Phlx Pricing Schedule (''Pricing Schedule''). Specifically, the Exchange proposes to amend pricing in Section B, entitled ''Customer Rebate Program,'' [3] Section II, entitled ''Multiply Listed Options Fees,'' [4] and Section III, entitled ''Singly Listed Options,'' [5] of the Pricing Schedule. The Exchange proposes these amendments in order to: (i) Increase the rebates specifically for Tier 4 and Tier 5 (Category B) electronic Complex [6] and Complex PIXL [7] Orders [8]; (ii) increase the assessment of Multiply Listed Options fees for non-Penny Pilot [9] Options for electronic Professional,[10] Broker-Dealer,[11] and Firm [12] orders; (iii) delete Customer Rebate Tier 2 and Tier 3 from notes 13 [sic] and 14 dealing with Common Ownership; [13] and (iv) increase the assessment of Singly-Listed FX options [14] fees for Professional, Broker-Dealer, and Firm orders.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional'' (as that term is defined in Rule 1000(b)(14).

[4] This includes options overlying equities, exchange traded funds (''ETFs''), exchange traded notes (''ETNs'') and indexes which are Multiply Listed.

[5] This includes options overlying foreign exchange (''FX''), equities, ETFs, ETNs, and indexes not listed on another exchange.

[6] A Complex Order is any order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, priced at a net debit or credit based on the relative prices of the individual components, for the same account, for the purpose of executing a particular investment strategy. Furthermore, a Complex Order can also be a stock-option order, which is an order to buy or sell a stated number of units of an underlying stock or ETF coupled with the purchase or sale of options contract(s). *See* Exchange Rule 1080, Commentary .07(a)(i).

[7] PIXL^{SM} is the Exchange's price improvement mechanism known as Price Improvement XL or PIXL. *See* Rule 1080(n).

[8] A transaction resulting from an order that was electronically delivered utilizes Phlx XL. *See* Exchange Rules 1014 and 1080. Electronically delivered orders do not include orders transacted on the Exchange floor. A transaction resulting from an order that is non-electronically-delivered is represented on the trading floor by a floor broker. *See* Exchange Rule 1063. All orders are either electronically or non-electronically delivered.

[9] The Penny Pilot was established in January 2007 and was last extended in 2015. *See* Securities Exchange Act Release Nos. 55153 (January 23, 2007), 72 FR 4553 (January 31, 2007) (SR–Phlx–2006–74) (notice of filing and approval order establishing Penny Pilot); and 75286 (June 24, 2015) (SR–Phlx–2015–54) (notice of filing and immediate effectiveness extending the Penny Pilot through June 30, 2016). Non-Penny Pilot Options are options other than Penny Pilot Options listed on the Exchange (*e.g.* AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF), which can be found at *http://www.nasdaqtrader.com/Micro.aspx?id=phlx.*

[10] The term ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Rule 1000(b)(14).

[11] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[12] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at The Options Clearing Corporation.

[13] The term ''Common Ownership'' means members or member organizations under 75% common ownership or control.

[14] FX options include XDB, XDE, XDN, XDS, XDA, XDM, XEH, XEV, XDZ, XDC, and XDV.

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 purpose of this filing is to modify the Pricing Schedule to specifically amend fees in Section B, entitled ''Customer Rebate Program,'' Section II, entitled ''Multiply Listed Options Fees,'' and Section III, entitled ''Singly Listed Options.'' The Exchange proposes these amendments in order to: (i) Increase the rebates specifically for Tier 4 and Tier 5 (Category B) electronic Complex and Complex PIXL Orders; (ii) increase the assessment of Multiply Listed Options fees for non-Penny Pilot Options for electronic Professional, Broker-Dealer, and Firm orders; (iii) delete Customer Rebate Tier 2 and Tier 3 from notes 13 [sic] and 14 dealing with Common Ownership; and (iv) increase the assessment of Singly-Listed FX options fees for Professional, Broker-Dealer, and Firm orders.

Section B—Customer Rebate Program

Currently, the Exchange has a Customer Rebate Program consisting of five tiers that pays Customer Rebates on two categories, A and B, of transactions. A Phlx member qualifies for a certain rebate tier based on the percentage of total national customer volume in Multiply Listed equity and ETFs options classes, excluding SPY [15] options that it transacts monthly on Phlx. The Exchange calculates Customer volume in Multiply Listed Options (including SPY options) by totaling electronically-delivered and executed volume, excluding volume associated with electronic Qualified Contingent Cross (''QCC'') Orders,[16] as defined in Exchange Rule 1080(o).[17] The Exchange proposes, as discussed below, to increase the Tier 4 and Tier 5 Complex PIXL Orders (Category B) rebates.

Currently, a Category A rebate is paid to members executing electronically-delivered Customer Simple Orders in Penny Pilot Options and Customer Simple Orders in non-Penny Pilot Options in Section II symbols. Rebates are paid on Customer PIXL Orders in Section II symbols that execute against non-Initiating Order interest. In the instance where member organizations qualify for Tier 4 or higher in the Customer Rebate Program, Customer PIXL Orders that execute against a PIXL Initiating Order are paid a rebate of $0.14 per contract. Rebates on Customer PIXL Orders will be capped at 4,000 contracts per order for Simple PIXL Orders.

Currently, a Category B rebate is paid to members executing electronically-delivered Customer Complex Orders in Penny Pilot Options and non-Penny Pilot Options in Section II symbols. Rebates are paid on Customer PIXL Complex Orders in Section II symbols that execute against non-Initiating Order interest. Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order will not be paid a rebate under any circumstances. The Category B rebate will not be paid when an electronically-delivered Customer Complex Order, including a Customer Complex PIXL Order, executes against another electronically-delivered Customer Complex Order. Rebates on Customer PIXL Orders are capped at 4,000 contracts per order leg for Complex PIXL Orders. Moreover, the Exchange will pay a $0.02 per contract Category A rebate and a $0.03 per contract Category B rebate in addition to the applicable Tier 2 and 3 rebate to a Specialist or Market Maker or its member or member organization affiliate under Common Ownership provided the Specialist or Market Maker has reached the Monthly Market Maker Cap, as defined in Section II.

Now, the rebates in all tiers (Category A and Category B) are as follows:

Customer rebate tiers	Percentage thresholds of national customer volume in multiply-listed equity and ETF options classes, excluding spy options (monthly)	Category A	Category B
Tier 1	0.00%–0.60%	$0.00	$0.00
Tier 2	Above 0.60–1.10	*0.10	*0.17
Tier 3	Above 1.10–1.60	*0.12	*0.17
Tier 4	Above 1.60–2.50	0.16	0.20
Tier 5	Above 2.50	0.17	0.20

The Exchange proposes to change the Tier 4 Customer Rebate (Category B) from $0.20 to $0.22. The Exchange also proposes to change the Tier 5 Customer Rebate (Category B) from $0.20 to $0.22.[18] The Exchange believes that the proposed increased Category B rebates will continue to encourage members to send Customer liquidity to Phlx despite the cap on PIXL Complex Order rebates at the proposed 4,000 contracts per order leg. The Exchange believes that the proposed two cent increase is reasonable. Moreover, the Exchange believes that the resulting 5 cents difference between Category B Tiers 3 and 4 ($0.17 and $0.22) is reasonable and fair since, comparatively, the current difference between Tiers 1 and 2 is 17 cents.

Section II—Multiply Listed Options

Currently, the Exchange charges Customers, Professionals, Specialists and Market Makers, Broker-Dealers, and Firms Options Transaction Fees for Multiply Listed Options (including options overlying equities, ETFs, ETNs, and indexes which are Multiply Listed). The fees are different for Penny Pilot Options and non-Penny Pilot Options.

[15] SPY is the SPDR® S&P 500® ETF Trust. S&P®, S&P 500®, SPDR®, and Standard & Poor's® are registered trademarks of Standard & Poor's® Financial Services LLC.

[16] A QCC Order is comprised of an order to buy or sell at least 1000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Rule 1080(o)(3), coupled with a contra-side order to buy or sell an equal number of contracts. The QCC Order must be executed at a price at or between the National Best Bid and Offer and be rejected if a Customer order is resting on the Exchange book at the same price. A QCC Order shall only be submitted electronically from off the floor to the PHLX XL II System. *See* Rule 1080(o). *See also* Securities Exchange Act Release No. 64249 (April 7, 2011), 76 FR 20773 (April 13, 2011) (SR–Phlx–2011–47) (a rule change to establish a QCC Order to facilitate the execution of stock/option Qualified Contingent Trades (''QCTs'') that satisfy the requirements of the trade through exemption in connection with Rule 611(d) of the Regulation NMS).

[17] Members and member organizations under common ownership may aggregate their Customer volume for purposes of calculating the Customer Rebate Tiers and receiving rebates. Common ownership means members or member organizations under 75% common ownership or control.

[18] This is similar to the Chicago Board Options Exchange (''CBOE''). *See* CBOE's Fee Schedule.

Now, the Multiply-Listed Options fees, per contract, are as follows:

	Customer	Professional		Specialist and market maker		Broker-dealer		Firm	
		Electronic	Floor	Electronic	Floor	Electronic	Floor	Electronic	Floor
Options Transaction Charge (Penny Pilot)	$0.00	[13] $0.48	$0.25	$0.22	$0.30	[13] $0.48	$0.25	[12 13] $0.48	$0.25
Options Transaction Charge (non-Penny Pilot)	0.00	[13 14] 0.70	0.25	[15] 0.25	0.30	[13 14] 0.70	0.25	[12 13 14] 0.70	0.25
Options Surcharge in MNX and NDX	N/A	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20
Options Surcharge in BKX	N/A	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
Cabinet Options	0.00	N/A	0.10	N/A	0.10	N/A	0.10	N/A	0.10

The Exchange offers a discount to Professional, Broker-Dealer, and Firm for certain orders. Today, notes 13 and 14 apply to fees assessed to a Professional, Broker-Dealer, and Firm for electronic orders in certain non-Penny Pilot Options. Note 13 states that electronic Complex Orders will be assessed $0.35 per contract. Note 14 states that any member or member organization under Common Ownership with another member or member organization that qualifies for Customer Rebate Tiers 2, 3, 4 or 5 in Section B of the Pricing Schedule will be assessed $0.60 per contract. In addition, note 12 applies to fees assessed to a Firm for electronic orders in certain non-Penny Pilot Options. Note 12 states that Firm electronic simple orders in AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX, and XLF [19] will be assessed $0.34.

The Exchange proposes to amend the discounted amount that is currently assessed to a Professional, Broker-Dealer, and Firm for electronic orders in certain Multiply Listed non-Penny Pilot Options. Whereas today the Exchange assesses a Professional, Broker-Dealer, and Firm each a $0.70 per contract Options Transaction Charge for Non-Penny Pilot Options, the Exchange proposes to increase this fee to $0.75. Despite the increase in the fee, the Exchange believes that its fee structure will continue to incentivize Professionals, Firms, and Broker-Dealers to transact electronic non-Penny Pilot volume on the Exchange.

The Exchange offers a discount to Specialists and Market Makers for certain orders. Today, note 15 applies to a Specialist or Market Maker that transacts electronic orders in non-Penny Pilot Options. Note 15 states that any member or member organization under Common Ownership with another member or member organization that qualifies for Customer Rebate Tiers 2, 3, 4 or 5 in Section B of the Pricing Schedule will be assessed $0.23 per contract. The Exchange is proposing to delete the reference to Customer Rebate Tiers 2 and 3 in note 14 and note 15. Thus, note 15 would continue to apply to Specialists and Market Makers such that after the proposal, per note 15 any member or member organization under Common Ownership with another member or member organization that qualifies for Customer Rebate Tiers 4 or 5 in Section B of the Pricing Schedule will be assessed $0.23 per contract.

Today, note 14 applies to a Professional, Broker-Dealer, or Firm that transacts electronic orders in non-Penny Pilot Options. Note 14 states that any member or member organization under Common Ownership with another member or member organization that qualifies for Customer Rebate Tiers 2, 3, 4 or 5 in Section B of the Pricing Schedule will be assessed $0.60 per contract. The Exchange is proposing to delete the reference in note 14 to Customer Rebate Tiers 2 and 3, just like in note 15. Thus, note 14 would continue to apply to Professionals, Broker-Dealers, and Firms such that after the proposal, per note 14 any member or member organization under Common Ownership with another member or member organization that qualifies for Customer Rebate Tiers 4 or 5 in Section B of the Pricing Schedule will be assessed $0.60 per contract. The Exchange believes that the qualification for Customer Rebate Tiers 2 or 3 is no longer necessary for the discount incentive in notes 14 and 15, particularly where Professionals, Broker-Dealers, Specialists and Market Makers, and Firms can choose to earn the discount by qualifying for Customer Rebate Tiers 4 or 5 by bringing liquidity to the Exchange.

Despite the proposed deletion of the reference to Customer Rebate Tiers 2 and 3 in notes 14 and 15, the Exchange believes that its fee structure will continue to incentivize Professionals, Firms, Broker-Dealers, and Specialists and Market Makers to transact electronic non-Penny Pilot Option volume on the Exchange. The Exchange believes that with the proposed deletion of the reference to Customer Rebate Tiers 2 and 3, the incentive remains to bring more order flow to the Exchange to earn the discount.

Section III—Singly Listed Options

Currently, fees for Singly Listed Options are located in Section III of the Pricing Schedule. The Singly-Listed Options fees, per contract, are as follows: [20]

	Customer	Professional	Specialist and market maker	Firm	Broker-dealer
Options Transaction Charge	$0.40	$0.70	$0.40	$0.70	$0.70

Today, the Exchange assesses an Options Transaction Charge for Customers of $0.40 per contract, for Professionals, Firms, and Broker-Dealers of $0.70 per contract, and for Specialists and Market Makers of $0.40 per contract. These fees apply to options overlying FX, equities, ETNs, ETFs, and indexes not listed on another exchange.[21] The Exchange proposes to increase the Professional, Broker-Dealer, and Firm Options Transaction Charges from $0.70 to $0.75 per contract for Singly Listed Options.[22] The increase

[19] All are currently in the Penny Pilot.

[20] While Singly-Listed Options fees also apply to FX options, these fees are not proposed to be changed and therefore, for purposes of brevity, are not reproduced here.

[21] These Singly Listed Options include SOX, HGX, and OSX.

[22] The Exchange is not increasing the fees for Customers and Specialists and Market Makers. As discussed herein, Customer orders bring valuable liquidity to the market, which liquidity benefits

Continued

aligns these fees with the above-described proposed electronic non-Penny Pilot fees in Section II of the Pricing Schedule.[23] Despite the fee increase, the proposal will allow the Exchange to incentivize market participants to transact Singly Listed Options.

The Exchange believes that the fees and rebates in its Pricing Schedule are structured to attract liquidity. Tier 4 and 5 of the Customer Rebate Schedule in Section B, for example, provide the highest relative rebates in the five tier Customer Rebate Program to those that bring the most liquidity to the Exchange, in particular where the percentage thresholds of national customer volume in multiply-listed equity and ETF Options classes, excluding SPY Options (monthly) are also the highest. In making the proposed changes to the Pricing Schedule, the Exchange continues to incentivize members to execute liquidity on the Exchange.

2. Statutory Basis

The Exchange believes that its proposal to amend the Pricing Schedule is consistent with Section 6(b) of the Act[24] in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of the Act[25] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Phlx operates or controls, and is not designed to permit unfair discrimination between market participants to whom the Exchange's fees and rebates are applicable.

Section B—Customer Rebates

The Exchange believes that its proposal to change the Tier 4 Customer Rebate (Category B) from $0.20 to $0.22, and to change the Tier 5 Customer Rebate (Category B) from $0.20 to $0.22, is reasonable. These proposed changes will allow the Exchange to continue to attract Customer liquidity to the Exchange. Customer orders bring valuable liquidity to the market, which liquidity benefits other market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and 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. The Exchange believes that the proposed increased Category B rebates will continue to encourage members to send Customer liquidity to Phlx despite the cap on PIXL Complex Order rebates at the proposed 4,000 contracts per order leg. The Exchange believes that the proposed two cent increase is reasonable. Additionally, the CBOE has similar rebates.[26]

The Exchange believes that its proposal to change the Tier 4 and Tier 5 Customer Rebate (Category B) from $0.20 to $0.22 is equitable and not unfairly discriminatory because these amendments to Category B apply uniformly to all market participants to whom Category B applies. Moreover, the Exchange believes that the resulting 5 cents difference between Category B Tiers 3 and 4 ($0.17 and $0.22) is reasonable and not unfair since, comparatively, the current difference between Tiers 1 and 2 is 17 cents.

Section II—Multiply Listed Options

The Exchange believes that increasing from $0.70 to $0.75 the amount that is currently assessed to a Professional, Broker-Dealer, and Firm for electronic orders in certain Multiply Listed non-Penny Pilot Options is reasonable. Despite the increase in the fee, the Exchange believes that its fee structure will continue to incentivize Professionals, Broker-Dealers, and Firms to transact electronic non-Penny Pilot volume on the Exchange. The Exchange believes that the proposed fee, although higher, will continue to incentivize Professionals, Broker-Dealers, and Firms to send order flow to the Exchange. In addition, these modestly increased fees are consistent with similarly increased proposed fees for Singly Listed Options. The Exchange believes that it is reasonable for it to instill consistency in its pricing as discussed.

The Exchange believes that increasing from $0.70 to $0.75 the amount that is currently assessed to a Professional, Broker-Dealer, and Firm for electronic orders in certain Multiply Listed non-Penny Pilot Options is equitable and not unfairly discriminatory because it applies uniformly to all. Further, the proposed amendment will continue to allow the Exchange to incentivize Professionals, Broker-Dealers, and Firms to send electronic order flow to the Exchange for execution. The Exchange's fees will be competitive with fees at other options markets. Although the Exchange will still be assessing Professionals, Broker-Dealers, and Firms more than Customers (which do not pay the Option Transaction Charge in Penny Pilot or in non-Penny Pilot Options), Customer order flow enhances liquidity on the Exchange for the benefit of all market participants and benefits all market participants by providing more trading opportunities, which attracts Specialists and 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. Although Professionals, Broker-Dealers, and Firms will still be charged more for non-Penny Pilot Options than Specialists and Market Makers, who are charged $0.25 and $0.30, respectively, Specialists and Market Makers have obligations to the market and regulatory requirements, which normally do not apply to other market participants.[27] Specialists and Markets have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings.

The Exchange believes it is reasonable to propose to delete the reference to Customer Rebate Tiers 2 and 3 in notes 14 and 15. Thus, note 15 would continue to apply to Specialists and Market Makers and after the proposal any member or member organization under Common Ownership with another member or member organization that qualifies for Customer Rebate Tiers 4 [sic] or 5 [sic] in Section B of the Pricing Schedule will be assessed $0.23 per contract. Similarly, note 14 would continue to apply to Professionals, Broker-Dealers, and Firms and after the proposal any member or member organization under Common Ownership with another member or member organization that qualifies for Customer Rebate Tiers 4 or 5 in Section B of the Pricing Schedule will be assessed $0.60 per contract. The Exchange believes that the qualification for Customer Rebate Tiers 4 or 5 is no

other market participants; and Specialists and Market Makers have market obligations (*e.g.,* to make continuous markets) that other market participants do not have.

[23] Professionals, Broker-Dealers, and Firms are proposed to be similarly assessed a $0.75 per contract electronic Options Transaction Charge in Multiply Listed [sic] Options.

[24] 15 U.S.C. 78f(b).

[25] 15 U.S.C. 78f(b)(4), (5).

[26] CBOE's VIP credit for certain orders in Tier 3 is $0.22 per contract. *See* CBOE's Fees Schedule. *See also* Securities Exchange Act Release No. 371588 (June 17, 2015), 80 FR 36021 (June 23, 2015) (SR–CBOE–2015–058) (rule change increasing VIP credit for certain orders in Tier 3 from $0.16 per contract to $0.22 per contract, also in Tier 2 from $0.16 per contract to $0.21 per contract and in Tier 4 from $0.17 per contract to $0.23 per contract).

[27] *See* Rule 1014 titled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

longer necessary for the discount incentive in notes 14 and 15, particularly where Professionals, Broker-Dealers, Specialists, and Market Makers, and Firms can choose to earn the discount by qualifying for Customer Rebate Tiers 4 or 5 by bringing liquidity to the Exchange. Despite the proposed deletion of the reference to Customer Rebate Tiers 2 and 3 in notes 14 and 15, the Exchange believes that its fee structure will continue to incentivize Professionals, Firms, Broker-Dealers, and Specialists and Market Makers to transact electronic non-Penny Pilot volume on the Exchange. The Exchange believes that with the proposed deletion of the reference to Customer Rebate Tiers 2 and 3, the incentive remains to bring more order flow to the Exchange to earn the discount.

The Exchange believes it is equitable and not unfairly discriminatory to increase from $0.70 to $0.75 the Multiply Listed non-Penny Pilot Options fee, as well as to delete the reference to Customer Rebate Tiers 2 and 3 in notes 14 and 15. The Exchange believes that the proposed changes will enable to Exchange to continue to incentivize market participants to bring non-Penny Pilot Customer liquidity to the Exchange. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and 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. Specialists and Market Makers are assessed lower electronic Options Transaction Charges in Penny Pilot Options as compared to Professionals, Broker-Dealers, and Firms because they have obligations to the market and regulatory requirements, which normally do not apply to other market participants.[28] They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The proposed differentiation as between Customers and Specialists and Market Makers and other market participants (*e.g.,* Professionals, Broker-Dealers, and Firms) recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants. Moreover, the proposed changes to the fee structure and rebate structure will be applied uniformly to all.

Section III—Singly Listed Options

The Exchange believes that increasing the Professional, Firm, and Broker-Dealer Options Transaction Charges is reasonable because the Exchange is seeking to conform fees to electronic Non-Penny Pilot Options[29] pricing for Multiply Listed Options[30] in order to recoup the operational costs[31] for Singly Listed Options. Also, the Exchange believes the fees are reasonable because the proposed fees are within the range of similar fees assessed at other exchanges.[32]

The Exchange believes that increasing the Professional, Firm, and Broker-Dealer Options Transaction Charges is equitable and not unfairly discriminatory because the pricing will be comparable among similar categories of market participants, as is the case today. Professionals, Firms, and Broker-Dealers will be assessed the same rates ($0.70 [sic] per contract) and Customers and Specialists and Market Makers will continue to be assessed lower rates as compared to other market participants. Customer order flow is, as discussed above, assessed the lowest fee because incentivizing members to continue to offer Customer trading opportunities in Singly Listed Options benefits all market participants through increased liquidity. The Exchange notes that Specialists and Market Makers are assessed lower options transaction charges as compared to other market participants, except Customers, because they have burdensome quoting obligations[33] to the market which do not apply to Customers, Professionals, Firms, and Broker-Dealers. The proposed differentiation as between Customers and Specialists and Market Makers as compared to Professionals, Firms, and Broker-Dealers recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants. The proposed changes to the Options Transactions Charge will be applied uniformly to all.

The Exchange desires to continue to incentivize members and member organizations, through the Exchange's rebate and fee structure, to select Phlx as a venue for bringing liquidity and trading by offering competitive pricing. Such competitive, differentiated pricing exists today on other options exchanges. The Exchange's goal is creating and increasing incentives to attract orders to the Exchange that will, in turn, benefit all market participants through increased liquidity at the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Customer Rebate Program amendments in Section B of the Pricing Schedule do not create an undue burden on competition and, like all of the amendments proposed by the Exchange, will apply uniformly to all market participants. Moreover, the Section B amendments will enable the Exchange to continue to attract liquidity, which benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. The Exchange's proposal to increase the assessment for Professional, Broker-Dealer, and Firm Multiply-Listed Options electronic Orders in certain non-Penny options, and the deletion of Customer Rebate Tiers 2 and 3 from notes 14 and 15, does not place an undue burden on competition, but rather will similarly allow the Exchange to continue to attract liquidity. In addition, the proposed $0.75 fee in Section II is consistent with what is assessed by CBOE, as well as the Exchange proposal in Section III to increase the assessment applicable to Professionals, Broker-Dealers, and Firms that transact Singly-Listed. These increases do not create an undue burden on competition, but rather align the

[28] *See* Rule 1014 titled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

[29] All Singly Listed Options are Non-Penny Pilot Options.

[30] *See* Section II of the Pricing Schedule.

[31] By way of example, in analyzing an obvious error, the Exchange would have additional data points available in establishing a theoretical price for a Multiply Listed Option as compared to a Singly Listed Option, which requires additional analysis and administrative time to comply with Exchange rules to resolve an obvious error.

[32] CBOE assesses an $0.80 per contract fee to Customers, Broker-Dealers, Non-Trading Permit Holder Market Makers and Professional, Voluntary Professional and Joint Back-Office market participants for SPX Range Options (SRO) transactions, a proprietary index, in addition to a surcharge fee. SPX refers to options on the Standard & Poor's 500 Index. *See* CBOE's Fees Schedule. In addition, NASDAQ Options Market LLC (''NOM'') assesses Non-Penny Pilot Fees for Removing Liquidity ranging from $0.85 to $0.89 per contract depending on the market participant. *See* Chapter XV, Section 2 of NOM's Rules. The Exchange also assesses a Professional, Broker-Dealer and Firm an electronic options transaction charge (non-Penny Pilot Options) of $0.70 per contract for transactions in Multiply Listed Options. *See* Section II of the Exchange's Pricing Schedule.

[33] *See* Rule 1014 titled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

proposed Singly-Listed Option fees in Section III with the proposed non-Penny Pilot Option fees in Section II of the Pricing Schedule, as well as with other exchanges. Despite these proposed fee and rebate changes, the Exchange's proposal will allow it to continue to incentivize market participants to bring liquidity to the Exchange, as described herein.

The Exchange operates in a highly competitive market, comprised of twelve exchanges, in which market participants can easily and readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates to be inadequate. Accordingly, the fees that are assessed and the rebates paid by the Exchange, as described in the proposal, are influenced by these robust market forces and therefore must remain competitive with fees charged and rebates paid by other venues and therefore must continue to be reasonable and equitably allocated to those members that opt to direct orders to the Exchange rather than competing venues.

The proposed fees are designed to ensure a fair and reasonable use of Exchange resources by allowing the Exchange to recoup costs while continuing to attract liquidity and offer connectivity at competitive rates to Exchange members and member organizations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[34] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov. Please include File Number SR–Phlx–2015–61 on the subject line.*

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number *SR–Phlx–2015–61.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2015–61 and should be submitted on or before August 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–17754 Filed 7–20–15; 8:45 am]

BILLING CODE 8011–01–P

[34] 15 U.S.C. 78s(b)(3)(A)(ii).

[35] 17 CFR 200.30–3(a)(12).

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

African Growth and Opportunity Act: Notice of Initiation of an Out-of-Cycle Review of South Africa Eligibility for Benefits; Scheduling of Hearing, and Request for Public Comments

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of review; notice of hearing and request for comments.

SUMMARY: This notice announces the initiation of an out-of-cycle review of the eligibility of the Republic of South Africa to receive the benefits of the African Growth and Opportunity Act (AGOA), as required by the Trade Preferences Extension Act of 2015 (TPEA). The AGOA Implementation Subcommittee of the Trade Policy Staff Committee (Subcommittee) is requesting written public comments for this out-of-cycle review and will conduct a public hearing on this matter. The Subcommittee will consider the written comments, written testimony, and oral testimony in developing recommendations for the President on South Africa's AGOA eligibility. This notice identifies the eligibility criteria under AGOA that will be considered in the review.

DATES: August 5, 2015: Deadline for filing requests to appear at the August 7 public hearing, and for filing pre-hearing briefs, statements, or comments on the Republic of South Africa's AGOA eligibility.

August 7, 2015: AGOA Implementation Subcommittee of the TPSC will convene a public hearing on the Republic of South Africa's AGOA eligibility.

August 12, 2015: Deadline for filing post-hearing briefs, statements, or comments on the Republic of South Africa's AGOA eligibility.

ADDRESSES: USTR strongly prefers electronic submissions made at *http://www.regulations.gov,* docket number USTR–2015–0009. See ''Requirements for Submission,'' below. If you are unable to make a submission at *www.regulations.gov,* please contact Yvonne Jamison, Trade Policy Staff Committee, at (202) 395–9666 to make other arrangements.

FOR FURTHER INFORMATION CONTACT: For procedural questions, please contact Yvonne Jamison, Office of the U.S. Trade Representative, 600 17th Street NW., Room F516, Washington, DC, 20508, at (202) 395–9666. All other questions should be directed to Alan Treat, Director, Office of African Affairs,

Office of the U.S. Trade Representative, at (202) 395–1351.

SUPPLEMENTARY INFORMATION: AGOA (Title I of the Trade and Development Act of 2000, Public Law 106–200) (19 U.S.C. 2466a *et seq.*), as amended, authorizes the President to designate sub-Saharan African countries as beneficiary sub-Saharan African countries eligible for duty-free treatment for certain additional products not included for duty-free treatment under the Generalized System of Preferences (GSP) (Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*) (the ''1974 Act'')), as well as for the preferential treatment for certain textile and apparel articles.

The President may designate a country as a beneficiary sub-Saharan African country eligible for these benefits of AGOA if he determines that the country meets the eligibility criteria set forth in: (1) section 104 of AGOA (19 U.S.C. 3703); and (2) section 502 of the 1974 Act (19 U.S.C. 2462).

Section 104 of AGOA includes requirements that the country has established or is making continual progress toward establishing, *inter alia:* a market-based economy; the rule of law, political pluralism, and the right to due process; the elimination of barriers to U.S. trade and investment; economic policies to reduce poverty; a system to combat corruption and bribery; and the protection of internationally recognized worker rights. In addition, the country may not engage in activities that undermine U.S. national security or foreign policy interests or engage in gross violations of internationally recognized human rights. Please see section 104 of AGOA and section 502 of the 1974 Act for a complete list of the AGOA eligibility criteria.

Recognizing that concerns have been raised about the compliance with section 104 of AGOA of certain beneficiary sub-Saharan African countries, Section 105(d)(4)(E) of the TPEA (Pub. L. 114–27) requires the President to initiate an out-of-cycle review with respect to whether the Republic of South Africa is meeting the eligibility requirements set forth in section 104 of AGOA and section 502 of the 1974 Act, not later than 30 days after the date of the enactment of the TPEA.

Section 506A of the 1974 Act requires that, if the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the eligibility requirements, he must terminate the designation of the country as a beneficiary sub-Saharan African country. As amended by TPEA, the President may withdraw, suspend, or limit the application of duty-free treatment with respect to articles from the country if he determines that it would be more effective in promoting compliance with AGOA-eligibility requirements than terminating the designation of the country as a beneficiary sub-Saharan African country.

The Subcommittee is seeking public comments in connection with this out-of-cycle review of the Republic of South Africa's eligibility for AGOA's benefits. The Subcommittee will consider any such comments in developing recommendations to the President on the Republic of South Africa's eligibility. Comments related to the child labor criteria may also be considered by the Secretary of Labor in making the findings required under section 504 of the 1974 Act.

Notice of Public Hearing

In addition to written comments from the public on the matters listed above, the Subcommittee of the TPSC will convene a public hearing at 9:30 a.m. on Friday, August 7, 2015, to receive testimony related to South Africa's eligibility for AGOA's benefits.

The hearing will be held at 1724 F Street NW., Washington, DC 20508 and will be open to the public and to the press. A transcript of the hearing will be made available on *http://www.regulations.gov* within approximately two weeks of the hearing.

All interested parties wishing to present oral testimony at the hearing must submit, following the ''Requirements for Submissions'' set out below, the name, address, telephone number, and email address, if available, of the witness(es) representing their organization by 5 p.m., Wednesday, August 5, 2015. Requests to present oral testimony must be accompanied by a written brief or summary statement and also must be received by 5 p.m., Wednesday, August, 5, 2015. Oral testimony before the Subcommittee will be limited to five-minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. Post-hearing briefs, statements, or comments will be accepted if they conform with the requirements set out below and are submitted by 5 p.m., Tuesday, August 12, 2015. Parties not wishing to appear at the public hearing may submit pre-hearing and post-hearing briefs or comments by the aforementioned deadlines.

Requirements for Submissions

All written requests to appear at the public hearing, briefs, statements, or comments submitted in response to this notice must be submitted electronically by 5:00 p.m., August 5, 2015, using *www.regulations.gov,* docket number USTR–2015–0009. Instructions for submitting business confidential versions are provided below. Hand-delivered submissions will not be accepted. All written materials must be submitted in English to the Chairman of the AGOA Implementation Subcommittee of the TPSC.

Business Confidential Submissions

An interested party requesting that information contained in a submission be treated as business confidential information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such. The submission must be marked ''BUSINESS CONFIDENTIAL'' at the top and bottom of the cover page and each succeeding page, and the submission should indicate, via brackets, the specific information that is confidential. Additionally, ''Business Confidential'' must be included in the ''Type Comment'' field. For any submission containing business confidential information, a non-confidential version must be submitted separately (*i.e.,* not as part of the same submission with the confidential version), indicating where confidential information has been redacted. The non-confidential version will be placed in the docket and open to public inspection.

Public Viewing of Review Submissions

Submissions in response to this notice, except for information granted ''business confidential'' status under 15 CFR 2003.6, will be available for public viewing pursuant to 15 CFR 2007.6 at *http://www.regulations.gov* upon completion of processing. Such submissions may be viewed by entering the country-specific docket number in the search field at *http://www.regulations.gov.*

Edward Gresser,

Acting Chair, Trade Policy Staff Committee.

[FR Doc. 2015–17772 Filed 7–20–15; 8:45 am]

BILLING CODE 3290–F5–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2015–0049]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated May 6, 2015, Iowa River Railroad Inc. (IARR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 223.11—*Requirements for existing locomotives.* FRA assigned the petition Docket Number FRA–2015–0049.

IARR of Steamboat Rock, IA, has petitioned for a permanent waiver of compliance for one locomotive, CANX 1236, from the requirements of the railroad safety glazing standards at 49 CFR part 223 that require certified glazing in all windows. In June 2006, IARR acquired the dormant rail-banked track between Milepost 212.0 at or near Steamboat Rock and Milepost 201.46 at or near Ackley, IA, a distance of 10.54 miles, from the North Central Railway Association, Inc. This rail-banked track, all of which is in a rural area, has been rehabilitated, and the line, designated as yard limits, is currently in use. The main products handled by IARR include ethanol, grain, and chemicals/fertilizers. The railroad interchanges with the Chicago Central and Pacific Railroad (owned by Canadian National Railway) at Ackley.

The locomotive is an EMD SW1200 diesel switcher locomotive (weight, 230,000 pounds) built by General Motors Electro-Motive Division (EMD) in 1956. Power is provided by an EMD 567C 12-cylinder engine that generates 1,200 horsepower (895 kW). The switcher uses the traditional carbody and rounded-cab roof-line. The existing safety glazing in the locomotive is in good condition. IARR states that there has been no history of glazing-related accidents or injuries during its operations since 2006. The expense of retrofitting the locomotive to comply with FRA safety glazing standards is financially burdensome, and IARR is, therefore, requesting the waiver of the regulation at 49 CFR 223.11 for its locomotive listed above.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- Fax: 202–493–2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by September 4, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on July 14, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–17827 Filed 7–20–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

U.S. Merchant Marine Academy Board of Visitors Meeting

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Meeting notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in Sunshine Act of 1976 (5 U.S.C. 552b, as amended) and 41 CFR part 102–3.150, the U.S. Department of Transportation, Maritime Administration (MARAD) announces that the following U.S. Merchant Marine Academy (''Academy'') Board of Visitors (BOV) meeting will take place:

1. Date: July 30, 2015.
2. Time: 10:00 a.m.
3. Location: Capital Visitors Center, Washington, DC Room to be determined.
4. Purpose of the Meeting: The purpose of this meeting is to brief BOV members on the Academy Advisory Board's annual report to the Secretary of Transportation.
5. Public Access to the Meeting: Pursuant to the Federal Advisory Committee Act (5 U.S.C. 552b and 41 CFR parts 102–3.140 through 102–3.165) and the availability of space, this meeting is open to the public. Seating is on a first-come basis. Members of the public wishing to attend the meeting will need to show photo identification in order to gain access to the meeting location.

FOR FURTHER INFORMATION CONTACT: The BOV's Designated Federal Officer or Point of Contact Brian Blower; 202 366–2765; *Brian.Blower@dot.gov.*

SUPPLEMENTARY INFORMATION: Any member of the public is permitted to file a written statement with the Academy BOV. Written statements should be sent to the Designated Federal Officer at: Brian Blower; 1200 New Jersey Ave. SE., W28–313, Washington, DC, 20590 or via email at *Brian.Blower@Dot.gov.* (Please contact the Designated Federal Officer for information on submitting comments via fax.) Written statements must be received no later than three working days prior to the next meeting in order to provide time for member

consideration. By rule, no member of the public attending open meetings will be allowed to present questions from the floor or speak to any issue under consideration by the BOV.

Authority: 46 U.S.C. 51312; 5 U.S.C. app. 552b; 41 CFR parts 102–3.140 through 102–3.165.

By Order of the Maritime Administrator.

Dated: July 16, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–17821 Filed 7–20–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Debt Management Advisory Committee Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. 2, § 10(a)(2), that a meeting will be held at the Hay-Adams Hotel, 16th Street and Pennsylvania Avenue NW., Washington, DC, on August 4, 2015 at 11:30 a.m. of the following debt management advisory committee:

Treasury Borrowing Advisory Committee of The Securities Industry and Financial Markets Association.

The agenda for the meeting provides for a charge by the Secretary of the Treasury or his designate that the Committee discuss particular issues and conduct a working session. Following the working session, the Committee will present a written report of its recommendations. The meeting will be closed to the public, pursuant to 5 U.S.C. App. 2, § 10(d) and P.L. 103–202, § 202(c)(1)(B)(31 U.S.C. 3121 note).

This notice shall constitute my determination, pursuant to the authority placed in heads of agencies by 5 U.S.C. App. 2, § 10(d) and vested in me by Treasury Department Order No. 101–05, that the meeting will consist of discussions and debates of the issues presented to the Committee by the Secretary of the Treasury and the maldng of recommendations of the Committee to the Secretary, pursuant to Public Law 103–202, § 202(c)(1)(B). Thus, this information is exempt from disclosure under that provision and 5 U.S.C. 552b(c)(3)(B). In addition, the meeting is concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decisions on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. 2, § 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the Committee, premature disclosure of the Committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, this meeting falls within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

Treasury staff will provide a technical briefing to the press on the day before the Committee meeting, following the release of a statement of economic conditions and financing estimates. This briefing will give the press an opportunity to ask questions about financing projections. The day after the Committee meeting, Treasury will release the minutes of the meeting, any charts that were discussed at the meeting, and the Committee's report to the Secretary.

The Office of Debt Management is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports selling forth a summary of Committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552(b). The Designated Federal Officer or other responsible agency official who may be contacted for additional information is Fred Pietrangeli, Director for Office of Debt Management (202) 622–1876.

Dated: July 14, 2015.

Seth B. Carpenter,

Acting Assistant Secretary (for Financial Markets).

[FR Doc. 2015–17680 Filed 7–20–15; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection: Evaluation of the Department of Veterans Affairs Mental Health Services

Activity: Comment Request.

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed for Veterans, Veteran Representatives and health care providers to request reimbursement from the federal government for emergency services at a private institution.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 21, 2015.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov;* or Audrey Revere, Office of Regulatory and Administrative Affairs, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Audrey.revere@va.gov.* Please refer to ''Evaluation of the Department of Veterans Affairs Mental Health Services, OMB Control No. 2900–NEW'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Audrey Revere at (202) 461–5694.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. La. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or

the use of other forms of information technology.

Titles: Evaluation of the Department of Veterans Affairs Mental Health Services.

OMB Control Number: 2900–NEW.

Type of Review: New Collection Request.

Abstract: This is a congressionally-mandated research study to evaluate mental health services provided by the Department of Veteran Affairs (VA). Congress directed the VA to conduct a survey of veterans with assistance from the Institute of Medicine (IOM) of the National Academies. Attachment 1 contains the authorizing legislation, the National Defense Authorization Act for Fiscal Year 2013, Section 726.

Following the large number of deployments and operations in Iraq and Afghanistan, the number of military members with mental health problems has been rising. All Veterans who need mental health services do not seek them it or receive them from the Department of Veterans Affairs (VA) health care system. This study is to assess barriers to receiving mental health care services among veterans.

Affected Public: Individuals or Households.

Estimated Annual Burden: 5,192 burden hours.

Estimated Average Burden per Respondent: 35 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 8,900.

By direction of the Secretary.

Kathleen M. Manwell,

VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–17791 Filed 7–20–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Department of Energy

10 CFR Part 431

Energy Conservation Program: Energy Conservation Standards for Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps; Final Rule

DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket Number EERE–2012–BT–STD–0029]

RIN 1904–AC82

Energy Conservation Program: Energy Conservation Standards for Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps

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

ACTION: Final rule.

SUMMARY: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including packaged terminal air conditioner (PTAC) and packaged terminal heat pump (PTHP) equipment. EPCA requires the U.S. Department of Energy (DOE) to determine whether more-stringent standards for PTACs and PTHPs would be technologically feasible and economically justified, and would save a significant amount of energy. In this final rule, DOE is adopting amended energy conservation standards for PTACs equivalent to the PTAC standards in American National Standards Institute (ANSI)/American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE)/Illuminating Engineering Society (IES) Standard 90.1–2013. DOE is not amending the current energy conservation standards for PTHPs, which are already equivalent to the PTHP standards in ANSI/ASHRAE/IES Standard 90.1–2013. DOE has determined that adoption of PTAC and PTHP standards more stringent than ANSI/ASHRAE/IES Standard 90.1–2013 is not economically justified.

DATES: The effective date of this rule is September 21, 2015. Compliance with the amended standards established for standard-sized PTACs in this final rule is required on January 1, 2017.

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-STD-0029.* This Web page contains a link to the docket for this document 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 review the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Majette, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–7935. Email: *PTACs@ee.doe.gov.*

Ms. Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 286–7796. Email: *Elizabeth.Kohl@hq.doe.gov.*

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I. Summary of the Final Rule

Title III, Part C [1] of the Energy Policy and Conservation Act of 1975 (EPCA or the Act) (42 U.S.C. 6291, *et. seq.*) established the Energy Conservation Program for Certain Industrial Equipment.[2] This equipment includes packaged terminal air conditioners (PTACs) and packaged terminal heat pumps (PTHPs), the subjects of this document. The current Federal energy conservation standards for PTAC and PTHP equipment were adopted in 2008. 73 FR 58772 (October 7, 2008).

EPCA, as amended, requires the U.S. Department of Energy (DOE) to consider amending the existing Federal energy conservation standard for certain types of listed commercial and industrial equipment, including packaged terminal air conditioners and heat pumps, each time the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings, is amended with respect to such equipment. (42 U.S.C. 6313(a)(6)(A)) On October 9, 2013, ASHRAE Standard 90.1–2013 raised the standards for standard-size PTAC equipment EPCA further directs that if ASHRAE Standard 90.1 is amended, DOE must adopt amended energy conservation standards at the new efficiency level in ASHRAE Standard 90.1, unless clear and convincing evidence supports a determination that adoption of a more-stringent efficiency level as a national standard would produce significant additional energy savings and be technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(A)(ii))

Pursuant to EPCA, DOE must also, every six years, evaluate each class of covered equipment and publish either a notice of the determination that standards for the product do not need to be amended or a notice of proposed rulemaking including new proposed standards. (42 U.S.C. 6313(a)(6)(C)(i)) Under the six-year look back requirement, DOE must also demonstrate clear and convincing evidence supporting adoption of a national standard at a more-stringent efficiency level than that in ASHRAE Standard 90.1. (42 U.S.C. 6313(a)(6)(C)) Conduct of a rulemaking subsequent to ASHRAE action satisfies this six-year look back requirement.

Based on the analysis supporting this final rule, DOE is not able to show with clear and convincing evidence that energy conservation standards for PTAC and PTHP equipment at any of the considered efficiency levels that are more stringent than the minimum level specified in the ANSI/ASHRAE/IES Standard 90.1–2013 are economically justified. Therefore, in accordance with these and other statutory provisions discussed in this document, DOE is amending energy conservation standards for standard-sized PTAC equipment to be equivalent to the standards for standard-sized PTAC equipment found in ANSI/ASHRAE/IES Standard 90.1–2013.

The amended standards for PTACs, which are the minimum allowable cooling efficiency, are shown in Table I.1. These amended standards apply to all standard-sized PTAC equipment manufactured in, or imported into, the United States on or after the compliance date indicated in Table I.1. The standards for PTHP equipment remain unchanged.

TABLE I.1—AMENDED ENERGY CONSERVATION STANDARDS FOR STANDARD-SIZED PTAC EQUIPMENT

Equipment class			Minimum cooling efficiency *	Compliance date ***
Equipment	Category	Cooling capacity		
PTAC	Standard Size **	<7,000 Btu/h	EER = 11.9	January 1, 2017.
		≥7,000 Btu/h and ≤15,000 Btu/h.	EER = 14.0 − (0.300 × Cap ††).	
		>15,000 Btu/h	EER = 9.5.	

* For equipment rated according to the DOE test procedure, Air Conditioning, Heating, and Refrigeration Institute (AHRI) Standard 310/380–2014.

** Standard size refers to PTAC equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide.

*** Amended standards shall become effective for equipment manufactured on or after a date which is two years after the effective date of the applicable minimum energy efficiency requirement in the amended ASHRAE/IES standard. (42 U.S.C. 6313(a)(6)(D)(i))

†† Cap means cooling capacity in thousand British thermal units per hour (Btu/h) at 95 °F outdoor dry-bulb temperature.

II. Introduction

The following section briefly discusses the statutory authority underlying this final rule, as well as some of the relevant historical background related to the establishment of standards for PTACs and PTHPs.

A. Authority

Title III, Part C [3] of EPCA (42 U.S.C. 6291, *et. seq.*), established the Energy Conservation Program for Certain Industrial Equipment, which includes the PTAC and PTHP equipment that is the subject of this final rule.[4] In general, this program addresses the energy efficiency of certain types of commercial

[1] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

[2] All references to EPCA in this document refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

[3] For editorial reasons, upon codification in the U.S. Code, Part C was re-designated Part A–1.

[4] All references to EPCA in this document refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

and industrial equipment. Relevant provisions of the Act include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

EPCA contains mandatory energy conservation standards for commercial heating, air-conditioning, and water-heating equipment. Specifically, EPCA sets standards for small, large, and very large commercial package air-conditioning and heating equipment, PTACs and PTHPs, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, and unfired hot water storage tanks. (42 U.S.C. 6313(a)) EPCA established Federal energy conservation standards that generally correspond to the levels in ASHRAE Standard 90.1, as in effect on October 24, 1992 (*i.e.,* ASHRAE/Illuminating Engineering Society of North America (IESNA) Standard 90.1–1989), for each type of covered equipment listed in 42 U.S.C. 6313(a).

EPCA requires that DOE conduct a rulemaking to consider amended energy conservation standards for a variety of enumerated types of commercial heating, ventilating, and air-conditioning equipment (including PTACs and PTHPs) each time ASHRAE Standard 90.1 is amended with respect to the standard levels or design requirements applicable to such equipment. (42 U.S.C. 6313(a)(6)(A)) Such review is to be conducted in accordance with the procedures established for ASHRAE equipment under 42 U.S.C. 6313(a)(6). According to 42 U.S.C. 6313(a)(6)(A), for each type of equipment, EPCA directs that if ASHRAE Standard 90.1 is amended, DOE must publish in the **Federal Register** an analysis of the energy savings potential of amended energy efficiency standards within 180 days of the amendment of ASHRAE Standard 90.1. (42 U.S.C. 6313(a)(6)(A)(i)) EPCA further directs that DOE must adopt amended standards at the new efficiency level specified in ASHRAE Standard 90.1, unless clear and convincing evidence supports a determination that adoption of a more-stringent level would produce significant additional energy savings and be technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(A)(ii)) In addition, EPCA requires DOE to review its already-established energy conservation standards for ASHRAE equipment every six years. (42 U.S.C. 6313(a)(6)(C))

If DOE proposes an amended standard for ASHRAE equipment at levels more stringent than those in ASHRAE Standard 90.1, DOE must determine, after receiving comments on the proposed standard, whether the benefits of the standard exceed its burdens by considering, to the maximum extent practicable, the following seven factors:

(1) The economic impact of the standard on manufacturers and consumers of the products subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses of the products likely to result from the standard;

(3) The total projected amount of energy savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy conservation; and

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6313(a)(6)(B)(ii))

Because ASHRAE did not update its efficiency levels for PTACs and PTHPs in ANSI/ASHRAE/IES Standard 90.1–2010, DOE began this rulemaking by analyzing amended standards consistent with the six-year look back procedures defined under 42 U.S.C. 6313(a)(6)(C). However, before DOE could finalize this rule, ASHRAE acted on October 9, 2013 to adopt ANSI/ASHRAE/IES Standard 90.1–2013. This revision of ASHRAE Standard 90.1 contained amended standard levels for PTACs, thereby triggering DOE's statutory obligation under 42 U.S.C. 6313(a)(6)(A) to promulgate an amended uniform national standard at those levels unless DOE determines that there is clear and convincing evidence supporting the adoption of more-stringent energy conservation standards than the ASHRAE levels. Consequently, DOE prepared an analysis of the energy savings potential of amended standards at the ANSI/ASHRAE/IES Standard 90.1–2013 levels (as required by 42 U.S.C. 6313(a)(6)(A)(i)) and updated the proposed rule and its accompanying analyses to reflect appropriate statutory provisions, timelines, and compliance dates.

ANSI/ASHRAE/IES Standard 90.1–2013 did not contain amended standard levels for PTHPs, and the PTHP standard levels published in ANSI/ASHRAE/IES Standard 90.1–2013 are equivalent to the current Federal minimum standards for PTHPs.

DOE is adopting amended standards for PTAC equipment equivalent to those set forth in ANSI/ASHRAE/IES Standard 90.1–2013. DOE is not adopting amended standards for PTHP equipment.

EPCA, as codified, also contains what is known as an ''anti-backsliding'' provision, which prevents the Secretary from prescribing any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. (42 U.S.C. 6313(a)(6)(B)(iii)(I)) Also, the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States of any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States. (42 U.S.C. 6313(a)(6)(B)(iii)(II))

B. Background

1. Current Standards

In a final rule published on October 7, 2008 (73 FR 58772), DOE prescribed the current energy conservation standards for all standard size PTAC and PTHP equipment manufactured on or after September 30, 2012, and for all non-standard size PTAC and PTHP equipment manufactured on or after September 30, 2010. (42 U.S.C. 6313(a)(3)) The current energy conservation standards align with ANSI/ASHRAE/IES Standard 90.1–2010. These levels are expressed in energy efficiency ratio (EER) for the cooling mode and in coefficient of performance (COP) for the heating mode. EER is defined as ''the ratio of the produced cooling effect of an air conditioner or heat pump to its net work input, expressed in Btu/watt-hour.'' 10 CFR 431.92. COP is defined as ''the ratio of produced cooling effect of an air conditioner or heat pump (or its produced heating effect, depending on model operation) to its net work input, when both the cooling (or heating) effect and the net work input are expressed in identical units of measurement.'' 10 CFR 431.92.

The current standards for PTACs and PTHPs are set forth in Table II.1.

TABLE II.1—FEDERAL ENERGY EFFICIENCY STANDARDS FOR PTACS AND PTHPS

Equipment class			Efficiency level *
Equipment type	Sub-category	Cooling capacity	
PTAC	Standard Size **	<7,000 Btu/h	EER = 11.7.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 13.8 − (0.300 × Cap††).
		>15,000 Btu/h	EER = 9.3.
	Non-Standard Size †	<7,000 Btu/h	EER = 9.4.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 10.9 − (0.213 × Cap††).
		>15,000 Btu/h	EER = 7.7.
PTHP	Standard Size **	<7,000 Btu/h	EER = 11.9. COP = 3.3.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 14.0 − (0.300 × Cap††). COP = 3.7 − (0.052 × Cap††).
		>15,000 Btu/h	EER = 9.5. COP = 2.9.
	Non-Standard Size †	<7,000 Btu/h	EER = 9.3. COP = 2.7.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 10.8 − (0.213 × Cap††). COP = 2.9 − (0.026 × Cap††).
		>15,000 Btu/h	EER = 7.6. COP = 2.5.

* For equipment rated according to ARI standards, all EER values must be rated at 95 °F outdoor dry-bulb temperature for air-cooled products and evaporatively-cooled products and at 85 °F entering water temperature for water cooled products. All COP values must be rated at 47 °F outdoor dry-bulb temperature for air-cooled products, and at 70 °F entering water temperature for water-source heat pumps.

** Standard size refers to PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide.

† Non-standard size refers to PTAC or PTHP equipment with wall sleeve dimensions less than 16 inches high and less than 42 inches wide. ASHRAE/IESNA Standard 90.1–1999 also includes a factory labeling requirement for non-standard size PTAC and PTHP equipment as follows: "MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS."

†† Cap means cooling capacity in kBtu/h at 95 °F outdoor dry-bulb temperature.

2. History of Standards Rulemaking for PTACs and PTHPs

On October 29, 1999, ASHRAE adopted ASHRAE/IESNA Standard 90.1–1999, "Energy Standard for Buildings Except Low-Rise Residential Building," which included amended efficiency levels for PTACs and PTHPs. In amending the ASHRAE/IESNA Standard 90.1–1989 levels for PTACs and PTHPs, ASHRAE acknowledged the physical size constraints among the varying sleeve sizes on the market. Specifically, the wall sleeve dimensions of the PTAC and PTHP can limit the attainable energy efficiency of the equipment. Consequently, ASHRAE/IESNA Standard 90.1–1999 used the equipment classes defined by EPCA, which are distinguished by equipment type (*i.e.,* air conditioner or heat pump) and cooling capacity, and further separated these equipment classes by wall sleeve dimensions.[5] Table II.2 shows the efficiency levels in ASHRAE/IESNA Standard 90.1–1999 for PTACs and PTHPs.

TABLE II.2—ASHRAE/IESNA STANDARD 90.1–1999 ENERGY EFFICIENCY LEVELS FOR PTACS AND PTHPS

Equipment class			ASHRAE/IESNA Standard 90.1–1999 efficiency levels *
Equipment	Category	Cooling capacity	
PTAC	Standard Size **	<7,000 Btu/h	EER = 11.0.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 12.5 − (0.213 × Cap††).
		>15,000 Btu/h	EER = 9.3.
	Non-Standard Size †	<7,000 Btu/h	EER = 9.4.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 10.9 − (0.213 × Cap††).
		>15,000 Btu/h	EER = 7.7.
PTHP	Standard Size **	<7,000 Btu/h	EER = 10.8. COP = 3.0.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 12.3 − (0.213 × Cap††). COP = 3.2 − (0.026 × Cap††).
		>15,000 Btu/h	EER = 9.1. COP = 2.8.
	Non-Standard Size †	<7,000 Btu/h	EER = 9.3. COP = 2.7.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 10.8 − (0.213 × Cap††). COP = 2.9 − (0.026 × Cap††).

[5] Prior to 1999, ASHRAE/IESNA Standard 90.1 provided one efficiency standard for all PTAC and PTHP and did not have different standards by dimension. ASHRAE/IESNA Standard 90.1–1999 increased the standards for all classes and established more stringent standards for "new construction" than for "replacements." DOE energy conservation standards for PTACs and PTHPs did not distinguish between wall sleeve dimensions for standard and non-standard size units until 2010 (for non-standard size) and 2012 (for standard size).

TABLE II.2—ASHRAE/IESNA STANDARD 90.1–1999 ENERGY EFFICIENCY LEVELS FOR PTACS AND PTHPS—Continued

Equipment class			ASHRAE/IESNA Standard 90.1–1999 efficiency levels *
Equipment	Category	Cooling capacity	
		>15,000 Btu/h	EER = 7.6. COP = 2.5.

* For equipment rated according to ARI standards, all EER values must be rated at 95 °F outdoor dry-bulb temperature for air-cooled products and evaporatively-cooled products and at 85 °F entering water temperature for water cooled products. All COP values must be rated at 47 °F outdoor dry-bulb temperature for air-cooled products, and at 70 °F entering water temperature for water-source heat pumps.

** Standard size refers to PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide.

† Non-standard size refers to PTAC or PTHP equipment with wall sleeve dimensions less than 16 inches high and less than 42 inches wide. ASHRAE/IESNA Standard 90.1–1999 also includes a factory labeling requirement for non-standard size PTAC and PTHP equipment as follows: "MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS."

†† Cap means cooling capacity in kBtu/h at 95 °F outdoor dry-bulb temperature.

Following the publication of ASHRAE/IESNA Standard 90.1–1999, DOE analyzed whether more stringent levels would result in significant additional energy conservation of energy and be technologically feasible and economically justified. The report ''Screening Analysis for EPACT-Covered Commercial [Heating, Ventilating and Air-Conditioning] HVAC and Water-Heating Equipment'' (commonly referred to as the 2000 Screening Analysis) [6] summarizes this analysis. On January 12, 2001, DOE published a final rule for commercial HVAC and water heating equipment, which concluded that the 2000 Screening Analysis indicated a reasonable possibility of finding ''clear and convincing evidence'' that more stringent standards for PTACs and PTHPs ''would be technologically feasible and economically justified and would result in significant additional conservation of energy.'' 66 FR 3336, 3349. Under EPCA, these are the criteria for DOE adoption of standards more stringent than those found in ASHRAE/IESNA Standard 90.1. (42 U.S.C. 6313(a)(6)(A)(ii)(II))

In addition, on March 13, 2006, DOE issued a Notice of Availability (NOA), in which DOE revised the energy savings analysis from the 2000 Screening Analysis. 71 FR 12634. DOE stated that, even though the revised analysis reduced the potential energy savings for PTACs and PTHPs that might result from more stringent standards than the efficiency levels specified in ASHRAE/IESNA Standard 90.1–1999, there was a possibility that clear and convincing evidence would support more stringent standards. Therefore, DOE stated in the NOA that it was considering more stringent standard levels than the efficiency levels specified in ASHRAE/IESNA Standard 90.1–1999 for PTACs and PTHPs through a separate rulemaking. 71 FR 12639. On March 7, 2007, DOE issued a final rule stating that DOE had decided to explore more stringent efficiency levels than those in ASHRAE/IESNA Standard 90.1–1999 for PTACs and PTHPs through a separate rulemaking. 72 FR 10038, 10044.

In January 2008, ASHRAE published ANSI/ASHRAE/IESNA Standard 90.1–2007, which reaffirmed the definitions and efficiency levels for PTACs and PTHPs in ASHRAE/IESNA Standard 90.1–1999. On October 7, 2008, DOE published a final rule amending energy conservation standards for PTACs and PTHPs (2008 final rule). 73 FR 58772. The 2008 final rule divided PTACs and PTHPs into two equipment classes, standard size and non-standard size, based on the wall sleeve dimensions of the equipment. Prior DOE energy conservation standards for PTACs and PTHPs had not distinguished between standard and non-standard size units. Table II.1 shows the energy conservation standards for PTACs and PTHPs, as amended by the 2008 final rule. Compared to ASHRAE/IESNA Standard 90.1–1999, the standards in the 2008 final rule were identical for non-standard sized PTACs and PTHPs, were more stringent for standard-size PTACs and PTHPs (except for standard-size PTACs with capacity greater than 15,000 Btu/h, for which the standards in ASHRAE/IESNA Standard 90.1–1999 and the 2008 final rule were equivalent).

In October 2010, ASHRAE published ANSI/ASHRAE/IES Standard 90.1–2010, which reaffirmed the efficiency levels for non-standard size PTACs and PTHPs and increased the efficiency levels for standard size PTACs and PTHPs to match the DOE standards, effective as of October 8, 2012. Hence, DOE did not consider revision of PTAC and PTHP standards at that time.

On February 22, 2013, DOE published a notice of public meeting and availability of the framework document (''February 2013 Framework Document'') regarding energy conservation standards for PTACs and PTHPs. 78 FR 12252.

On October 9, 2013, ASHRAE published ANSI/ASHRAE/IES Standard 90.1–2013, which reaffirmed the efficiency levels for standard size PTHPs and for nonstandard size PTACs and PTHPs, and which increased the cooling efficiency levels for standard size PTACs to equal the cooling efficiency levels for standard size PTHPs, effective as of January 1, 2015. The issuance of ANSI/ASHRAE/IES 90.1–2013 triggered DOE's statutory obligation under 42 U.S.C. 6313(a)(6)(A) to promulgate an amended uniform national standard for PTACs at those levels unless DOE determined that there is clear and convincing evidence supporting the adoption of more-stringent energy conservation standards than the ASHRAE levels.

On September 16, 2014, DOE published a notice of proposed rulemaking (''September 2014 NOPR'') with proposed energy conservation standards for PTACs and PTHPs. 79 FR 55538. On October 29, 2014, DOE hosted a public meeting to discuss the proposed standards. DOE received a number of comments from interested parties; the parties are summarized in Table II.3. DOE considered these comments in the preparation of the final rule. Relevant comments, and DOE's responses, are provided in the appropriate sections of this document.

[6] ''Energy Conservation Program for Consumer Products: Screening Analysis for EPACT-Covered Commercial HVAC and Water-Heating Equipment Screening Analysis,'' U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy. April 2000.

TABLE II.3—INTERESTED PARTIES PROVIDING COMMENTS

Name	Abbreviation	Type *
Air-Conditioning, Heating and Refrigeration Institute	AHRI	IR
The U.S. Chamber of Commerce, the American Chemistry Council, the American Forest & Paper Association, the American Fuel & Petrochemical Manufacturers, the American Petroleum Institute, the Council of Industrial Boiler Owners, the National Association of Manufacturers, the National Mining Association, the National Oilseed Processors Association, and the Portland Cement Association.	The Associations	TA
Appliance Standards Awareness Project	ASAP	EA
Appliance Standards Awareness Project, Alliance to Save Energy, American Council for an Energy-Efficient Economy, Natural Resources Defense Council, Northwest Energy Efficiency Alliance.	ASAP *et al.*	EA
Edison Electric Institute	EEI	U
Environmental Defense Fund, Institute for Policy Integrity at New York University School of Law, Natural Resources Defense Council, Union of Concerned Scientists.	EDF *et al.*	EA
Environmental Investigation Agency International	EIAI	EA
General Electric	GE	M
Goodman Manufacturing Company, L.P	Goodman	M
Pacific Gas and Electric Company	PG&E	U
Pacific Gas and Electric Company, Southern California Gas Company, San Diego Gas and Electric, Southern California Edison.	CA IOUs	U
Southern Company Services	SCS	U

* IR: Industry Representative; M: Manufacturer; EA: Efficiency/Environmental Advocate; TA: Trade Association; U: Utility

III. General Discussion

A. Compliance Dates

ASHRAE adopted a revised ANSI/ASHRAE/IES Standard 90.1–2013, which increases minimum efficiency standards for PTACs. The revision of the ANSI/ASHRAE/IES standard requires that the Federal standard for PTAC equipment become effective on or after a date two years after the effective date of the applicable minimum energy efficiency requirement in the amended ANSI/ASHRAE/IES standard. (42 U.S.C. 6313(a)(6)(D)(i)) The effective date of the amended ANSI/ASHRAE/IES standards for PTACs is January 1, 2015. Therefore, PTAC equipment manufactured on or after January 1, 2017, will be required to meet the amended ANSI/ASHRAE/IES standard adopted as the Federal standard.

B. Equipment Classes and Scope of Coverage

When evaluating and establishing energy conservation standards, DOE divides covered equipment into equipment classes by the type of energy used or by capacity or other performance-related features that justifies a different standard. In making a determination whether a performance-related feature justifies a different standard, DOE must consider such factors as the utility to the consumer of the feature and other factors DOE determines are appropriate.

Existing energy conservation standards divide PTACs and PTHPs into twelve equipment classes based whether the equipment is an air conditioner or heat pump; the equipment's cooling capacity; and the equipment's wall sleeve dimensions, which fall into two categories:

- Standard size (PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide)
- Non-standard size (PTAC or PTHP equipment with wall sleeve dimensions less than 16 inches high and less than 42 inches wide)

Goodman requested that DOE consider defining PTAC and PTHP equipment as ''space-constrained products'' in a manner similar to the current definition in 10 CFR 430.2. Goodman stated that the standard proposed in the September 2014 NOPR would likely not warrant an increase in the size of standard size PTACs and PTHPs. However, Goodman stated that if there is a continual increase in the energy conservation standard for PTACs and PTHPs, manufacturers likely would need to increase the physical size of the equipment, which would significantly impact consumer utility and/or the cost of installation. (Goodman, No. 31 at p. 2–3) [7] DOE understands that the current definition of PTAC and PTHP equipment does not place limits on the physical dimensions of PTAC and PTHP equipment. (42 U.S.C. 6311(10)) Over the past 25 years, the industry has settled on conventional wall sleeve dimensions for PTACs and PTHPs that are 16 inches high by 42 inches wide. The installation cost for equipment that exceeds the conventional cross section would be high, because installation could require alterations to existing wall sleeve openings in building structures. DOE accounts for installation costs in the life cycle cost and payback period analyses used to evaluate increased standard levels. These analyses would account for any increased installation costs resulting from manufacturers increasing the cross section of their equipment. Therefore, DOE does not define PTACs and PTHPs as space-constrained equipment.

DOE is not amending energy conservation standards for non-standard size PTAC and PTHP equipment in this rulemaking because this equipment class represents a small and declining portion of the market, and due to a lack of adequate information to analyze non-standard size units. The shipments analysis conducted for the 2008 final rule projected that shipments of non-standard size PTACs and PTHPs would decline from approximately 30,000 units in 2012 (6.6% of the entire PTAC and PTHP market) to approximately 16,000 units in 2042 (2.4% of the entire PTAC and PTHP market).[8]

[7] A notation in the form ''Goodman, No. 31 at p. 2–3'' identifies a written comment: (1) Made by Goodman Manufacturing Company (''Goodman''); (2) recorded in document number 31 that is filed in the docket of the PTAC energy conservation standards rulemaking (Docket No. EERE–2012–BT–STD–0029) and available for review at *www.regulations.gov;* and (3) which appears on page 2–3 of document number 31.

[8] See DOE's discussion regarding shipment projections for standard and non-standard PTAC and PTHP equipment and the results of shipment projections in the PTAC and PTHP energy conservation standard technical support document at: *http://www1.eere.energy.gov/buildings/appliance_standards/commercial/pdfs/ptac_pthp_tsd/chapter_10.pdf* (Chapter 10, Section 10.5).

C. Test Procedure

DOE's current energy conservation standards for PTACs and PTHPs are expressed in terms of the energy efficiency ratio (EER, in Btu/Watt-hour) for cooling efficiency and coefficient of performance (COP, unitless) for heating efficiency.

DOE's test procedures for PTACs and PTHPs is codified at Title 10 of the Code of Federal Regulations (CFR), § 431.96. The test procedures were established on December 8, 2006 in a final rule that incorporated by reference the American National Standards Institute's (ANSI) and AHRI Standard 310/380–2004, ''Standard for Packaged Terminal Air-Conditioners and Heat Pumps'' (ANSI/AHRI Standard 310/380). 71 FR 71340, 71371. DOE amended the test procedures for PTACs and PTHPs on June 30, 2015 (80 FR 37136).

The test procedures applicable to PTAC and/or PTHP equipment are incorporated by reference at 10 CFR 431.95(a)(3). They include (1) AHRI Standard 310/380–2014, (2) ANSI/ASHRAE Standard 16–1983 (RA 2014), ''Method of Testing for Rating Room Air Conditioners and Packaged Terminal Air Conditioners'' (''ANSI/ASHRAE 16''); (2) ANSI/ASHRAE Standard 58–1986 (RA 2014), ''Method of Testing for Rating Room Air Conditioner and Packaged Terminal Air Conditioner Heating Capacity'' (''ANSI/ASHRAE 58''); and (3) ANSI/ASHRAE Standard 37–2009, ''Methods of Testing for Rating Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment'' (''ANSI/ASHRAE 37'').

The California Utilities requested that the test procedure standard for PTAC and PTHP include testing of equipment in operation modes required by ASHRAE 90.1–2013. (CA IOUs, No. 33 at p. 5) The California Utilities also commented that that PTHP equipment listing a COP should certify that it meets the requirements of ASHRAE 90.1–2013 regarding control of the electric resistance strip heater during the ''quick heating'' mode. (CA IOUs, No. 33 at p. 4–5) Goodman commented regarding the test procedure NOPR for PTACs and PTHPs and requested that DOE maintain psychrometric testing as an option within the federal test procedures. (Goodman, No. 31 at p. 4). DOE responded to these comments in the rulemaking to amend the PTAC and PTHP test procedures. The docket Web page for the PTAC and PTHP test procedure rulemaking can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2012-BT-TP-0032*.

D. Technological Feasibility

1. General

In each energy conservation standards rulemaking, DOE conducts a screening analysis based on information gathered on all current technology options and prototype designs that could improve the efficiency of the products or equipment that are the subject of the rulemaking. As the first step in such an analysis, DOE develops a list of technology options for consideration in consultation with manufacturers, design engineers, and other interested parties. DOE then determines which of those means for improving efficiency are technologically feasible. DOE considers technologies incorporated in commercially available equipment or in working prototypes to be technologically feasible. 10 CFR part 430, subpart C, appendix A, section 4(a)(4)(i).

After DOE has determined that particular technology options are technologically feasible, it further evaluates each technology option in light of the following additional screening criteria: (1) Practicability to manufacture, install, and service; (2) adverse impacts on equipment utility or availability; and (3) adverse impacts on health or safety. 10 CFR part 430, subpart C, appendix A, section 4(a)(4)(ii)–(iv). Section IV.B of this document discusses the results of the screening analysis for PTACs and PTHPs, particularly the designs DOE considered, those it screened out, and those that are the basis for the TSLs in this rulemaking. For further details on the screening analysis for this rulemaking, see chapter 4 of the final rule Technical Support Document (TSD).

2. Maximum Technologically Feasible Levels

When DOE adopts (or does not adopt) an amended energy conservation standard for a type or class of covered equipment, it must determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for such equipment. DOE determined the maximum technologically feasible (''max-tech'') improvements in energy efficiency for PTACs and PTHPs in the engineering analysis using the design parameters that passed the screening analysis. The max-tech levels that DOE determined for this rulemaking are described in section IV.C.5 of this final rule and in chapter 5 of the final rule TSD.

E. Energy Savings

1. Determination of Savings

For each TSL, DOE projected energy savings from the equipment that is the subject of this rulemaking purchased in the 30-year period that begins in the year of compliance with any amended standards. The specific compliance years used in this analysis are discussed in section III.A of this final rule.[9] The savings are measured over the entire lifetime of equipment purchased in the 30-year analysis period. DOE quantified the energy savings attributable to each TSL as the difference in energy consumption between each standards case and the base case. The base case represents a projection of energy consumption in the absence of amended efficiency standards, and it considers market forces and policies that affect demand for more efficient equipment.

DOE uses its national impact analysis (NIA) spreadsheet models to estimate energy savings from amended standards for the equipment that is the subject of this rulemaking. The NIA spreadsheet model (described in section IV.H of this document) calculates energy savings in site energy, which is the energy directly consumed by equipment at the locations where they are used. For electricity, DOE calculates national energy savings in terms of primary energy savings, which is the savings in the energy that is used to generate and transmit the site electricity. For electricity and natural gas and oil, DOE also calculates full-fuel-cycle (FFC) energy savings. As discussed in DOE's statement of policy and notice of policy amendment, the FFC metric includes the energy consumed in extracting, processing, and transporting primary fuels (*i.e.,* coal, natural gas, petroleum fuels), and thus presents a more complete picture of the impacts of energy efficiency standards. 76 FR 51281 (August 18, 2011), as amended at 77 FR 49701 (August 17, 2012).

To calculate primary energy savings, DOE derives annual conversion factors from the model used to prepare the Energy Information Administration's (EIA) most recent *Annual Energy Outlook* (*AEO*). For FFC energy savings, DOE's approach is based on the calculation of an FFC multiplier for each of the energy types used by covered products or equipment. For more information, see section IV.H.

[9] DOE also presents a sensitivity analysis that considers impacts for equipment shipped in a 9-year period.

2. Significance of Savings

To adopt standards more stringent standards for PTACs and PTHPs than the amended levels in ASHRAE Standard 90.1, clear and convincing evidence must support a determination that the standards would result in significant additional energy savings. (42 U.S.C. 6313(a)(6)(A)(ii)(II)) This final rule does not adopt more stringent standards than the levels in ASHRAE Standard 90.1.

F. Economic Justification

1. Specific Criteria

EPCA provides seven factors to be evaluated in determining whether a more stringent standard for PTACs and PTHPs is economically justified. (42 U.S.C. 6313(a)(6)(B)(ii)) The following sections discuss how DOE has addressed each of those seven factors in this rulemaking.

a. Economic Impact on Manufacturers and Consumers

In determining the impacts of an amended standard on manufacturers, DOE conducts a manufacturer impact analysis (MIA), as discussed in section IV.J. DOE first uses an annual cash-flow approach to determine the quantitative impacts. This step includes both a short-term assessment—based on the cost and capital requirements during the period between when a regulation is issued and when entities must comply with the regulation—and a long-term assessment over a 30-year period. The industry-wide impacts analyzed include industry net present value (INPV), which values the industry on the basis of expected future cash flows; cash flows by year; changes in revenue and income; and other measures of impact, as appropriate. Second, DOE analyzes and reports the impacts on different types of manufacturers, including impacts on small manufacturers. Third, DOE considers the impact of standards on domestic manufacturer employment and manufacturing capacity, as well as the potential for standards to result in plant closures and loss of capital investment. Finally, DOE takes into account cumulative impacts of various DOE regulations and other regulatory requirements on manufacturers.

For individual consumers, measures of economic impact include the changes in LCC and payback period (PBP) associated with new or amended standards. These measures are discussed further in the following section. For consumers in the aggregate, DOE also calculates the national net present value of the economic impacts applicable to a particular rulemaking. DOE also evaluates the LCC impacts of potential standards on identifiable subgroups of consumers that may be affected disproportionately by a national standard.

b. Savings in Operating Costs Compared to Increase in Price

EPCA requires DOE to consider the savings in operating costs throughout the estimated average life of the covered equipment compared to any increase in the price of the covered product that are likely to result from a standard. (42 U.S.C. 6313(a)(6)(B)(ii)(II)) DOE conducts this comparison in its LCC and PBP analysis.

The LCC is the sum of the purchase price of a product (including its installation) and the operating expense (including energy, maintenance, and repair expenditures) discounted over the lifetime of the equipment. To account for uncertainty and variability in specific inputs, such as equipment lifetime and discount rate, DOE uses a distribution of values, with probabilities attached to each value. For its analysis, DOE assumes that consumers will purchase the covered equipment in the first year of compliance with amended standards.

The LCC savings and the PBP for the considered efficiency levels are calculated relative to a base case that reflects projected market trends in the absence of amended standards. DOE identifies the percentage of consumers estimated to receive LCC savings or experience an LCC increase, in addition to the average LCC savings associated with a particular standard level. DOE's LCC analysis is discussed in further detail in section IV.F.

c. Energy Savings

Although significant conservation of energy is a separate statutory requirement for imposing an energy conservation standard, EPCA requires DOE, in determining the economic justification of a standard, to consider the total projected energy savings that are expected to result directly from the standard. (42 U.S.C. 6313(a)(6)(B)(ii)(III)) As discussed in section IV.H, DOE uses the spreadsheet models to project national energy savings.

d. Lessening of Utility or Performance of Equipment

In establishing classes of equipment, and in evaluating design options and the impact of potential standard levels, DOE evaluates potential standards that would not lessen the utility or performance of the considered equipment. (42 U.S.C. 6295(o)(2)(B)(i)(IV)) Based on data available to DOE, the standards adopted in this final rule would not reduce the utility or performance of the equipment under consideration in this rulemaking.

e. Impact of Any Lessening of Competition

EPCA directs DOE to consider the impact of any lessening of competition that is likely to result from energy conservation standards. It also directs the Attorney General of the United States (Attorney General) to determine the impact, if any, of any lessening of competition likely to result from a standard and to transmit such determination to the Secretary within 60 days of the publication of a proposed rule, together with an analysis of the nature and extent of the impact. (42 U.S.C. 6313(a)(6)(B)(ii)(IV)) DOE transmitted a copy of its proposed rule to the Attorney General with a request that the Department of Justice (DOJ) provide its determination on this issue. DOE received no adverse comments from DOJ regarding the proposed rule.

f. Need for National Energy Conservation

DOE also considers the need for national energy conservation in determining whether a new or amended standard is economically justified. (42 U.S.C. 6313(a)(6)(B)(ii)(VI)) DOE expects that the energy savings from the amended standards are likely to provide improvements to the security and reliability of the nation's energy system. Reductions in the demand for electricity also may result in reduced costs for maintaining the reliability of the nation's electricity system. DOE conducts a utility impact analysis to estimate how standards may affect the nation's needed power generation capacity, as discussed in section IV.M.

Amended standards are also likely to result in environmental benefits in the form of reduced emissions of air pollutants and greenhouse gases associated with energy production and use. DOE conducts an emissions analysis to estimate how standards may affect these emissions, as discussed in section IV.K. DOE reports the emissions impacts from each TSL it considered, in section V.B.6 of this document. DOE also reports estimates of the economic value of emissions reductions resulting from the considered TSLs, in section IV.L of this document.

g. Other Factors

EPCA allows the Secretary of Energy, in determining whether a standard is economically justified, to consider any other factors that the Secretary deems to

be relevant. (42 U.S.C. 6295(o)(2)(B)(ii)(VII)) To the extent interested parties submit any relevant information regarding economic justification that does not fit into the other categories described above, DOE could consider such information under ''other factors.'' No other factors were considered in this rule.

2. Rebuttable Presumption

EPCA creates a rebuttable presumption that an energy conservation standard is economically justified if the additional cost to the consumer of a product that meets the standard is less than three times the value of the first year's energy savings resulting from the standard, as calculated under the applicable DOE test procedure. DOE's LCC and PBP analyses generate values used to calculate the effects that potential amended energy conservation standards would have on the payback period for consumers. These analyses include, but are not limited to, the 3-year payback period contemplated under the rebuttable-presumption test. In addition, DOE routinely conducts an economic analysis that considers the full range of impacts to consumers, manufacturers, the nation, and the environment. The results of this analysis serve as the basis for DOE's evaluation of the economic justification for a potential standard level (thereby supporting or rebutting the results of any preliminary determination of economic justification). The rebuttable presumption payback calculation is discussed in section V.B.1.c of this final rule.

G. Additional Comments

DOE received additional comments that are not classified in the discussion sections above. Responses to these additional comments are provided below.

AHRI commented that, by proposing energy conservation standards for PTACs and PTHPs above the levels presented in ANSI/ASHRAE/IES 90.1–2013, DOE failed to recognize the Congressional intent for commercial standards-making to rely on the ASHRAE process. (AHRI, No. 35 at p. 2) EPCA authorizes the adoption of an energy conservation standard above the levels adopted by ASHRAE if clear and convincing evidence shows that adoption of such a more stringent standard would result in significant additional conservation of energy and be technologically feasible and economically justified. 42 U.S.C. 6313(a)(6)(A)(ii)(II) AHRI commented that DOE's economic justification in the NOPR falls short of the elevated ''clear and convincing'' requirement of proof. AHRI further commented that DOE failed to show with clear and convincing evidence that significant energy savings will result directly from the more stringent levels. (AHRI, No. 35 at p. 2–4) Following the publication of the September 2014 NOPR, DOE revised its analysis to incorporate feedback received through stakeholder comments. Based on results of its revised analysis, DOE concludes that the trial standard levels above ASHRAE 90.1–2013 would not be economically justified. This final rule amends the energy conservation standards for PTACs to be equal to PTAC standard levels in ANSI/ASHRAE/IES 90.1–2013. (42 U.S.C. 6313(a)(6)(A)(ii)(I))

SCS commented that stakeholders should have an additional opportunity to comment on the analysis after DOE completes the analytical changes that SCS requested. SCS requested that DOE issue an SNOPR if ECS levels above the ASHRAE 90.1–2013 levels are selected. (SCS, No. 29 at p. 3) This final rule amends the energy conservation standards for PTACs to be equal to PTAC standard levels in ANSI/ASHRAE/IES 90.1–2013. (42 U.S.C. 6313(a)(6)(A)(ii)(I))

AHRI objects to the use by DOE of proprietary software such as Crystal Ball to conduct its analysis in a public notice and comment rulemaking with concerns that small businesses and consumer advocacy groups would find the software cost prohibitive and unable to evaluate the models DOE used for its analysis and assumptions. AHRI states that all of DOE's models, process and software used in rulemaking under the Administrative Procedure Act should be fully and reasonably accessible. (AHRI, No. 35 at p. 4) The documentation in the TSD concerning the methods, data inputs, and assumptions used to generate LCC and PBP results provides stakeholders with sufficient information to adequately review DOE's analysis. To make its analyses accessible, DOE will run Monte Carlo simulations with its LCC spreadsheets utilizing Crystal Ball and provide the results to any stakeholder interested in researching specific scenarios.

IV. Methodology and Discussion of Related Comments

This section addresses the analyses DOE has performed for this rulemaking with regard to PTAC and PTHP. Separate subsections address each component of DOE's analyses.

DOE used several analytical tools to estimate the impact of the standards considered in this document. The first tool is a spreadsheet that calculates the LCC and PBP of potential amended or new energy conservation standards. The national impacts analysis uses a second spreadsheet set that provides shipments forecasts and calculates national energy savings and net present value resulting from potential energy conservation standards. DOE uses the third spreadsheet tool, the Government Regulatory Impact Model (GRIM), to assess manufacturer impacts of potential standards. These three spreadsheet tools are available on the DOE docket Web page for this rulemaking: *http://www.regulations.gov/#!docketDetail;D=EERE-2012-BT-STD-0029.* Additionally, DOE used output from the latest version of EIA's *Annual Energy Outlook* (*AEO*), a widely known energy forecast for the United States, for the emissions and utility impact analyses.

A. Market and Technology Assessment

When beginning an energy conservation standards rulemaking, DOE develops information that provides an overall picture of the market for the equipment concerned, including the purpose of the equipment, the industry structure, and market characteristics. This activity includes both quantitative and qualitative assessments based primarily on publicly available information (*e.g.,* manufacturer specification sheets, industry publications) and data submitted by manufacturers, trade associations, and other stakeholders. The market and technology assessment presented in the September 2014 NOPR discussed scope of coverage, equipment classes, types of equipment sold and offered for sale, and technology options that could improve the energy efficiency of the equipment under examination. See chapter 3 of the final rule TSD for further discussion of the market and technology assessment. AHRI commented that it planned to provide PTAC and PTHP shipments by capacity level for 2008 through 2013. (AHRI, No. 35 at p. 8) DOE did not receive further comments or information regarding the equipment definitions or market assessments for PTACs and PTHP equipment.

GE commented that there are now PTACs on the market that incorporate a ventilation system attachment that takes in make-up air and provides supplemental conditioning for this make-up air: Dehumidification when outdoor humidity levels are high and also electric resistance heating when outdoor temperature is low. Admitting makeup air and provision of supplemental conditioning increases PTAC/PTHP energy use that is not

captured in the current test procedures for PTACs and PTHPs. GE suggested that DOE address PTACs with add-on dehumidifiers as a separate equipment class. (GE, No. 34 at p. 1) DOE acknowledges that models with add-on or integrated dehumidification systems exist in the current market. DOE believes that PTAC and PTHP units with add-on or integrated dehumidification systems currently meet the definition of PTACs and PTHPs, respectively. Thus, models with add-on or integrated dehumidification systems should be tested using the current test procedure and should meet the current energy conservation standards. Currently, the DOE test procedure does not require that the dehumidification module on such models be energized during testing, so the energy use of the dehumidification system would not be measured or accounted for in the EER metric. If DOE considers future amendments to the test procedure to account for energy consumed by the dehumidification systems, then DOE could consider designating a separate equipment class for such equipment at that time.

The September 2014 NOPR listed all of the potential technology options that DOE considered for improving energy efficiency of PTACs and PTHPs. 79 FR at 55553 (September 16, 2014). These technology options are listed in Table IV.1.

TABLE IV.1—POTENTIAL TECHNOLOGY OPTIONS FOR IMPROVING ENERGY EFFICIENCY OF PTACS AND PTHPS

Compressor Improvements
• Scroll Compressors
• Variable-speed Compressors
• Higher Efficiency Compressors.
Complex Control Boards.
Condenser and evaporator fan and fan motor improvements:
• Higher Efficiency Fan Motors
• Clutched Motor Fans.
Microchannel Heat Exchangers.
Rifled Interior Heat Exchanger Tube Walls.
Increased Heat Exchanger Area.
Hydrophobic Material Treatment of Heat Exchangers.
Re-circuiting Heat Exchanger Coils.
Improved Air Flow and Fan Design.
Heat Pipes.
Corrosion Protection.
Thermostatic Expansion Valve.
Alternate Refrigerants (such as HCFC–32).

DOE received several comments regarding the technology options listed in Table IV.1, and these comments are addressed in the relevant sections of the screening analysis in section IV.B. DOE did not receive any comments regarding technology options not listed in Table IV.1.

B. Screening Analysis

After DOE identified the technologies that might improve the energy efficiency of PTACs and PTHPs, DOE conducted a screening analysis. The purpose of the screening analysis is to evaluate the technologies that improve equipment efficiency to determine which technologies to consider further and which to screen out. DOE uses four screening criteria to determine which design options are suitable for further consideration in a standards rulemaking. Namely, design options will be removed from consideration if they are not technologically feasible; are not practicable to manufacture, install, or service; have adverse impacts on product utility or product availability; or have adverse impacts on health or safety. (10 CFR part 430, subpart C, appendix A at 4(a)(4) and 5(b)) Details of the screening analysis are in chapter 4 of the final rule TSD.

Technologies that pass through the screening analysis are referred to as ''design options'' in the engineering analysis. These four screening criteria do not include the propriety status of design options. DOE will only consider efficiency levels achieved through the use of proprietary designs in the engineering analysis if they are not part of a unique path to achieve that efficiency level.

In view of the above factors, DOE screened out the following design options in the September 2014 NOPR: Scroll compressors, heat pipes, and alternate refrigerants. 79 FR at 55554 (September 16, 2014). DOE received comments regarding alternative refrigerants, but did not receive comments regarding scroll compressors or heat pipes.

Alternate Refrigerants

Nearly all PTAC and PTHP equipment is designed with R–410A as the refrigerant. The Environmental Protection Agency's (EPA's) Significant New Alternatives Policy (SNAP) Program evaluates and regulates substitutes for the ozone-depleting chemicals (such as air conditioning refrigerants) that are being phased out under the stratospheric ozone protection provisions of the Clean Air Act (CAA). (42 U.S.C. 7401 *et seq.*) [10]

On July 9, 2014, the EPA issued a notice of proposed rulemaking proposing to list three flammable refrigerants (HFC–32 (R–32), Propane (R–290), and R–441A) as new acceptable substitutes, subject to use conditions, for refrigerant in the Household and Light Commercial Air Conditioning class of equipment. 79 FR 38811 (July 9, 2014). EIAI commented to suggest that DOE delay this PTAC/PTHP standards rulemaking until the EPA finalizes its proposed rule. (EIAI, No. 32 at p. 1) On April 10, 2015, the EPA published its final rule that allows the use of R–32, R–290, and R–441A in limited amounts in PTAC and PTHP applications. 80 FR 19454 (April 10, 2015) EEI commented that the EPA's proposed rule would allow flammable refrigerants to be used in PTACs in a limited amount. (EEI, NOPR Public Meeting Transcript, No. 37 at p. 47–8) [11] EIAI commented citing several reports that favorably compare HC–290 to R–410A. (EIAI, No. 32 at p. 4) EIAI requested that DOE fully analyze the direct mitigation impacts and the energy efficiency savings that can be achieved by using R–290 and R–441A. (EIAI, No. 32 at p. 1) EIAI commented that the amended standards for PTACs and PTHPs will not be as effective as possible if they exclude the alternative refrigerants under consideration for SNAP approval. (EIAI, No. 32 at p. 5) DOE considered the possibility of using the alternative refrigerants that EPA approved for limited use in PTAC and PTHP applications. The EPA's final rule limits the maximum design charge amount of the alternative refrigerants in PTAC and PTHP applications. For instance, for a PTAC or PTHP with cooling capacity of 9,000 Btu/h, the EPA rule imposes a maximum design charge of 140 grams of R–290 or 160 grams of R–441A. 80 FR at 19500 (April 10, 2015) In comparison, DOE reverse engineered eleven units with cooling capacities around 9,000 Btu/h and found that these units had refrigerant charges ranging from 600 grams to 950 grams and all units used refrigerant R–410A. The refrigerant charges currently used in current PTAC and PTHP designs far exceed the maximum charges that are allowed for alternative refrigerants under EPA's final rule. DOE

[10] Additional information regarding EPA's SNAP Program is available online at: *http://www.epa.gov/ozone/snap/*.

[11] A notation in the form ''EEI, NOPR Public Meeting Transcript, No. 37 at p. 47–8'' identifies an oral comment that DOE received during the October 29, 2014, PTAC energy conservation standards NOPR public meeting, that was recorded in the public meeting transcript in the docket for the PTAC energy conservation standards rulemaking (Docket No. EERE–2012–BT–STD–0029), and is maintained in the Resource Room of the Building Technologies Program. This particular notation refers to a comment (1) made by EEI during the public meeting; (2) recorded in document number 37, which is the NOPR public meeting transcript that is filed in the docket of this energy conservation standards rulemaking; and (3) which appears on pages 47–8 of document number 37.

acknowledges that it might be possible to incorporate the new refrigerants under consideration into PTAC designs through the use of microchannel heat exchangers or tube and fin heat exchangers with smaller tube diameters than what is currently on the market. However, DOE has not seen evidence that such designs are technologically feasible. Therefore, DOE did not further consider the R–290 and R–441A substitutes proposed by EPA.

EIAI commented that DOE should include provisions in the rule that incentivize the use of HFC-free technologies that receive SNAP approval. (EIAI, No. 32 at p. 3) EPCA authorizes DOE to regulate the energy efficiency of certain equipment such as PTACs and PTHPs. (42 U.S.C. 6311–6317) EPCA does not authorize DOE to regulate or incentivize the use or substitution of alternative refrigerants.

The California Utilities stated that DOE should research potential efficiency improvements, for future years, that can be achieved through the use of alternative refrigerants. (CA IOUs, No. 33 at p. 4) EIAI commented that the proposed rule does not address the executive action announced on September 16, 2014, that encourages research and development of next generation cooling technologies, including alternatives to hydrofluorocarbon (HFC) refrigerants.[12] (EIAI, No. 32 at p. 1) DOE responds that the engineering analysis considers technology options that are technologically feasible. DOE considers technologies incorporated in commercially available equipment or in working prototypes to be technologically feasible. 10 CFR part 430, subpart C, appendix A, section 4(a)(4)(i). The research and development activities described by the California Utilities and EIAI do not include options that are technologically feasible at this time.

EIAI suggested that DOE evaluate the commercialized PTACs and PTHPs using alternative refrigerants currently available in international markets. (EIAI, No. 32 at p. 6) ASAP *et al.* commented that manufacturers may have the option of utilizing alternative refrigerants to improve efficiency, even though the engineering analysis does not include alternative refrigerants as a technology option. (ASAP *et al.,* No. 30 at p. 3) DOE is not aware of any PTAC or PTHP model that uses alternative refrigerants approved by the EPA SNAP Program and achieves higher efficiency than equipment using R–410A.

DOE is not aware of any SNAP-approved refrigerants, or any refrigerants that have been proposed for SNAP approval, that are known to enable better efficiency than R–410A for PTAC and PTHP equipment. Hence, DOE did not consider alternate refrigerants for further analysis.

Other Technologies Not Considered in the Engineering Analysis

Typically, energy-saving technologies that pass the screening analysis are evaluated in the engineering analysis. However, some technologies are not included in the analysis for other reasons, including: (1) Available data suggest that the efficiency benefits of the technology are negligible; or (2) data are not available to evaluate the energy efficiency characteristics of the technology. Accordingly, in the September 2014 NOPR, DOE eliminated the following technologies from consideration in the engineering analysis based upon these three additional considerations: re-circuiting heat exchanger coils, rifled interior tube walls, microchannel heat exchangers, variable speed compressors, complex control boards, corrosion protection, hydrophobic material treatment of heat exchangers, clutched motor fans, and thermostatic expansion valves. 79 FR at 55555 (September 16, 2014). DOE received a comment on variable speed compressors.

Variable Speed Compressors

SCS commented that variable speed operation would enable PTACs and PTHPs to provide better humidity control, and that the current efficiency measurement of EER does not provide incentive to go to variable speed operation. (SCS, NOPR Public Meeting Transcript, No. 37 at p. 164) While the efficiency measurement of EER would not capture the benefits of variable speed operation, the existing EER (full load) metric accurately reflects equipment efficiency during the year because PTACs and PTHPs are believed to more often operate at full load rather than part load conditions. Thus, DOE did not consider variable speed compressors further in this analysis.

The technologies that DOE identified for consideration in the engineering analysis are listed in Table IV.2 and described briefly below.

TABLE IV.2—DESIGN OPTIONS RETAINED FOR ENGINEERING ANALYSIS

Compressor Improvements.
• Higher Efficiency Compressors.[13]

TABLE IV.2—DESIGN OPTIONS RETAINED FOR ENGINEERING ANALYSIS—Continued

Condenser and evaporator fan and fan motor improvements:
• Higher Efficiency Fan Motors.
Increased Heat Exchanger Area.
Improved Air Flow and Fan Design.

Higher Efficiency Compressors

Manufacturers can improve the energy efficiency of PTAC and PTHP units by incorporating more efficient components, such as high efficiency compressors, into their designs. Goodman commented to ask whether DOE included predictions of efficiency increases over time for compressors. (Goodman, NOPR Public Meeting Transcript, No. 37 at p. 28) DOE did not include predictions of compressor efficiency changes over time. DOE observed in reverse engineering analysis that PTAC and PTHP manufacturers use several different compressor models with a wide range of efficiency ratings. The capacities and efficiencies of the different compressors observed in the reverse engineering analysis are presented in the revised Tables 5.6.1 and 5.6.2 published in document 26 of the rulemaking docket at *http://www.regulations.gov/#!documentDetail;D=EERE-2012-BT-STD-0029-0026.* Manufacturers of PTACs and PTHPs may improve the unit efficiency of baseline models by selecting high efficiency compressors currently available in the market.

Higher Efficiency Fan Motors

Manufacturers of baseline PTACs and PTHPs use permanent split capacitor (PSC) fan motors due to their modest cost, compact design, and durability. DOE believes any further gains in PSC fan motor efficiency will be difficult to achieve, and has thus eliminated improvement of PSC fan motors as a potential avenue for efficiency improvement. PTAC and PTHP original equipment manufacturers (OEMs) can, however, use permanent magnet (PM) motors. Such motors typically offer higher efficiencies than PSC-based fan motors, but these improvements come with increased costs for the motor unit and control hardware. Several manufacturers use PM motors in their higher-efficiency PTAC and PTHP models.

[12] EIAI's comment referenced a White House fact sheet describing the Executive Action at: *http://www.whitehouse.gov/the-press-office/2014/09/16/fact-sheet-obama-administration-partners-private-sector-new-commitments.*

[13] Currently, all PTAC and PTHP manufacturers incorporate rotary compressors into their equipment designs. DOE is referring to rotary compressors throughout this document unless specifically noted.

Increased Heat Exchanger Area

Manufacturers of PTACs and PTHPs increase unit efficiency by increasing heat exchanger size, either through elongating the face of the heat exchanger or increasing the number of heat exchanger tube rows. Standard size PTACs are dimensionally constrained by the standard 16″ x 48″ wall opening in which they fit. This constraint limits the size of heat exchanger that can fit in the unit and thus limits the efficiency gains that may be achieved by increasing heat exchanger size. At least one manufacturer has incorporated bent heat exchanger coils to increase the heat exchanger face area while remaining inside the standard size unit constraints. AHRI commented that DOE did not account for the additional pressure drop from bent heat exchangers in the analysis. (AHRI, No. 35 at p. 12) DOE interprets this comment to mean that AHRI expects bent heat exchangers to increase the airside pressure drop across the heat exchangers leading to increased fan power consumption and lower unit efficiency. DOE considered any pressure drop impacts associated with bent heat exchangers. In its analysis, DOE considered at least three units that contained a bent heat exchanger. DOE based its analysis on the measured performance of these units (one of which performed at the max-tech efficiency level). The measured performance of these units includes the impact of additional pressure drop associated with the bent heat exchangers.

AHRI asked what the DOE analysis showed as the efficiency improvement from implementing improved air flow design and increased heat exchanger area. (AHRI, NOPR Public Meeting Transcript, No. 37 at p. 38) The combined efficiency level and cost assessment method used in this analysis does not separately evaluate the efficiency effects of individual design options. Among the units that DOE reverse engineered in the engineering analysis, the most efficient units had injection molded fan blades and volutes and achieved greater heat exchanger area within the constrained unit dimensions by incorporating a bent outdoor heat exchanger coil.

Improved Air Flow and Fan Design

Manufacturers of PTACs and PTHPs currently use several techniques to shape and direct airflow inside PTAC and PTHP units. Different equipment designs may have higher or lower resistance to air flow. Equipment designs with lower resistance to air flow will require lower fan power input, which would improve unit efficiency. Among the units that DOE reverse engineered in the engineering analysis, the most efficient units had injection molded fan blades and volutes to direct airflow. Manufacturers may improve unit efficiency improving fan blade designs, optimizing air paths, and optimizing fan selection.

Goodman commented that utilizing design features such as improved airflow and fan design would lead to redesigned products larger than the wall footprints for standard size PTACs and PTHPs. (Goodman, No. 31 at p. 3) In contrast, Ebm-papst commented in the framework phase that efficiency gains may result in existing units from optimizing the fan selection and design so that the fan's operational efficiency in the unit matches the fan's peak efficiency exactly. (Ebm-papst, No. 8 at p. 1) DOE's analysis did not consider any such larger PTAC/PTHP designs. Any improvement associated with improved airflow and fan design represented in the analysis is associated with the existing designs evaluated in the analysis, which conform to size of currently available PTACs and PTHPs.

Goodman commented that the technology options of bent heat exchangers [to increase heat exchanger area] and improved air flow are contradictory because bent heat exchangers will restrict air flow. (Goodman, NOPR Public Meeting Transcript, No. 37 at p. 82) DOE notes that, among the units that DOE reverse engineered in the engineering analysis, the most efficient units at both representative capacities of 9,000 Btu/h and 15,000 Btu/h incorporated a bent outdoor heat exchanger coil.

Based on all available information, DOE did not change the screening analysis between the September 2014 NOPR and this final rule. Additional detail on the screening analysis is contained in chapter 4 of the final rule TSD.

C. Engineering Analysis

The engineering analysis establishes the relationship between an increase in energy efficiency of the equipment and the increase in manufacturer selling price (MSP) associated with that efficiency increase. This relationship serves as the basis for cost-benefit calculations for individual consumers, manufacturers, and the nation. In determining the cost-efficiency relationship, DOE estimates the increase in manufacturer cost associated with increasing the efficiency of equipment above the baseline up to the max-tech efficiency level for each equipment class.

1. Methodology

DOE has identified three basic methods for developing cost-efficiency curves: (1) The design-option approach, which provides the incremental costs of adding design options to a baseline model that will improve its efficiency (*i.e.,* lower its energy use); (2) the efficiency-level approach, which provides the incremental costs of moving to higher energy efficiency levels, without regard to the particular design option(s) used to achieve such increases; and (3) the reverse-engineering (or cost-assessment) approach, which provides ''bottom-up'' manufacturing cost assessments for achieving various levels of increased efficiency, based on teardown analyses (or physical teardowns) providing detailed data on costs for parts and material, labor, shipping/packaging, and investment for models that operate at particular efficiency levels.

In the February 2013 Framework Document and the September 2014 NOPR, DOE described the approach for this engineering analysis that combines an efficiency-level approach with a cost-assessment approach to determine the relationship between cost and efficiency. 78 FR 12252 (February 22, 2013) and 79 FR at 55556–9 (September 14, 2014). The range of efficiency levels and costs considered were represented by the test data and/or ratings of specific PTAC and PTHP models available in the market that included different groups of design options.

DOE identified the efficiency levels for the analysis based on the range of rated efficiencies of PTAC and PTHP equipment in the AHRI database. DOE selected PTAC and PTHP equipment that was representative of the market at different efficiency levels, then purchased, tested, and reverse engineered the selected equipment. DOE used the cost-assessment approach to determine the manufacturing production costs (MPCs) for PTAC and PTHP equipment across a range of efficiencies from the baseline to max-tech efficiency levels. DOE observed that manufacturers used different approaches to improve unit energy efficiency. AHRI commented that it is not clear what efficiency gains the equipment will achieve based on implementing the technology options that DOE has considered. (AHRI, NOPR Public Meeting Transcript, No. 37 at p. 10) DOE notes that the combined efficiency level and cost-assessment approach does not separately evaluate the effects of individual design options and does not prescribe a particular set of design options for manufacturers to

improve unit efficiency. Instead, it selects units spanning a range of efficiency levels, estimates MPCs for those units, and constructs a cost curve to define the relationship between energy efficiency and MPC.

Where feasible, DOE selected models for reverse engineering with low and high efficiencies from a given manufacturer, at both representative cooling capacity levels and for both PTACs and PTHPs. The methodology used to perform reverse engineering analysis and derive the cost-efficiency relationship is described in chapter 5 of the final rule TSD. ASAP *et al.* commented to express their support for DOE's approach to the engineering analysis. (ASAP *et al.,* No. 30 at p. 3)

2. Equipment Classes Analyzed

DOE developed its engineering analysis for the six equipment classes associated with standard-size PTACs and PTHPs. As discussed in section III.B of this final rule, DOE did not amend energy efficiency standards for non-standard size equipment classes because of their low and declining market share and because of a lack of adequate information to analyze these units.

For the PTAC and PTHP equipment classes with a cooling capacity greater than or equal to 7,000 Btu/h and less than or equal to 15,000 Btu/h, the energy efficiency equation characterizes the relationship between the EER of the equipment and cooling capacity (*i.e.,* EER is a function of the cooling capacity of the equipment) in which EER decreases as capacity increases. For all cooling capacities less than 7,000 Btu/h and all cooling capacities greater than 15,000 Btu/h, the EER is calculated based on the energy efficiency equation for 7,000 Btu/h or 15,000 Btu/h, respectively.

For PTACs and PTHPs, DOE focused its analysis on high-shipment-volume cooling capacities spanning the range of available equipment. Based on manufacturer interviews,[14] DOE found that the majority of shipments are in the classes with cooling capacity between 7,000 Btu/h to 15,000 Btu/h (see chapter 9 of the final rule TSD for more details on the shipments data). As described in the September 2014 NOPR, DOE selected two cooling capacities for analysis: 9,000 Btu/h and 15,000 Btu/h. 79 FR at 55557. DOE selected 9,000 Btu/h as a representative capacity because the AHRI Directory lists more PTAC models around the 9,000 Btu/h capacity level than any other capacity level. DOE selected 15,000 Btu/h as a representative capacity in response to manufacturer comments stating that it is technically challenging to achieve high efficiency in 15,000 Btu/h models and the analysis should explicitly analyze the 15,000 Btu/h capacity. AHRI commented that the two equipment sizes that DOE selected for testing and teardowns may not accurately represent the full capacity range of the product category. AHRI observed that a greater number of high-efficiency models are available at the 9,000 Btu/h capacity compared with other unit capacities. (AHRI, NOPR Public Meeting Transcript, No. 37 at p. 10) AHRI observation does not indicate that a cost/efficiency relationship determined based on the 9,000 Btu/h and 15,000 Btu/h capacities would not be representative of the full range of cooling capacities. The design changes that DOE observed in units at the representative capacities of 9,000 Btu/h and 15,000 Btu/h can be interpolated and extrapolated to include other common capacities (such as 7,000 Btu/h and 12,000 Btu/h) that were not directly analyzed in the reverse engineering analysis. It would not be feasible to conduct teardown analysis for every cooling capacity available in the market. DOE selected the representative cooling capacities of 9,000 and 15,000 Btu/h in response to comments from the framework stage of this rulemaking; available information indicates that these capacities accurately represent the markets for PTAC and PTHP equipment.

Using its analysis of two cooling capacities, DOE investigated the slope of the energy efficiency-capacity relationship. Further details on this relationship are provided in chapter 5 of the final rule TSD.

3. Cost Model

DOE developed a manufacturing cost model to estimate the MPCs of PTAC and PTHP units over a range of cooling efficiencies. The cost model is a spreadsheet model that converts the materials and components in the bills of materials for PTAC and PTHP equipment into dollar values based on the price of materials, average labor rates associated with fabrication and assembling, and the cost of overhead and depreciation, as determined based on manufacturer interviews and equipment cost information compiled by DOE. To convert the information in the bills of materials into dollar values, DOE collected information on labor rates, tooling costs, raw material prices, and other factors. For purchased parts, the cost model estimates the purchase price based on volume-variable price quotations and detailed discussions with manufacturers and component suppliers. For fabricated parts, the prices of raw metal materials (*e.g.,* tube, sheet metal) are estimates on the basis of five-year averages (from 2009 to 2014). DOE estimated the cost of transforming the raw materials into finished parts based on current industry pricing. Further details on the manufacturing cost analysis are provided in chapter 5 of the final rule TSD.

Developing the cost model involved disassembling PTACs and PTHPs at various efficiencies, analyzing the materials and manufacturing processes, and estimating the costs of purchased components. DOE also collected supplemental component cost data from manufacturers of PTAC and PTHP equipment. DOE reports the MPCs in aggregated form to maintain confidentiality of sensitive component data. DOE obtained input from stakeholders on the MPC estimates and assumptions to confirm accuracy. DOE used the cost model for all of the representative cooling capacities within the PTAC and PTHP equipment classes. Chapter 5 of the final rule TSD provides details and assumptions of the cost model.

4. Baseline Efficiency Level

The engineering analysis estimates the incremental costs for equipment with efficiency levels above the baseline in each equipment class. For the purpose of the engineering analysis, DOE used the engineering baseline EER as the starting point to build the cost efficiency curves. As discussed in section III.A, ANSI/ASHRAE/IES Standard 90.1–2013 was issued in the course of this rulemaking, and this revised standard amended minimum efficiency levels for PTACs, raising standards by 1.8% above the Federal minimum energy conservation standards for PTACs. DOE is obligated either to adopt those standards developed by ASHRAE or to adopt levels more stringent than the ASHRAE levels if there is clear and convincing evidence in support of doing so. (42 U.S.C. 6313(a)(6)(A)). For the purposes of calculating energy savings over the ANSI/ASHRAE/IES Standard 90.1–2013, DOE identified the ANSI/ASHRAE/IES Standard 90.1–2013 as the baseline efficiency level.[15] SCS agreed that it is correct to use ASHRAE 90.1–

[14] DOE conducted interviews with high- and low-volume PTAC and PTHP manufacturers, and collected information regarding shipments of PTACs and PTHPs at different cooling capacity levels.

[15] DOE's estimates of potential energy savings from an amended energy conservation standard are further discussed in section IV.H.

2013 as the baseline for analysis. (SCS, NOPR Public Meeting Transcript, No. 37 at p. 26–27)

The baseline efficiency levels for each equipment class are presented in Table IV.3.

TABLE IV.3—BASELINE EFFICIENCY LEVELS

Equipment type	Equipment class	Baseline efficiency equation	Cooling capacity	Baseline efficiency level
PTAC	Standard Size	EER = 14.0 − (0.300 × Cap †/1000)	9,000 Btu/h	11.3 EER.
			15,000 Btu/h	9.5 EER.
PTHP	Standard Size	EER = 14.0 − (0.300 × Cap †/1000)	9,000 Btu/h	11.3 EER.
			15,000 Btu/h	9.5 EER.

† Cap means cooling capacity in Btu/h at 95 °F outdoor dry-bulb temperature.

5. Incremental Efficiency Levels

DOE examined performance data of standard size PTACs and PTHPs published in the AHRI Directory and on manufacturers' Web sites to select efficiency levels for consideration in the rulemaking. DOE used Web site-published data as an initial screening mechanism to select units for reverse engineering; a third party test facility verified the actual performance of the units selected for analysis.

DOE analyzed the baseline efficiency level and efficiency levels that are 2.2%, 6.2%, 10.2%, 14.2%, and 16.2% more efficient than the ANSI/ASHRAE/IES Standard 90.1–2013 baseline.[16] The rated efficiencies of PTACs listed in the AHRI Directory extend up to 17.5% above the ANSI/ASHRAE/IES Standard 90.1–2013 baseline efficiency level. However, based on testing of individual units conducted for this rulemaking, DOE considered efficiencies up to only 16.2% above the baseline level. DOE expects that PTAC equipment without a reversing valve should be able to attain the cooling mode efficiencies as least as high as PTHPs. This is because the reversing valve of a PTHP, which allows for reverse cycle (heat pump) operation and is not required in a PTAC, imposes pressure drop which would reduce PTHP efficiency.

For the heating efficiency of PTHPs, DOE correlated the COP associated with each efficiency level with the efficiency level's EER based on COP and EER ratings from the AHRI database. DOE established a representative curve based on this data to obtain a relationship for COP in terms of EER. DOE used this relationship to select COP values corresponding to each efficiency level. This approach considers the fact that a PTHP's EER and COP are related and cannot be independently analyzed, while basing the analysis on a representative average relationship between the two efficiency metrics. To determine the typical relationship between EER and COP, DOE examined the entire database of rated equipment and determined a relationship based on the EER and COP ratings of the collective body of certified PTAC and PTHP equipment.

The efficiency levels for each equipment class that DOE considered are presented in Table IV.4. The percentages associated with efficiency levels (ELs) indicate the percentage above the baseline level for PTACs and PTHPs. In the September 2014 NOPR, DOE presented efficiency levels using percentages relative to the current Federal standard for PTACs. 79 FR at 55559. This method of presentation caused confusion among stakeholders. AHRI and SCS commented presenting efficiency increases as a percentage above current Federal minimum standards for PTACs was confusing. (AHRI, NOPR Public Meeting Transcript, No. 37 at p. 77; SCS, NOPR Public Meeting Transcript, No. 37 at p. 78) In response to these comments, DOE has changed the base value used in determining the percentage increase of EER so that the percentages represents increases above the ASHRAE 90.1–2013 efficiency level rather than increases above the current DOE standard. The EER values for this baseline are equal to those for the DOE PTHP standards and the ASHRAE 90.1–2013 PTHP standards. Table IV.4 presents percentages relative to the new baseline level, which is the same for PTACs and PTHPs.

TABLE IV.4—INCREMENTAL EFFICIENCY LEVELS FOR STANDARD SIZE PTACS AND PTHPS

Equipment type	Cooling capacity	Efficiency levels (percentages relative to baseline)						
		Current Federal PTAC ECS *	EL1, Baseline **	EL2, 2.2%	EL3, 6.2%	EL4, 10.2%	EL5, 14.2%	EL6, 16.2% (MaxTech)
PTAC	All, EER	13.8 − (0.300 × Cap †).	14.0 − (0.300 × Cap †).	14.4 − (0.312 × Cap †).	14.9 − (0.324 × Cap †).	15.5 − (0.336 × Cap †).	16.0 − (0.348 × Cap †).	16.3 − (0.354 × Cap †)
	9,000 Btu/h	11.1 EER	11.3 EER	11.5 EER	12.0 EER	12.4 EER	12.9 EER	13.1 EER
	15,000 Btu/h	9.3 EER	9.5 EER	9.7 EER	10.0 EER	10.4 EER	10.8 EER	11.0 EER
Equipment type	Cooling capacity	N/A	Baseline **	EL1, 2.2%	EL2, 6.2%	EL3, 10.2%	EL4, 14.2%	EL5, 16.2% (MaxTech)
PTHP	All, EER	N/A	14.0 − (0.300 × Cap †).	14.4 − (0.312 × Cap †).	14.9 − (0.324 × Cap †).	15.5 − (0.336 × Cap †).	16.0 − (0.348 × Cap †).	16.3 − (0.354 × Cap †)
	All, COP	N/A	3.7 − (0.052 × Cap †).	3.8 − (0.058 × Cap †).	4.0 − (0.064 × Cap †).	4.1 − (0.068 × Cap †).	4.2 − (0.070 × Cap †).	4.3 − (0.073 × Cap †)
	9,000 Btu/h	N/A	11.3 EER 3.2 COP	11.5 EER 3.3 COP	12.0 EER 3.4 COP	12.4 EER 3.5 COP	12.9 EER 3.6 COP	13.1 EER 3.6 COP

[16] DOE notes that these efficiency levels are 4%, 8%, 12%, 16%, and 18% more efficient than the amended PTAC standards that became effective on October 8, 2012.

TABLE IV.4—INCREMENTAL EFFICIENCY LEVELS FOR STANDARD SIZE PTACS AND PTHPS—Continued

Equipment type	Cooling capacity	Efficiency levels (percentages relative to baseline)						
		Current Federal PTAC ECS *	EL1, Baseline **	EL2, 2.2%	EL3, 6.2%	EL4, 10.2%	EL5, 14.2%	EL6, 16.2% (MaxTech)
	15,000 Btu/h	N/A	9.5 EER 2.9 COP	9.7 EER 2.9 COP	10.0 EER 3.0 COP	10.4 EER 3.1 COP	10.8 EER 3.2 COP	11.0 EER 3.2 COP

* This level represents the current Federal minimum for PTAC equipment.
** This level represents the ANSI/ASHRAE/IES Standard 90.1–2013 minimum for PTAC and PTHP equipment. This level is used as the Baseline for PTAC and PTHP equipment since DOE is required to, at a minimum, adopt the ASHRAE levels as the Federal standard. (42 U.S.C. 6313(a)(6)(A)(ii)(I)). DOE notes that the Baseline level is 1.8% higher than current Federal ECS for PTAC equipment, but is equivalent to current Federal ECS for PTHP equipment. For PTAC equipment, the Baseline level is also termed EL1, and is compared to current Federal ECS in the energy savings analysis in section V.B.3.a.
† Cap means cooling capacity in thousand Btu/h at 95°F outdoor dry-bulb temperature.

6. Equipment Testing and Reverse Engineering

As discussed above, for the engineering analysis, DOE specifically analyzed representative capacities of 9,000 Btu/h and 15,000 Btu/h to develop incremental cost-efficiency relationships. DOE selected twenty different models representing PTAC and PTHP equipment types at 9,000 Btu/h and 15,000 Btu/h capacities. DOE selected the models as a representative sample of the market at different efficiency levels. DOE based the selection of units for testing and reverse engineering on the efficiency data available in the AHRI certification database. Details of the key features of the tested units are presented in chapter 5 of the final rule TSD.

DOE conducted testing on each unit according to the DOE test procedure outlined at 10 CFR 431.96. At the time of testing, the DOE test procedure incorporated by reference AHRI Standard 310/380–2004, which itself incorporates ANSI/ASHRAE 16, ANSI/ASHRAE 37, and ANSI/ASHRAE 58. In June, 2015, DOE revised the test procedure to incorporate by reference AHRI Standard 310/380–2014. The amendments adopted in the revised test procedure do not affect measured energy use. DOE then conducted physical teardowns on each test unit to develop a manufacturing cost model and to evaluate key design features (*e.g.,* improved heat exchangers, compressors, fans/fan motors).

7. Cost-Efficiency Results

The results of the engineering analysis are reported as a set of cost-efficiency data (or ''curves'') in the form of MPC (in dollars) versus EER, which form the basis for other analyses in the final rule. DOE created cost-efficiency curves for the two representative cooling capacities within the two standard-size equipment classes of PTACs and PTHPs, as discussed in section IV.C.3. DOE developed the incremental cost-efficiency results shown in Table IV.5 for each representative cooling capacity. These cost results are incremented from a baseline efficiency level equivalent to the ANSI/ASHRAE/IES Standard 90.1–2013. Details of the cost-efficiency analysis are presented in chapter 5 of the final rule TSD.

TABLE IV.5—INCREMENTAL MANUFACTURING PRODUCTION COSTS (MPC) FOR STANDARD SIZE PTACS AND PTHPS

Equipment type	Cooling capacity	Efficiency levels					
		EL1, baseline *	EL2	EL3	EL4	EL5	EL6
PTAC	9,000 Btu/h	$0.00	$4.44	$13.08	$22.41	$32.45	$37.73
	15,000 Btu/h	0.00	4.26	15.93	30.97	49.38	59.86
		Baseline *	EL1	EL2	EL3	EL4	EL5
PTHP	9,000 Btu/h	$0.00	$4.44	$13.08	$22.41	$32.45	$37.73
	15,000 Btu/h	0.00	4.26	15.93	30.97	49.38	59.86

* This level represents the ANSI/ASHRAE/IES Standard 90.1–2013 minimum for PTAC and PTHP equipment. This level is used as the Baseline since DOE is required to, at a minimum, adopt the ASHRAE levels as the Federal standard. (42 U.S.C. 6313(a)(6)(A)(ii)(I)). DOE notes that the Baseline level is 1.8% higher than current Federal ECS for PTAC equipment, but is equivalent to current Federal ECS for PTHP equipment. For PTAC equipment, the Baseline level is also termed EL1.

AHRI commented that DOE should publish the design options associated with different energy efficiency levels. (AHRI, NOPR Public Meeting Transcript, No. 37 at p. 85) Goodman requested that DOE clarify exactly what designs can help achieve the energy savings associated with higher efficiency levels. (Goodman, NOPR Public Meeting Transcript, No. 37 at p. 82) Goodman also commented that DOE should publish the efficiency improvements associated with individual design options, as DOE has done for previous rulemakings. (Goodman, NOPR Public Meeting Transcript, No. 37 at p. 86–87) For this rulemaking, DOE used a combined efficiency level and reverse engineering approach. This approach is unlike the design option approach in that it does not specify the options that manufacturers may use to achieve different efficiency levels. During the teardown analysis, DOE observed that different manufacturers use different design options to improve unit efficiency, and there is no single path to improved efficiency. Stakeholders interested in the specific design options used in different units should refer to chapter 5 of the final rule TSD, where DOE published the design options for each unit observed in the teardown analysis in Tables 5.6.1 and 5.6.2.

Goodman commented that the analysis did not capture the design changes that manufacturers made to increase from the current Federal minimum to the minimum level in ANSI/ASHRAE/IES Standard 90.1–2013, which for PTAC equipment is 1.8% more stringent than the current Federal minimum. (Goodman NOPR Public Meeting Transcript, No. 37 at p. 28) The efficiency level approach used in this analysis does capture the design changes that manufacturers used to

increase equipment efficiency from the current Federal minimum up to the ANSI/ASHRAE/IES Standard 90.1 level. Because DOE used an efficiency level approach rather than a design option approach, however, the design options used to attain the initial efficiency improvement are not specified in the analysis. DOE did examine units with efficiency levels above and below the ANSI/ASHRAE/IES Standard 90.1 level. DOE based its cost analysis on the observed differences in designs between these units. The engineering analysis does not account for the incremental manufacturing costs associated with an increase from the current Federal minimum up to the ANSI/ASHRAE/IES Standard 90.1-level. The analysis did not intend to capture these costs because DOE is required to, at a minimum, adopt the ANSI/ASHRAE/IES Standard 90.1 level as the Federal standard. (42 U.S.C. 6313(a)(6)(A)(ii)(I)) DOE investigated what efficiency levels higher than the ASHRAE 90.1 level are cost effective, rather than evaluating whether the ASHRAE 90.1 level is cost effective as a step above the current DOE PTAC standard. DOE revised the MIA analysis in section IV.J to include an additional set of product conversion costs intended to capture the R&D and testing and certification burden of meeting amended ASHRAE standards in 2015. The results of the MIA analysis can be found in chapter 12 of the final rule TSD.

To convert the MPCs into manufacturer selling prices (MSPs), DOE applied non-production cost markups to the MPCs estimated in the engineering analysis for each equipment class and efficiency level. Based on publicly-available financial information for manufacturers of PTACs and PTHPs as well as feedback received from manufacturers during interviews, DOE assumed the average non-production cost baseline markup—which includes SG&A expenses, R&D expenses, interest, and profit—to be 1.27 for all PTAC and PTHP equipment classes. As part of its manufacturer impact analysis, DOE then modeled multiple markup scenarios to capture a range of potential impacts on manufacturers following implementation of amended energy conservation standards. These scenarios lead to different markup values, which, when applied to MPCs, result in varying revenue and cash flow impacts. Further details on manufacturer markups can be found in section IV.J.2 and in chapter 12 of the final rule TSD.

D. Markups To Determine Equipment Price

The markups analysis develops appropriate markups in the distribution chain to convert the estimates of manufacturer selling price to consumer prices. (''Consumer'' refers to purchasers of the equipment being regulated.) DOE calculates overall baseline and incremental markups based on the equipment markups at each step in the distribution chain. The incremental markup relates the change in the manufacturer sales price of higher efficiency models (the incremental cost increase) to the change in the consumer price.

DOE developed supply chain markups in the form of multipliers that represent increases above MSP and include distribution costs. DOE applied these markups to the MSPs it developed in the engineering analysis, and then added sales taxes to arrive at the equipment prices for baseline and higher efficiency equipment. See chapter 6 of the final rule TSD for additional details on markups.

DOE identified and used four distribution channels for PTACs and PTHPs to describe how the equipment passes from the manufacturer to the consumer. Equipment is distributed to two end-use applications: New construction and replacement. In the new construction market, the manufacturer sells the equipment directly to the consumer through a national account. In the replacement market, the manufacturer sells to a wholesaler, who sells to a mechanical contractor, who in turn sells the equipment to the consumer or end user. In the third distribution channel, used in both the new construction and replacement markets, the manufacturer sells the equipment to a wholesaler. The wholesaler sells the equipment to a mechanical contractor, who sells it to a general contractor, who in turn sells the equipment to the consumer or end user. In the fourth distribution channel, also used in both the new construction and replacement markets, the manufacturer sells the equipment to a wholesaler, who directly sells to the purchaser.

TABLE IV.6—DISTRIBUTION CHANNELS FOR PTAC AND PTHP EQUIPMENT

Channel 1	Channel 2	Channel 3	Channel 4
Manufacturer (through national accounts).	Manufacturer	Manufacturer	Manufacturer.
	Wholesaler	Wholesaler	Wholesaler.
		Mechanical Contractor	Mechanical Contractor.
			General Contractor.
Consumer	Consumer	Consumer	Consumer.

DOE also estimated percentages of the total sales in the new construction and replacement markets for each of the four distribution channels, as shown in Table IV.7.

TABLE IV.7—SHARE OF MARKET BY DISTRIBUTION CHANNEL FOR PTAC AND PTHP EQUIPMENT

Distribution channel	New construction (%)	Replacement (%)
Wholesaler-Consumer	30	15
Wholesaler-Mech Contractor-Consumer	0	25
Wholesaler-Mech Contractor-General Contractor-Consumer	38	60
National Account	32	0
Total	100	100

For each of the steps in the distribution channels presented above, DOE estimated a baseline markup and an incremental markup. DOE defines a baseline markup as a multiplier that converts the MSP of equipment with baseline efficiency to the consumer purchase price for that equipment. An incremental markup is defined as the multiplier to convert the incremental increase in MSP of higher efficiency equipment to the incremental consumer purchase price for that equipment. Both baseline and incremental markups are independent of the efficiency levels of the PTACs and PTHPs.

DOE developed the markups for each step of the distribution channels based on available financial data. DOE utilized updated versions of the following data sources: (1) The Heating, Air Conditioning & Refrigeration Distributors International *2012 Profit Report* [17] to develop wholesaler markups; (2) the Air Conditioning Contractors of America's (ACCA) *2005 Financial Analysis for the HVACR Contracting Industry* [18] and U.S. Census Bureau economic data [19] to develop mechanical contractor markups; and (3) U.S. Census Bureau economic data for the commercial and institutional building construction industry to develop general contractor markups.[20] DOE estimated an average markup for sales through national accounts to be one-half of the markup for the wholesaler-to-consumer distribution channel. DOE determined this markup for national accounts on an assumption that the resulting national account equipment price must fall somewhere between the MSP (*i.e.,* a markup of 1.0) and the consumer price under a typical chain of distribution (*i.e.,* a markup of wholesaler, mechanical contractor, or general contractor).

The overall markup is the product of all the markups (baseline or incremental markups) for the different steps within a distribution channel. Replacement channels include sales taxes, which were calculated based on State sales tax data reported by the Sales Tax Clearinghouse.

DOE requested comment regarding the selected channels and distribution of shipments through the channels in the NOPR. AHRI stated that some national accounts purchase replacements through direct sales. (AHRI, No. 35 at p. 14) DOE did not find any data to indicate the magnitude of PTAC/PTHP replacement sales through national accounts. However, DOE understands that in general replacement purchases of PTACs and PTHPs are not in large volume as one would expect in national accounts. Thus, DOE believes that this channel is likely to be a minimal part of the market. DOE therefore retained the set of markups used in the September 2014 NOPR.

E. Energy Use Analysis

The energy use analysis provides estimates of the annual unit energy consumption (UEC) of PTAC and PTHP equipment at the considered efficiency levels. The annual UECs are used in subsequent analyses.

DOE adjusted the UECs for each equipment class of PTAC and PTHP from the 2008 standards rulemaking. 73 FR 58772. DOE began with the cooling UECs for PTACs and the combined cooling and heating UECs for PTHPs utilized in the 2008 standards rulemaking. 73 FR 58772. The cooling and heating UECs for PTHPs were split, assuming equal cooling energy use for PTACs and PTHPs. In addition, DOE adjusted the base-year UECs to account for changes in climate (*i.e.,* heating degree-days and cooling degree-days) between 2008 and 2013, based on a typical meteorological year (TMY) hourly weather data set (referred to as TMY2) and an updated TMY3 data set.

Where identical efficiency levels and cooling capacities were available, DOE used the cooling or heating UEC directly from the previous rulemaking. For additional efficiency levels, DOE scaled the cooling UECs based on interpolations between EERs and scaled the heating UECs based on interpolations between COPs, both at a constant cooling capacity. Likewise, for additional cooling capacities, DOE scaled the UECs based on interpolations between cooling capacities at a constant EER.

SCS expressed concern that DOE's adjustments to UEC estimates for higher efficiency levels are based on sensible heat only. SCS recommended that the energy modeling be based on compliance with ASHRAE 62.1–2010 ventilation standard. (SCS, No. 29 at p. 2) DOE notes that UEC estimates for higher efficiency levels include latent heat because the UECs upon which estimates are based include latent heat. DOE appreciates SCS's recommendation to comply with ventilation requirements in the simulation to ASHRAE 62.1–2010. As the simulations exceed the ventilation requirements of ASHRAE 62.1–2010, DOE does not intend to make modifications. SCS also suggested that DOE examine the occupancy rates for buildings where PTACs and PTHPs would be installed, since that would affect their operating hours. (SCS, NOPR Public Meeting Transcript, No. 37 at p. 103) The simulations account for variations in occupancy rates.

AHRI asked why DOE included the space conditioning load of lobby and lounge spaces, which are typically not conditioned by PTACs and PTHPs, in the building load of the energy simulations, suggesting that this is something that DOE should correct. (AHRI, No. 35 at p. 8) While DOE's whole-building simulations did include the energy consumption from the equipment conditioning the lobby and lounge zones, the per-unit energy consumption excluded from its total energy use the energy of such spaces prior to dividing by the number of PTAC or PTHP equipment conditioning the guest rooms.

AHRI suggested that DOE account for changes to ASHRAE 90.1 in its energy use analysis, incorporating at a minimum the following control-related provisions from ASHRAE 90.1–2013: manual changeover or dual setpoint thermostat; controls that prevent supplemental electric resistance strip heating when the heating load can be met; and zone thermostatic controls for off-hour, automatic shutdown, and setback. (AHRI, No. 35 at p. 7; AHRI, NOPR Public Meeting Transcript, No. 37 at p. 102) Similarly, SCS and Goodman stated that DOE did not include the control requirements from ASHRAE Standard 90.1–2013 and thus modifications to the simulations would ultimately reduce the UEC of PTACs and PTHPs. (SCS, No. 29 at p. 1; Goodman, No. 31 at p. 5) The control provisions of ASHRAE Standard 90.1–2013 would in certain situations save energy and were included in the energy use simulations performed for the 2008 PTAC and PTHP final rule, which were in turn the basis for this analysis. PG&E also asked whether energy from defrost and from electric resistance heating below 40 °F was included in the simulations. (PG&E, NOPR Public Meeting Transcript, No. 37 at pp. 103–105) DOE notes that energy from defrost and from electric resistance heating below 40 °F were included in the energy use analysis.

[17] ''2012 Profit Report,'' Heating Air Conditioning & Refrigeration Distributors International. February 2012. Available online at: *www.hardinet.org/Profit-Report.*

[18] ''2005 Financial Analysis for the HVACR Contracting Industry,'' Air Conditioning Contractors of America. 2005.

[19] ''Plumbing, Heating, and Air-Conditioning Contractors. Sector 23: 238220. Construction: Industry Series, Preliminary Detailed Statistics for Establishments, 2007,'' U.S. Census Bureau. 2007.

[20] ''2007 Economic Census, Construction Industry Series and Wholesale Trade Subject Series,'' U.S. Census Bureau. Available online at *https://www.census.gov/newsroom/releases/archives/construction_industries/2009-07-27_economic_census.html.*

For the LCC and PBP analyses, UECs were determined for the representative cooling capacities of 9,000 Btu/h and 15,000 Btu/h for which cost-efficiency curves were developed, as discussed in section IV.C.7. For the NIA, UECs were determined for the cooling capacities of 7,000 Btu/h, 9,000 Btu/h, and 15,000 Btu/h for which aggregate shipments were provided by AHRI, as highlighted in section IV.G. National UEC estimates for PTACs and PTHPs for the above analyses are described in detail in chapter 8 of the final rule TSD.

AHRI asked why national UEC estimates for PTACs are lower in the ASHRAE Standard 90.1–2013 notice of data availability and request for public comment (ASHRAE Standard 90.1–2013 NODA) (79 FR 20114) than in the September 2014 NOPR. (AHRI, No. 35 at p. 9) For the analysis in the ASHRAE Standard 90.1–2013 NODA, DOE did not use a multiplier to account for the weather as the data were not finalized at the time. Taking these multipliers into account, energy use increased in the UECs submitted for the September 2014 NOPR.

In the framework stage of this rulemaking, AHRI and Goodman commented that new requirements for minimum air filter effectiveness finalized in 2013 for ASHRAE Standard 62.1 would increase pressure drop and increase fan power. (AHRI, No. 11 at p. 4; Goodman, No. 13 at p. 6) In the September 2014 NOPR, DOE cited a study [21] that found the extent of the impact on energy consumption due to the change in filter effectiveness at the levels finalized in ASHRAE Standard 62.1 is less than 1%. Based on this finding, DOE concluded that the change in ASHRAE Standard 62.1 minimum air filter effectiveness requirements would not significantly impact the energy use outputs. 79 FR at 55561 (September 16, 2014). AHRI commented that the study cited by DOE was for residential products and stated that the results showing negligible impact cannot be extrapolated to commercial equipment. As such, AHRI stated that DOE must consider the energy and monetary implications for manufacturers to comply with the increased filtration requirement. (AHRI, No. 35 at p. 14) DOE understands that manufacturers have thus far not used filters rated with a Minimum Efficiency Reporting Value (MERV) filters in their PTAC equipment, and there is no reason to believe that they will begin using MERV-rated filters in the near term. Thus, the shift in ASHRAE 62.1 from requiring MERV 6 filter to requiring MERV 8 filters would not impact the operation or energy use of PTAC equipment. The change in ASHRAE 62.1 filtration requirements would also not affect the certification of PTAC equipment, since the PTAC and PTHP test procedures specify that equipment is to be tested using the filter that ships with it (or using a MERV 1 filter, if the equipment is shipped without a filter).

F. Life Cycle Cost and Payback Period Analyses

The purpose of the LCC and PBP analysis is to analyze the effects of potential amended energy conservation standards on consumers of PTAC and PTHP equipment by determining how a potential amended standard affects their operating expenses (usually decreased) and their total installed costs (usually increased).

The LCC is the total consumer expense over the life of the equipment, consisting of equipment and installation costs plus operating costs over the lifetime of the equipment (expenses for energy use, maintenance, and repair). DOE discounts future operating costs to the time of purchase using consumer discount rates. The PBP is the estimated amount of time (in years) it takes consumers to recover the increased total installed cost (including equipment and installation costs) of a more efficient type of equipment through lower operating costs. DOE calculates the PBP by dividing the change in total installed cost (normally higher) due to a standard by the change in annual operating cost (normally lower) that results from the standard.

For any given efficiency level, DOE analyzed these impacts for PTAC and PTHP equipment starting in the compliance years as set forth in section V.B.1.a by calculating the change in consumer LCCs likely to result from higher efficiency levels compared with the ASHRAE baseline efficiency levels for the PTAC and PTHP equipment classes discussed in the engineering analysis.

DOE conducted the LCC and PBP analyses for the PTAC and PTHP equipment classes using a spreadsheet model developed in Microsoft Excel. When combined with Crystal Ball (a commercially available software program), the LCC and PBP model generates a Monte Carlo simulation to perform the analyses by incorporating uncertainty and variability considerations in certain of the key parameters as discussed below. Inputs to the LCC and PBP analysis are categorized as: (1) Inputs for establishing the total installed cost and (2) inputs for calculating the operating expense. Results of the LCC and PBP analyses were applied to other equipment classes through linear scaling of the results by the cooling capacity of the equipment class.

The following sections contain brief discussions of comments on the inputs and key assumptions of DOE's LCC and PBP analysis. They are also described in detail in chapter 8 of the final rule TSD.

1. Equipment and Installation Costs

The equipment costs faced by purchasers of PTAC and PTHP equipment are derived from the MSPs estimated in the engineering analysis and the markups estimated in the markups analysis.

To develop an equipment price trend for the September 2014 NOPR, DOE derived an inflation-adjusted index of the producer price index (PPI) for ''all other miscellaneous refrigeration and air-conditioning equipment'' from 1990–2014.[22] Although the inflation-adjusted index shows a declining trend from 1990 to 2004, and a rising trend from 2004–2008, data since 2008 have shown a flat-to-slightly rising trend. Given the uncertainty as to which of the trends will prevail in coming years, DOE applied a constant price trend (2014 levels) for each efficiency level in each equipment class for the September 2014 NOPR.

AHRI stated that DOE should utilize a trend based on the steady and significant price increase since 2004, a trend that has not been affected by the slowdown in activity since 2008. (AHRI, No. 35 at p. 5) While the historical data show an increasing price from 2004–2008, the data show a decreasing price trend from 1990 to 2004 and several years of constant prices after the economic slowdown. It is not clear if a new upward trend has been established. Given such uncertainty, DOE maintained its approach in the September 2014 NOPR to use a constant price assumption to project future PTAC and PTHP equipment prices.

For installation costs, DOE used a specific cost from RS Means [23] for PTACs and PTHPs and linearly scaled the cost according to the cooling capacities of the equipment classes.

2. Unit Energy Consumption

The calculation of annual per-unit energy consumption at each considered

[21] Walker, I.S., et al., ''System Effects of High Efficiency Filters in Homes,'' Lawrence Berkeley National Laboratory, LBNL–6144E, 2013.

[22] ''Producer Price Indexes,'' Bureau of Labor Statistics (BLS). 2014. Available online at *www.bls.gov/ppi/*.

[23] RS Means Company, Inc. *RS Means Mechanical Cost Data 2013*. 2013. Kingston, MA.

efficiency level and capacity is described in section IV.E.

3. Electricity Prices and Electricity Price Trends

DOE determined electricity prices for PTAC and PTHP users based on tariffs from a representative sample of electric utilities. Since air-conditioning loads are strongly peak-coincident, regional marginal prices were developed from the tariff data and then scaled to approximate 2014 prices. This approach calculates energy expenses based on actual commercial building marginal electricity prices that consumers are paying.[24]

The Commercial Buildings Energy Consumption Survey completed in 1992 (CBECS 1992) and in 1995 (CBECS 1995) provides monthly electricity consumption and demand for a large sample of buildings. DOE used these values to help develop usage patterns associated with various building types. Using these monthly values in conjunction with the tariff data, DOE calculated monthly electricity bills for each building. The average price of electricity is defined as the total electricity bill divided by total electricity consumption. From this average price, the marginal price for electricity consumption was determined by applying a 5 percent decrement to the average CBECS consumption data and recalculating the electricity bill. Using building location and the prices derived from the above method, a marginal price was determined for each region of the U.S.

The tariff-based prices were updated to 2013 using the commercial electricity price index published in the *AEO* and then adjusted to 2014$. An examination of data published by the Edison Electric Institute[25] indicates that the rate of increase of marginal and average prices is not significantly different, so the same factor was used for both pricing estimates. DOE projected future electricity prices using trends in average U.S. commercial electricity price from *AEO 2014*.[26] More information can be found in chapter 8 of the final rule TSD.

4. Repair Costs

Repair costs are associated with repairing or replacing components that have failed. In the September 2014 NOPR, DOE determined the cost of repair costs by annualizing warranty contract's prices and linearly scaling by cooling capacity and MSP to cover the equipment classes and considered efficiency levels.

DOE received comments regarding repair costs. AHRI stated that repair costs are significantly more expensive after the warranty has expired and that DOE should account for repair costs after five years. (AHRI, No. 35 at p. 13; AHRI, NOPR Public Meeting Transcript, No. 37 at p. 154) Goodman recommended that DOE reevaluate the repair cost amounts specified in the NOPR TSD, adding that equipment lifetime can be substantially longer than the typical equipment warranty and that using warranty costs as a proxy for lifetime repair prices understates average annual repair costs. Goodman also recommended that DOE survey contractors to determine average labor costs associated with repair work. (Goodman, No. 31 at pp. 3–4)

In response to these comments, DOE reevaluated the repair costs it had proposed in the September 2014 NOPR. For the final rule, DOE used the material and labor costs associated with repair of equipment components covered and not covered by a standard manufacturer warranty. Based on a report of component failure probability and warranty terms, and on component material and labor costs from RS Means data,[27] DOE determined the expected value of the total cost of a repair and annualized it to determine the annual repair cost. Similar to the approach used in the September 2014 NOPR, DOE scaled by cooling capacity and MSP to determine repair costs for the equipment classes and considered efficiency levels.

5. Maintenance Costs

Maintenance costs are costs associated with general maintenance of the equipment (*e.g.,* checking and maintaining refrigerant charge levels and cleaning heat-exchanger coils). In the September 2014 NOPR, DOE utilized estimates of annual maintenance cost from the previous rulemaking with the values adjusted to current material and labor rates to estimate maintenance cost for PTACs. For PTHPs, DOE scaled the adjusted estimate of PTAC maintenance costs with the ratio of PTHP to PTAC annualized maintenance costs from RS Means data.[28] Since maintenance tasks do not change with efficiency level, DOE does not expect maintenance costs to scale with efficiency level. Maintenance costs were linearly scaled by cooling capacity to all equipment classes. For the final rule, DOE adopted the approach used in the September 2014 NOPR to determine maintenance costs for PTAC and PTHP equipment.

6. Lifetime

Equipment lifetime is the age at which the equipment is retired from service. In the September 2014 NOPR, DOE used a median equipment lifetime of 10 years with a maximum lifetime of 20 years. AHRI reminded DOE that ASHRAE had recommended the 15-year service life estimate based on a survey conducted in 1976 be used with caution. (AHRI, No. 35 at p. 7) AHRI questioned DOE's use of ''time-to-failure'' instead of ''service life'' and thereby urged DOE to recalibrate the Weibull distribution to have a mean of 5 years and a maximum of 12 years. (AHRI, No. 35 at p. 7) SCS commented that many hotel chains remodel their rooms and replace PTAC/PTHP equipment every seven to ten years. SCS believes that DOE is using a longer equipment lifetime than is applicable in real world use. (SCS, NOPR Public Meeting Transcript, No. 37 at pp. 123–124)

The comments of manufacturers, prevalent practice of lodging business operators, observations of lenders to hotel real estate, and expert insight have led DOE to recognize that major renovations of lodging businesses occur on a seven to ten year cycle and consist of replacing, adding, removing, or altering fixed assets. As capital investments ultimately shorten equipment lifetime, the distribution of businesses that renovate within a cycle form the basis for the mean lifetime. The distribution of businesses that do not renovate within one cycle, performing belated renovations or observing eventual equipment failure at the actual maximum lifetime of the equipment, form the basis of the maximum lifetime. Based on these distributions, DOE used a mean of 8 years and a maximum of 15 years in its analyses for the final rule. See chapter 8 of the final rule TSD for further discussion.

7. Discount Rate

The discount rate is the rate at which future expenditures are discounted to estimate their present value. The cost of

[24] Coughlin, K., C. Bolduc, R. Van Buskirk, G. Rosenquist and J. E. McMahon, ''Tariff-based Analysis of Commercial Building Electricity Prices.'' Lawrence Berkeley National Laboratory. LBNL–55551. 2008.

[25] ''EEI Typical Bills and Average Rates Report (bi-annual, 2007–2012),'' Edison Electric Institute, Washington, DC. 2012.

[26] ''Annual Energy Outlook 2014,'' U.S. Energy Information Administration. May, 2014. Available online at *http://www.eia.gov/forecasts/aeo/.*

[27] RS Means Company, Inc. ''RSMeans Facilities Maintenance & Repair Cost Data,'' 2013.

[28] RS Means Company, Inc. *RSMeans Online.* (Last accessed March 26, 2013.) *http://www.rsmeansonline.com.*

capital commonly is used to estimate the present value of cash flows to be derived from a typical company project or investment. Most companies use both debt and equity capital to fund investments, so the cost of capital is the weighted-average cost to the firm of equity and debt financing. DOE uses the capital asset pricing model (CAPM) to calculate the equity capital component, and financial data sources to calculate the cost of debt financing.

DOE estimated the cost of capital of companies that purchase PTAC and PTHP equipment. The types of companies that DOE used are large hotel/motel chains, independent hotel/motel, assisted living/health care, and small office. More details regarding DOE's estimates of consumer discount rates are provided in chapter 8 of the final rule TSD.

8. Base Case Efficiency Distribution

For the LCC analysis, DOE analyzes the considered efficiency levels relative to a base case (*i.e.,* the case without amended energy efficiency standards). This analysis requires an estimate of the distribution of equipment efficiencies in the base case (*i.e.,* what consumers would have purchased in the compliance year in the absence of amended standards). DOE refers to this distribution of equipment energy efficiencies as the base case efficiency distribution.

In the September 2014 NOPR, DOE reviewed the AHRI certified products directory [29] for relevant equipment classes to determine the distribution of efficiency levels for commercially-available models within each equipment class analyzed. DOE bundled the efficiency levels into efficiency ranges and determined the percentage of models within each range. To estimate the change between the present and the compliance year, DOE applied a slightly increasing efficiency trend, as explained in section IV.H. For the final rule, DOE adopted the approach used in the September 2014 NOPR to determine the base case efficiency distribution for PTAC and PTHP equipment.

The distribution of efficiencies in the base case for each equipment class can be found in Table IV.8 and Table IV.9.

TABLE IV.8—COMPLIANCE YEAR BASE CASE EFFICIENCY MARKET SHARES FOR PACKAGED TERMINAL AIR CONDITIONING EQUIPMENT

PTAC <12,000 Btu/h cooling capacity		PTAC ≥12,000 Btu/h cooling capacity	
EER	Market share (%)	EER	Market share (%)
11.1–11.29	0.0	9.3–9.49	0.0
11.3–11.49	43.6	9.5–9.69	25.8
11.5–11.99	24.3	9.7–9.99	34.8
12.0–12.39	29.5	10.0–10.39	34.7
12.4–12.89	2.1	10.4–10.79	2.7
12.9–13.09	0.5	10.8–10.99	1.4
≥13.1	0.0	≥11.0	0.7

TABLE IV.9—COMPLIANCE YEAR BASE CASE EFFICIENCY MARKET SHARES FOR PACKAGED TERMINAL HEAT PUMP EQUIPMENT

PTHP <12,000 Btu/h cooling capacity		PTHP ≥12,000 Btu/h cooling capacity	
EER	Market share (%)	EER	Market share (%)
11.3–11.49	52.5	9.5–9.69	63.1
11.5–11.99	8.9	9.7–9.99	0.0
12.0–12.39	26.1	10.0–10.39	28.4
12.4–12.89	12.4	10.4–10.79	7.2
12.9–13.09	0.0	10.8–10.99	1.4
≥13.1	0.0	≥11.0	0.0

9. Payback Period Inputs

The payback period is the amount of time it takes the consumer to recover the additional installed cost of more efficient equipment, compared to baseline equipment, through energy cost savings. Payback periods are expressed in years. Payback periods that exceed the life of the equipment mean that the increased total installed cost is not recovered in reduced operating expenses.

The inputs to the PBP calculation are the increase in the total installed cost of the equipment to the consumer for each efficiency level and the annual operating cost savings for each efficiency level. The PBP calculation uses the same inputs as the LCC analysis, except that discount rates are not needed.

10. Rebuttable-Presumption Payback Period

EPCA establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy (and, as applicable, water) savings during the first year that the consumer will receive as a result of the standard, as calculated under the test procedure in place for that standard. (42 U.S.C. 6295(o)(2)(B)(iii) and 42 U.S.C. 6316(a)) For each considered efficiency level, DOE determines the value of the first year's energy savings by calculating the quantity of those savings in accordance with the applicable DOE test procedure, and multiplying that amount by the

[29] See *www.ahridirectory.org/ahriDirectory/pages/home.aspx.*

average energy price forecast for the year in which compliance with the amended standards would be required.

G. Shipments Analysis

DOE uses projections of shipments for PTACs and PTHPs together to calculate equipment stock over the course of the analysis period, which in turn is used to determine the impacts of potential amended standards on national energy savings, net present value, and future manufacturer cash flows. DOE developed shipment projections based on historical data and an analysis of key market drivers for this equipment. Historical shipments data are used to build up an equipment stock and also to calibrate the shipments model. DOE separately calculated shipments intended for new construction and replacement applications. The sum of new construction and replacement shipments is the total shipments.

New construction shipments were calculated using projected new construction floor space of healthcare, lodging, and small office buildings from *AEO 2014* and historical PTAC and PTHP saturation in new buildings, which was estimated by dividing historical shipments by historical new construction floor space. Due to unrepresentative market conditions during the recession of 2008–2010, DOE used historical data from the analysis of the 2008 final rule to determine the value for the PTAC and PTHP saturation, which was used for each year of the analysis period. DOE then projected shipments based on the product of the saturation and AEO's projected new floor space.

Replacement shipments equal the number of units that fail in a given year. DOE used a retirement function in the form of a Weibull distribution with inputs based on lifetime values from the LCC analysis to estimate the number of units of a given age that fail in each year. When a unit fails, it is removed from the stock and a new unit is introduced in its stead. Replacement shipments account for the largest portion of total shipments.

DOE determined the distribution of total shipments among the equipment classes using shipments data by equipment class provided by AHRI for the previous PTAC and PTHP rulemaking. 73 FR 58772. For the NIA, DOE considered the following equipment classes for which it received shipments data:

- PTAC: <7,000 Btu/h cooling capacity, ≥7000 and ≤15000 Btu/h cooling capacity, and ≥15000 Btu/h cooling capacity; and
- PTHP: <7,000 Btu/h cooling capacity, ≥7000 and ≤15000 Btu/h cooling capacity, and ≥15000 Btu/h cooling capacity.

For further information on the shipments analysis, see chapter 9 of the final rule TSD.

H. National Impact Analysis

The NIA assesses the national energy savings (NES) and the national net present value (NPV) from a national perspective of total consumer costs and savings that would be expected to result from new or amended standards at specific efficiency levels. (''Consumer'' in this context refers to consumers of the equipment being regulated.) DOE calculates the NES and NPV based on projections of annual equipment shipments, along with the annual energy consumption and total installed cost data from the energy use and LCC analyses.[30]

DOE evaluates the impacts of new and amended standards by comparing a base-case projection with standards-case projections. The base-case projection characterizes energy use and consumer costs for each equipment class in the absence of new or amended energy conservation standards. For the base-case projection, DOE considers historical trends in efficiency and various forces that are likely to affect the mix of efficiencies over time. DOE compares the base-case projection with projections characterizing the market for each equipment class if DOE adopted new or amended standards at specific energy efficiency levels (*i.e.,* the TSLs or standards cases) for that class. For the standards cases, DOE considers how a given standard would likely affect the market shares of equipment with efficiencies greater than the standard.

DOE uses a spreadsheet model to calculate the energy savings and the national consumer costs and savings from each TSL. Interested parties can review DOE's analyses by changing various input quantities within the spreadsheet. The NIA spreadsheet model uses typical values (as opposed to probability distributions) as inputs.

To develop the NES, DOE calculates annual energy consumption for the base case and the standards cases. DOE calculates the annual energy consumption using per-unit annual energy use data multiplied by projected shipments. DOE calculated energy savings for TSLs more stringent than the levels specified by ANSI/ASHRAE/IES Standard 90.1–2013 in each year relative to a base case, defined as DOE adoption of the efficiency levels specified by ANSI/ASHRAE/IES Standard 90.1–2013.

The inputs for determining the NPV of the total costs and benefits experienced by consumers are: (1) Total annual installed cost; (2) total annual savings in operating costs; and (3) a discount factor to calculate the present value of costs and savings. DOE calculates net savings each year as the difference between the base case and each standards case in terms of total savings in operating costs versus total increases in installed costs. DOE calculates operating cost savings over the lifetime of each product shipped during the forecast period. DOE used a discount factor based on real discount rates of 3 percent and 7 percent to discount future costs and savings to present values.

As discussed in section IV.F.1, DOE applied a constant price trend (2014 levels) for each efficiency level in each equipment class.

A key component of the NIA is the equipment energy efficiency forecasted over time for the base case and for each of the standards cases. To estimate a base-case efficiency trend, DOE started with the base-case efficiency distribution described in section IV.F.8. For the equipment classes that were not covered in the LCC analysis, DOE used the same source (*i.e.,* the AHRI Directory) to estimate the base-case efficiency distribution.

The base case efficiency distributions are set forth in Table IV.10 and Table IV.11.

[30] For the NIA, DOE adjusts the installed cost data from the LCC analysis to exclude sales tax, which is a transfer.

TABLE IV.10—BASE CASE EFFICIENCY MARKET SHARES IN COMPLIANCE YEAR FOR PACKAGED TERMINAL AIR CONDITIONING EQUIPMENT

PTAC <7000 Btu/h cooling capacity		PTAC ≥7000 to ≤15000 Btu/h cooling capacity		PTAC ≥15000 Btu/h cooling capacity	
EER	Market share (%)	EER	Market share (%)	EER	Market share (%)
11.7	0	11.1	0	9.3	0
11.9	0	11.3	38	9.5	65
12.2	63	11.5	29	9.7	17
12.6	37	12.0	29	10.0	18
13.1	0	12.4	3	10.4	0
13.6	0	12.9	1	10.8	0
13.8	0	13.1	0	11.0	0

TABLE IV.11—BASE CASE EFFICIENCY MARKET SHARES IN COMPLIANCE YEAR FOR PACKAGED TERMINAL HEAT PUMP EQUIPMENT

PTHP <7000 Btu/h cooling capacity		PTHP ≥7000 to ≤15000 Btu/h cooling capacity		PTHP ≥15000 Btu/h cooling capacity	
EER	Market share (%)	EER	Market share (%)	EER	Market share (%)
11.9	72	11.3	56	9.5	72
12.2	14	11.5	8	9.7	3
12.6	14	12.0	26	10.0	25
13.1	0	12.4	9	10.4	0
13.6	0	12.9	1	10.8	0
13.8	0	13.1	0	11.0	0

For years after the compliance year, DOE applied a trend largely based on the trend from 2012 to 2035 that was used in the 2004 commercial unitary air conditioner Advance Notice of Proposed Rulemaking (ANOPR), which estimated an increase of approximately 1 EER every 35 years.[31] 69 FR 45460 (July 29, 2004). DOE adjusted this trend for PTACs by assuming that a gradual replacement of equipment at the Federal minimum with equipment at the ASHRAE standard occurs over 10 years after the first year of expected compliance.

To estimate the impact that amended energy conservation standards may have in the first year of compliance, DOE typically uses a ''roll-up'' scenario in its standards rulemakings. Under the ''roll-up'' scenario, DOE assumes equipment efficiencies in the base case that do not meet the new or amended standard level under consideration would ''roll up'' to meet that standard level, and equipment shipments at efficiencies above the standard level under consideration would not be affected. AHRI asked how roll-up was possible if 100% of the market was already above a certain TSL, citing the example of the PTACs <7,000 Btu/h equipment class that was already above TSL 3, as noted in the ASHRAE Standard 90.1–2013 NODA. (AHRI, No. 35 at p. 8) For those cases where the market share is entirely at or above a given potential standard level, DOE did not perform a roll-up operation.

After the compliance year, DOE applied the same rate of efficiency growth in the standards cases as in the base case.

Using the distribution of efficiencies in the base case and in the standards cases for each equipment class analyzed, DOE calculated market-weighted average efficiency values for each year. The market-weighted average efficiency value represents the average efficiency of the total units shipped at a specified potential standard level. The market-weighted average efficiency values for the base case and the standards cases for each efficiency level analyzed for each equipment class is provided in chapter 10 of the final rule TSD.

DOE converted the site electricity consumption and savings to primary energy (power sector energy consumption) using annual conversion factors derived from the *AEO 2014* version of the National Energy Modeling System (NEMS). Cumulative energy savings are the sum of the NES for each year in which equipment shipped during the analysis period continues to operate.

In 2011, in response to the recommendations of a committee on ''Point-of-Use and Full-Fuel-Cycle Measurement Approaches to Energy Efficiency Standards'' appointed by the National Academy of Sciences, DOE announced its intention to use full-fuel-cycle (FFC) measures of energy use and greenhouse gas and other emissions in the national impact analyses and emissions analyses included in future energy conservation standards rulemakings. 76 FR 51281 (August 18, 2011). After evaluating the approaches discussed in the August 18, 2011 document, DOE published a statement of amended policy in which DOE explained its determination that EIA's NEMS is the most appropriate tool for its FFC analysis and its intention to use NEMS for that purpose. 77 FR 49701 (August 17, 2012). NEMS is a public domain, multi-sector, partial equilibrium model of the U.S. energy sector[32] that EIA uses to prepare its *Annual Energy Outlook.* The approach used for deriving FFC measures of energy use and emissions is described in appendix 10–B of the final rule TSD.

I. Consumer Subgroup Analysis

In analyzing the potential impacts of new or amended standards on commercial consumers, DOE evaluates impacts on identifiable groups (*i.e.,* subgroups) of consumers that may be disproportionately affected by a national standard. For the September 2014

[31] See DOE's technical support document underlying DOE's July 29, 2004 ANOPR. (Available at: *http://www.regulations.gov/#!documentDetail;D=EERE-2006-STD-0103-0078*).

[32] For more information on NEMS, refer to *The National Energy Modeling System: An Overview,* DOE/EIA–0581 (98) (Feb.1998) (Available at: *http://www.eia.gov/oiaf/aeo/overview/*).

NOPR, DOE evaluated impacts on a subgroup consisting of independently-operating lodging businesses using the LCC and PBP spreadsheet model. To the extent possible, it utilized inputs appropriate for this subgroup.

SCS stated that consumers in the northern region of the U.S. should be considered as a separate subgroup because they may be disproportionally impacted by the proposed standard. SCS reasoned that the proportion of consumers using heat pumps is much less than in the southern U.S. (SCS, No. 29 at p. 3) DOE does not have sufficient information for PTAC and PTHP equipment to define a separate subgroup for consumers in the northern region. However, the distribution of LCC and PBP results reflects the impacts for consumers located in different regions.

The commercial consumer subgroup analysis is discussed in chapter 11 of the final rule TSD.

J. Manufacturer Impact Analysis

1. Overview

DOE performed an MIA to estimate the financial impact of amended energy conservation standards on manufacturers of PTACs and PTHPs, and to calculate the potential impact of such standards on employment and manufacturing capacity. The MIA has both quantitative and qualitative aspects. The quantitative part of the MIA primarily relies on the Government Regulatory Impact Model (GRIM), an industry cash-flow model with inputs specific to this rulemaking. The key GRIM inputs are data on the industry cost structure, equipment costs, shipments, and assumptions about markups and conversion expenditures. The key output is the industry net present value (INPV). Different sets of assumptions (markup scenarios) will produce different results. The qualitative part of the MIA addresses factors such as equipment characteristics, impacts on particular subgroups of firms, and important market and equipment trends. The complete MIA is outlined in chapter 12 of the final rule TSD.

DOE conducted the MIA for this rulemaking in three phases. In Phase 1 of the MIA, DOE conducted interviews with a representative cross-section of manufacturers and prepared a profile of the PTAC and PTHP industry. During manufacturer interviews, DOE discussed engineering, manufacturing, procurement, and financial topics to identify key issues or concerns and to inform and validate assumptions used in the GRIM. See section IV.J.2 for a description of the key issues manufacturers raised during the interviews.

DOE used information obtained during these interviews to prepare a profile of the PTAC and PTHP industry, including a manufacturer cost analysis. Drawing on financial analysis performed as part of the 2008 energy conservation standard for PTACs and PTHPs as well as feedback obtained from manufacturers, DOE derived financial inputs for the GRIM (*e.g.,* sales, general, and administration (SG&A) expenses; research and development (R&D) expenses; and tax rates). DOE also used public sources of information, including company SEC 10–K filings,[33] corporate annual reports, the U.S. Census Bureau's Economic Census,[34] and Hoover's reports,[35] to develop the industry profile.

In Phase 2 of the MIA, DOE prepared an industry cash-flow analysis to quantify the potential impacts of an amended energy conservation standard on manufacturers of PTACs and PTHPs. In general, energy conservation standards can affect manufacturer cash flow in three distinct ways: (1) Create a need for increased investment; (2) raise production costs per unit; and (3) alter revenue due to higher per-unit prices and possible changes in sales volumes. To quantify these impacts, DOE used the GRIM to perform a cash-flow analysis for the PTAC and PTHP industry using financial values derived during Phase 1.

In Phase 3 of the MIA, DOE evaluated subgroups of manufacturers that may be disproportionately impacted by amended energy conservation standards or that may not be represented accurately by the average cost assumptions used to develop the industry cash-flow analysis. For example, small manufacturers, niche players, or manufacturers exhibiting a cost structure that largely differs from the industry average could be more negatively affected. DOE identified two subgroups for separate impact analyses: (1) Manufacturers with production assets; and (2) small businesses.

DOE initially identified 22 companies that sell PTAC and PTHP equipment in the U.S. However, most companies selling in the U.S. market do not own production assets; rather, they import and distribute PTACs and PTHPs manufactured overseas, primarily in China. DOE identified a subgroup of three U.S. manufacturers that own production assets. Together, these three manufacturers account for approximately 80 percent of the domestic PTAC and PTHP market. Because manufacturers with production assets will incur different costs to comply with amended energy conservation standards compared to their competitors who do not own production assets, DOE conducted a separate subgroup analysis to evaluate the potential impacts of amended energy conservation standards on manufacturers with production assets. The subgroup analysis of PTAC and PTHP manufacturers with production assets is discussed in chapter 12 of the final rule TSD and in section V.B.2 of this document.

For the small businesses subgroup analysis, DOE applied the small business size standards published by the Small Business Administration (SBA) to determine whether a company is considered a small business. *See* 13 CFR part 121. To be categorized as a small business under North American Industry Classification System (NAICS) code 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing,'' a PTAC and PTHP manufacturer and its affiliates may employ a maximum of 750 employees. The 750-employee threshold includes all employees in a business's parent company and any other subsidiaries. Based on this classification, DOE identified 12 manufacturers that qualify as small businesses. The PTAC and PTHP small manufacturer subgroup is discussed in chapter 12 of the final rule TSD and in section VI.B of this document.

2. Government Regulatory Impact Model

DOE uses the GRIM to quantify the changes in cash flow due to amended standards that result in a higher or lower industry value. The GRIM analysis uses a standard, annual cash-flow analysis that incorporates manufacturer costs, markups, shipments, and industry financial information as inputs. The GRIM models changes in costs, distribution of shipments, investments, and manufacturer margins that could result from an amended energy conservation standard. The GRIM spreadsheet uses the inputs to arrive at a series of annual cash flows, beginning in 2015 (the base year of the analysis) and continuing for a 30-year period that begins in the compliance year for each equipment

[33] U.S. Securities and Exchange Commission. *Annual 10–K Reports.* Various Years. <*http://www.sec.gov*>.

[34] ''Annual Survey of Manufacturers: General Statistics: Statistics for Industry Groups and Industries.'' U.S. Census Bureau. 2014. Available at: *http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t.*

[35] Hoovers, Inc. *Company Profiles.* Various Companies. <*http://www.hoovers.com*>.

class. DOE calculated INPVs by summing the stream of annual discounted cash flows during this period. DOE used a real discount rate of 8.5 percent, which was derived from industry financials and then modified according to feedback received during manufacturer interviews.

The GRIM calculates cash flows using standard accounting principles and compares changes in INPV between a base case and each standards case. The difference in INPV between the base case and a standards case represents the financial impact of the amended energy conservation standard on manufacturers.

DOE collected information on critical GRIM inputs from a number of sources, including publicly available data and interviews with manufacturers (described in the next section). The GRIM results are shown in section V.B.2. Additional details about the GRIM, the discount rate, and other financial parameters can be found in chapter 12 of the final rule TSD.

a. Government Regulatory Impact Model Key Inputs

Manufacturer Production Costs

Manufacturing more efficient equipment is typically more expensive than manufacturing baseline equipment due to the use of more complex components, which are typically more costly than baseline components. The changes in the MPCs of the analyzed equipment can affect the revenues, gross margins, and cash flow of the industry, making these equipment cost data key GRIM inputs for DOE's analysis.

In the MIA, DOE used the MPCs for each considered efficiency level calculated in the engineering analysis, as described in section IV.C and further detailed in chapter 5 of the final rule TSD. In addition, DOE used information from its teardown analysis, described in chapter 5 of the final rule TSD, to disaggregate the MPCs into material, labor, and overhead costs. To calculate the MPCs for equipment above the baseline, DOE added the incremental material, labor, and overhead costs from the engineering cost-efficiency curves to the baseline MPCs. These cost breakdowns and equipment markups were validated and revised with manufacturers during manufacturer interviews.

Shipments Forecasts

The GRIM estimates manufacturer revenues based on total unit shipment forecasts and the distribution of these values by efficiency level. Changes in sales volumes and efficiency mix over time can significantly affect manufacturer finances. For this analysis, the GRIM uses the NIA's annual shipment forecasts derived from the shipments analysis. See section IV.G above and chapter 10 of the final rule TSD for additional details.

Product and Capital Conversion Costs

An amended energy conservation standard would cause manufacturers to incur conversion costs to bring their production facilities and equipment designs into compliance. DOE evaluated the level of conversion-related expenditures that would be needed to comply with each considered efficiency level in each equipment class. For the MIA, DOE classified these conversion costs into two major groups: (1) Product conversion costs; and (2) capital conversion costs. Product conversion costs are investments in research, development, testing, marketing, and other non-capitalized costs necessary to make equipment designs comply with the amended energy conservation standard. Capital conversion costs are investments in property, plant, and equipment necessary to adapt or change existing production facilities such that new compliant equipment designs can be fabricated and assembled.

To evaluate the level of capital conversion expenditures manufacturers would likely incur to comply with amended energy conservation standards, DOE used manufacturer interviews to gather data on the anticipated level of capital investment that would be required at each efficiency level. DOE validated manufacturer comments through estimates of capital expenditure requirements derived from the equipment teardown analysis and engineering analysis described in chapter 5 of the final rule TSD.

DOE assessed the product conversion costs at each considered efficiency level by integrating data from quantitative and qualitative sources. DOE considered market-share-weighted feedback regarding the potential costs of each efficiency level from multiple manufacturers to estimate product conversion costs and validated those numbers against engineering estimates of redesign efforts.

In general, DOE assumes that all conversion-related investments occur between the year of publication of the final rule and the year by which manufacturers must comply with the new standard. The conversion cost figures used in the GRIM can be found in section V.B.2 of this document. For additional information on the estimated product and capital conversion costs, see chapter 12 of the final rule TSD.

b. Government Regulatory Impact Model Scenarios

Markup Scenarios

Manufacturer selling prices (MSPs) include direct manufacturing production costs (*i.e.,* labor, materials, and overhead estimated in DOE's MPCs) and all non-production costs (*i.e.,* SG&A, R&D, and interest), along with profit. To calculate the MSPs in the GRIM, DOE applied non-production cost markups to the MPCs estimated in the engineering analysis for each equipment class and efficiency level. Modifying these markups in the standards case yields different sets of impacts on manufacturers. For the MIA, DOE modeled two standards-case markup scenarios to represent the uncertainty regarding the potential impacts on prices and profitability for manufacturers following the implementation of amended energy conservation standards: (1) A preservation of gross margin percentage markup scenario; and (2) a preservation of per unit operating profit markup scenario. These scenarios lead to different markup values that, when applied to the inputted MPCs, result in varying revenue and cash flow impacts.

Under the preservation of gross margin percentage scenario, DOE applied a single uniform ''gross margin percentage'' markup across all efficiency levels, which assumes that manufacturers would be able to maintain the same amount of profit as a percentage of revenues at all efficiency levels within an equipment class. As production costs increase with efficiency, this scenario implies that the absolute dollar markup will increase as well. Based on publicly-available financial information for manufacturers of PTACs and PTHPs as well as comments from manufacturer interviews, DOE assumed the average non-production cost markup—which includes SG&A expenses, R&D expenses, interest, and profit—to be 1.27 for all PTAC and PTHP equipment classes.

Because this markup scenario assumes that manufacturers would be able to maintain their gross margin percentage markups as production costs increase in response to an amended energy conservation standard, it represents a high bound to industry profitability.

In the preservation of per unit operating profit scenario, manufacturer markups are set so that operating profit one year after the compliance date of the

amended energy conservation standard is the same as in the base case on a per unit basis. Under this scenario, as the costs of production increase under an amended standards case, manufacturers are generally required to reduce their markups to a level that maintains base-case operating profit per unit. The implicit assumption behind this markup scenario is that the industry can only maintain its operating profit in absolute dollars per unit after compliance with the new standard is required. Therefore, operating margin in percentage terms is reduced between the base case and standards case. DOE adjusted the manufacturer markups in the GRIM at each TSL to yield approximately the same earnings before interest and taxes in the standards case as in the base case. This markup scenario represents a low bound to industry profitability under an amended energy conservation standard.

c. Manufacturer Interviews

As part of the MIA, DOE discussed the potential impacts of amended energy conservation standards with manufacturers of PTACs and PTHPs. DOE interviewed manufacturers representing approximately 90 percent of the market by revenue. Information gathered during these interviews enabled DOE to tailor the GRIM to reflect the unique financial characteristics of the industry.

3. Discussion of Comments

During the NOPR public comment period, interested parties commented on assumptions and results described in the September 2014 NOPR and accompanying TSD. Comments address several topics related to manufacturer impacts. These include: Multiple redesign cycles due to ASHRAE; conversion costs; impacts on the subgroup of manufacturers with production assets; and cumulative regulatory burden.

a. Multiple Redesign Cycles

AHRI and Goodman commented that DOE's EPCA baseline analysis should account for the financial impacts on manufacturers of multiple redesign cycles, the first to comply with amended ASHRAE standards (2015) and the second to comply with amended federal energy conservation standards (2019). (AHRI, No. 35 at pp. 6 and 11; Goodman, No. 31 at pp. 1–2) Southern Company Services (SCS) also commented that the proposed level would entail an undue burden on manufacturers by requiring them to undertake multiple redesign cycles. (SCS, No. 29 at p. 2) To better account for the impacts of multiple redesign cycles on manufacturers, DOE revised its EPCA baseline analysis to include an additional set of product conversion costs intended to capture the R&D and testing and certification burden of meeting amended ASHRAE standards in 2015. See chapter 12 of the final rule TSD for more information on the EPCA baseline analysis.

b. Conversion Costs

AHRI commented that DOE underestimated the product conversion costs industry would incur to comply with amended standards. AHRI stated that DOE underestimated the number of PTAC and PTHP models that would require redesign and suggested that DOE should not assign one set of R&D costs to similar models of PTACs and PTHPs. (AHRI, No. 35 at pp. 9–11) DOE clarifies that it assigned separate product conversion costs for PTACs and PTHPs. DOE also based its product conversion cost model on the number of equipment platforms that would require redesign as opposed to the number of individual equipment listings, where equipment platforms were defined based on cooling capacity within a given equipment class. DOE assumed R&D costs ranging from $50,000 to $200,000 per platform based on the complexity of the redesign anticipated at each TSL. DOE further clarifies that it validated its conversion cost estimates against feedback received from manufacturers during interviews.

c. Impacts on the Subgroup of Manufacturers With Production Assets

EEI and AHRI expressed concern that the subgroup of three manufacturers with production assets would bear a disproportionate share of the costs associated with the proposed rule. (EEI, No. 37 at pp. 180–181; AHRI, NOPR Public Meeting Transcript, No. 37 at pp. 183) Goodman also commented that this subgroup appears to be at a significant competitive disadvantage and further stated that this subgroup would have to absorb 90 percent of the industry's conversion costs while producing only 40 percent of equipment. Goodman referred to Chapter 16 of the NOPR TSD for the 40 percent figure. (Goodman, No. 31 at pp. 4–5)

To clarify, the subgroup of manufacturers with production assets evaluated as part of the MIA encompasses three U.S.-headquartered manufacturers that own PTAC and PTHP production facilities and tooling. These three companies' production assets may be located within the U.S. or in other countries. At standard levels more stringent than ASHRAE, these manufacturers would be expected to incur capital conversion costs that their competitors who strictly import and/or private label would not. As described in section V.B.2.d of this document and Chapter 12 of the final rule TSD, DOE estimates that these three manufacturers account for 80 percent of PTAC and PTHP production. Under the standard proposed in the September 2014 NOPR, this subgroup would have incurred an estimated 89 percent of total industry conversion costs and experienced more severe INPV impacts than the industry as a whole, as commenters noted; this discrepancy in conversion costs and related INPV impacts was DOE's reason for analyzing the subgroup as distinct from the industry as a whole. However, in this final rule, DOE is adopting standards for PTACs and PTHPs equivalent to those set forth in ANSI/ASHRAE/IES Standard 90.1–2013. DOE is required to adopt minimum efficiency standards either equivalent to or more stringent than those set forth by ASHRAE. Because this rule adopts the baseline as the standards level, DOE's modeling does not show any negative financial impacts on industry, including manufacturers with production assets, as a direct result of the standard.

d. Cumulative Regulatory Burden

Goodman stated that EPA's refrigerant regulations contribute to manufacturers' cumulative regulatory burden and urged DOE to account for refrigerant regulations in both its INPV analysis and its discussion of cumulative regulatory burden. (Goodman, No. 37 at pp. 46–47) SCS also stated that this rule combined with other pending rulemakings would pose an undue burden on manufacturers and could constrain capacity at testing and certification facilities. (SCS, No. 29 at p. 2) DOE is required to adopt PTAC and PTHP standards as set forth in ASHRAE 90.1–2013. DOE has added a discussion of EPA's SNAP Program to its analysis of cumulative regulatory burden found in section V.B.2.e of this document.

K. Emissions Analysis

In the emissions analysis, DOE estimated the change in power sector emissions of carbon dioxide (CO_2), nitrogen oxides (NO_X), sulfur dioxide (SO_2), and mercury (Hg) from potential energy conservation standards for PTAC and PTHP equipment. In addition, DOE estimated emissions impacts in production activities (extracting, processing, and transporting fuels) that provide the energy inputs to power plants. These are referred to as ''upstream'' emissions. Together, these emissions account for the full-fuel-cycle (FFC). In accordance with DOE's FFC Statement of Policy (76 FR 51281

(August 18, 2011), as amended at 77 FR 49701 (August 17, 2012)), the FFC analysis includes impacts on emissions of methane (CH_4) and nitrous oxide (N_2O), both of which are recognized as greenhouse gases.

DOE primarily conducted the emissions analysis using emissions factors for CO_2 and most of the other gases derived from data in *AEO 2014.* Combustion emissions of CH_4 and N_2O were estimated using emissions intensity factors published by the Environmental Protection Agency (EPA) in its GHG Emissions Factors Hub.[36] DOE developed separate emissions factors for power sector emissions and upstream emissions. The method that DOE used to derive emissions factors is described in chapter 13 of the final rule TSD.

For CH_4 and N_2O, DOE calculated emissions reduction in tons and also in terms of units of carbon dioxide equivalent (CO_2eq). Gases are converted to CO_2eq by multiplying each ton of gas by the gas' global warming potential (GWP) over a 100-year time horizon. Based on the Fifth Assessment Report of the Intergovernmental Panel on Climate Change,[37] DOE used GWP values of 28 for CH_4 and 265 for N_2O.

Each *Annual Energy Outlook* incorporates the projected impacts of existing air quality regulations on emissions. *AEO 2014* generally represents current legislation and environmental regulations, including recent government actions, for which implementing regulations were available as of October 31, 2013. Key regulations are discussed below.

SO_2 emissions from affected electric generating units (EGUs) are subject to nationwide and regional emissions cap-and-trade programs. Title IV of the Clean Air Act sets an annual emissions cap on SO_2 for affected EGUs in the 48 contiguous States and the District of Columbia (DC). (42 U.S.C. 7651 *et seq.*) SO_2 emissions from 28 eastern States and DC were also limited under the Clean Air Interstate Rule (CAIR). 70 FR 25162 (May 12, 2005). CAIR created an allowance-based trading program that operates along with the Title IV program. In 2008, CAIR was remanded to EPA by the U.S. Court of Appeals for the District of Columbia Circuit, but it remained in effect.[38] In 2011, EPA issued a replacement for CAIR, the Cross-State Air Pollution Rule (CSAPR). 76 FR 48208 (August 8, 2011). On August 21, 2012, the D.C. Circuit issued a decision to vacate CSAPR,[39] and the court ordered EPA to continue administering CAIR. On April 29, 2014, the U.S. Supreme Court reversed the judgment of the D.C. Circuit and remanded the case for further proceedings consistent with the Supreme Court's opinion.[40] On October 23, 2014, the D.C. Circuit lifted the stay of CSAPR.[41] Pursuant to this action, CSAPR went into effect (and CAIR ceased to be in effect) as of January 1, 2015.

Because *AEO 2014* was prepared prior to the Supreme Court's opinion, it assumed that CAIR remains a binding regulation through 2040. Thus, DOE's analysis used emissions factors that assume that CAIR, not CSAPR, is the regulation in force. However, the difference between CAIR and CSAPR is not relevant for the purpose of DOE's analysis of emissions impacts from energy conservation standards.

The attainment of emissions caps is typically flexible among EGUs and is enforced through the use of emissions allowances and tradable permits. Under existing EPA regulations, any excess SO_2 emissions allowances resulting from the lower electricity demand caused by the adoption of an efficiency standard could be used to permit offsetting increases in SO_2 emissions by any regulated EGU. In past rulemakings, DOE recognized that there was uncertainty about the effects of efficiency standards on SO_2 emissions covered by the existing cap-and-trade system, but it concluded that negligible reductions in power sector SO_2 emissions would occur as a result of standards.

Beginning in 2016, however, SO_2 emissions will fall as a result of the Mercury and Air Toxics Standards (MATS) for power plants. 77 FR 9304 (Feb. 16, 2012). In the MATS rule, EPA established a standard for hydrogen chloride as a surrogate for acid gas hazardous air pollutants (HAP), and also established a standard for SO_2 (a non-HAP acid gas) as an alternative equivalent surrogate standard for acid gas HAP. The same controls are used to reduce HAP and non-HAP acid gas; thus, SO_2 emissions will be reduced as a result of the control technologies installed on coal-fired power plants to comply with the MATS requirements for acid gas. *AEO 2014* assumes that, in order to continue operating, coal plants must have either flue gas desulfurization or dry sorbent injection systems installed by 2016. Both technologies, which are used to reduce acid gas emissions, also reduce SO_2 emissions. Under the MATS, emissions will be far below the cap established by CAIR, so it is unlikely that excess SO_2 emissions allowances resulting from the lower electricity demand would be needed or used to permit offsetting increases in SO_2 emissions by any regulated EGU. Therefore, DOE believes that energy conservation standards will generally reduce SO_2 emissions in 2016 and beyond.

CAIR established a cap on NO_X emissions in 28 eastern States and the District of Columbia.[42] Energy conservation standards are expected to have little effect on NO_X emissions in those States covered by CAIR because excess NO_X emissions allowances resulting from the lower electricity demand could be used to permit offsetting increases in NO_X emissions. However, standards would be expected to reduce NO_X emissions in the States not affected by the caps, so DOE estimated NO_X emissions reductions from the standards considered in this final rule for these States.

The MATS limit mercury emissions from power plants, but they do not include emissions caps and, as such, DOE's energy conservation standards would likely reduce Hg emissions. DOE estimated mercury emissions reduction using emissions factors based on *AEO 2014,* which incorporates the MATS.

EEI commented that things are changing dramatically in the power sector; new rules are changing the amount of emissions that power producers are allowed to emit, and DOE should include these changes in its analysis. (EEI, NOPR Public Meeting Transcript, No. 37 at pp. 196–197) SCS commented that DOE is likely overestimating the amount of emissions

[36] See *http://www.epa.gov/climateleadership/inventory/ghg-emissions.html.*

[37] IPCC, 2013: *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Chapter 8.

[38] See *North Carolina* v. *EPA,* 550 F.3d 1176 (D.C. Cir. 2008); *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008).

[39] See *EME Homer City Generation, LP* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012), *cert. granted,* 81 U.S.L.W. 3567, 81 U.S.L.W. 3696, 81 U.S.L.W. 3702 (U.S. June 24, 2013) (No. 12–1182).

[40] *See EPA* v. *EME Homer City Generation,* 134 S.Ct. 1584, 1610 (U.S. 2014). The Supreme Court held in part that EPA's methodology for quantifying emissions that must be eliminated in certain States due to their impacts in other downwind States was based on a permissible, workable, and equitable interpretation of the Clean Air Act provision that provides statutory authority for CSAPR.

[41] *See Georgia* v. *EPA,* Order *(D.C. Cir. filed October 23, 2014)* (*No. 11–1302).*

[42] CSAPR also applies to NO_X and it would supersede the regulation of NO_X under CAIR. As stated previously, the current analysis assumes that CAIR, not CSAPR, is the regulation in force. The difference between CAIR and CSAPR with regard to DOE's analysis of NO_X emissions is slight.

reductions by not accounting for the anticipated effects of new emissions rules that are currently under consideration. (SCS, NOPR Public Meeting Transcript, No. 37 at pp. 197–198) It would not be appropriate for DOE to account for regulations that are under consideration, because whether they will be adopted and their final form are matters of speculation at this time.

L. Monetizing Carbon Dioxide and Other Emissions Impacts

As part of the development of this rule, DOE considered the estimated monetary benefits from the reduced emissions of CO_2 and NO_X that are expected to result from each of the TSLs considered. In order to make this calculation analogous to the calculation of the NPV of consumer benefit, DOE considered the reduced emissions expected to result over the lifetime of equipment shipped in the forecast period for each TSL. This section summarizes the basis for the monetary values used for each of these emissions and presents the values considered in this final rule.

For this final rule, DOE relied on a set of values for the social cost of carbon (SCC) that was developed by a Federal interagency process. The basis for these values is summarized in the next section, and a more detailed description of the methodologies used is provided as an appendix to chapter 14 of the final rule TSD.

1. Social Cost of Carbon

The SCC is an estimate of the monetized damages associated with an incremental increase in carbon emissions in a given year. It is intended to include (but is not limited to) changes in net agricultural productivity, human health, property damages from increased flood risk, and the value of ecosystem services. Estimates of the SCC are provided in dollars per metric ton of CO_2. A domestic SCC value is meant to reflect the value of damages in the United States resulting from a unit change in CO_2 emissions, while a global SCC value is meant to reflect the value of damages worldwide.

Under section 1(b) of Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993), agencies must, to the extent permitted by law, ''assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs.'' The purpose of the SCC estimates presented here is to allow agencies to incorporate the monetized social benefits of reducing CO_2 emissions into cost-benefit analyses of regulatory actions. The estimates are presented with an acknowledgement of the many uncertainties involved and with a clear understanding that they should be updated over time to reflect increasing knowledge of the science and economics of climate impacts.

As part of the interagency process that developed these SCC estimates, technical experts from numerous agencies met on a regular basis to consider public comments, explore the technical literature in relevant fields, and discuss key model inputs and assumptions. The main objective of this process was to develop a range of SCC values using a defensible set of input assumptions grounded in the existing scientific and economic literatures. In this way, key uncertainties and model differences transparently and consistently inform the range of SCC estimates used in the rulemaking process.

a. Monetizing Carbon Dioxide Emissions

When attempting to assess the incremental economic impacts of CO_2 emissions, the analyst faces a number of challenges. A report from the National Research Council [43] points out that any assessment will suffer from uncertainty, speculation, and lack of information about: (1) Future emissions of GHGs; (2) the effects of past and future emissions on the climate system; (3) the impact of changes in climate on the physical and biological environment; and (4) the translation of these environmental impacts into economic damages. As a result, any effort to quantify and monetize the harms associated with climate change will raise questions of science, economics, and ethics and should be viewed as provisional.

Despite the limits of both quantification and monetization, SCC estimates can be useful in estimating the social benefits of reducing CO_2 emissions. The agency can estimate the benefits from reduced (or costs from increased) emissions in any future year by multiplying the change in emissions in that year by the SCC values appropriate for that year. The NPV of the benefits can then be calculated by multiplying each of these future benefits by an appropriate discount factor and summing across all affected years.

It is important to emphasize that the interagency process is committed to updating these estimates as the science and economic understanding of climate change and its impacts on society improves over time. In the meantime, the interagency group will continue to explore the issues raised by this analysis and consider public comments as part of the ongoing interagency process.

b. Development of Social Cost of Carbon Values

In 2009, an interagency process was initiated to offer a preliminary assessment of how best to quantify the benefits from reducing carbon dioxide emissions. To ensure consistency in how benefits are evaluated across Federal agencies, the Administration sought to develop a transparent and defensible method, specifically designed for the rulemaking process, to quantify avoided climate change damages from reduced CO_2 emissions. The interagency group did not undertake any original analysis. Instead, it combined SCC estimates from the existing literature to use as interim values until a more comprehensive analysis could be conducted. The outcome of the preliminary assessment by the interagency group was a set of five interim values: Global SCC estimates for 2007 (in 2006$) of $55, $33, $19, $10, and $5 per metric ton of CO_2. These interim values represented the first sustained interagency effort within the U.S. government to develop an SCC for use in regulatory analysis. The results of this preliminary effort were presented in several proposed and final rules.

c. Current Approach and Key Assumptions

After the release of the interim values, the interagency group reconvened on a regular basis to generate improved SCC estimates. Specially, the group considered public comments and further explored the technical literature in relevant fields. The interagency group relied on three integrated assessment models commonly used to estimate the SCC: The FUND, DICE, and PAGE models. These models are frequently cited in the peer-reviewed literature and were used in the last assessment of the Intergovernmental Panel on Climate Change (IPCC). Each model was given equal weight in the SCC values that were developed.

Each model takes a slightly different approach to model how changes in emissions result in changes in economic damages. A key objective of the interagency process was to enable a consistent exploration of the three models, while respecting the different approaches to quantifying damages

[43] National Research Council, *Hidden Costs of Energy: Unpriced Consequences of Energy Production and Use,* National Academies Press: Washington, DC (2009).

taken by the key modelers in the field. An extensive review of the literature was conducted to select three sets of input parameters for these models: Climate sensitivity, socio-economic and emissions trajectories, and discount rates. A probability distribution for climate sensitivity was specified as an input into all three models. In addition, the interagency group used a range of scenarios for the socio-economic parameters and a range of values for the discount rate. All other model features were left unchanged, relying on the model developers' best estimates and judgments.

In 2010, the interagency group selected four sets of SCC values for use in regulatory analyses. Three sets of values are based on the average SCC from the three integrated assessment models, at discount rates of 2.5, 3, and 5 percent. The fourth set, which represents the 95th percentile SCC estimate across all three models at a 3-percent discount rate, was included to represent higher-than-expected impacts from climate change further out in the tails of the SCC distribution. The values grow in real terms over time. Additionally, the interagency group determined that a range of values from 7 percent to 23 percent should be used to adjust the global SCC to calculate domestic effects,[44] although preference is given to consideration of the global benefits of reducing CO_2 emissions. Table IV.12 presents the values in the 2010 interagency group report,[45] which is reproduced in appendix 14A of the final rule TSD.

TABLE IV.12—ANNUAL SCC VALUES FROM 2010 INTERAGENCY REPORT, 2010–2050

[2007$ per metric ton CO_2]

Year	Discount rate			
	5%	3%	2.5%	3%
	Average	Average	Average	95th percentile
2010	4.7	21.4	35.1	64.9
2015	5.7	23.8	38.4	72.8
2020	6.8	26.3	41.7	80.7
2025	8.2	29.6	45.9	90.4
2030	9.7	32.8	50.0	100.0
2035	11.2	36.0	54.2	109.7
2040	12.7	39.2	58.4	119.3
2045	14.2	42.1	61.7	127.8
2050	15.7	44.9	65.0	136.2

The SCC values used for this document were generated using the most recent versions of the three integrated assessment models that have been published in the peer-reviewed literature.[46]

Table IV.13 shows the updated sets of SCC estimates from the 2013 interagency update in 5-year increments from 2010 to 2050. The full set of annual SCC estimates between 2010 and 2050 is reported in appendix 14B of the final rule TSD. The central value that emerges is the average SCC across models at the 3-percent discount rate. However, for purposes of capturing the uncertainties involved in regulatory impact analysis, the interagency group emphasizes the importance of including all four sets of SCC values.

TABLE IV.13—ANNUAL SCC VALUES FROM 2013 INTERAGENCY REPORT, 2010–2050

[2007$ per metric ton CO_2]

Year	Discount rate			
	5%	3%	2.5%	3%
	Average	Average	Average	95th percentile
2010	11	32	51	89
2015	11	37	57	109
2020	12	43	64	128
2025	14	47	69	143
2030	16	52	75	159
2035	19	56	80	175
2040	21	61	86	191
2045	24	66	92	206
2050	26	71	97	220

[44] It is recognized that this calculation for domestic values is approximate, provisional, and highly speculative. There is no *a priori* reason why domestic benefits should be a constant fraction of net global damages over time.

[45] *Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866.* Interagency Working Group on Social Cost of Carbon, United States Government (February 2010) (Available at: *www.whitehouse.gov/sites/default/files/omb/inforeg/for-agencies/Social-Cost-of-Carbon-for-RIA.pdf*).

[46] *Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866,* Interagency Working Group on Social Cost of Carbon, United States Government (May 2013; revised November 2013) (Available at: *http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/technical-update-social-cost-of-carbon-for-regulator-impact-analysis.pdf*).

It is important to recognize that a number of key uncertainties remain, and that current SCC estimates should be treated as provisional and revisable because they will evolve with improved scientific and economic understanding. The interagency group also recognizes that the existing models are imperfect and incomplete. The National Research Council report mentioned previously points out that there is tension between the goal of producing quantified estimates of the economic damages from an incremental ton of carbon and the limits of existing efforts to model these effects. There are a number of analytical challenges that are being addressed by the research community, including research programs housed in many of the Federal agencies participating in the interagency process to estimate the SCC. The interagency group intends to periodically review and reconsider those estimates to reflect increasing knowledge of the science and economics of climate impacts, as well as improvements in modeling.

In summary, in considering the potential global benefits resulting from reduced CO_2 emissions, DOE used the values from the 2013 interagency report adjusted to 2014$ using the implicit price deflator for gross domestic product (GDP) from the Bureau of Economic Analysis. For each of the four sets of SCC cases specified, the values for emissions in 2015 were $12.2, $41.2, $63.4, and $121 per metric ton avoided (values expressed in 2014$). DOE derived values after 2050 using the relevant growth rates for the 2040–2050 period in the interagency update.

DOE multiplied the CO_2 emissions reduction estimated for each year by the SCC value for that year in each of the four cases. To calculate a present value of the stream of monetary values, DOE discounted the values in each of the four cases using the specific discount rate that had been used to obtain the SCC values in each case.

2. Social Cost of Other Air Pollutants

As noted previously, DOE has taken into account how considered energy conservation standards would reduce site NO_X emissions nationwide and decrease power sector NO_X emissions in those 22 States not affected by the CAIR. DOE estimated the monetized value of net NO_X emissions reductions resulting from each of the TSLs considered for this final rule based on estimates found in the an OMB report to Congress.[47] DOE calculated monetary benefits using an average value for reducing NO_X from stationary sources of $2,727 per ton (in 2014$), and real discount rates of 3 percent and 7 percent.

DOE is evaluating appropriate monetization of avoided SO_2 and Hg emissions in energy conservation standards rulemakings. DOE has not included monetization of those emissions in the current analysis.

In responding to the September 2014 NOPR, AHRI, Goodman, and the Associations stated that DOE should refrain from using SCC values to establish monetary figures for emissions reductions until the SCC undergoes a more rigorous notice, review, and comment process. (AHRI, No. 35 at p. 14; Goodman, No. 31 at p. 6; The Associations, No. 28 at p. 3) AHRI and Goodman cited several reasons why the SCC estimates should be withdrawn and not used in any rulemaking: (1) The SCC estimates fail in terms of process and transparency; (2) the modeling systems used for the SCC estimates and the subsequent analyses were not subject to peer review as appropriate; (3) the modeling conducted in this effort does not offer a reasonably acceptable range of accuracy for use in policymaking; (4) the Federal interagency working group has failed to disclose and quantify key uncertainties; and (5) by presenting only global SCC estimates and downplaying domestic SCC estimates, the interagency working group has severely limited the utility of the SCC for use in benefit-cost analysis and policymaking. (AHRI, No. 35 at pp. 14–15; Goodman, No. 31 at p. 6)

In contrast, EDF *et al.* stated that the current SCC values are sufficiently robust and accurate to continue to be the basis for regulatory analysis going forward. They contended that current values are likely significant underestimates of the SCC. They stated that the interagency working group's analytic process was science-based, open, and transparent, and that the SCC is an important and accepted tool for regulatory policy-making, based on well-established law and fundamental economics. (EDF *et al.,* No. 22 at pp. 1–12)

In conducting the interagency process that developed the SCC values, technical experts from numerous agencies met on a regular basis to consider public comments, explore the technical literature in relevant fields, and discuss key model inputs and assumptions. Key uncertainties and model differences transparently and consistently inform the range of SCC estimates. These uncertainties and model differences are discussed in the interagency working group's reports, which are reproduced in appendix 14A and 14B of the final rule TSD, as are the major assumptions. Specifically, uncertainties in the assumptions regarding climate sensitivity, as well as other model inputs such as economic growth and emissions trajectories, are discussed and the reasons for the specific input assumptions chosen are explained. However, the three integrated assessment models used to estimate the SCC are frequently cited in the peer-reviewed literature and were used in the last assessment of the IPCC. In addition, new versions of the models that were used in 2013 to estimate revised SCC values were published in the peer-reviewed literature (see appendix 14B of the final rule TSD for discussion). Although uncertainties remain, the revised estimates that were issued in November, 2013 are based on the best available scientific information on the impacts of climate change. The current estimates of the SCC have been developed over many years, using the best science available, and with input from the public. In November 2013, OMB announced a new opportunity for public comment on the interagency technical support document underlying the revised SCC estimates. See 78 FR 70586. The comment period for the OMB announcement closed on February 26, 2014. OMB is currently reviewing comments and considering whether further revisions to the 2013 SCC estimates are warranted. DOE stands ready to work with OMB and the other members of the interagency working group on further review and revision of the SCC estimates as appropriate.

AHRI and Goodman also stated that DOE does not conduct the cost-benefit analysis for NPV and SCC values over the same time frame and within the same scope, an important principle of cost-benefit analysis. They criticized DOE's use of global rather than domestic SCC values. (AHRI, No. 35 at p. 15; Goodman, No. 31 at p. 6)

For the analysis of national impacts of standards, DOE considers the lifetime impacts of equipment shipped in a 30-year period. With respect to energy and energy cost savings, impacts continue past 30 years until all of the equipment shipped in the 30-year period is retired. With respect to the valuation of CO_2 emissions reductions, the SCC estimates developed by the interagency working group are meant to represent the full discounted value (using an appropriate range of discount rates) of emissions

[47] U.S. Office of Management and Budget, Office of Information and Regulatory Affairs, *2006 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities* (2006) (Available at: *www.whitehouse.gov/sites/default/files/omb/assets/omb/inforeg/2006_cb/2006_cb_final_report.pdf*).

reductions occurring in a given year. DOE is thus comparing the costs of achieving the emissions reductions in each year of the analysis, with the carbon reduction value of the emissions reductions in those same years. DOE's analysis estimates both global and domestic benefits of CO_2 emissions reductions. The September 2014 NOPR and this final rule focus on a global measure of SCC. The issue of global versus domestic measures of the SCC is discussed in appendix 14A of the final rule TSD.

AHRI and Goodman also stated that DOE fails to take into consideration EPA regulations on greenhouse gas emissions from power plants, which would affect the SCC values. (AHRI, No. 35 at pp. 15–16; Goodman, No. 31 at p. 7)

The SCC values are based on projections of global GHG emissions over many decades. Such projections are influenced by many factors, particularly economic growth rates and prices of different energy sources. In the context of these projections, the proposed EPA regulations of greenhouse gas emissions from new power plants are a minor factor. In any case, it would not be appropriate for DOE to account for regulations that are not currently in effect, because whether such regulations will be adopted and their final form are matters of speculation at this time.

M. Utility Impact Analysis

The utility impact analysis estimates several effects on the electric power industry that would result from the adoption of new or amended energy conservation standards. In the utility impact analysis, DOE analyzes the changes in installed electrical capacity and generation that would result for each trial standard level. The analysis is based on published output from NEMS, which is updated annually to produce the *AEO* Reference case, as well as a number of side cases that estimate the economy-wide impacts of changes to energy supply and demand. DOE uses published side cases that incorporate efficiency-related policies to estimate the marginal impacts of reduced energy demand on the utility sector. The output of this analysis is a set of time-dependent coefficients that capture the change in electricity generation, primary fuel consumption, installed capacity and power sector emissions due to a unit reduction in demand for a given end use. These coefficients are multiplied by the stream of electricity savings calculated in the NIA to provide estimates of selected utility impacts of new or amended energy conservation standards. Chapter 15 of the final rule TSD describes the utility impact analysis in further detail.

N. Employment Impact Analysis

DOE considers employment impacts in the domestic economy as one factor in selecting a standard. Employment impacts from new or amended energy conservation standards include both direct and indirect impacts. Direct employment impacts are any changes in the number of employees of manufacturers of the equipment subject to standards, their suppliers, and related service firms. The MIA addresses those impacts. Indirect employment impacts are changes in national employment that occur due to the shift in expenditures and capital investment caused by the purchase and operation of more-efficient appliances. Indirect employment impacts from standards consist of the net jobs created or eliminated in the national economy, other than in the manufacturing sector being regulated, caused by: (1) Reduced spending by end users on energy; (2) reduced spending on new energy supply by the utility industry; (3) increased consumer spending on new equipment to which the new standards apply; and (4) the effects of those three factors throughout the economy.

One method for assessing the possible effects on the demand for labor of such shifts in economic activity is to compare sector employment statistics developed by the Labor Department's Bureau of Labor Statistics (BLS).[48] BLS regularly publishes its estimates of the number of jobs per million dollars of economic activity in different sectors of the economy, as well as the jobs created elsewhere in the economy by this same economic activity. Data from BLS indicate that expenditures in the utility sector generally create fewer jobs (both directly and indirectly) than expenditures in other sectors of the economy.[49] There are many reasons for these differences, including wage differences and the fact that the utility sector is more capital-intensive and less labor-intensive than other sectors. Energy conservation standards have the effect of reducing consumer utility bills. Because reduced consumer expenditures for energy likely lead to increased expenditures in other sectors of the economy, the general effect of efficiency standards is to shift economic activity from a less labor-intensive sector (*i.e.,* the utility sector) to more labor-intensive sectors (*e.g.,* the retail and service sectors). Thus, based on the BLS data alone, DOE believes net national employment may increase due to shifts in economic activity resulting from energy conservation standards.

DOE estimated indirect national employment impacts for the standard levels considered in this final rule using an input/output model of the U.S. economy called Impact of Sector Energy Technologies version 3.1.1 (ImSET).[50] ImSET is a special-purpose version of the ''U.S. Benchmark National Input-Output'' (I–O) model, which was designed to estimate the national employment and income effects of energy-saving technologies. The ImSET software includes a computer-based I–O model having structural coefficients that characterize economic flows among 187 sectors most relevant to industrial, commercial, and residential building energy use.

DOE notes that ImSET is not a general equilibrium forecasting model, and understands the uncertainties involved in projecting employment impacts, especially changes in the later years of the analysis. Because ImSET does not incorporate price changes, the employment effects predicted by ImSET may over-estimate actual job impacts over the long run for this rule. Therefore, DOE generated results for near-term timeframes, where these uncertainties are reduced. For more details on the employment impact analysis, see chapter 16 of the final rule TSD.

V. Analytical Results

The following section addresses the results from DOE's analyses with respect to the considered energy conservation standards for PTAC and PTHP equipment. It addresses the TSLs examined by DOE and the projected impacts of each of these levels if adopted as energy conservation standards for PTAC and PTHP equipment. Additional details regarding DOE's analyses are contained in the final rule TSD supporting this document.

A. Trial Standard Levels

In the September 2014 NOPR, DOE selected five TSLs above the baseline level for the PTAC and PTHP equipment

[48] Data on industry employment, hours, labor compensation, value of production, and the implicit price deflator for output for these industries are available upon request by calling the Division of Industry Productivity Studies (202–691–5618) or by sending a request by email to *dipsweb@bls.gov.*

[49] See Bureau of Economic Analysis, *Regional Multipliers: A User Handbook for the Regional Input-Output Modeling System (RIMS II),* U.S. Department of Commerce (1992).

[50] J.M. Roop, M.J. Scott, and R.W. Schultz, *ImSET 3.1: Impact of Sector Energy Technologies,* PNNL–18412, Pacific Northwest National Laboratory (2009) (Available at: *www.pnl.gov/main/publications/external/technical_reports/PNNL-18412.pdf*).

classes. 79 FR at 55573–73 The baseline level in this final rule corresponds to the energy efficiency equations in ANSI/ASHRAE/IES Standard 90.1–2013 for PTACs and PTHPs. The TSL 1, 2, 3, 4 efficiency levels represent matched pairs of efficiency levels at 2.2%, 6.2%, 10.2%, and 14.2% above the baseline level. TSL 5, at 16.2% above the baseline level, represents the maximum technologically feasible (''max tech'') level for each class of equipment in DOE's analysis, as discussed in section IV.C.5.

In developing the TSLs, DOE used the same EERs for PTAC and PTHP. EEI supported setting PTAC and PTHP standards at the same level, and said that approach will lead to economies of scale and will align with the approach taken by ASHRAE and other DOE standards. (EEI, NOPR Public Meeting Transcript, No. 37 at p. 206–7) AHRI commented that certain PTACs and PTHPs may have unequal efficiency levels because the suction gas reheat provided by the reversing valve for PTHPs enables gain of evaporating capacity without added input power. (AHRI, No. 35 at p. 12) On the other hand, the California IOUs commented that PTACs should be held to higher standards than PTHPs for cooling efficiency, due to inherent mechanical advantages resulting from not having a reverse cycle valve. (CA IOUs, No. 33 at p. 3)

DOE notes that the pressure drop associated with the reversing valve in a PTHP (and the associated lost energy that could have been used for space conditioning), a component not present in a PTAC, makes achieving high efficiency levels more challenging for a heat pump than for an air conditioner. The AHRI comment indicates that suction heating achieved in the reversing valve of a PTHP will improve efficiency; however, in cooling mode, the refrigerant flows passing through the reversing valve are the compressor discharge, which flows to the outdoor coil, and the suction gas, which approaches the valve from the indoor coil and passes to the compressor suction. AHRI's comment does not explain how thermal exchange between compressor discharge and suction flows can improve efficiency. The additional pressure drop of the reversing valve reduces heat pump efficiency, and the potential thermal exchange between the refrigerant flows passing through the valve would also reduce efficiency. However, the operation of a heat pump both in summer for cooling and in winter for heating leads to a far greater number of operating hours for heat pumps as compared to air conditioners. The greater operating hours mean that both energy use and potential savings are higher for heat pumps. Consequently, higher efficiency levels can often be more cost effective in heat pumps than in air conditioners, since the higher purchase cost can be recovered more rapidly in a heat pump. DOE considered both the technical and economic factors in selecting the efficiency level differential between PTACs and PTHPs, one which would suggest higher EER for PTHPs, the other lower EER. Based on the selection of equal EERs for the different equipment in addendum BK to ASHRAE 90.1–2010, much of which was adopted in ASHRAE 90.1–2013, DOE considered equal EERs for these equipment classes in the framework document. DOE sought comments on this issue, and AHRI commented that if DOE raises the standards for PTACs, then they should be equal to the efficiency level of PTHPs. (AHRI, Framework Public Meeting Transcript, No. 7 at p. 50)

Table V.1 shows the mapping between TSLs and efficiency levels in each TSL. DOE notes that the baseline level is 1.8 percent higher than current Federal standards for PTAC equipment, but is equivalent to current Federal standards for PTHP equipment.

TABLE V.1—MAPPING BETWEEN TSLS AND EFFICIENCY LEVELS

Equipment class	Baseline (ANSI/ASHRAE/IES Standard 90.1–2013) *	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5 Max-Tech
PTAC Efficiency Level	EL1	EL2	EL3	EL4	EL5	EL6
PTHP Efficiency Level	Current Federal ECS	EL1	EL2	EL3	EL4	EL5

* This level represents the ANSI/ASHRAE/IES Standard 90.1–2013 minimum for PTAC and PTHP equipment. This level is used as the Baseline since DOE is required to, at a minimum, adopt the ASHRAE levels as the Federal standard. (42 U.S.C. 6313(a)(6)(A)(ii)(I)) DOE notes that the Baseline level is 1.8% higher than current Federal ECS for PTAC equipment, but is equivalent to current Federal ECS for PTHP equipment. For PTAC equipment, the Baseline level is also termed EL1.

Current Federal energy conservation standards and the efficiency levels specified by ANSI/ASHRAE/IES Standard 90.1–2013 for PTACs and PTHPs are a function of the equipment's cooling capacity. Both the Federal energy conservation standards and the efficiency standards in ANSI/ASHRAE/IES Standard 90.1–2013 are based on equations to calculate the efficiency levels for PTACs and PTHPs with a cooling capacity greater than or equal to 7,000 Btu/h and less than or equal to 15,000 Btu/h for each equipment class. To derive the standards (*i.e.,* efficiency level as a function of cooling capacity), DOE plotted the representative cooling capacities and the corresponding efficiency levels for each TSL. DOE then calculated the equation of the line passing through the EER values for 9,000 Btu/h and 15,000 Btu/h for standard size PTACs and PTHPs. Table V.2 and Table V.3 identify the energy efficiency equations for each TSL for standard size PTACs and PTHPs.

TABLE V.2—ENERGY-EFFICIENCY EQUATIONS (EER AS A FUNCTION OF COOLING CAPACITY) BY TSL FOR STANDARD SIZE PTACS

Standard size ** PTACs	Energy efficiency equation *
Baseline *** (ANSI/ASHRAE/IES Standard 90.1–2013)	EER = 14.0 − (0.300 × Cap †/1000).
TSL 1	EER = 14.4 − (0.312 × Cap †/1000).
TSL 2	EER = 14.9 − (0.324 × Cap †/1000).
TSL 3	EER = 15.5 − (0.336 × Cap †/1000).

TABLE V.2—ENERGY-EFFICIENCY EQUATIONS (EER AS A FUNCTION OF COOLING CAPACITY) BY TSL FOR STANDARD SIZE PTACS—Continued

Standard size ** PTACs	Energy efficiency equation *
TSL 4	EER = 16.0 − (0.348 × Cap †/1000).
TSL 5—MaxTech	EER = 16.3 − (0.354 × Cap †/1000).

* For equipment rated according to the DOE test procedure, all EER values must be rated at 95 °F outdoor dry-bulb temperature for air-cooled products and evaporatively-cooled products and at 85 °F entering water temperature for water cooled products.
** Standard size refers to PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide.
*** This level represents the ANSI/ASHRAE/IES Standard 90.1–2013 minimum for PTAC and PTHP equipment. This level is used as the Baseline since DOE is required to, at a minimum, adopt the ASHRAE levels as the Federal standard. (42 U.S.C. 6313(a)(6)(A)(ii)(I)).
† Cap means cooling capacity in Btu/h at 95 °F outdoor dry-bulb temperature.

TABLE V.3—ENERGY-EFFICIENCY EQUATIONS (EER AND COP AS A FUNCTION OF COOLING CAPACITY) BY TSL FOR STANDARD SIZE PTHPS

Standard size ** PTHPs	Energy efficiency equation *
Baseline *** (ANSI/ASHRAE/IES Standard 90.1–2013)	EER = 14.0 − (0.300 × Cap †/1000). COP = 3.7 − (0.052 × Cap †/1000).
TSL 1	EER = 14.4 − (0.312 × Cap †/1000). COP = 3.8 − (0.058 × Cap †/1000).
TSL 2	EER = 14.9 − (0.324 × Cap †/1000). COP = 4.0 − (0.064 × Cap †/1000).
TSL 3	EER = 15.5 − (0.336 × Cap †/1000). COP = 4.1 − (0.068 × Cap †/1000).
TSL 4	EER = 16.0 − (0.348 × Cap †/1000). COP = 4.2 − (0.070 × Cap †/1000).
TSL 5—MaxTech	EER = 16.3 − (0.354 × Cap †/1000). COP = 4.3 − (0.073 × Cap †/1000).

* For equipment rated according to the DOE test procedure, all EER values must be rated at 95 °F outdoor dry-bulb temperature for air-cooled products and evaporatively-cooled products and at 85 °F entering water temperature for water cooled products. All COP values must be rated at 47 °F outdoor dry-bulb temperature for air-cooled products, and at 70 °F entering water temperature for water-source heat pumps.
** Standard size refers to PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide.
*** This level represents the ANSI/ASHRAE/IES Standard 90.1–2013 minimum for PTAC and PTHP equipment. This level is used as the Baseline since DOE is required to, at a minimum, adopt the ASHRAE levels as the Federal standard. (42 U.S.C. 6313(a)(6)(A)(ii)(I))
† Cap means cooling capacity in Btu/h at 95 °F outdoor dry-bulb temperature.

For PTACs and PTHPs with cooling capacity less than 7,000 Btu/h, DOE determined the EERs using a cooling capacity of 7,000 Btu/h in the efficiency-capacity equations. For PTACs and PTHPs with a cooling capacity greater than 15,000 Btu/h cooling capacity, DOE determined the EERs using a cooling capacity of 15,000 Btu/h in the efficiency-capacity equations. This is the same method established in the Energy Policy Act of 1992 and provided in ANSI/ASHRAE/IES Standard 90.1–2013 for calculating the EER and COP of equipment with cooling capacities smaller than 7,000 Btu/h and larger than 15,000 Btu/h. (42 U.S.C. 6313(a)(3)(A))

In the September 2014 NOPR, DOE proposed the adoption of TSL 2, which would have raised efficiency levels for PTAC and PTHP equipment 6.2% above the ANSI/ASHRAE/IES Standard 90.1–2013 baseline levels. 79 FR at 55589–90. Stakeholders had mixed comments regarding the availability of models that meet the proposed TSL 2 across the range of cooling capacities. ASAP *et al.* commented to state their support for proposed standards and indicate that there are PTACs and PTHPs available today across the range of cooling capacities with efficiency levels that significantly exceed the proposed standard. (ASAP *et al.,* No. 30 at p. 1–2) The CA IOUs commented that several products from a variety of manufacturers and across the range of capacities (at capacities of 7, 9, 12, and 14 kBtu/h) meet or comfortably exceed the proposed standard levels. (CA IOUs, No. 33 at p. 1–2) Goodman commented that some cooling capacities, such as 12,000 Btu/h, do not have product offerings that meet TSL 2. (Goodman, NOPR Public Meeting Transcript, No. 37 at p.55) AHRI commented that the cooling capacities of 9 kBtu/h and 15 kBtu/h are the only PTAC capacities with models available now that meet the proposed TSL 2, based on data from the AHRI Directory. (AHRI, NOPR Public Meeting Transcript, No. 37 at p. 14) In this final rule, DOE adopts the less stringent baseline level for PTAC and PTHP equipment. DOE determined that 82% of the standard size PTAC models listed in the AHRI Directory will meet the baseline efficiency level for PTACs adopted in this rule.

B. Economic Justification and Energy Savings

As discussed in section II.A, EPCA provides seven factors to be evaluated in determining whether a more stringent standard for PTACs and PTHPs is economically justified. (42 U.S.C. 6313(a)(6)(B)(ii)) The following sections generally discuss how DOE has addressed each of those factors in this rulemaking.

1. Economic Impacts on Commercial Consumers

DOE analyzed the economic impacts on PTAC and PTHP equipment consumers by looking at the effects that amended standards would have on the LCC and PBP. DOE also examined the impacts of potential standards on consumer subgroups. These analyses are discussed below.

a. Life-Cycle Cost and Payback Period

In general, higher-efficiency equipment affects consumers in two ways: (1) Purchase price increases, and (2) annual operating costs decrease. Inputs used for calculating the LCC and PBP include total installed costs (*i.e.,*

equipment price plus installation costs), and operating costs (*i.e.,* annual energy use, energy prices, energy price trends, repair costs, and maintenance costs). The LCC calculation also uses equipment lifetime and a discount rate. Chapter 8 of the final rule TSD provides detailed information on the LCC and PBP analyses.

Table V.4 through Table V.7 show the LCC and PBP results for the TSL efficiency levels considered for each PTAC and PTHP equipment class. In the first of each pair of tables, the simple payback is measured relative to the baseline equipment. In the second table, the LCC savings are measured relative to the base-case efficiency distribution in the compliance year (see section IV.F.8 of this document).

TABLE V.4—AVERAGE LCC AND PBP RESULTS FOR STANDARD SIZE EQUIPMENT <12,000 Btu/h COOLING CAPACITY

[9,000 Btu/h cooling capacity]

TSL	Efficiency level (PTAC)	Efficiency level (PTHP)	Average costs (2014$)				Simple payback (years)	Average lifetime (years)
			Installed cost	First year's operating cost	Lifetime operating cost	LCC		
1	2	1	$1,492	$253	$1,546	$3,038	5.0	8
2	3	2	1,509	251	1,534	3,043	5.6	
3	4	3	1,528	249	1,523	3,050	6.0	
4	5	4	1,548	247	1,511	3,059	6.3	
5	6	5	1,558	246	1,506	3,064	6.4	

Note: The results for each TSL are calculated assuming that all consumers use equipment with that efficiency level. The PBP is measured relative to the baseline equipment.

TABLE V.5—LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR STANDARD SIZE EQUIPMENT <12,000 Btu/h COOLING CAPACITY

[9,000 Btu/h cooling capacity]

TSL	Efficiency level (PTAC)	Efficiency level (PTHP)	Life-cycle cost savings	
			Percentage of consumers that experience net cost **	Average savings (2014$) *
1	2	1	27	$0.17
2	3	2	50	($3.26)
3	4	3	78	($9.85)
4	5	4	87	($18.50)
5	6	5	88	($23.50)

* Parentheses indicate negative values.
** The calculation includes consumers with zero LCC savings (no impact).

TABLE V.6—AVERAGE LCC AND PBP RESULTS FOR STANDARD SIZE EQUIPMENT ≥12,000 Btu/h COOLING CAPACITY

[9,000 Btu/h cooling capacity]

TSL	Efficiency level (PTAC)	Efficiency level (PTHP)	Average costs (2014$)				Simple payback (years)	Average lifetime (years)
			Installed cost	First year's operating cost	Lifetime operating cost	LCC		
1	2	1	$1,747	$316	$1,931	$3,678	6.0	8
2	3	2	1,770	314	1,915	3,685	6.6	
3	4	3	1,800	311	1,899	3,700	7.5	
4	5	4	1,837	309	1,884	3,721	8.5	
5	6	5	1,858	307	1,877	3,735	9.0	

Note: The results for each TSL are calculated assuming that all consumers use equipment with that efficiency level. The PBP is measured relative to the baseline equipment.

TABLE V.7—SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR STANDARD SIZE EQUIPMENT ≥12,000 Btu/h COOLING CAPACITY

[15,000 Btu/h cooling capacity]

TSL	Efficiency level (PTAC)	Efficiency level (PTHP)	Life-cycle cost savings	
			Percentage of consumers that experience net cost **	Average savings (2014$) *
1	2	1	34	($0.95)
2	3	2	51	($5.51)
3	4	3	85	($19.24)
4	5	4	93	($40.53)
5	6	5	95	($54.01)

* Parentheses indicate negative values.
** The calculation includes consumers with zero LCC savings (no impact).

For PTACs and PTHPs with a cooling capacity less than 7,000 Btu/h, DOE established the proposed energy conservation standards using a cooling capacity of 7,000 Btu/h in the proposed efficiency-capacity equation. DOE believes the LCC and PBP impacts for equipment in this category will be similar to the impacts of the 9,000 Btu/h units because the MSP and usage characteristics are in a similar range. Similarly, for PTACs and PTHPs with a cooling capacity greater than 15,000 Btu/h, DOE established the proposed energy conservation standards using a cooling capacity of 15,000 Btu/h in the proposed efficiency-capacity equation. DOE believes the impacts for equipment in this category will be similar to units with a cooling capacity of 15,000 Btu/h.

b. Consumer Subgroup Analysis

As described in section IV.I of this document, DOE estimated the impact of the considered TSLs on independently-operating lodging businesses. Table V.8 shows the average LCC savings from potential energy conservation standards, and Table V.9 shows the simple payback period for this subgroup. In most cases, the average LCC savings and PBP for the subgroup at the considered efficiency levels are not substantially different from the average for all businesses. Chapter 11 of the final rule TSD presents the complete LCC and PBP results for the subgroup.

TABLE V.8—MEAN LIFE-CYCLE COST SAVINGS FOR PTAC AND PTHP EQUIPMENT PURCHASED BY THE CONSIDERED SUBGROUP

[2014$]

Equipment class (cooling capacity)	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5
Standard Size Equipment <12,000 Btu/h Cooling Capacity (9,000 Btu/h Cooling Capacity)	($0.14)	($4.12)	($11.46)	($20.89)	($26.28)
Standard Size Equipment ≥12,000 Btu/h Cooling Capacity (15,000 Btu/h Cooling Capacity)	($1.14)	($6.38)	($21.10)	($43.42)	($57.41)

* Parentheses indicate negative values.

Note: The LCC savings for each TSL are calculated relative to the base case efficiency distribution. The calculation includes consumers with zero LCC savings (no impact).

TABLE V.9—SIMPLE PAYBACK PERIOD FOR PTAC AND PTHP EQUIPMENT PURCHASED BY THE CONSIDERED SUBGROUP

[Years]

Equipment class (cooling capacity)	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5
Standard Size Equipment <12,000 Btu/h Cooling Capacity (9,000 Btu/h Cooling Capacity)	5.0	5.6	6.0	6.3	6.4
Standard Size Equipment ≥12,000 Btu/h Cooling Capacity (15,000 Btu/h Cooling Capacity)	6.0	6.6	7.5	8.5	9.0

Note: The simple payback period is calculated only for affected establishments. Establishments with no impact have an undefined payback period, and are therefore not included in calculating the median PBP.

For PTACs and PTHPs with a cooling capacity less than 7,000 Btu/h, DOE believes that the subgroup LCC and PBP impacts will be similar to the impacts of the 9,000 Btu/h units because the MSP and usage characteristics are in a similar range. Similarly, for PTACs and PTHPs with a cooling capacity greater than 15,000 Btu/h, DOE believes the impacts will be similar to units with a cooling capacity of 15,000 Btu/h.

c. Rebuttable Presumption Payback

As discussed above, EPCA establishes a rebuttable presumption that an energy conservation standard is economically justified if the increased purchase cost for equipment that meets the standard is less than three times the value of the first-year energy savings resulting from the standard. In calculating a rebuttable presumption payback period for each of the considered TSLs, DOE used discrete values rather than distributions for input values, and, as required by EPCA, based the energy use calculation on the DOE test procedures for PTAC and PTHP equipment. As a result, DOE calculated a single rebuttable presumption payback value, and not a distribution of payback periods, for each efficiency level. Table V.10 presents the rebuttable-presumption payback periods for the considered TSLs. While DOE examined the rebuttable-presumption criterion, it considered whether the standard levels considered for this rule are economically justified through a more detailed analysis of the economic impacts of those levels, pursuant to 42 U.S.C. 6295(o)(2)(B)(i), that considers the full range of impacts to the consumer, manufacturer, nation, and environment. The results of that analysis serve as the basis for DOE to evaluate the economic justification for a potential standard level, thereby supporting or rebutting the results of any preliminary determination of economic justification. Table V.10 shows the rebuttable presumption PBPs for the considered TSLs for PTAC and PTHP equipment.

TABLE V.10—REBUTTABLE-PRESUMPTION PAYBACK PERIOD (YEARS) FOR PTAC AND PTHP EQUIPMENT

	Trial standard level				
	1	2	3	4	5
Standard Size Equipment (9,000 Btu/h)	5.0	5.6	6.0	6.3	6.4
Standard Size Equipment (15,000 Btu/h)	6.0	6.6	7.5	8.5	9.0

2. Economic Impacts on Manufacturers

DOE performed a manufacturer impact analysis (MIA) to estimate the impact of amended energy conservation standards on PTAC and PTHP manufacturers. The following section describes the expected impacts on manufacturers at each considered TSL. Chapter 12 of the final rule TSD explains the analysis in further detail.

a. Industry Cash Flow Analysis Results

Table V.11 depicts the estimated financial impacts (represented by changes in industry net present value, or INPV) of amended energy conservation standards on manufacturers of PTACs and PTHPs, as well as the conversion costs that DOE expects manufacturers would incur for all equipment classes at each TSL.

As discussed in section IV.J.2, DOE modeled two different markup scenarios to evaluate the range of cash flow impacts on the PTAC and PTHP industry: (1) The preservation of gross margin percentage markup scenario; and (2) the preservation of per unit operating profit markup scenario.

To assess the less severe end of the range of potential impacts, DOE modeled a preservation of gross margin percentage markup scenario, in which a uniform ''gross margin percentage'' markup is applied across all potential efficiency levels. In this scenario, DOE assumed that a manufacturer's absolute dollar markup would increase as production costs increase in the standards case.

To assess the more severe end of the range of potential impacts, DOE modeled the preservation of per unit operating profit markup scenario, which reflects manufacturer concerns surrounding their inability to maintain margins as manufacturing production costs increase to meet more stringent efficiency levels. In this scenario, as manufacturers make the necessary investments required to convert their facilities to produce new standards-compliant equipment and incur higher costs of goods sold, their percentage markup decreases. Operating profit does not change in absolute dollars but decreases as a percentage of revenue.

Each of the modeled scenarios results in a unique set of cash flows and corresponding industry values at each TSL. In the following discussion, the INPV results refer to the difference in industry value between the base case and each standards case that result from the sum of discounted cash flows from the base year (2015) through the end of the analysis period, which varies by equipment class and standard level. To provide perspective on the short-run cash flow impact, DOE includes in the discussion of results a comparison of free cash flow between the base case and the standards case at each TSL in the year before amended standards would take effect. This figure provides an understanding of the magnitude of the required conversion costs relative to the cash flow generated by the industry in the base case.

The tables below present results for both the preservation of gross margin percentage markup scenario and the preservation of per-unit operating profit markup scenario. As noted, the preservation of operating profit scenario accounts for the more severe impacts presented.

TABLE V.11—MANUFACTURER IMPACT ANALYSIS RESULTS FOR PTACS AND PTHPS, GROSS MARGIN PERCENTAGE MARKUP SCENARIO

	Units	Base case	Trial standard level *				
			1	2	3	4	5
INPV	2014$M	62.2	61.1	63.1	61.9	63.1	60.3
Change in INPV	2014$M		(1.1)	0.8	(0.3)	0.8	(1.9)
	% Change		(1.8)	1.3	(0.5)	1.4	(3.1)
Product Conversion Costs	2014$M		2.2	4.8	7.3	8.6	13.7
Capital Conversion Costs	2014$M		2.3	2.9	7.2	7.2	7.5
Total Conversion Costs	2014$M		4.5	7.7	14.5	15.8	21.2
Free Cash Flow **	2014$M	3.9	2.3	1.4	(1.3)	(1.7)	(3.4)
	% Change		(40.6)	(64.9)	(133.2)	(144.5)	(188.5)

* Parentheses indicate negative values.
** DOE presents free cash flow impacts in 2018, the year before the 2019 compliance date for PTACs in the standards case. DOE estimates free cash flow impacts in the standards case will be most severe in 2018 and therefore presents those impacts here.

TABLE V.12—MANUFACTURER IMPACT ANALYSIS RESULTS FOR PTACS AND PTHPS, PRESERVATION OF OPERATING PROFIT MARKUP SCENARIO

	Units	Base case	Trial standard level *				
			1	2	3	4	5
INPV	2014$M	62.2	60.7	61.8	59.3	58.9	55.6
Change in INPV	2014$M		(1.5)	(0.5)	(3.0)	(3.4)	(6.7)
	% Change		(2.4)	(0.8)	(4.8)	(5.4)	(10.7)
Product Conversion Costs	2014$M		2.2	4.8	7.3	8.6	13.7

TABLE V.12—MANUFACTURER IMPACT ANALYSIS RESULTS FOR PTACS AND PTHPS, PRESERVATION OF OPERATING PROFIT MARKUP SCENARIO—Continued

	Units	Base case	Trial standard level *				
			1	2	3	4	5
Capital Conversion Costs	2014$M		2.3	2.9	7.2	7.2	7.5
Total Conversion Costs	2014$M		4.5	7.7	14.5	15.8	21.2
Free Cash Flow	2014$M	3.9	2.3	1.3	(1.4)	(1.9)	(3.6)
	% Change		(41.1)	(66.2)	(135.6)	(148.3)	(192.8)

* Parentheses indicate negative values.
** DOE presents free cash flow impacts in 2018, the year before the 2019 compliance date for PTACs in the standards case. DOE estimates free cash flow impacts in the standards case will be most severe in 2018 and therefore presents those impacts here.

At TSL 1, DOE estimates the impacts on INPV to range from −$1.5 million to −$1.1 million, or a change of −2.4 percent to −1.8 percent. Industry free cash flow is estimated to decrease by as much as $1.6 million, or a change of 41.1 percent compared to the base-case value of $3.9 million in the year before the compliance date (2018). At TSL 1, DOE estimates industry conversion costs of $4.5 million.

At TSL 2, DOE estimates impacts on INPV to range from −$0.5 million to $0.8 million, or a change in INPV of −0.8 percent to 1.3 percent. At this level, industry free cash flow is estimated to decrease by as much as $2.6 million, or a change of 66.2 percent compared to the base-case value of $3.9 million in the year before the compliance date (2018). DOE expects conversion costs at this level to increase to $7.7 million, reflecting the need for additional motor and control changes as well as a more significant R&D and testing burden. The INPV impacts at TSL 2 are slightly less severe than those at TSL 1 due to the interplay of conversion costs, manufacturer selling prices, and shipments. Specifically, the anticipated increase in per-unit purchase price at this level combined with steady shipments is expected to dampen the effects of conversion costs on INPV.

At TSL 3, DOE estimates impacts on INPV to range from −$3.0 million to −$0.3 million, or a change in INPV of −4.8 percent to −0.5 percent. At this level, industry free cash flow is estimated to decrease by as much as $5.2 million, or a change of 135.6 percent compared to the base-case value of $3.9 million in the year before the compliance date (2018). DOE estimates conversion costs at TSL 3 would increase to $14.5 million, nearly double the expected conversion costs at TSL 2. Anticipated conversion costs at this level include investing in new tooling and redesigning equipment to incorporate additional coils and/or formed coils.

At TSL 4, DOE estimates impacts on INPV to range from −$3.4 million to $0.8 million, or a change in INPV of −5.4 percent to 1.4 percent. At this level, industry free cash flow is estimated to decrease by as much as $5.7 million, or a change of 148.3 percent compared to the base-case value of $3.9 million in the year before the compliance date (2018). DOE estimates conversion costs at TSL 4 would increase to $15.8 million. At this level, however, DOE does not anticipate capital conversion costs beyond those required at TSL 3. Rather, product conversion costs account for the full increase. Similar to TSL 2, the INPV impacts at TSL 4 are slightly less severe than those at TSL 3 due to the interplay of conversion costs, manufacturer selling prices, and shipments. The anticipated increase in per-unit purchase price at this level combined with steady shipments is expected to dampen the effects of conversion costs on INPV.

TSL 5 represents the use of max-tech design options for each equipment class. At this level, DOE estimates impacts on INPV to range from −$6.7 million to −$1.9 million, or a change in INPV of −10.7 percent to −3.1 percent. Industry free cash flow is estimated to decrease by $7.5 million, or a change of 192.8 percent compared to the base-case value of $3.9 million in the year before the compliance date (2018). At this level, DOE estimates conversion costs would increase to a $21.2 million.

b. Direct Impacts on Employment

To quantitatively assess the potential impacts of amended energy conservation standards on direct employment, DOE used the GRIM to estimate the domestic labor expenditures and number of direct employees in the base case and at each TSL from 2015 through 2048. DOE used statistical data from the U.S. Census Bureau's 2011 Annual Survey of Manufacturers,[51] the results of the engineering analysis, and interviews with manufacturers to determine the inputs necessary to calculate industry-wide labor expenditures and domestic direct employment levels. Labor expenditures related to producing the equipment are a function of the labor intensity of producing the equipment, the sales volume, and an assumption that wages remain fixed in real terms over time. The total labor expenditures in each year are calculated by multiplying the MPCs by the labor percentage of MPCs. DOE estimates that 50 percent of PTAC and PTHP units are produced domestically.

The total labor expenditures in the GRIM were then converted to domestic production employment levels by dividing production labor expenditures by the annual payment per production worker (production worker hours times the labor rate found in the U.S. Census Bureau's 2011 Annual Survey of Manufacturers). The production worker estimates in this section only cover workers up to the line-supervisor level who are directly involved in fabricating and assembling a product within an OEM facility. Workers performing services that are closely associated with production operations, such as materials handling tasks using forklifts, are also included as production labor. DOE's estimates only account for production workers who manufacture the specific equipment covered by this rulemaking.

To estimate an upper bound to employment change, DOE assumes all domestic manufacturers would choose to continue producing equipment in the U.S. and would not move production to foreign countries. To estimate a lower bound to employment, DOE estimates the maximum portion of the industry that would choose to leave the industry or relocate production overseas rather than make the necessary conversions at

[51] "Annual Survey of Manufacturers: General Statistics: Statistics for Industry Groups and Industries," U.S. Census Bureau, 2011. Available at *www.census.gov/manufacturing/asm/index.html.*

domestic production facilities. A complete description of the assumptions used to generate these upper and lower bounds can be found in chapter 12 of the final rule TSD.

As noted above, DOE estimates that 50 percent of PTAC and PTHP units sold in the United States are manufactured domestically. In the absence of amended energy conservation standards, DOE estimates that the PTAC and PTHP industry would employ 175 domestic production workers in 2019.

Table V.13 shows the range of impacts of potential amended energy conservation standards on U.S. production workers of PTACs and PTHPs. The potential changes to direct employment in the standards case suggest that the PTAC and PTHP industry could experience anything from a slight gain in domestic direct employment to a loss of all domestic direct employment. However, since this rule maintains the standard at baseline (*i.e.,* ASHRAE), DOE does not expect any loss in domestic direct employment.

TABLE V.13—POTENTIAL CHANGES IN THE TOTAL NUMBER OF STANDARD SIZE PTAC AND PTHP PRODUCTION WORKERS IN 2019

	Trial standard level *					
	Base case †	1	2	3	4	5
Potential Changes in Domestic Production Workers in 2019	.....	(175) to 4	(175) to 10	(175) to 17	(175) to 22	(175) to 24

* Parentheses indicate negative values.
† Base case assumes 175 domestic production workers in the PTAC and PTHP industry in 2019.

The upper end of the range estimates the maximum increase in the number of production workers in the PTAC and PTHP industry after implementation of an amended energy conservation standard. It assumes manufacturers would continue to produce the same scope of covered equipment within the United States and would require some additional labor to produce more efficient equipment.

The lower end of the range represents the maximum decrease in total number of U.S. production workers that could result from an amended energy conservation standard. Throughout interviews, manufacturers stated their concerns about increasing offshore competition entering the market. If the cost of complying with amended standards significantly erodes the profitability of domestic manufacturers relative to their competitors who manufacture and/or import PTACs and PTHPs from overseas, manufacturers with domestic production could decide to exit the PTAC and PTHP market and/or shift their production facilities offshore. The lower bound of direct employment impacts therefore assumes domestic production of PTACs and PTHPs ceases, as domestic manufacturers either exit the market or shift production overseas in search of reduced manufacturing costs.

This conclusion is independent of any conclusions regarding indirect employment impacts in the broader United States economy, which are documented in chapter 15 of the final rule TSD.

c. Impacts on Manufacturing Capacity

According to PTAC and PTHP manufacturers interviewed, amended energy conservation standards would not significantly constrain manufacturing production capacity. Among manufacturers with production assets, some indicated that more stringent energy conservation standards could reduce sales volumes, thereby resulting in excess capacity. Among importers and distributors, amended energy conservation standards would not likely impact capacity. Since this rule maintains the standard at baseline (*i.e.,* ASHRAE), DOE does not expect any change in production capacity as a result of this rule.

d. Impacts on Subgroups of Manufacturers

As discussed above, using average cost assumptions to develop an industry cash flow estimate is not adequate for assessing differential impacts among subgroups of manufacturers. Small manufacturers, niche players, or manufacturers exhibiting a cost structure that differs largely from the industry average could be affected differently. DOE used the results of the industry characterization to group manufacturers exhibiting similar characteristics. Specifically, DOE identified two subgroups of manufacturers for separate impact analyses: Manufacturers with production assets and small business manufacturers.

DOE initially identified 22 companies that sell PTAC and PTHP equipment in the U.S. Among U.S. companies, few own production assets; rather, they import and distribute PTACs and PTHPs manufactured overseas, primarily in China. DOE identified a subgroup of three U.S.-headquartered manufacturers that own production assets. These manufacturers own tooling or manufacturing assets either in the U.S. or in foreign countries. Together, these three manufacturers account for approximately 80 percent of the domestic PTAC and PTHP market. Because manufacturers with production assets will incur different conversion costs to comply with amended energy conservation standards compared to their competitors who do not own production assets, DOE conducted a separate analysis to evaluate the potential impacts of an amended standard on this subgroup.

As with the overall industry analysis, DOE modeled two different markup scenarios to evaluate the range of cash flow impacts on manufacturers with production assets: (1) The preservation of gross margin percentage markup scenario; and (2) the preservation of per unit operating profit markup scenario. See section IV.J.2 for a complete description of markup scenarios.

Each of the modeled scenarios results in a unique set of cash flows and corresponding INPV values at each TSL. In the following discussion, the INPV results refer to the difference in value of manufacturers with production assets between the base case and standards cases as represented by the sum of discounted cash flows from the base year (2015) through, the end of the analysis period, which varies by equipment class and standard level. To provide perspective on the short-run cash flow impact, DOE includes in the discussion of results a comparison of free cash flow between the base case and the standards case at each TSL in the year before amended standards would take effect. This figure provides an understanding of the magnitude of the required conversion costs relative to

the cash flow generated by manufacturers with production assets in the base case.

The tables below present a range of results reflecting both the preservation of gross margin percentage markup scenario and the preservation of per unit operating profit markup scenario. As discussed in section IV.J.B, the preservation of operating profit scenario accounts for the more severe impacts presented. Estimated conversion costs do not vary with the markup scenario.

TABLE V.14—MANUFACTURER IMPACT ANALYSIS RESULTS FOR THE SUBGROUP OF PTAC AND PTHP MANUFACTURERS WITH PRODUCTION ASSETS, GROSS MARGIN PERCENTAGE MARKUP SCENARIO

	Units	Base case	Trial standard level *				
			1	2	3	4	5
INPV	2014$M	49.8	48.7	49.9	48.1	48.9	46.0
Change in INPV	2014$M		(1.1)	0.1	(1.7)	(0.9)	(3.8)
	% Change		(2.1)	0.3	(3.4)	(1.8)	(7.5)
Product Conversion Costs	2014$M		1.4	4.0	6.5	7.8	12.8
Capital Conversion Costs	2014$M		2.3	2.9	7.2	7.2	7.5
Total Conversion Costs	2014$M		3.7	6.9	13.7	15.0	20.4
Free Cash Flow **	2014$M	3.1	1.7	0.8	(1.9)	(2.3)	(4.0)
	% Change		(43.7)	(74.7)	(160.1)	(173.8)	(228.3)

* Parentheses indicate negative values.
** DOE presents free cash flow impacts in 2018, the year before the 2019 compliance date for PTACs in the standards case. As described in section IV.J.2, the base case (*i.e.,* ASHRAE) compliance date for PTACs is 2017, and the compliance date for PTHPs in both the base case and the standards case is 2018. DOE estimates free cash flow impacts in the standards case will be most severe in 2018 and therefore presents those impacts here.

TABLE V.15—MANUFACTURER IMPACT ANALYSIS RESULTS FOR THE SUBGROUP OF PTAC AND PTHP MANUFACTURERS WITH PRODUCTION ASSETS, PRESERVATION OF OPERATING PROFIT MARKUP SCENARIO

	Units	Base case	Trial standard level *				
			1	2	3	4	5
INPV	2014$M	49.8	48.5	48.9	46.0	45.5	42.3
Change in INPV	2014$M		(1.3)	(0.9)	(3.8)	(4.3)	(7.5)
	% Change		(2.7)	(1.8)	(7.7)	(8.6)	(15.1)
Product Conversion Costs	2014$M		1.4	4.0	6.5	7.8	12.8
Capital Conversion Costs	2014$M		2.3	2.9	7.2	7.2	7.5
Total Conversion Costs	2014$M		3.7	6.9	13.7	15.0	20.4
Free Cash Flow **	2014$M	3.1	1.7	0.7	(1.9)	(2.4)	(4.1)
	% Change		(44.2)	(76.0)	(162.6)	(177.7)	(232.6)

* Parentheses indicate negative values.
** DOE presents free cash flow impacts in 2018, the year before the 2019 compliance date for PTACs in the standards case. As described in section IV.J.2, the base case (*i.e.,* ASHRAE) compliance date for PTACs is 2017, and the compliance date for PTHPs in both the base case and the standards case is 2018. DOE estimates free cash flow impacts in the standards case will be most severe in 2018 and therefore presents those impacts here.

In the standards case, manufacturers with production assets experience financial impacts more negative than those facing the industry as a whole, discussed in section V.B.2.a. These impacts derive primarily from the conversion costs manufacturers with production assets would incur to comply with an amended standard. In particular, manufacturers with production assets would face capital conversion costs not shared by their competitors who import and distribute PTACs and PTHPs and do not require tooling investments. In interviews, manufacturers with production assets indicated that more stringent standards could require significant investment in new tooling to support new coil designs. In addition, manufacturers with production assets would face product conversion costs in the form of design engineering, product development, testing, certification, marketing, and related costs. Because this rule maintains the standard at baseline (*i.e.,* ASHRAE), DOE's modeling does not show any negative financial impacts on industry, including manufacturers with production assets, as a direct result of the standard.

For the small business subgroup analysis, DOE applied the small business size standards published by the Small Business Administration (SBA) to determine whether a company is considered a small business. 65 FR 30836, 30848 (May 15, 2000), as amended at 65 FR 53533, 53544 (September 5, 2000) and codified at 13 CFR part 121. To be categorized as a small business under North American Industry Classification System (NAICS) code 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing,'' a PTAC and PTHP manufacturer and its affiliates may employ a maximum of 750 employees. The 750-employee threshold includes all employees in a business's parent company and any other subsidiaries. Based on this classification, DOE identified 12 manufacturers that qualify as small businesses. The PTAC and PTHP small business subgroup analysis is discussed in chapter 12 of the final rule TSD and in section VI.B of this document.

e. Cumulative Regulatory Burden

While any one regulation may not impose a significant burden on manufacturers, the combined effects of several impending regulations may have serious consequences for some manufacturers, groups of manufacturers, or an entire industry. Assessing the impact of a single regulation may

overlook this cumulative regulatory burden. Multiple regulations affecting the same manufacturer can strain profits and can lead companies to abandon product lines or markets with lower expected future returns than competing products. For these reasons, DOE conducts an analysis of cumulative regulatory burden as part of its rulemakings pertaining to appliance efficiency.

For the cumulative regulatory burden analysis, DOE looks at other regulations that could affect PTAC and PTHP manufacturers that will take effect approximately three years before or after the 2017 compliance date of this final rule. In interviews, manufacturers cited federal regulations on equipment other than PTACs and PTHPs that contribute to their cumulative regulatory burden. The compliance years and expected industry conversion costs of relevant amended energy conservation standards are indicated in the table below:

TABLE V.16—COMPLIANCE DATES AND EXPECTED CONVERSION EXPENSES OF FEDERAL ENERGY CONSERVATION STANDARDS AFFECTING PTAC AND PTHP MANUFACTURERS

Federal energy conservation standards	Approximate compliance date	Estimated total industry conversion expense
2011 Room Air Conditioners:		
76 FR 22454 (April 21, 2011); 76 FR 52854 (August 24, 2011)	2014	$171M (2009$)
2007 Residential Furnaces & Boilers:		
72 FR 65136 (November 19, 2007)	2015	$88M (2006$) *
2011 Residential Furnaces:		
76 FR 37408 (June 27, 2011); 76 FR 67037 (October 31, 2011)	2015	$2.5M (2009$) **
2011 Residential Central Air Conditioners and Heat Pumps:		
76 FR 37408 (June 27, 2011); 76 FR 67037 (October 31, 2011)	2015	$26.0M (2009$) **
2010 Gas Fired and Electric Storage Water Heaters:		
75 FR 20112 (April 16, 2010)	2015	$95.4M (2009$)
Dishwashers ***	2018	TBD
Commercial Packaged Air-Conditioning and Heating Equipment: ***		
79 FR 58948 (September 30, 2014)	2018	$226.4M (2013$)
Commercial Warm-Air Furnaces ***	2018	$19.9M (2013$)
Furnace Fans:		
79 FR 38129 (July 3, 2014)	2019	$40.6M (2013$)
Miscellaneous Residential Refrigeration ***	2019	TBD
Single Packaged Vertical Units:		
79 FR 78614 (December 30, 2014)	2019	$16.1M (2013$)
Commercial Water Heaters ***	2019	TBD
Commercial Packaged Boilers ***	2020	TBD

* Conversion expenses for manufacturers of oil-fired furnaces and gas-fired and oil-fired boilers associated with the November 2007 final rule for residential furnaces and boilers are excluded from this figure. The 2011 direct final rule for residential furnaces sets a higher standard and earlier compliance date for oil-fired furnaces than the 2007 final rule. As a result, manufacturers will be required to design to the 2011 direct final rule standard. The conversion costs associated with the 2011 direct final rule are listed separately in this table. EISA 2007 legislated more stringent standards and earlier compliance dates for residential boilers than were required by the November 2007 final rule. As a result, gas-fired and oil-fired boiler manufacturers were required to design to the EISA 2007 standard beginning in 2012. The conversion costs listed for residential gas-fired and oil-fired boilers in the November 2007 residential furnaces and boilers final rule analysis are not included in this figure.

** Estimated industry conversion expense and approximate compliance date reflect a court-ordered April 24, 2014 remand of the residential non-weatherized and mobile home gas furnaces standards set in the 2011 Energy Conservation Standards for Residential Furnaces and Residential Central Air Conditioners and Heat Pumps. The costs associated with this rule reflect implementation of the amended standards for the remaining furnace product classes (*i.e.,* oil-fired furnaces).

*** The final rule for this energy conservation standard has not been published. The compliance date and analysis of conversion costs have not been finalized at this time. (If a value is provided for total industry conversion expense, this value represents an estimate from the September 2014 NOPR.)

Additionally, manufacturers cited increasing ENERGY STAR [52] standards for room air conditioners and ductless heating and cooling systems as a source of regulatory burden. However, DOE does not consider ENERGY STAR in its presentation of cumulative regulatory burden, because ENERGY STAR is a voluntary program and is not federally mandated.

Manufacturers also cited the U.S. EPA SNAP Program as a source of regulatory burden. The SNAP Program evaluates and regulates substitutes for ozone-depleting chemicals (such as air conditioning refrigerants) that are being phased out under the stratospheric ozone protection provisions of the CAA. On July 9, 2014, the EPA issued a notice of proposed rulemaking proposing to list three flammable refrigerants (HFC–32 (R–32), Propane (R–290), and R–441A) as new acceptable substitutes, subject to use conditions, for refrigerant in the Household and Light Commercial Air Conditioning class of equipment. 79 FR 38811 (July 9, 2014). On April 10, 2015, the EPA published its final rule that allows the use of R–32, R–290, and R–441A in limited amounts in PTAC and PTHP applications. 80 FR 19454 (April 10, 2015) EIAI commented that R–410A is a candidate for delisting in some sectors under the EPA's SNAP program. (EIAI, No. 32 at p. 3) SCS commented that, with the anti-backsliding rule, it is critical to not set a standard level so high that it may not be technically possible to meet the standard in the future with a change such as delisting refrigerants. (SCS, NOPR Public Meeting Transcript, No. 37 at p. 42) DOE notes that the EPA did not delist R–410A for use in new production in the Household and Light Commercial Air Conditioning class of equipment (which includes PTAC and PTHP equipment). DOE also notes that the use of alternate refrigerants by manufacturers of PTACs and PTHPs would not be required as a direct result of this rule. As a result, alternate

[52] ENERGY STAR is a U.S. EPA voluntary program designed to identify and promote energy-efficient products to reduce greenhouse gas emissions. For more information on the ENERGY STAR program, please visit *www.energystar.gov.*

refrigerants were not considered in this analysis.

3. National Impact Analysis

a. Significance of Energy Savings

For each TSL, DOE projected energy savings for PTAC and PTHP equipment purchased in the respective 30-year period that begins in the year of anticipated compliance with amended standards. The savings are measured over the entire lifetime of equipment purchased in the 30-year period. DOE quantified the energy savings attributable to each TSL as the difference in energy consumption between each standards case and the base case represented by ANSI/ASHRAE/IES Standard 90.1–2013. DOE also determined energy savings for PTAC equipment with the ANSI/ASHRAE/IES Standard 90.1–2013 minimum efficiency level by comparing with the energy consumption of PTAC equipment meeting the Federal minimum efficiency level. Table V.17 shows the estimated primary energy savings for PTACs and PTHPs at each of the TSLs, and Table V.18 presents the estimated full-fuel-cycle energy savings for each TSL. The approach for estimating national energy savings is further described in section IV.H.

TABLE V.17—CUMULATIVE PRIMARY ENERGY SAVINGS FOR PTAC SOLD FROM 2019 TO 2048 AND PTHP SOLD FROM 2018 TO 2047

	ASHRAE Standard 90.1–2013 *	Trial standard level				
		1	2	3	4	5
	(*quads*)					
Standard Size Equipment, 7,000 Btu/h	0.000	0.000	0.002	0.004	0.006	0.006
Standard Size Equipment, 9,000 Btu/h	0.000	0.012	0.044	0.087	0.110	0.113
Standard Size Equipment, 15,000 Btu/h	0.001	0.001	0.005	0.009	0.011	0.011
Total All Classes	0.001	0.013	0.052	0.100	0.127	0.130

* Energy savings determined from comparing PTAC energy consumption at the ANSI/ASHRAE/IES Standard 90.1–2013 efficiency level to that at the Federal minimum efficiency level.

Note: Values of 0.000 represent non-zero energy savings but is as appears due to rounding.

TABLE V.18—CUMULATIVE FULL-FUEL-CYCLE ENERGY SAVINGS FOR PTAC SOLD FROM 2019 TO 2048 AND PTHP SOLD FROM 2018 TO 2047

	ASHRAE Standard 90.1–2013 *	Trial standard level				
		1	2	3	4	5
	(*quads*)					
Standard Size Equipment, 7,000 Btu/h	0.000	0.000	0.002	0.005	0.006	0.006
Standard Size Equipment, 9,000 Btu/h	0.000	0.012	0.045	0.088	0.112	0.115
Standard Size Equipment, 15,000 Btu/h	0.001	0.001	0.005	0.009	0.011	0.011
Total All Classes	0.001	0.014	0.052	0.102	0.129	0.133

* Energy savings determined from comparing PTAC energy consumption at the ANSI/ASHRAE/IES Standard 90.1–2013 efficiency level to that at the Federal minimum efficiency level.

Note: Values of 0.000 represent non-zero energy savings but is as appears due to rounding.

Each TSL that is more stringent than the corresponding levels in ANSI/ASHRAE/IES Standard 90.1–2013 results in additional energy savings.

OMB Circular A–4 [53] requires agencies to present analytical results, including separate schedules of the monetized benefits and costs that show the type and timing of benefits and costs. Circular A–4 also directs agencies to consider the variability of key elements underlying the estimates of benefits and costs. For this rulemaking, DOE also undertook a sensitivity analysis using nine rather than 30 years of equipment shipments. The choice of a nine-year period is a proxy for the timeline in EPCA for the review of certain energy conservation standards and potential revision of and compliance with such revised standards.[54] The review timeframe established in EPCA is generally not synchronized with the equipment lifetime, equipment manufacturing cycles, or other factors specific to PTACs and PTHPs. Thus, such results are presented for informational purposes only and are not indicative of any change in DOE's analytical methodology. The NES results based on a 9-year analytical period are presented in Table V.19.

[53] "Circular A–4: Regulatory Analysis," U.S. Office of Management and Budget, September, 2003. Available at: *www.whitehouse.gov/omb/circulars_a004_a-4/*.

[54] EPCA requires DOE to review its standards at least once every 6 years, and requires, for certain equipment, a 3-year period after any new standard is promulgated before compliance is required, except that in no case may any new standards be required within 6 years of the compliance date of the previous standards. (42 U.S.C. 6313(a)(6)(C)(i)) While adding a 6-year review to the 3-year compliance period adds up to 9 years, DOE notes that it may undertake reviews at any time within the 6 year period and that the 3-year compliance date may yield to the 6-year backstop.

TABLE V.19—CUMULATIVE PRIMARY ENERGY SAVINGS FOR PTAC SOLD IN 2019–2027 AND PTHP SOLD IN 2018–2026

	ASHRAE Standard 90.1–2013 *	Trial standard level				
		1	2	3	4	5
	(*quads*)					
Standard Size Equipment, 7,000 Btu/h ...	0.000	0.000	0.001	0.001	0.002	0.002
Standard Size Equipment, 9,000 Btu/h ...	0.000	0.004	0.013	0.026	0.040	0.043
Standard Size Equipment, 15,000 Btu/h	0.000	0.000	0.001	0.003	0.004	0.004
Total All Classes	0.000	0.004	0.015	0.030	0.046	0.049

* Energy savings determined from comparing PTAC energy consumption at the ANSI/ASHRAE/IES Standard 90.1–2013 efficiency level to that at the Federal minimum efficiency level.
Note: Values of 0.000 represent non-zero energy savings but is as appears due to rounding.

b. Net Present Value of Consumer Costs and Benefits

DOE estimated the cumulative NPV of the total costs and savings for consumers that would result from the TSLs considered for PTAC and PTHP equipment. In accordance with OMB's guidelines on regulatory analysis,[55] DOE calculated the NPV using both a 7-percent and a 3-percent real discount rate.

Table V.20 shows the NPV results for each TSL considered for PTAC and PTHP equipment.

TABLE V.20—NET PRESENT VALUE OF CONSUMER BENEFITS FOR PTAC SOLD IN 2019–2048 AND PTHP SOLD IN 2018–2047

Equipment class	Discount rate	Trial standard level * (millions 2014$)				
		1	2	3	4	5
<7,000 Btu/h	3%	0.1	(1.7)	(5.4)	(8.3)	(8.8)
7,000–15,000 Btu/h		6.4	0.9	(20.6)	(43.0)	(47.6)
>15,000 Btu/h		(0.6)	(5.2)	(13.7)	(20.2)	(21.4)
Total—All Classes	.....	5.9	(6.0)	(39.7)	(71.5)	(77.7)
<7,000 Btu/h	7%	(0.1)	(1.5)	(4.1)	(6.4)	(6.9)
7,000–15,000 Btu/h		0.6	(12.0)	(36.3)	(60.1)	(65.3)
>15,000 Btu/h		(0.6)	(3.9)	(9.7)	(14.9)	(16.0)
Total—All Classes	.....	(0.1)	(17.3)	(50.2)	(81.4)	(88.1)

* Parentheses indicate negative values.
Note: Values of 0.0 represent a non-zero NPV that cannot be displayed due to rounding. Numbers may not sum to total due to rounding.

The NPV results based on the aforementioned nine-year analytical period are presented in Table V.21. As mentioned previously, this information is presented for informational purposes only and is not indicative of any change in DOE's analytical methodology or decision criteria.

TABLE V.21—NET PRESENT VALUE OF CONSUMER BENEFITS FOR PTAC SOLD IN 2019–2027AND PTHP SOLD IN 2018–2026

Equipment class	Discount rate	Trial standard level * (millions 2013$)				
		1	2	3	4	5
<7,000 Btu/h	3%	0.1	(0.3)	(1.5)	(3.0)	(3.5)
7,000–15,000 Btu/h		6.1	6.8	1.8	(9.2)	(13.7)
>15,000 Btu/h		0.1	(0.4)	(2.6)	(6.7)	(7.8)
Total–All Classes	.....	6.3	6.2	(2.4)	(18.9)	(25.1)
<7,000 Btu/h	7%	0.0	(0.5)	(1.8)	(3.2)	(3.6)
7,000–15,000 Btu/h		2.3	(2.2)	(12.4)	(27.2)	(32.4)
>15,000 Btu/h		(0.1)	(1.0)	(3.4)	(7.0)	(8.1)
Total—All Classes	.....	2.2	(3.7)	(17.6)	(37.4)	(44.1)

* Parentheses indicate negative values.
Note: Values of 0.0 represent a non-zero NPV that cannot be displayed due to rounding. Numbers may not sum to total due to rounding.

[55] "OMB Circular A–4, section E," U.S. Office of Management and Budget, September, 2003. Available online at *http://www.whitehouse.gov/omb/circulars_a004_a-4*.

c. Indirect Impacts on Employment

As described in section IV.N, DOE used an input/output model of the U.S. economy to estimate indirect employment impacts of the TSLs that DOE considered in this rulemaking. DOE understands that there are uncertainties involved in projecting employment impacts, especially changes in the later years of the analysis. Therefore, DOE generated results for near-term time frames (2019–2024), where these uncertainties are reduced.

The results suggest that the adopted standards are likely to have negligible impact on the net demand for labor in the economy. The net change in jobs is so small that it would be imperceptible in national labor statistics and might be offset by other, unanticipated effects on employment. Chapter 16 of the final rule TSD presents detailed results regarding anticipated indirect employment impacts.

4. Impact on Utility or Performance of Equipment

In performing the engineering analysis, DOE considered efficiency levels that may be achieved using design options that would not lessen the utility or performance of the individual classes of equipment. (42 U.S.C. 6313(a)(6)(B)(ii)(IV)) As presented in section III.C of this document, DOE concluded that the efficiency levels proposed for standard size equipment in this document are technologically feasible and would not reduce the utility or performance of PTACs and PTHPs. PTAC and PTHP manufacturers currently offer equipment that meet or exceed the amended standard levels.

5. Impact of Any Lessening of Competition

EPCA directs DOE to consider any lessening of competition that is likely to result from standards. It also directs the Attorney General of the United States (Attorney General) to determine the impact, if any, of any lessening of competition likely to result from a proposed standard and to transmit such determination in writing to the Secretary within 60 days of the publication of a proposed rule, together with an analysis of the nature and extent of the impact.

To assist the Attorney General in making such determination, DOE provided the Department of Justice (DOJ) with copies of the September 2014 NOPR and the accompanying TSD for review. In its assessment letter responding to DOE, DOJ concluded that the proposed energy conservation standards for PTAC and PTHP equipment are unlikely to have a significant adverse impact on competition. DOE is publishing the Attorney General's assessment at the end of this final rule.

6. Need of the Nation To Conserve Energy

Enhanced energy efficiency, where economically justified, improves the nation's energy security, strengthens the economy, and reduces the environmental impacts or costs of energy production. Reduced electricity demand due to energy conservation standards is also likely to reduce the cost of maintaining the reliability of the electricity system, particularly during peak-load periods. As a measure of this reduced demand, chapter 15 of the final rule TSD presents the estimated reduction in generating capacity for the TSLs that DOE considered in this rulemaking.

Energy savings from amended standards for PTAC and PTHP equipment may yield environmental benefits in the form of reduced emissions of air pollutants and greenhouse gases. Table V.22 provides DOE's estimate of cumulative emissions reductions expected to result from the TSLs considered in this rulemaking. The table includes both power sector emissions and upstream emissions. The emissions were calculated using the multipliers discussed in section IV.K. DOE reports annual emissions reductions for each TSL in chapter 13 of the final rule TSD.

TABLE V.22—SUMMARY OF EMISSIONS REDUCTIONS FOR PTAC SOLD FROM 2019 TO 2048 AND PTHP SOLD FROM 2018 TO 2047

	Trial standard level					
	ASHRAE **	1	2	3	4	5
Power Sector Emissions						
CO_2 (million metric tons)	0.05	0.79	3.04	5.90	7.57	7.80
SO_2 (thousand tons)	0.04	0.65	2.50	4.85	6.28	6.50
NO_X (thousand tons)	0.04	0.61	2.34	4.53	5.84	6.03
Hg (tons)	0.00	0.00	0.01	0.01	0.02	0.02
N_2O (thousand tons)	0.00	0.01	0.04	0.08	0.10	0.11
CH_4 (thousand tons)	0.00	0.08	0.30	0.58	0.73	0.75
Upstream Emissions						
CO_2 (million metric tons)	0.00	0.04	0.17	0.34	0.42	0.44
SO_2 (thousand tons)	0.00	0.01	0.03	0.06	0.08	0.08
NO_X (thousand tons)	0.04	0.64	2.47	4.79	6.04	6.20
Hg (tons)	0.00	0.00	0.00	0.00	0.00	0.00
N_2O (thousand tons)	0.00	0.00	0.00	0.00	0.00	0.00
CH_4 (thousand tons)	0.22	3.70	14.39	27.88	35.17	36.09
Total FFC Emissions						
CO_2 (million metric tons)	0.05	0.83	3.21	6.24	7.99	8.24
SO_2 (thousand tons)	0.04	0.66	2.53	4.91	6.36	6.58
NO_X (thousand tons)	0.08	1.24	4.81	9.32	11.87	12.23
Hg (tons)	0.00	0.00	0.01	0.02	0.02	0.02

TABLE V.22—SUMMARY OF EMISSIONS REDUCTIONS FOR PTAC SOLD FROM 2019 TO 2048 AND PTHP SOLD FROM 2018 TO 2047—Continued

	Trial standard level					
	ASHRAE **	1	2	3	4	5
N_2O (thousand tons)	0.00	0.01	0.04	0.09	0.11	0.11
N_2O (thousand tons CO_2eq) *	0.18	3.01	11.66	22.61	28.71	29.52
CH_4 (thousand tons)	0.23	3.78	14.69	28.46	35.90	36.84
CH_4 (million tons CO_2eq) *	6.42	105.87	411.21	796.84	1005.20	1031.56

* CO_2eq is the quantity of CO_2 that would have the same global warming potential (GWP) as the subject emission.
** Emissions reductions determined from comparing PTAC emissions at the ANSI/ASHRAE/IES Standard 90.1–2013 efficiency level to that at the Federal minimum efficiency level.
Note: Values of 0.00 represent non-zero emissions savings but is as appears due to rounding.

As part of the analysis for this rule, DOE estimated monetary benefits likely to result from the reduced emissions of CO_2 and NO_X that DOE estimated for each of the considered TSLs for PTAC and PTHP equipment. As discussed in section IV.L of this document, for CO_2, DOE used the most recent values for the SCC developed by an interagency process. The four sets of SCC values for CO_2 emissions reductions in 2015 resulting from that process (expressed in 2014$) are represented by $12.2/metric ton (the average value from a distribution that uses a 5-percent discount rate), $41.2/metric ton (the average value from a distribution that uses a 3-percent discount rate), $63.4/metric ton (the average value from a distribution that uses a 2.5-percent discount rate), and $121/metric ton (the 95th-percentile value from a distribution that uses a 3-percent discount rate). The values for later years are higher due to increasing damages (public health, economic and environmental) as the projected magnitude of climate change increases.

Table V.23 presents the global value of CO_2 emissions reductions at each TSL. For each of the four cases, DOE calculated a present value of the stream of annual values using the same discount rate as was used in the studies upon which the dollar-per-ton values are based. DOE calculated domestic values as a range from 7 percent to 23 percent of the global values, and these results are presented in chapter 14 of the final rule TSD.

TABLE V.23—ESTIMATES OF GLOBAL PRESENT VALUE OF CO_2 EMISSIONS REDUCTION UNDER PTAC AND PTHP TRIAL STANDARD LEVELS

TSL	SCC Case * *(million 2014$)*			
	5% Discount rate, average *	3% Discount rate, average *	2.5% Discount rate, average *	3% Discount rate, 95th percentile *
Power Sector Emissions				
1	5.60	25.65	40.71	79.28
2	21.36	98.34	156.20	304.08
3	41.70	191.50	304.04	592.22
4	55.18	249.89	395.67	771.97
5	57.33	258.78	409.48	799.04
Upstream Emissions				
1	0.31	1.43	2.28	4.44
2	1.19	5.54	8.81	17.14
3	2.32	10.77	17.13	33.34
4	3.02	13.84	21.95	42.80
5	3.12	14.25	22.60	44.08
Total FFC Emissions				
1	5.91	27.09	42.99	83.71
2	22.55	103.87	165.01	321.22
3	44.02	202.27	321.17	625.56
4	58.20	263.72	417.62	814.77
5	60.46	273.03	432.09	843.12

* For each of the four cases, the corresponding SCC value for emissions in 2015 is $12.2, $41.2, $63.4, and $121 per metric ton (2014$). The values are for CO_2 only (*i.e.,* not CO_{2eq} of other greenhouse gases).

DOE is well aware that scientific and economic knowledge about the contribution of CO_2 and other GHG emissions to changes in the future global climate and the potential resulting damages to the world economy continues to evolve rapidly. Thus, any value placed on reduced CO_2 emissions in this rulemaking is subject to change. DOE, together with other Federal agencies, will continue to review various methodologies for estimating the monetary value of reductions in CO_2 and other GHG emissions. This ongoing review will consider the comments on this subject that are part of the public record for this and other rulemakings, as well as other methodological

assumptions and issues. However, consistent with DOE's legal obligations, and taking into account the uncertainty involved with this particular issue, DOE has included in this rule the most recent values and analyses resulting from the interagency review process.

DOE also estimated the cumulative monetary value of the economic benefits associated with NO_X emissions reductions anticipated to result from amended standards for PTACs and PTHPs. The dollar-per-ton values that DOE used are discussed in section IV.L.1. Table V.24 presents the cumulative present values for NO_X emissions for each TSL calculated using the average dollar-per-ton value and 7-percent and 3-percent discount rates.

TABLE V.24—ESTIMATES OF PRESENT VALUE OF NO_X EMISSIONS REDUCTION FOR PTAC SOLD FROM 2019 TO 2048 AND PTHP SOLD FROM 2018 TO 2047

TSL	(Million 2014$)	
	3% Discount rate	7% Discount rate
Power Sector Emissions		
1	0.87	0.43
2	3.30	1.58
3	6.45	3.11
4	8.63	4.34
5	9.01	4.60
Upstream Emissions		
1	0.87	0.40
2	3.34	1.51
3	6.53	2.97
4	8.56	4.07
5	8.87	4.27
Total FFC Emissions		
1	1.74	0.83
2	6.64	3.10
3	12.97	6.08
4	17.20	8.42
5	17.88	8.87

7. Other Factors

The Secretary of Energy, in determining whether a standard is economically justified, may consider any other factors that the Secretary deems to be relevant. (42 U.S.C. 6313(a)(6)(B)(ii)(VII)) No other factors were considered in this analysis.

8. Summary of National Economic Impacts

The NPV of the monetized benefits associated with emissions reductions can be viewed as a complement to the NPV of the consumer savings calculated for each TSL considered in this rulemaking. Table V.25 presents the NPV values that result from adding the estimates of the potential economic benefits resulting from reduced CO_2 and NO_X emissions in each of four valuation scenarios to the NPV of consumer savings calculated for each TSL considered in this rulemaking, at both a 7-percent and 3-percent discount rate. The CO_2 values used in the columns of each table correspond to the four sets of SCC values discussed above.

TABLE V.25—NET PRESENT VALUE OF CONSUMER SAVINGS COMBINED WITH PRESENT VALUE OF MONETIZED BENEFITS FROM CO_2 AND NO_X EMISSIONS REDUCTIONS

TSL	million 2014$			
	SCC Case $12.2/metric ton and medium NO_X value	SCC Case $41.2/metric ton and medium NO_X value	SCC Case $63.4/metric ton and medium NO_X value	SCC Case $121/metric ton and medium NO_X value
Consumer NPV at 3% Discount Rate added with:				
1	13.5	34.7	50.6	91.4
2	23.2	104.5	165.7	321.9
3	17.3	175.6	294.5	598.8
4	3.9	209.4	363.3	760.4
5	0.6	213.2	372.2	783.3
Consumer NPV at 7% Discount Rate added with:				
1	6.7	27.8	43.7	84.5
2	8.3	89.6	150.8	307.0
3	(0.1)	158.2	277.1	581.5
4	(14.8)	190.7	344.6	741.8
5	(18.8)	193.8	352.8	763.9

* These label values represent the global SCC in 2015, in 2014$.

Although adding the value of consumer savings to the values of emission reductions provides a valuable perspective, two issues should be considered. First, the national operating cost savings are domestic U.S. monetary savings that occur as a result of market transactions, while the value of CO_2 reductions is based on a global value. Second, the assessments of operating cost savings and the SCC are performed with different methods that use different time frames for analysis. The national operating cost savings is measured for the lifetime of equipment shipped in 2019 to 2048. Because CO_2 emissions have a very long residence time in the atmosphere,[56] the SCC values in future years reflect future climate-related impacts resulting from the emission of CO_2 that continue beyond 2100.

[56] The atmospheric lifetime of CO_2 is estimated of the order of 30–95 years. Jacobson, MZ, ''Correction to 'Control of fossil-fuel particulate black carbon and organic matter, possibly the most effective method of slowing global warming,''' *J. Geophys. Res.* 110. pp. D14105 (2005).

C. Conclusions

Any new or amended energy conservation standard for any class of PTAC and PTHP equipment must demonstrate that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for PTAC and PTHP equipment

would result in significant additional conservation of energy, is technologically feasible and economically justified, and is supported by clear and convincing evidence. (42 U.S.C. 6313(a)(6)(A)(i)(II)) In determining whether a standard is economically justified, the Secretary must determine whether the benefits of the standard exceed its burdens, considering, to the greatest extent practicable, the seven statutory factors discussed previously. (42 U.S.C. 6313(a)(6)(B)(ii))

DOE considered the impacts of potential standards at each TSL, beginning with the maximum technologically feasible level, to determine whether that level met the evaluation criteria. If the max-tech level was not justified, DOE then considered the next most-efficient level and undertook the same evaluation until it reached the highest efficiency level that is both technologically feasible and economically justified, results in significant additional conservation of energy, and is supported by clear and convincing evidence.

To aid the reader in understanding the benefits and/or burdens of each TSL, Table V.26 and Table V.27 summarize the quantitative impacts estimated for each TSL for PTAC and PTHP equipment, based on the assumptions and methodology discussed herein. The national impacts are measured over the lifetime of PTAC and PTHP equipment purchased in the 30-year period that begins in the anticipated year of compliance with amended standards. The energy savings, emissions reductions, and value of emissions reductions refer to full-fuel-cycle results. The efficiency levels contained in each TSL are described in section V.A. In addition to the quantitative results presented in the tables, DOE also considers other burdens and benefits that affect economic justification. These include the impacts on identifiable subgroups of consumers that may be disproportionately affected by a national standard (see section V.B.1.b), and impacts on employment. DOE discusses the impacts on employment in PTAC and PTHP manufacturing in section V.B.2, and discusses the indirect employment impacts in section V.B.3.c.

TABLE V.26—SUMMARY OF ANALYTICAL RESULTS FOR PTAC AND PTHP EQUIPMENT: NATIONAL IMPACTS

Category	ASHRAE †	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5
Cumulative National FFC Energy Savings (*quads*)	0.001	0.014	0.052	0.102	0.129	0.133
NPV of Consumer Costs and Benefits *** (*2014$ million*):						
3% discount rate	.....	5.9	(6.0)	(39.7)	(71.5)	(77.7)
7% discount rate	.....	(0.1)	(17.3)	(50.2)	(81.4)	(88.1)
Cumulative Emissions Reduction (Total FFC Emissions):						
CO_2 *million metric tons*	0.05	0.83	3.21	6.24	7.99	8.24
SO_2 *thousand tons*	0.04	0.66	2.53	4.91	6.36	6.58
NO_X *thousand tons*	0.08	1.24	4.81	9.32	11.87	12.23
Hg *tons*	0.00	0.00	0.01	0.02	0.02	0.02
N_2O *thousand tons*	0.00	0.01	0.04	0.09	0.11	0.11
N_2O *thousand tons* CO_2eq *	0.18	3.01	11.66	22.61	28.71	29.52
CH_4 *thousand tons*	0.23	3.78	14.69	28.46	35.90	36.84
CH_4 *thousand tons* CO_2eq *	6.42	105.87	411.21	796.84	1005.20	1031.56
Value of Emissions Reduction (Total FFC Emissions):						
CO_2 *2014$ million* **		5.9 to 83.7	22.5 to 321.2	44.0 to 625.6	58.2 to 814.8	60.5 to 843.1
NO_X—3% discount rate *2014$ million*		1.74	6.64	12.97	17.20	17.88
NO_X—7% discount rate *2014$ million*		0.83	3.10	6.08	8.42	8.87

* CO_2eq is the quantity of CO_2 that would have the same global warming potential (GWP) as the subject emission.
** Range of the economic value of CO_2 reductions is based on estimates of the global benefit of reduced CO_2 emissions.
*** Parentheses indicate negative values.
† Energy and emissions savings determined from comparing PTAC energy consumption and emissions at the ANSI/ASHRAE/IES Standard 90.1–2013 efficiency level to that at the Federal minimum efficiency level.
Note: Values of 0.00 represent non-zero emissions savings but is as appears due to rounding.

TABLE V.27—SUMMARY OF ANALYTICAL RESULTS FOR PTAC AND PTHP EQUIPMENT: MANUFACTURER AND CONSUMER IMPACTS

Category	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5
Industry Impacts ***					
Change in Industry NPV (2013$M)	(1.5) to (1.1)	(0.5) to 0.8	(3.0) to (0.3)	(3.4) to 0.8	(6.7) to (1.9)
Industry NPV (% Change)	(2.4) to (1.8)	(0.8) to 1.3	(4.8) to (0.5)	(5.4) to 1.4	(10.7) to (3.1)
Consumer Mean LCC Savings *** (*2014$*)					
Standard Size Equipment, 9,000 Btu/h	0.17	(3.26)	(9.85)	(18.50)	(23.50)
Standard Size Equipment, 15,000 Btu/h	(0.95)	(5.51)	(19.24)	(40.53)	(54.02)
Weighted Average *	0.09	(3.43)	(10.52)	(20.08)	(25.69)
Consumer Median PBP (*years*)					
Standard Size Equipment, 9,000 Btu/h	7.67	8.84	9.84	10.53	10.87
Standard Size Equipment, 15,000 Btu/h	9.69	10.49	12.30	14.07	14.98
Weighted Average *	7.62	8.65	9.19	0.00	0.00
Standard Size Equipment 9,000 Btu/h **					
Consumers with Net Cost %	27	50	78	87	88

TABLE V.27—SUMMARY OF ANALYTICAL RESULTS FOR PTAC AND PTHP EQUIPMENT: MANUFACTURER AND CONSUMER IMPACTS—Continued

Category	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5
Consumers with No Impact %	52	34	7	0	0
Consumers with Net Benefit %	21	16	15	13	12
Standard Size Equipment 15,000 Btu/h **					
Consumers with Net Cost %	34	51	85	93	95
Consumers with No Impact %	58	39	7	2	0
Consumers with Net Benefit %	8	10	9	5	4
Weighted Average **					
Consumers with Net Cost %	28	50	79	87	89
Consumers with No Impact %	9	2	1	1	1
Consumers with Net Benefit %	17	21	37	46	65

* Weighted by shares of each equipment class in total projected shipments in 2019 for PTAC and 2018 for PTHP.
** Rounding may cause some items to not total 100 percent.
*** Parentheses indicate negative values.

DOE first considered TSL 5, which represents the max-tech efficiency levels. TSL 5 would save 0.13 quads of energy, an amount DOE considers significant. Under TSL 5, the NPV of consumer benefit would be negative $88.1 million using a discount rate of 7 percent, and negative $77.7 million using a discount rate of 3 percent.

The cumulative emissions reductions at TSL 5 are 8.2 Mt of CO_2, 6.6 thousand tons of SO_2, 12.2 thousand tons of NO_X, 36.8 thousand tons of CH_4, and 0.1 thousand tons of N_2O. The estimated monetary value of the CO_2 emissions reduction at TSL 5 ranges from $61 million to $843 million.

At TSL 5, the weighted-average LCC impact is an expenditure (*i.e.,* negative savings) of $25.68 for purchasers of PTAC and PTHP equipment. For these purchasers, the simple payback period is 6.6 years. The fraction of consumers experiencing a net LCC cost is 89 percent.

At TSL 5, the projected change in INPV ranges from a decrease of $6.7 million to a decrease of $1.9 million, which correspond to decreases of 10.7 percent and 3.1 percent, respectively. Currently, there is only one PTHP equipment line being manufactured at TSL 5 efficiency levels. Available information indicates that PTAC and PTHP manufacturers would be able to design and produce equipment at TSL 5, based on the existence of a unit that achieves TSL 5 levels without the use of proprietary technologies.

The Secretary concluded that at TSL 5 for PTAC and PTHP equipment, the benefits of energy savings, emission reductions, and the estimated monetary value of the emissions reductions would be outweighed by the negative NPV of consumer benefits, the economic burden on many consumers, and the impacts on manufacturers, including the conversion costs and profit margin impacts that could result in a large reduction in INPV. Consequently, the Secretary has concluded that TSL 5 is not economically justified.

DOE then considered TSL 4, which would save an estimated 0.13 quads of energy, an amount DOE considers significant. Under TSL 4, the NPV of consumer benefit would be negative $81.4 million using a discount rate of 7 percent, and negative $71.5 million using a discount rate of 3 percent.

The cumulative emissions reductions at TSL 4 are 8.0 Mt of CO_2, 6.4 thousand tons of SO_2, 11.9 thousand tons of NO_X, 35.9 thousand tons of CH_4, and 0.1 thousand tons of N_2O. The estimated monetary value of the CO_2 emissions reduction at TSL 4 ranges from $58 million to $815 million.

At TSL 4, the weighted-average LCC impact is an expenditure of $20.07 for purchasers of PTAC and PTHP equipment. For these purchasers, the simple payback period is 6.4 years. The fraction of consumers experiencing a net LCC cost is 87 percent.

At TSL 4, the projected change in INPV ranges from a decrease of $3.4 million to an increase of $0.8 million, which represent a decrease of 5.4 percent and an increase of 1.4 percent, respectively.

The Secretary concluded that at TSL 4 for PTAC and PTHP equipment, the benefits of energy savings, emission reductions, and the estimated monetary value of the emissions reductions would be outweighed by the negative NPV of consumer benefits, economic burden on many consumers, and the impacts on manufacturers, including the conversion costs and profit margin impacts that could result in a large reduction in INPV. Consequently, the Secretary has concluded that TSL 4 is not economically justified.

DOE then considered TSL 3, which would save an estimated 0.10 quads of energy, an amount DOE considers significant. Under TSL 3, the NPV of consumer benefit would be negative $50.2 million using a discount rate of 7 percent, and negative $39.7 million using a discount rate of 3 percent.

The cumulative emissions reductions at TSL 3 are 6.2 Mt of CO_2, 4.9 thousand tons of SO_2, 9.3 thousand tons of NO_X, 28.5 thousand tons of CH_4, and 0.1 thousand tons of N_2O. The estimated monetary value of the CO_2 emissions reduction at TSL 3 ranges from $44 million to $626 million.

At TSL 3, the weighted-average LCC impact is an expenditure of $10.52 for purchasers of PTAC and PTHP equipment. For these purchasers, the simple payback period is 6.1 years. The fraction of consumers experiencing a net LCC cost is 79 percent.

At TSL 3, the projected change in INPV ranges from a decrease of $3.0 million to a decrease of $0.3 million, which represent decreases of 4.8 percent and 0.5 percent, respectively.

The Secretary concluded that at TSL 3 for PTAC and PTHP equipment, the benefits of energy savings, emission reductions, and the estimated monetary value of the emissions reductions would be outweighed by the negative NPV of consumer benefits, economic burden on many consumers, and the impacts on manufacturers, including the conversion costs and profit margin impacts that could result in a large reduction in INPV. Consequently, the Secretary has concluded that TSL 3 is not economically justified.

DOE then considered TSL 2, which would save an estimated 0.05 quads of energy, an amount DOE considers significant. Under TSL 2, the NPV of consumer benefit would be negative $17.3 million using a discount rate of 7 percent, and negative $6.0 million using a discount rate of 3 percent.

The cumulative emissions reductions at TSL 2 are 3.2 Mt of CO_2, 2.5 thousand tons of SO_2, 4.8 thousand tons of NO_X, and 14.7 thousand tons of CH_4. The

estimated monetary value of the CO_2 emissions reduction at TSL 2 ranges from $23 million to $321 million.

At TSL 2, the weighted-average LCC impact is an expenditure of $3.43 for purchasers of PTAC and PTHP equipment. For these purchasers, the simple payback period is 5.7 years. The fraction of consumers experiencing a net LCC cost is 50 percent.

At TSL 2, the projected change in INPV ranges from a decrease of $0.5 million to an increase of $0.8 million, which represent a decrease of 0.8 percent and an increase of 1.3 percent, respectively.

The Secretary concluded that at TSL 2 for PTAC and PTHP equipment, the benefits of energy savings, emission reductions, and the estimated monetary value of the emissions reductions would be outweighed by the negative NPV of consumer benefits, economic burden on some consumers, and the impacts on manufacturers, including the conversion costs and profit margin impacts that could result in a large reduction in INPV. Consequently, the Secretary has concluded that TSL 2 is not economically justified.

DOE then considered TSL 1, which would save an estimated 0.01 quads of energy, an amount DOE considers significant. Under TSL 1, the NPV of consumer benefit would be negative $0.1 million using a discount rate of 7 percent, and $5.9 million using a discount rate of 3 percent.

The cumulative emissions reductions at TSL 1 are 0.8 Mt of CO_2, 0.7 thousand tons of SO_2, 1.2 thousand tons of NO_X, and 3.8 thousand tons of CH_4. The estimated monetary value of the CO_2 emissions reduction at TSL 1 ranges from $6 million to $84 million.

At TSL 1, the weighted-average LCC impact is a savings of $0.09 for purchasers of PTAC and PTHP equipment. For these purchasers, the simple payback period is 5.1 years. The fraction of consumers experiencing a net LCC cost is 28 percent.

At TSL 1, the projected change in INPV ranges from a decrease of $1.1 million to a decrease of $1.5 million, which represent decreases of 1.8 percent and 2.4 percent, respectively.

The Secretary concluded that at TSL 1 for PTAC and PTHP equipment, the benefits of energy savings, emission reductions, estimated monetary value of the emissions reductions, and the economic benefit for some consumers would be outweighed by the negative NPV of consumer benefits at 7-percent discount rate, the negative average LCC savings for standard size equipment, 15,000 Btu/h, and the negative impacts on manufacturers, including the conversion costs and profit margin impacts that could result in a large reduction in INPV. Consequently, the Secretary has concluded that TSL 1 is not economically justified.

Therefore, based on the above considerations, DOE is not able to show with clear and convincing evidence that energy conservation standards for PTAC and PTHP equipment based on any of the considered TSLs are economically justified. Therefore, pursuant to 42 U.S.C. 6313(6)(A)(ii)(I), which states that unless adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the equipment would result in significant additional conservation of energy and is technologically feasible and economically justified and is supported by clear and convincing evidence, DOE is establishing amended energy efficiency standards for PTAC equipment at the minimum efficiency level specified in the ANSI/ASHRAE/IES Standard 90.1–2013 for PTAC equipment. The amended energy conservation standards for PTAC equipment are shown in Table V.28. The standards for PTHP equipment remain unchanged.

TABLE V.28—AMENDED ENERGY CONSERVATION STANDARDS FOR STANDARD SIZE PTAC EQUIPMENT

Equipment type	Cooling capacity	Efficiency level	Compliance date: Products manufactured on and after . . .
PTAC	<7,000 Btu/h	EER = 11.9	January 1, 2017.
	≥7,000 Btu/h and ≤15,000 Btu/h	EER = 14.0 − (0.3 × Cap [1]).	
	>15,000 Btu/h	EER = 9.5	

[1] Cap means cooling capacity in thousand British thermal units per hour (Btu/h) at 95 °F outdoor dry-bulb temperature.

VI. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Section 1(b)(1) of Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993), requires each agency to identify the problem that it intends to address, including, where applicable, the failures of private markets or public institutions that warrant new agency action, as well as to assess the significance of that problem. This final rule addresses the following problems:

(1) Insufficient information and the high costs of gathering and analyzing relevant information leads some consumers to miss opportunities to make cost-effective investments in energy efficiency.

(2) In some cases the benefits of more efficient equipment are not realized due to misaligned incentives between purchasers and users. An example of such a case is when the equipment purchase decision is made by a building contractor or building owner who does not pay the energy costs.

(3) There are external benefits resulting from improved energy efficiency of equipment that are not captured by the users of such equipment. These benefits include externalities related to public health, environmental protection and national energy security that are not reflected in energy prices, such as reduced emissions of air pollutants and greenhouse gases that impact human health and global warming. DOE attempts to qualify some of the external benefits through use of social cost of carbon values.

In addition, DOE has determined that this regulatory action is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866. Section 6(a)(3)(A) of the Executive Order states that absent a material change in the development of the planned regulatory action, regulatory action not designated as significant will not be subject to review under the aforementioned section unless, within 10 working days of receipt of DOE's list of planned regulatory actions, the Administrator of OIRA notifies the agency that OIRA has determined that a planned regulation is a significant regulatory action within the meaning of the Executive order.

DOE has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011. 76 FR 3281 (Jan. 21, 2011). EO 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review

established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) 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); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that Executive Order 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, OIRA has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, DOE believes that this final rule is consistent with these principles, including the requirement that, to the extent permitted by law, benefits justify costs and that net benefits are maximized.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the 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*).

1. Description and Estimated Number of Small Entities Regulated

a. Methodology for Estimating the Number of Small Entities

For manufacturers of PTACs and PTHPs, the Small Business Administration (SBA) has set a size threshold, which defines those entities classified as ''small businesses'' for the purposes of the statute. DOE used the SBA's small business size standards to determine whether any small entities would be subject to the requirements of the rule. *See* 13 CFR part 121. The size standards are listed by North American Industry Classification System (NAICS) code and industry description and are available at *http://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.* PTAC and PTHP manufacturing is classified under NAICS 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.'' The SBA sets a threshold of 750 employees or less for an entity to be considered as a small business for this category.

DOE reviewed the potential standard levels considered in this final rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE conducted a market survey to determine whether any companies could be small business manufacturers of equipment covered by this rulemaking. DOE used available public information to identify potential small manufacturers. DOE's research involved industry trade association membership directories (*e.g.,* AHRI), information from previous rulemakings, individual company Web sites, and market research tools (*e.g.,* Hoover's reports) to create a list of companies that manufacture or sell PTAC and PTHP equipment covered by this rulemaking. DOE also asked stakeholders and industry representatives if they were aware of any additional small manufacturers during manufacturer interviews and at DOE public meetings. DOE reviewed publicly available data and contacted various companies on its list of manufacturers, as necessary, to determine whether they met the SBA's definition of a small business manufacturer. DOE screened out companies that do not offer equipment impacted by this rulemaking, do not meet the definition of a ''small business,'' or are foreign owned and operated.

DOE initially identified 22 companies that sell PTAC and PTHP equipment that would be affected by this proposal. Of these 22 companies, DOE identified 12 as small businesses.

b. Manufacturer Participation

DOE contacted the identified small businesses to invite them to take part in a manufacturer impact analysis interview. Of the 12 small businesses contacted, DOE was able to reach and discuss potential standards with two. DOE also obtained information about small businesses and potential impacts on small businesses while interviewing large manufacturers.

c. PTAC and PTHP Industry Structure and Nature of Competition

Three major manufacturers supply approximately 80 percent of the U.S. market for standard-size PTACs and PTHPs. DOE estimates that the remaining 20 percent of the market is served by a combination of small businesses and large businesses that are foreign owned and operated. None of the major manufacturers of PTACs and PTHPs affected by this rulemaking is a domestic small business.

Further, the small businesses identified are not original equipment manufacturers of standard-size PTACs and PTHPs affected by this rulemaking. Rather, they import, rebrand, and distribute PTACs and PTHPs manufactured overseas by foreign companies. Some small businesses identified are original equipment manufacturers of non-standard size PTACs and PTHPs. However, energy conservation standards for non-standard units are not being amended by this rulemaking. As a result, manufacturers of non-standard equipment are not considered in this small business analysis.

2. Description and Estimate of Compliance Requirements

In this rule, DOE is adopting amended energy conservation standards for PTAC equipment that are equivalent to the standards set forth in ANSI/ASHRAE/IES Standard 90.1–2013. In line with ANSI/ASHRAE/IES Standard 90.1–2013, DOE is not amending energy conservation standards for PTHP equipment. DOE is required to adopt minimum efficiency standards either equivalent to or more stringent than those set forth by ASHRAE.

Since this rule adopts the baseline as the standards level, DOE's modeling does not show any negative financial impacts on industry, including small

manufacturers, as a direct result of the standard.

3. Duplication, Overlap, and Conflict With Other Rules and Regulations

DOE is not aware of any rules or regulations that duplicate, overlap, or conflict with this final rule.

4. Significant Alternatives to the Rule

The discussion above analyzes impacts on small businesses that would result from DOE's rule adopting the ASHRAE levels. EPCA requires DOE to adopt the levels adopted by ASHRAE unless clear and convincing evidence supports adopting a higher standard. Therefore, in reviewing alternatives to the proposed rule, DOE considered the ASHRAE levels and levels above those adopted by ASHRAE. After considering comments on the proposal, DOE determined that it did not have clear and convincing evidence that levels above those adopted by ASHRAE were economically justified, and so DOE is adopting the ASHRAE levels in this final rule.

In addition to the other TSLs being considered, the final rule TSD includes a regulatory impact analysis (RIA). For PTAC and PTHP equipment, the RIA discusses the following policy alternatives: (1) No change in standard; (2) consumer rebates; (3) consumer tax credits; (4) manufacturer tax credits; (5) voluntary energy efficiency targets; and (6) bulk government purchases. While these alternatives may mitigate to some varying extent the economic impacts on small entities compared to the adopted standards, DOE does not intend to consider these alternatives further because in several cases, they would not be feasible to implement without authority and funding from Congress, and in all cases, DOE has determined that the energy savings of these alternatives are significantly smaller than those that would be expected to result from adoption of the standards (ranging from approximately 1 percent to 22 percent of the energy savings from the adopted standards). Accordingly, DOE is declining to adopt any of these alternatives and is adopting the standards set forth in this rulemaking. (See chapter 17 of the final rule TSD for further detail on the policy alternatives DOE considered.)

Additional compliance flexibilities may be available through other means. EPCA provides that a manufacturer whose annual gross revenue from all of its operations does not exceed $8,000,000 may apply for an exemption from all or part of an energy conservation standard for a period not longer than 24 months after the effective date of a final rule establishing the standard. Additionally, Section 504 of the Department of Energy Organization Act, 42 U.S.C. 7194, provides authority for the Secretary to adjust a rule issued under EPCA in order to prevent ''special hardship, inequity, or unfair distribution of burdens'' that may be imposed on that manufacturer as a result of such rule.

C. Review Under the Paperwork Reduction Act

Manufacturers of PTACs and PTHPs must certify to DOE that their equipment complies with any applicable energy conservation standards. In certifying compliance, manufacturers must test their equipment according to the DOE test procedures for PTACs and PTHPs, 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 PTACs and PTHPs. See generally 10 CFR part 429. 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. Public reporting burden for the certification is estimated to average 30 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.

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

Pursuant to the National Environmental Policy Act (NEPA) of 1969, DOE has determined that the rule fits within the category of actions included in Categorical Exclusion (CX) B5.1 and otherwise meets the requirements for application of a CX. See 10 CFR part 1021, appendix B, B5.1(b); 1021.410(b) and appendix B, B(1)–(5). The rule fits within the category of actions because it is a rulemaking that establishes energy conservation standards for consumer products or industrial equipment, and for which none of the exceptions identified in CX B5.1(b) apply. Therefore, DOE has made a CX determination for this rulemaking, and DOE does not need to prepare an Environmental Assessment or Environmental Impact Statement for this rule. DOE's CX determination for this rule is available at *http://cxnepa.energy.gov/.*

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism.'' 64 FR 43255 (August 10, 1999) imposes certain requirements on Federal 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 has examined this rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the equipment 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) Therefore, no further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 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. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), 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 section 3(a) and section 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 likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a ''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 them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE's policy statement is also available at *http://energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf.*

DOE has concluded that this final rule is not expected to require expenditures of $100 million or more on the private sector. As a result, the analytical requirements of UMRA described above are not applicable.

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

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

I. Review Under Executive Order 12630

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

J. Review Under the 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 Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 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 OIRA at OMB, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates 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 should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

DOE has concluded that this regulatory action, which sets forth amended energy conservation standards for PTAC and PTHP equipment, is not a significant energy action because the standards are not likely to have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator at OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects on this final rule.

L. Review Under the Information Quality Bulletin for Peer Review

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (OSTP), issued its Final Information Quality Bulletin for Peer Review (the Bulletin). 70 FR 2664 (January 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal Government, including influential scientific information related to agency regulatory actions. The purpose of the bulletin is to enhance the quality and credibility of the Government's scientific information. Under the Bulletin, the energy conservation standards rulemaking analyses are ''influential scientific information,'' which the Bulletin defines as ''scientific information the agency reasonably can determine will have, or does have, a clear and substantial impact on important public policies or private sector decisions.'' Id. at FR 2667.

In response to OMB's Bulletin, DOE conducted formal in-progress peer reviews of the energy conservation standards development process and analyses and has prepared a Peer Review Report pertaining to the energy conservation standards rulemaking analyses. Generation of this report involved a rigorous, formal, and documented evaluation using objective criteria and qualified and independent reviewers to make a judgment as to the technical/scientific/business merit, the actual or anticipated results, and the productivity and management effectiveness of programs and/or projects. The ''Energy Conservation Standards Rulemaking Peer Review Report'' dated February 2007 has been disseminated and is available at the following Web site:

www1.eere.energy.gov/buildings/appliance_standards/peer_review.html.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule prior to 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).

VII. 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 431

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Intergovernmental relations, Reporting and recordkeeping requirements, Small businesses.

Issued in Washington, DC, on June 30, 2015.

David T. Danielson,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the preamble, DOE amends part 431 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations as set forth below:

PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Amend § 431.97 by revising paragraph (c) to read as follows:

§ 431.97 Energy efficiency standards and their compliance dates.

* * * * *

(c) Each non-standard size packaged terminal air conditioner (PTAC) and packaged terminal heat pump (PTHP) manufactured on or after October 7, 2010 must meet the applicable minimum energy efficiency standard level(s) set forth in Table 4 of this section. Each standard size PTAC manufactured on or after October 8, 2012, and before January 1, 2017 must meet the applicable minimum energy efficiency standard level(s) set forth in Table 4 of this section. Each standard size PTHP manufactured on or after October 8, 2012 must meet the applicable minimum energy efficiency standard level(s) set forth in Table 4 of this section. Each standard size PTAC manufactured on or after January 1, 2017 must meet the applicable minimum energy efficiency standard level(s) set forth in Table 5 of this section.

TABLE 4 TO § 431.97—MINIMUM EFFICIENCY STANDARDS FOR PTAC AND PTHP

Equipment type	Category	Cooling capacity	Efficiency level	Compliance date: products manufactured on and after . . .
PTAC	Standard Size.	<7,000 Btu/h	EER = 11.7	October 8, 2012.[2]
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 13.8 − (0.3 × Cap [1])	October 8, 2012.[2]
		>15,000 Btu/h	EER = 9.3	October 8, 2012.[2]
	Non-Standard Size.	<7,000 Btu/h	EER = 9.4	October 7, 2010.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 10.9 − (0.213 × Cap [1])	October 7, 2010.
		>15,000 Btu/h	EER = 7.7	October 7, 2010.
PTHP	Standard Size.	<7,000 Btu/h	EER = 11.9 COP = 3.3	October 8, 2012.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 14.0 − (0.3 × Cap [1]) COP = 3.7 − (0.052 × Cap [1])	October 8, 2012.
		>15,000 Btu/h	EER = 9.5 COP = 2.9	October 8, 2012.
	Non-Standard Size.	<7,000 Btu/h	EER = 9.3 COP = 2.7	October 7, 2010.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 10.8 − (0.213 × Cap [1]) COP = 2.9 − (0.026 × Cap [1])	October 7, 2010.
		>15,000 Btu/h	EER = 7.6 COP = 2.5	October 7, 2010.

[1] ''Cap'' means cooling capacity in thousand Btu/h at 95 °F outdoor dry-bulb temperature.

[2] And manufactured before January 1, 2017. See Table 5 of this section for updated efficiency standards that apply to this category of equipment manufactured on and after January 1, 2017.

TABLE 5 TO § 431.97—UPDATED MINIMUM EFFICIENCY STANDARDS FOR PTAC

Equipment type	Category	Cooling capacity	Efficiency level	Compliance date: products manufactured on and after . . .
PTAC	Standard Size.	<7,000 Btu/h	EER = 11.9	January 1, 2017.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 14.0 − (0.3 × Cap [1])	January 1, 2017.
		>15,000 Btu/h	EER = 9.5	January 1, 2017.

[1] ''Cap'' means cooling capacity in thousand Btu/h at 95 °F outdoor dry-bulb temperature.

* * * * *

Note: The following letter will not appear in the Code of Federal Regulations.

May 15, 2015
Anne Harkavy
Deputy General Counsel

For Litigation, Regulation and Enforcement
Department of Energy
Washington, DC 20585

Dear Deputy General Counsel Harkavy:

I am responding to your letter of March seeking the views of the Attorney General about the potential impact on competition of proposed amended energy conservation standards for standard-size packaged terminal air conditioners and standard-size packaged terminal heat pumps. Your request was submitted under Section (o)(2)(B)(i)(V) of the Energy Policy and Conservation Act, as amended (EPCA), 42 U.S.C. 6295(o)(2)(B)(i)(V), which requires the Attorney General to make a determination of the impact of any lessening of competition that is likely to result from the imposition of proposed energy conservation standards. The Attorney General's responsibility for responding to requests from other departments about the effect of a program on competition has been delegated to the Assistant Attorney General for the Antitrust Division in 28 CFR 0.40(g).

In conducting its analysis, the Antitrust Division examines whether a proposed standard may lessen competition, for example, by substantially limiting consumer choice or increasing industry concentration. A lessening of competition could result in higher Prices to manufacturers and consumers.

We have reviewed the proposed standards contained in the Notice of Proposed Rulemaking published in the **Federal Register** (79 FR at 55538–55601, September 2014) (NOPR). We have also reviewed supplementary information submitted to the Attorney General by the Department of Energy, including the Technical Support Document, and reviewed industry source material. Based on this review, our conclusion is that the proposed amended energy conservation standards set forth in the NOPR for standard-size packaged terminal air conditioners and standard-size packaged terminal heat pumps are unlikely to have a significant adverse impact on competition.

Sincerely,

William J. Baer

[FR Doc. 2015–16897 Filed 7–20–15; 8:45 am]

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Part III

Department of the Treasury

Office of the Comptroller of the Currency

12 CFR Parts 22 and 172

Federal Reserve System

12 CFR Part 208

Federal Deposit Insurance Corporation

12 CFR Part 339

Farm Credit Administration

12 CFR Part 614

National Credit Union Administration

12 CFR Part 760

Loans in Areas Having Special Flood Hazards; Final Rule

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 22 and 172

[Docket ID OCC–2014–0016]

RIN 1557–AD84

FEDERAL RESERVE SYSTEM

12 CFR Part 208

[Regulation H, Docket No. R–1498]

RIN 7100 AE–22

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 339

RIN 3064–AE27

FARM CREDIT ADMINISTRATION

12 CFR Part 614

RIN 3052–AC93

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 760

RIN 3133–AE40

Loans in Areas Having Special Flood Hazards

AGENCY: Office of the Comptroller of the Currency, Treasury; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation; Farm Credit Administration; National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), the Farm Credit Administration (FCA), and the National Credit Union Administration (NCUA) (collectively, the Agencies) are amending their regulations regarding loans in areas having special flood hazards to implement certain provisions of the Homeowner Flood Insurance Affordability Act of 2014 (HFIAA), which amends some of the changes to the Flood Disaster Protection Act of 1973 mandated by the Biggert-Waters Flood Insurance Reform Act of 2012 (Biggert-Waters). Specifically, the final rule requires the escrow of flood insurance payments on residential improved real estate securing a loan, consistent with the changes set forth in HFIAA. The final rule also incorporates an exemption in HFIAA for certain detached structures from the mandatory flood insurance purchase requirement. Furthermore, the final rule implements the provisions of Biggert-Waters related to the force placement of flood insurance. Finally, the final rule integrates the OCC's flood insurance regulations for national banks and Federal savings associations. The Agencies plan to address the private flood insurance provisions in Biggert-Waters in a separate rulemaking.

DATES: The effective date of amendatory instructions 1, 6, 7, 8, 10, 15, 16, 21 and 22 is October 1, 2015. The effective date of amendatory instructions 2, 3, 4, 5, 9, 11, 12, 13, 14, 17, 18, 19, 20, 23, 24, 25, and 26 is January 1, 2016.

FOR FURTHER INFORMATION CONTACT:

OCC: Rhonda L. Daniels, Compliance Specialist, Compliance Policy Division, (202) 649–5405; Margaret C. Hesse, Senior Counsel, Community and Consumer Law Division, (202) 649–6350; or Heidi M. Thomas, Special Counsel, Legislative and Regulatory Activities Division, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Office of the Chief Counsel.

Board: Lanette Meister, Senior Supervisory Consumer Financial Services Analyst (202) 452–2705; Vivian W. Wong, Counsel (202) 452–3667, Division of Consumer and Community Affairs; or Daniel Ericson, Counsel (202) 452–3359, Legal Division; for users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

FDIC: Navid Choudhury, Counsel, Consumer Compliance Section, (202) 898–6526, Legal Division; or John Jackwood, Senior Policy Analyst, (202) 898–3991, Division of Depositor and Consumer Protection.

FCA: Paul K. Gibbs, Senior Accountant, Office of Regulatory Policy (703) 883–4203, TTY (703) 883–4056; or Mary Alice Donner, Senior Counsel, Office of General Counsel (703) 883–4020, TTY (703) 883–4056.

NCUA: Frank Kressman, Associate General Counsel, Office of General Counsel, (703) 518–6540.

SUPPLEMENTARY INFORMATION:

I. Background

A. Introduction

In October 2013, the Agencies jointly issued a proposal to implement certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012 [1] (Biggert-Waters) over which the Agencies have jurisdiction (the October 2013 Proposed Rule).[2] Specifically, the October 2013 Proposed Rule would have required regulated lending institutions [3] to escrow flood insurance premiums and fees on residential improved real estate securing a loan, unless the regulated lending institution met the statutory small institution exception. The October 2013 Proposed Rule also would have required regulated lending institutions to accept private flood insurance coverage, as defined in Biggert-Waters, to satisfy the mandatory flood insurance purchase requirement. Furthermore, the October 2013 Proposed Rule contained provisions to implement the Biggert-Waters changes related to force-placed flood insurance.

In March 2014, the President signed into law the Homeowner Flood Insurance Affordability Act of 2014 [4] (HFIAA), which amends some of the changes made by Biggert-Waters to the Flood Disaster Protection Act (FDPA).[5] The Agencies jointly issued a proposal in October 2014 (the October 2014 Proposed Rule) to implement the provisions in HFIAA over which they have jurisdiction.[6] The October 2014 Proposed Rule would have required regulated lending institutions to escrow flood insurance premiums and fees on residential improved real estate securing a loan, consistent with HFIAA's amendments to Biggert-Waters, and excluded certain detached structures from the mandatory flood insurance purchase requirement.

The Agencies are issuing this final rule to implement the escrow provisions and the detached structures provision detailed in the October 2014 Proposed Rule. In addition, this final rule incorporates the force-placed flood insurance provisions that the Agencies proposed in the October 2013 Proposed Rule, which were unaffected by HFIAA. The Agencies plan to address the private insurance provisions of the October 2013 Proposed Rule in a separate rulemaking. In connection with the issuance of this final rule, the Agencies have coordinated and consulted with the Federal Financial Institutions Examination Council (FFIEC), as required by certain

[1] Public Law 112–141, 126 Stat. 916 (2012).

[2] 78 FR 65108 (Oct. 30, 2013).

[3] The National Flood Insurance Reform Act of 1994 defines ''regulated lending institution'' to mean any bank, savings and loan association, credit union, farm credit bank, Federal land bank association, production credit association, or similar institution subject to the supervision of a Federal entity for lending regulation. 42 U.S.C. 4003(a)(1).

[4] Public Law 113–89, 128 Stat. 1020 (2014).

[5] Public Law 93–234, 87 Stat. 975 (1973).

[6] 79 FR 64518 (Oct. 30, 2014).

provisions of the flood insurance statutes.[7] Furthermore, the Agencies encourage lenders to consult Biggert-Waters and HFIAA for further information about revisions to the flood insurance statutes that will not be implemented through the Agencies' rulemakings.

B. Flood Insurance Statutes

The National Flood Insurance Act of 1968 (1968 Act)[8] and the FDPA, as amended, govern the National Flood Insurance Program (NFIP).[9] The 1968 Act made Federally subsidized flood insurance available to owners of improved real estate or mobile homes located in special flood hazard areas if the community where the improved real estate or mobile home is located participates in the NFIP. A special flood hazard area (SFHA) is an area within a floodplain having a one percent or greater chance of flood occurrence in any given year.[10] SFHAs are delineated on maps issued by the Federal Emergency Management Agency (FEMA) for individual communities.[11] A community establishes its eligibility to participate in the NFIP by adopting and enforcing floodplain management measures that regulate new construction and by making substantial improvements within its SFHAs to eliminate or minimize future flood damage.[12]

Until the adoption of the FDPA in 1973, the purchase of flood insurance was voluntary. The FDPA made the purchase of flood insurance mandatory in connection with loans made by regulated lending institutions when the loans are secured by improved real estate or mobile homes located in a SFHA in a participating community. The FDPA directed the OCC, Board, FDIC, NCUA, and the former Office of Thrift Supervision (OTS)[13] to issue regulations governing the lending institutions that they supervised. These regulations also require lenders to notify borrowers that the secured property is located in a SFHA and whether Federal disaster assistance is available with respect to the property in the event of a flood.

Title V of the Riegle Community Development and Regulatory Improvement Act of 1994, also known as the National Flood Insurance Reform Act of 1994 (Reform Act), comprehensively amended the Federal flood insurance statutes.[14] The Reform Act established new requirements for Federally regulated lending institutions, such as the escrow for flood insurance premiums under certain conditions and mandatory force placement of flood insurance coverage. The Reform Act was intended to increase compliance with the mandatory flood insurance purchase requirements and participation in the NFIP to provide additional income to the National Flood Insurance Fund and to decrease the financial burden of flooding on the Federal government, taxpayers, and flood victims. In addition, the Reform Act broadened the mandatory flood insurance purchase requirement to include lenders regulated by the FCA.

The Reform Act required the OCC, Board, FDIC, NCUA, and the former OTS to revise their flood insurance regulations and required the FCA to promulgate flood insurance regulations for the first time. The Agencies fulfilled these requirements by issuing a joint final rule in August 1996.[15]

C. The Biggert-Waters and HFIAA Amendments

Among other changes,[16] Biggert-Waters significantly amended the NFIP requirements over which the Agencies have jurisdiction. Specifically, Biggert-Waters: (i) Increased the maximum civil money penalty (CMP) that the Agencies may impose per violation when there is a pattern or practice of flood violations and eliminated the limit on the total amount of penalties that the Agencies may assess against a regulated lending institution during any calendar year;[17] (ii) required the Agencies to issue a rule to direct regulated lending institutions to escrow premiums and fees for flood insurance on residential improved real estate, unless the regulated lending institution meets the statutory small institution exception;[18] (iii) required the Agencies to issue a rule to direct regulated lending institutions to accept private flood insurance, as defined by Biggert-Waters, and to notify borrowers of the availability of private flood insurance;[19] and (iv) amended the force-placed insurance requirement to clarify that regulated lending institutions may charge a borrower for the cost of premiums and fees incurred for coverage beginning on the date on which the borrower's flood insurance coverage lapsed or did not provide sufficient coverage and to prescribe the procedures for terminating force-placed insurance.[20]

HFIAA further amended the changes set forth in Biggert-Waters. Among these changes were amendments that tied the escrow requirement to the origination, refinance, increase, extension, or renewal of a loan on or after January 1, 2016, and provided additional exceptions to the escrow requirement.[21] HFIAA also mandated that the Agencies by regulation direct regulated lending institutions that are not excepted from the escrow requirements to provide an option to borrowers to escrow flood insurance premiums and fees for

[7] *See* 42 U.S.C. 4012a(b)(1). Four of the five Agencies (OCC, Board, FDIC, and NCUA) are members of the FFIEC.

[8] Public Law 90–448, 82 Stat. 572 (1968).

[9] These statutes are codified at 42 U.S.C. 4001–4129. The Federal Emergency Management Agency administers the NFIP; its regulations implementing the NFIP appear at 44 CFR parts 59–77.

[10] 44 CFR 59.1.

[11] 44 CFR part 65.

[12] 44 CFR part 60.

[13] Title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010), (Dodd-Frank Act), transferred the powers, duties, and functions formerly performed by the OTS to the FDIC for State savings associations, the OCC for Federal savings associations, and the Board for savings and loan holding companies. The transfer took effect on July 21, 2011, and the OTS was abolished 90 days after that date.

[14] Public Law 103–325, 108 Stat. 2255 (1994) (codified as amended at 42 U.S.C. 4001 *et seq.* (1994)).

[15] 61 FR 45684 (Aug. 29, 1996).

[16] The Agencies note, for example, that section 100222 of Biggert-Waters mandates a revision to the Special Information Booklet required under section 5 of the Real Estate Settlement Procedures Act of 1974 (RESPA) (12 U.S.C. 2604(b)) to include a notice to the borrower of the availability of flood insurance under the NFIP or from a private insurance company, whether or not the real estate is located in an area having special flood hazards. The requirement to revise the Special Information Booklet is the responsibility of the Bureau of Consumer Financial Protection (CFPB) under RESPA. *See* 80 FR 17414 (Apr. 1, 2015). In addition, section 100204 of Biggert-Waters directs the Administrator of FEMA to make flood insurance available to cover residential properties of five or more residences. The maximum coverage made available to such residential properties is now equal to the coverage made available to commercial properties. FEMA made policies for such properties available as of June 1, 2014. *See* ''Interagency Statement on Increased Maximum Flood Insurance Coverage for Other Residential Buildings,'' May 30, 2014 (Board: CA 14–3; OCC: Bulletin 2014–26; FDIC: FIL 28–2014, FCA: Informational Memorandum, May 30, 2014; NCUA: *http://www.ncua.gov/Legal/Documents/InteragencyIncreasedCoverageGuidance.pdf*).

[17] Section 100208 of Biggert-Waters, amending section 102(f)(5) of the FDPA (42 U.S.C. 4012a(f)(5)).

[18] Section 100209 of Biggert-Waters, amending section 102(d) of the FDPA (42 U.S.C. 4012a(d)). Congress further amended section 42 U.S.C. 4012a(d) subsequent to the enactment of Biggert-Waters to clarify that the flood insurance escrow requirement applies only to loans secured by residential improved real estate. *See* Public Law 112–281, 125 Stat. 2485 (Jan. 14, 2013).

[19] Section 100239 of Biggert-Waters, amending section 102(b) of the FDPA (42 U.S.C. 4012a(b)) and section 1364(a)(3)(C) of the 1968 Act (42 U.S.C. 4104a(a)(3)(C)).

[20] Section 100244 of the Act, amending section 102(e) of the FDPA (42 U.S.C. 4012a(e)).

[21] Section 25 of HFIAA, amending section 102(d) of the FDPA (42 U.S.C. 4012a(d)).

outstanding loans.[22] In addition, HFIAA provided a new exemption to the mandatory flood insurance purchase requirement for a structure that is part of a residential property but is detached from the primary residential structure and does not serve as a residence.[23]

As previously discussed in guidance issued by the Agencies,[24] the CMP provisions [25] and the force-placed insurance requirements in Biggert-Waters were effective upon enactment of Biggert-Waters. Similarly, the provision in HFIAA excluding certain detached structures from the mandatory flood insurance purchase requirement became effective upon the enactment of HFIAA. In contrast, Biggert-Waters and HFIAA require the Agencies to issue regulations implementing both the escrow and private flood insurance provisions.

II. The Agencies' Proposed Revisions

A. Summary of the October 2013 Proposed Rule

In the October 2013 Proposed Rule, the Agencies proposed to revise their respective flood insurance regulations to implement the Biggert-Waters amendments addressing the escrow of flood insurance payments, private flood insurance, and force-placed insurance. The October 2013 Proposed Rule would have required a regulated lending institution, or servicer acting on its behalf, to escrow premiums and fees for flood insurance for any loan secured by residential improved real estate or a mobile home that was made or outstanding on or after July 6, 2014, unless the institution qualified for the statutory exception for small institutions.[26]

The October 2013 Proposed Rule also would have amended the provisions concerning the force placement of flood insurance to clarify that a lender or its servicer has the authority to charge a borrower for the cost of flood insurance coverage commencing on the date on which the borrower's coverage lapsed or became insufficient. Furthermore, the October 2013 Proposed Rule would have stipulated the circumstances under which a lender or its servicer must terminate force-placed flood insurance coverage and refund payments to a borrower and the documentary evidence a lender must accept to confirm that a borrower has obtained an appropriate amount of flood insurance coverage.

The October 2013 Proposed Rule included new and revised sample notice forms and clauses that included language concerning the availability of private flood insurance coverage, consistent with Biggert-Waters, and that provided sample language for regulated lending institutions to use to comply with the proposal's escrow notice requirement. The OCC and the FDIC proposed in the October 2013 Proposed Rule to integrate their flood insurance regulations for national banks and Federal savings associations and for State non-member banks and State savings associations, respectively.

Finally, consistent with Biggert-Waters, the October 2013 Proposed Rule would have required a regulated lending institutions to accept private flood insurance that meets the statutory definition to satisfy the mandatory purchase requirement and specifically requested comment on various issues related to this requirement.[27]

B. Summary of the October 2014 Proposed Rule

Under the October 2014 Proposed Rule, the Agencies proposed to exempt certain detached structures on residential property from the mandatory flood insurance purchase requirement and to amend the requirement to escrow flood insurance premiums and fees, consistent with the Biggert-Waters escrow provisions as amended by HFIAA. Specifically, the October 2014 Proposed Rule would have provided that flood insurance would not be required for any structure that is part of any residential property but is detached from the primary residential structure of such property and does not serve as a residence, consistent with HFIAA.

In addition, the October 2014 Proposed Rule generally would have required regulated lending institutions, or servicers acting on their behalf, to escrow premiums and fees for flood insurance for any loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016. The Agencies also proposed in the October 2014 Proposed Rule several exceptions to the escrow requirement as set forth in Biggert-Waters and HFIAA, including an exception for certain regulated lending institutions with total assets of less than $1 billion, and exceptions for business, commercial, and agricultural purpose loans, certain subordinate lien loans, certain condominium and similar loans, home equity lines of credit, nonperforming loans, and short-term loans.

The October 2014 Proposed Rule also would have required regulated lending institutions not subject to an escrow exception to offer borrowers the option to escrow loans outstanding as of January 1, 2016. Regulated lending institutions that no longer qualified for the small lender exception of less than $1 billion in assets also would have had to comply with the general escrow requirement and the option to escrow requirement.

C. Overview of Public Comments

The Agencies received 81 written comments on the October 2013 Proposed Rule and 52 written comments on the October 2014 Proposed Rule. Between the two proposed rules, the Agencies received comments from a wide range of commenters, such as: Financial institutions (including banks, credit unions, and farm credit institutions); various trade associations (including bankers' trade associations, credit union trade associations, a farm credit trade association, home building and realtor trade associations, and a flood hazard determination trade association); the insurance industry (including insurance companies, trade associations, and brokers); individuals; public interest/consumer advocates; state insurance regulators; and a municipal government. In addition to receiving written comments, the Agencies conferred with several stakeholders in the flood insurance community, including state insurance regulators, the National Association of Insurance Commissioners (NAIC) staff, and FEMA staff.[28]

[22] ''Outstanding loan'' is defined in section 25(b)(1)(B)(i)(II) of HFIAA.

[23] Section 13 of HFIAA, amending section 102(c) of the FDPA (42 U.S.C. 4012a(c)). The Agencies note that Section 13 of HFIAA also amends section 5(b) of RESPA (12 U.S.C. 2604(b)) to require language related to detached structures be included in the required Special Information Booklet. The requirement to revise the Special Information Booklet under RESPA falls under the jurisdiction of the CFPB.

[24] ''Interagency Statement on the Impact of Biggert-Waters Act,'' March 29, 2013 (Board: CA 13–2; OCC: Bulletin 2013–10; FDIC: FIL 14–2013, FCA: Informational Memorandum, March 29, 2013; NCUA: 13–RA–03).

[25] Some of the Agencies have revised their regulations to incorporate these increased CMPs. *See* OCC: 77 FR 66529 (Nov. 11, 2012) and 77 FR 76354 (Dec. 28, 2012); Board: 77 FR 68680 (Nov. 16, 2012); FDIC: 77 FR 74573 (Dec. 17, 2012); and FCA: 78 FR 24336 (April 25, 2013). The NCUA is in the process of updating its rule to reflect this CMP change.

[26] However, with HFIAA's enactment in March 2014, the Agencies issued the October 2014 Proposed Rule to modify the proposed escrow provisions in the October 2013 Proposed Rule, consistent with HFIAA's changes to the Biggert-Waters escrow provisions.

[27] As mentioned above, the Agencies will address issues related to private flood insurance in a separate rulemaking.

[28] The Agencies have placed summaries of these meetings in the public comment file.

The Agencies received numerous comments supporting the exemption for certain detached structures from the mandatory flood insurance purchase requirement. Many of these commenters requested clarifications of the terms used in the exemption, including the meanings of the terms ''residential property,'' ''detached structure,'' and ''serve as a residence.'' The Agencies also sought comment on whether the exemption should be restricted to consumer purpose loans. Many commenters opposed the Agencies incorporating such a limitation. Some commenters also wanted the Agencies to expand the exemption to include non-residential property. Commenters also were uniformly opposed to the Agencies stating that regulated lending institutions need not perform a flood hazard determination for any properties or structures that are exempt from the mandatory flood insurance purchase requirement because a flood hazard determination is often needed to determine what types of structures exist on the property.

Many commenters also offered suggestions on the Agencies' proposed escrow provisions. Several commenters recommended that the Agencies apply the general escrow requirement to applications received on or after January 1, 2016. Some commenters suggested clarifications of the language of the escrow notice. Commenters were supportive of the exceptions to the escrow requirement, and some commenters asked for additional exceptions. Most commenters on the proposed escrow provisions requested clarifications on the various exceptions to the escrow requirement. There were also comments questioning whether regulated lending institutions are expected to monitor the status of excepted loans to ensure they continue to meet the exception from the escrow requirement, especially with respect to excepted subordinate lien loans and nonperforming loans. Furthermore, the Agencies received several comments on the proposed rule to implement the option to escrow requirement. Commenters were supportive of the Agencies' interpretation that the option to escrow requirement does not apply to loans and issuers that are excepted from the general escrow requirement. The Agencies also received comments supporting the proposal that a regulated lending institution must establish an escrow ''as soon as reasonably practicable'' after a consumer requests the option to escrow, although other commenters requested further clarification.

In addition, the Agencies received many comment letters that addressed force placement issues. Commenters generally supported the proposed provisions on force placement. However, commenters sought clarification on various force placement issues, such as, sufficiency of proof of coverage when a borrower obtains flood insurance after the lender or its servicer has force placed the insurance; the definition of the term ''lapsed;'' whether force-placed insurance only should be terminated when the borrower provides proof of NFIP-compliant flood insurance coverage; whether a refund for any period of overlapping coverage should be made to the borrower by the lender within 30 days of the borrower obtaining coverage; when a lender should cancel force-placed flood insurance; what constitutes proof of coverage for purposes of determining whether a borrower has obtained alternative flood insurance coverage; and how to resolve force placement issues when a borrower is in default.

Finally, the Agencies received numerous comment letters on the private flood insurance provisions the Agencies proposed in the October 2013 Proposed Rule. As the Agencies have explained above, the Agencies plan to address these issues in a separate rulemaking.

III. Summary of the Final Rule

The amendments finalized by this rulemaking are summarized below and more specifically described in V. Section-by-Section Analysis of this preamble. Although the Agencies' final regulations are substantively consistent, the format of the regulatory text varies to conform to each Agency's current regulation.

The final rule sets forth the new exemption in the FDPA, as amended by section 13 of HFIAA, to the mandatory flood insurance purchase requirement for any structure that is a part of a residential property, but is detached from the primary residential structure and does not serve as a residence. Consistent with commenters' suggestions, the final rule includes clarifications of the terms ''a structure that is part of a residential property,'' ''detached,'' and ''serve as a residence.''

In accordance with the FDPA, as amended by Biggert-Waters and HFIAA, the final rule also requires regulated lending institutions, or servicers acting on their behalf, to escrow premiums and fees for flood insurance for any loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016. The FDPA, as amended by Biggert-Waters, also provides that, except as may be required under applicable State law, a regulated lending institution would not be required to escrow if it has total assets of less than $1 billion and, as of the date of enactment of Biggert-Waters, July 6, 2012, was not required by Federal or State law to escrow taxes or insurance for the term of the loan and did not have a policy of uniformly and consistently escrowing taxes and insurance. The Agencies are implementing this exception in the final rule with some clarifications. Furthermore, the Agencies are adopting transition rules for regulated lending institutions that have a change in status and no longer qualify for this small-lender exception.

Moreover, the final rule implements the following additional exceptions from the escrow requirement, as amended by HFIAA for: (i) Loans that are in a subordinate position to a senior lien secured by the same property for which flood insurance is being provided; (ii) loans secured by residential improved real estate or a mobile home that is part of a condominium, cooperative, or other project development, provided certain conditions are met; (iii) loans that are extensions of credit primarily for a business, commercial, or agricultural purpose; (iv) home equity lines of credit; (v) nonperforming loans; and (vi) loans with terms not longer than 12 months. The Agencies are clarifying in the final rule that, when a regulated lending institution determines that an exception no longer applies, the institution must require the escrow of flood insurance premiums and fees.

The Agencies note that the escrow provisions in the Agencies' rules in effect on July 5, 2012, the day before Biggert-Waters was enacted, remain in effect, and will be enforced by the Agencies, through December 31, 2015, the day before the effective date of the escrow provisions.[29]

The final rule also implements the requirement under HFIAA that regulated lending institutions not excepted from the escrow requirement offer and make available to a borrower the option to escrow flood insurance premiums and fees for loans that are outstanding as of January 1, 2016. The final rule is generally consistent with the language the Agencies proposed in

[29] Each Agency's current escrow provision provides that a regulated lending institution must escrow all premiums and fees for required flood insurance if the institution requires the escrow of taxes, insurance premiums, fees or other charges. *See* 12 CFR 22.5 and 172.5 (OCC); 12 CFR 208.25(e) (Board); 12 CR 339.5 (FDIC); 12 CFR 614.4935 (FCA); and 12 CFR 760.5 (NCUA).

the October 2014 Proposed Rule. However, the Agencies are providing additional time, until June 30, 2016, for regulated lending institutions to mail or deliver information to borrowers about the option to escrow, based on some commenters' suggestions. The Agencies' final rule also adopts the proposal to require regulated lending institutions that no longer qualify for the small lender exception to offer and make available to a borrower the option to escrow flood insurance premiums and fees.

The Agencies' final rule includes new and revised sample notice forms and clauses. Specifically, the final rule amends the current Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance, set forth as Appendix A in the Agencies' respective regulations, to add language concerning the escrow requirement. The Agencies are adopting minor amendments to the language the Agencies proposed in the October 2014 Proposed Rule regarding the escrow requirement in light of recommendations from commenters. Moreover, the Agencies concur with commenters' suggestions to include language in Appendix A similar to the language HFIAA section 13(b) requires to be included in the Special Information Booklet in connection with the exemption from the mandatory flood insurance purchase requirement for certain detached structures. Appendix A, as amended by the Agencies in this final rule, also contains language proposed in the October 2013 Proposed Rule to include the disclosures required by section 102(b)(6) of the FDPA, as added by section 100239 of Biggert-Waters, regarding the availability of private flood insurance coverage and other technical changes.

The final rule also includes an additional sample clause, Sample Clause for Option to Escrow for Outstanding Loans, as Appendix B, to assist institutions in complying with the requirement to inform borrowers of outstanding loans about their option to escrow flood insurance premiums and fees. The Agencies are making minor language and formatting changes to Appendix B as proposed in the October 2014 Proposed Rule to be consistent with a commenter's recommendations and to improve readability.

Furthermore, consistent with Biggert-Waters, the Agencies' final rule amends the force placement of flood insurance provisions to clarify that a lender or its servicer has the authority to charge a borrower for the cost of flood insurance coverage commencing on the date on which the borrower's coverage lapsed or became insufficient. The final rule also stipulates the circumstances under which a lender or its servicer must terminate force-placed flood insurance coverage and refund payments to a borrower. It also sets forth the documentary evidence a lender must accept to confirm that a borrower has obtained an appropriate amount of flood insurance coverage.

The Agencies also adopt needed technical corrections proposed in the 2013 Proposed Rule. For example, the Agencies' final rule corrects all references to the head of FEMA from ''Director'' to ''Administrator.'' [30] In addition, the OCC is finalizing the integration of its flood insurance regulations for national banks and Federal savings associations. The FDIC has integrated its flood insurance regulations for State non-member banks and State savings associations in a separate rulemaking.[31]

The escrow and option to escrow provisions in this final rule, as well as the revisions to Appendix A and new Appendix B, will become effective on January 1, 2016, consistent with HFIAA. Although the amendments to Appendix A include changes unrelated to the escrow provisions, the Agencies are delaying the effective date of all changes to the Appendix in the interest of reducing compliance burden on regulated lending institutions. All other provisions implemented in this final rule will become effective on October 1, 2015.

IV. Legal Authority

Section 102(b) of the FDPA (42 U.S.C. 4012a(b)), as amended, provides that the Agencies (after consultation and coordination with the FFIEC) shall by regulation direct regulated lending institutions not to make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Administrator of FEMA as an area having special flood hazards and in which flood insurance has been made available under the NFIP, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance. Thus, section 102(b) of the FDPA grants the Agencies rulemaking authority and also requires the Agencies to implement this mandatory flood insurance purchase requirement for regulated lending institutions by regulation.

Section 102(c) of the FDPA (42 U.S.C. 4012a(c)) sets forth specific exceptions to the mandatory flood insurance purchase requirement. The Agencies are authorized to implement these exceptions.

Section 102(d) of the FDPA (42 U.S.C. 4012a(d)), as amended by section 25 of HFIAA, states that the Agencies (after consultation and coordination with the FFIEC) must by regulation require all premiums and fees for flood insurance under the 1968 Act for residential improved real estate or a mobile home be paid to the regulated lending institution or servicer for any loan secured by the improved real estate or mobile home with the same frequency as payments on the loan are made for the duration of the loan. The statute requires that such funds be deposited in an escrow account on behalf of the borrower and used to pay the flood insurance provider when premiums are due. Section 25(b) of HFIAA applies these requirements to loans that are originated, refinanced, increased, extended, or renewed on or after January 1, 2016.

Section 102(d) of the FDPA, as amended by HFIAA, also directs the Agencies to implement the seven exceptions to this requirement that are set forth in the statute. Section 25(b) of HFIAA further states that the Agencies (after consultation and coordination with the FFIEC) shall by regulation direct that each regulated lending institution offer and make available to a borrower of an outstanding loan the option to have the borrower's payment of flood insurance premiums and fees escrowed.

V. Section-by-Section Analysis

____.____ *Authority, Purpose, and Scope*

As discussed in the October 2013 Proposed Rule, the title of the head of FEMA has changed from ''Director'' to ''Administrator'' since the Agencies last revised their flood insurance regulations. The Agencies proposed a technical amendment consistent with that change. No comments were received on the proposed technical amendment to designate correctly the head of FEMA. The Agencies therefore adopt the change in title of the head of FEMA from ''Director'' to ''Administrator'' in the scope section as proposed, and in subsequent sections of their regulations.

As part of the OCC's consolidation of its flood insurance rule, the OCC also proposed the insertion of the term ''Federal savings association'' where necessary throughout its flood insurance rule. No comments were received on this proposed change. The OCC

[30] 6 U.S.C. 313.

[31] 79 FR 75742 (Dec. 19, 2014).

therefore adopts the change as proposed.

____.____ *Definitions*

As noted above in ____.____*Authority, purpose, and scope*, the Agencies proposed technical amendments to change the references to the head of FEMA from ''Director'' to ''Administrator'' in the definitions. The Agencies are adopting these changes as proposed.

OCC-Only Definitions

The OCC proposed amendments to the definition section for purposes of integrating its national bank and Federal savings association flood insurance rules. First, the proposed rule provided that the term ''Federal savings association'' means a Federal savings association as defined in 12 U.S.C. 1813(b)(2) and any service corporations thereof. This definition is identical to the definition of ''Federal savings association'' in 12 CFR part 172, except that part 172 specifically referenced ''subsidiaries.'' Current 12 CFR part 22 does not specifically include a reference to bank operating subsidiaries because such subsidiaries are subject to the rules applicable to the operations of their parent bank pursuant to 12 CFR 5.34. Because Federal savings association operating subsidiaries also are subject to the same rules applicable to the parent savings association, as provided by 12 CFR 5.38(e)(3), the inclusion of ''subsidiary'' in this definition is unnecessary and its removal will not affect the applicability of 12 CFR part 22 to Federal savings association operating subsidiaries.

Second, the OCC proposed to remove the definition of ''bank,'' which the rule currently defines as meaning a national bank, and replaced ''bank'' with ''national bank'' throughout the final rule. The OCC did not receive any comments on these technical changes. However, the final rule adds a definition of ''national bank'' to include Federal branches and agencies of a foreign bank. Federal branches and agencies are currently subject to the same flood insurance requirements as national banks.[32] The addition of this definition clarifies the scope of the rule and promotes consistency throughout the OCC's rules and regulations.

[32] *See, e.g.,* Comptroller's Handbook, Federal Branches and Agencies Supervision, September 2014, p. 22 (''Federal branches and agencies must ensure appropriate flood insurance coverage when making, increasing, extending, or renewing a loan secured by improved real estate or a mobile home located in a special flood hazard area in a community participating in the National Flood Insurance Program.'').

____.____ *Requirement To Purchase Flood Insurance Where Available*

The current regulation provides that a regulated lending institution shall not make, increase, extend, or renew any designated loan[33] unless the building or mobile home and any personal property securing the loan is covered by flood insurance for the term of the loan. This provision further provides that flood insurance coverage is limited to the overall value of the property securing the designated loan minus the value of the land on which the property is located. The October 2013 Proposed Rule would have revised the language relating to the coverage limit to reflect more accurately what is actually covered under Federal flood insurance statutes. Specifically, the Agencies proposed that the language be amended to state that flood insurance coverage is limited to the building or mobile home and any personal property securing the loan and not the land itself. Some commenters indicated the proposed amendment may add confusion because there may be concern that the amendment indicates a change from past practice. One commenter suggested defining the value of the building as either the replacement cost of the structure or the appraised value minus the land value as determined from the appraisal or the insurable value as obtained from the insurance agent writing the policy.

In response to these comments, the Agencies emphasize that the proposed change does not set forth a new requirement, but merely clarifies the long-standing legal interpretation that Federal flood insurance coverage does not apply to land. In proposing this change, the Agencies simply intended to reduce confusion by clarifying the meaning of the term to reflect what is actually covered. In response to the comment that suggests the use of replacement cost or the appraised value of the property minus the land, it is the Agencies' opinion that using other insurance terms to clarify the coverage limit would not reflect what is covered under Federal flood insurance legislation as accurately as the proposed language. For these reasons, the Agencies adopt the language as proposed.

[33] ''*Designated loan* means a loan secured by a building or mobile home that is located or to be located in a special flood hazard area in which flood insurance is available under the [National Flood Insurance] Act.'' 12 CFR 22.2(e) (OCC); 12 CFR 208.25(b)(4) (Board); 12 CFR 339.2(d) (FDIC); 12 CFR 614.4925(c) (FCA); and 12 CFR 760.2(e) (NCUA) under current regulations.

____.____ *Exemptions*

Section 13 of HFIAA, which amends section 102(c) of the FDPA (42 U.S.C. 4012a(c)), adds a new exemption to the mandatory flood insurance purchase requirement. Specifically, HFIAA provides that flood insurance is not required, in the case of any residential property, on any structure that is a part of such property, but is detached from the primary residential structure and does not serve as a residence. The October 2014 Proposed Rule would have incorporated this exemption as provided in HFIAA into the Agencies' regulations. The Agencies solicited comment on whether the final rule should clarify certain terms in the provision, such as ''residence'' and ''residential property.'' For instance, the Agencies suggested that there may be some ambiguity as to when a structure may serve as a residence even if it may not conform to certain State or local requirements for residential property or when a detached structure should be deemed a residence. Specifically, the Agencies solicited comment on whether the term ''residential property'' should not only refer to the type of property securing the loan, but also to the loan's purpose. Thus, the Agencies suggested in the October 2014 Proposed Rule that the detached structure exemption could be available only if the residence serving as collateral does not secure a loan made primarily for a business, commercial, or agricultural purpose.

Numerous commenters provided general support for the proposed rule's implementation of the exemption for detached structures. Commenters strongly supported providing lenders with the discretion to exempt low-value non-residential structures from the mandatory purchase obligation. Many commenters requested that the Agencies clarify the meaning of various terms to assist lenders in applying the exemption and to ensure consistent application of the exemption.

Several commenters asserted that the detached structure exemption should be available regardless of whether the loan is made for a business, agricultural, or commercial purpose, contrary to the Agencies' suggestion. These commenters maintained that lenders should be able to exclude non-residential detached structures regardless of the loan's purpose, as long as the loan is secured by residential property. Numerous commenters, including trade associations, financial institutions, and individuals, suggested that the final rule should broaden the exemption to include business, agricultural, and commercial loans and

not apply solely to consumer loans. Commenters noted that loan proceeds may be used for different purposes than that of the property that secures those proceeds and that section 13 of HFIAA does not limit the exemption only to consumer loans. Several commenters noted that a borrower who uses a residence to secure a business, commercial, or agricultural purpose loan faces the same affordability challenges when required to insure a low-value detached structure as a borrower who uses the same collateral to secure a consumer loan. One commenter noted that low-value structures are a common issue for both consumer and commercial borrowers and therefore should be treated consistently.

The Agencies acknowledge that, with respect to flood insurance, the purpose of a loan may be immaterial to the borrower when the borrower uses his or her residence to secure the loan. Therefore, the Agencies agree with commenters that the detached structure exemption should be available in connection with consumer loans as well as those made for business, commercial, or agricultural purposes if the loan is secured by a residence.

The Agencies considered the various comments concerning the definition of ''residential property.'' Several commenters, including trade associations and financial institutions, suggested that ''residential property'' should be defined consistently with ''residential improved real estate'' [34] as defined in the FDPA. Another commenter suggested ''residential property'' should be interpreted as a parcel of collateral property containing a 1–4 family building actually used as a residence. Several commenters suggested the Agencies adopt a definition of ''residential property'' that focuses on the structure's residential use—regardless of its nature or size—consistent with similar definitions in the FDPA. These commenters believed the term should be broadly defined to encompass any residential structure, including single-family dwellings, 1–4 family dwellings, multi-family dwellings, and mixed-use buildings as long as the primary purpose of the building is for a residential purpose. A trade association suggested the Agencies look to the Department of Housing and Urban Development (HUD) lead-based paint regulations for a definition of ''residential property.'' One commenter inquired whether the detached structures exemption excludes all detached structures on a property with a primary residence or only those the lender deems to be part of the residential property. Lastly, two commenters believe the final rule should leave the term undefined, similar to the treatment of the term in other Federal statutes.[35]

As previously explained, the Agencies have determined that the meaning of the term ''residential property'' should not focus on a loan's purpose. In addition, the Agencies have determined that using the FDPA definition of ''residential improved real estate'' would render the exemption too expansive for its intended purpose because it could result in exempting all commercial or agricultural structures on a property merely because a residence is also located on the property. The Agencies believe detached structures used for commercial, agricultural, or other business purposes should be protected adequately by flood insurance as collateral given their value to the borrower and lender, and should not be covered by the detached structures exemption.

The Agencies, however, did find the HUD definition of ''residential property'' to be helpful.[36] The HUD lead-based paint regulation seeks to limit its scope only to properties and structures used solely for residential purposes, and to exclude land used for agricultural, commercial, industrial, or other non-residential purposes. The Agencies have determined that ''residential property'' in the detached structure exemption should be similar to the HUD regulation's definition in that it should apply only to structures for which there is a residential use and not to structures for which there is a commercial, agricultural, or other business use.

Additionally, the Agencies were guided by Regulation Z, which implements the Truth in Lending Act (TILA), and its well-established interpretations for further clarification on residential purpose because TILA generally covers consumer extensions of credit.[37] In particular, Regulation Z applies to credit ''primarily for personal, family, or household purposes.'' [38] Consistent with Regulation Z, for purposes of the detached structures exemption, the final rule clarifies that the phrase ''a structure that is part of a residential property'' refers to a structure used primarily for personal, family, or household purposes, and not used primarily for agricultural, commercial, industrial, or other business purposes. The Agencies are aware that certain structures may be used for both residential and business purposes and therefore have decided to limit the exemption only to structures with a primarily residential purpose. Furthermore, the final rule makes clear that the exemption applies only to structures that the lender deems part of the residential property.

Although the Agencies decline to adopt the FDPA's definition of ''residential improved real estate'' for ''residential property,'' the Agencies agree with commenters that ''residential property'' should be interpreted as broadly as ''residential improved real estate'' as set forth in the Interagency Questions and Answers Regarding Flood Insurance (Q&As). Commenters in particular referenced Q&A 51, which indicates that ''residential improved real estate'' does not distinguish whether a building is single- or multi-family, or owner- or renter-occupied, and includes single-family dwellings, two- to four-family dwellings, multi-family dwellings containing five or more residential units, and mixed-use buildings, so long as the building is used primarily for residential purposes.[39]

Several commenters also suggested that the Agencies provide further clarification of the term ''detached'' and how to interpret the statutory phrase ''detached from the primary residential structure.'' One trade association commenter believed ''detached'' should be defined more precisely than the Agencies did in the October 2014 Proposed Rule and that a structure joined to a residence by a covered walkway or breezeway should be treated as a separate, stand-alone residential structure. Two commenters believed ''detached'' should be defined as ''standing alone; not joined by any structural connection to any structure to which flood insurance is required.'' Other commenters provided varying definitions of the term as well. The Agencies agree that a clear definition of

[34] The FDPA defines ''residential improved real estate'' as ''improved real estate for which the improvement is a residential building.'' 42 U.S.C. 4012a(d)(4).

[35] *See, e.g.,* Real Estate Settlement Procedures Act, 12 U.S.C. 2602(1)(A); Truth in Lending Act, 15 U.S.C. 1602(w)–(x).

[36] ''*Residential property* means a dwelling unit, common areas, building exterior surfaces, and any surrounding land, including outbuildings, fences and play equipment affixed to the land, belonging to an owner and available for use by residents, but not including land used for agricultural, commercial, industrial or other non-residential purposes, and not including paint on the pavement of parking lots, garages, or roadways.'' 24 CFR 35.110.

[37] *See* 15 U.S.C. 1602(i).

[38] *See* 12 CFR 1026.1(c)(1).

[39] *See* 74 FR 35914, 35943 (July 21, 2009).

''detached'' would ensure consistent application by lenders in determining which structures qualify for the exemption. Therefore, for purposes of the detached structure exemption, the Agencies have drafted the final rule to clarify that a structure is ''detached'' from the primary residential structure if it is not joined by any structural connection to the residential structure. That is, a structure is ''detached'' if it stands alone. This clarification is consistent with the coverage provision of the NFIP's Standard Flood Insurance Policy (SFIP) for additions and extensions to a dwelling unit.

To be exempt from the mandatory flood insurance purchase requirement, the detached structure also may not ''serve as a residence.'' The Agencies received numerous comments on the necessity for additional clarification on this aspect of the exemption. Some commenters suggested it would be helpful to describe the features or facilities that, if present, could indicate that a structure serves as a residence, but ultimately to defer to a lender's good faith determination. Several commenters suggested the Agencies provide a bright line test to facilitate determinations, such as total square footage or assessed value. Some commenters suggested a bright line test of whether a structure is designed for use as a residence, not how the structure is being used either at the time of the triggering event or subsequently. One large trade association suggested that ''serve as a residence'' be defined to include sleeping, bathroom, and kitchen facilities, while a large bank commenter asserted that a structure lacking one or more of these facilities should be deemed non-residential. Another trade association commenter suggested referring to the definition of ''residence'' set forth in the Internal Revenue Service (IRS) regulations,[40] while some commenters referenced other Federal regulations for similar definitions. Lastly, one commenter suggested a structure must be occupied to be considered a residence and that a structure intended only for periodic use or that serves as a home office should not be deemed a residence.

Based on these comments, the Agencies believe it would be beneficial to clarify the meaning of ''serve as a residence.'' However, given the numerous types of detached structures that could serve as a residence, the Agencies find that a single bright line test, for example, square footage or appraised value, to determine whether a structure serves as a residence, is not appropriate. Instead, the Agencies have concluded that a more practical approach to applying this exemption is to rely on the good faith determination of a lender on whether a detached structure serves as a residence. The Agencies believe the lender is in the best position to consider all the facts and circumstances involving a detached structure securing a loan, and this approach is similar to how the IRS evaluates whether property constitutes a ''residence.''[41] In making this determination, as suggested by several commenters, the lender should focus on a structure's intended use. By focusing on the intended use of the structure, a lender could determine objectively whether a structure could serve as a residence and therefore not qualify for the exemption.

The Agencies note that the IRS definition of ''residence'' provides that a residence generally contains sleeping, bathroom, and kitchen facilities.[42] The Agencies agree that a structure that serves as a residence would generally have such facilities. Therefore, a lender could examine the structure for the presence of these facilities to make a determination of whether it serves as a residence. However, the Agencies decline to accept certain commenters' suggestions that a structure must contain sleeping, bathroom, and kitchen facilities, and that the lack of at least one of these facilities would render the structure non-residential. Detached structures can vary greatly in terms of size, value, purpose, and facilities. Furthermore, not all three facilities are necessary in order for a structure to serve as an individual's residence. For example, a structure can have sleeping and kitchen facilities, while the resident makes use of a separate structure as a bathroom facility. Similarly, a structure can have sleeping and bathroom facilities but lack kitchen facilities. Because a structure without one or more of these facilities may be intended for use as a residence, the final rule provides that a structure could serve as a residence if it *generally* includes sleeping, bathroom, or kitchen facilities.

Moreover, some commenters suggested that the standard for whether a structure serves as a residence should be its actual use as a residence. The Agencies disagree with employing ''actual use'' as the sole indicator of a structure serving as a residence. Such a standard would exclude homes under construction, vacant rental units, vacant garage apartments, and numerous other structures from being deemed to serve as a residence. Although the Agencies decline to accept ''actual use'' as an appropriate indicator of residency by itself, a lender should take reasonable steps to determine if a structure is actually occupied by a resident. Therefore, the Agencies clarify that whether a detached structure in a residential property serves as a residence shall be based upon the regulated lending institution's good faith determination that the structure is intended for use or actually used as a residence.

Additionally, with respect to the ''serve as a residence'' provision, several commenters, including financial institutions, trade associations, and an individual, requested that the Agencies confirm that there is no duty to monitor residential collateral subsequent to the lender's making, increasing, renewing, or extending a loan to determine whether an exempt detached structure has been repurposed to serve as a residence. The Agencies agree that there is no duty to monitor the status of a detached structure following the lender's initial determination due to the minimal post-closing communications with borrowers or lack of systematic inspections of the property. In response to these commenters, the Agencies clarify that a lender must re-examine the status of a detached structure upon a qualifying triggering event under the FDPA—making, increasing, renewing, or extending a loan. However, consistent with existing obligations under the FDPA, if a lender subsequently determines that a property has become subject to the mandatory flood insurance purchase requirement and, as a result, the collateral is underinsured, the lender has a duty to inform the borrower of the obligation to increase insurance coverage.[43] If the borrower fails to increase the flood insurance to the appropriate amount, the lender must force place flood insurance, as required by the FDPA.

Moreover, as the Agencies noted in the October 2014 Proposed Rule, although the exemption would address borrowers' and lenders' concerns by excluding relatively low-value detached structures from the mandatory flood insurance purchase requirement if they secure a designated loan, there may be

[40] IRS regulations provide that ''[w]hether property is a residence shall be determined based on all the facts and circumstances, including the good faith of the taxpayer. A residence generally includes a house, condominium, mobile home, boat, or house trailer, that contains sleeping space and toilet and cooking facilities. A residence does not include personal property, such as furniture or a television, that, in accordance with the applicable local law, is not a fixture.'' *See* 26 CFR 1.163–10T(p)(3)(ii).

[41] *See* footnote 40.

[42] *See* footnote 40.

[43] 42 U.S.C. 4012a(e).

some detached structures that are of relatively high value, such as a detached greenhouse. The Agencies further noted that, although the statute does not require flood insurance for such structures, as a matter of safety and soundness, lenders may nevertheless require coverage on these detached structures, and that such coverage also may be in the borrower's best interest. Furthermore, the Agencies also noted in the October 2014 Proposed Rule that section 13(b) of HFIAA, which the Consumer Financial Protection Bureau (CFPB) has implemented, amends section 5(b) of the Real Estate Settlement Procedures Act of 1974 (RESPA) to require a related disclosure in the Special Information Booklet provided to borrowers informing them that they may still wish to obtain, and mortgage lenders may still require borrowers to maintain, flood insurance even if not required by the FDPA.[44]

Several commenters supported the ability of lenders to require flood insurance for safety and soundness purposes or if it is in the best interest of the borrower, even if not required by statute. The Agencies reaffirm that a lender may require flood insurance on a detached structure, even though the statute does not require it, to protect the lender's and borrower's collateral securing the loan.[45]

In addition, a trade association suggested the Agencies consider adding language in the Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance (Notice of Special Flood Hazards) on the ability of a lender to waive flood insurance requirements for detached structures because some borrowers might not receive the Special Information Booklet.[46] The Agencies believe that the commenter's suggestion has merit and have determined that it also would be appropriate to amend the notice to include the related disclosure required by section 13(b) of HFIAA. This additional disclosure is intended to ensure that borrowers receive full disclosure on this aspect of flood insurance coverage, as discussed below in the **SUPPLEMENTARY INFORMATION** related to *Appendices A & B.*

Finally, the Agencies are adopting a change to their regulations in this section to amend the reference to the head of FEMA from ''Director'' to ''Administrator'' as discussed above in the **SUPPLEMENTARY INFORMATION** related to ____.____ *Authority, purpose, and scope.*

____.____ *Escrow requirement*

In General

The Agencies proposed to revise their regulations in the October 2014 Proposed Rule in accordance with section 102(d) of the FDPA (42 U.S.C. 4012a(d)), as amended by section 25 of HFIAA,[47] to require a regulated lending institution, or a servicer acting on behalf of a regulated lending institution, to escrow all premiums and fees for flood insurance required for loans secured by residential improved real estate or a mobile home unless the loan or the lending institution qualifies for one of the statutory exceptions. In addition, under the October 2014 Proposed Rule, these premiums and fees would be payable with the same frequency as payments on the loan are made for the duration of the loan. Several commenters, including a municipal government commenter, supported the escrow requirement, although some financial institution commenters opposed the requirement. As escrows are required by the statute, the Agencies are adopting a final rule that will implement the escrow requirement in section 102(d) of the FDPA, as amended.

Consistent with section 25(b) of HFIAA, the Agencies proposed that the escrow requirement would apply to any loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016. Although section 25(b) of HFIAA applies the escrow requirement to loans ''originated, refinanced, increased, extended, or renewed,'' the Agencies proposed regulatory language in the October 2014 Proposed Rule that applies the requirement to loans ''made, increased, extended, or renewed'' to be consistent with the way these triggering events are referenced elsewhere in the regulation.[48] Several commenters agreed with the Agencies' proposal, and the Agencies adopt this non-substantive wording change in the final rule.

One financial institution commenter suggested that the Agencies' regulations be amended to reference ''designated'' loans because that is a defined term for loans that are subject to the mandatory flood insurance purchase requirement. The commenter also recommended that the regulation be amended to state that the escrow payments be payable with the same frequency as payments on the loan are ''required to be'' made for the duration of the loan because such wording would be technically accurate. The Agencies agree with these suggested changes, and the final rule adopts the changes recommended by the commenter.

Several financial institution and trade association commenters suggested that the Agencies apply the escrow requirement to loan applications received on or after January 1, 2016. These commenters stated that loan applications could be received prior to January 1, 2016, but may not close before January 1, 2016. Thus, these commenters suggested, these loans may initially be designated as non-escrow loans, but if they close on or after January 1, 2016, lenders will have to re-categorize these loans as loans requiring the escrow of flood insurance premiums and fees. The Agencies note that the statute specifically and clearly applies the escrow requirement to loans that experience a triggering event on or after January 1, 2016. Furthermore, the Agencies believe that lenders have the capability to anticipate whether loan applications submitted prior to January 1, 2016 may close on or after January 1, 2016 and thus should structure those transactions accordingly. Therefore, the Agencies decline to make the change suggested by these commenters.

Another financial institution commenter requested that the Agencies clarify that a flood map change on or after January 1, 2016 that causes a building, which had not previously been located in an SFHA, to be located in an SFHA would not impose a duty on a lender to begin escrowing flood insurance premiums and fees for a loan that is secured by such building. Section 102(d) of the FDPA, as amended, applies to loans that experience a triggering event on or after January 1, 2016. Because a map change is not a triggering event, lenders would not be required to escrow flood insurance premiums and fees based solely on that change.

[44] *See* 80 FR 17414 (Apr. 1, 2015).

[45] *See* section 13(b) of HFIAA.

[46] The Special Information Booklet is provided only to borrowers who submit a written application for a Federally related mortgage loan. *See* 12 CFR 1024.6(a).

[47] As discussed above, the Agencies note that section 25(b)(3) of HFIAA provides that these new escrow requirements will not supersede the current escrow provisions during the period beginning on July 6, 2012 and ending on December 31, 2015. Therefore, as provided under section 25(b)(3) of HFIAA, the escrow requirements under section 102(d)(1) of the FDPA in effect on July 5, 2012 will continue to remain in effect and be enforced by the Agencies until December 31, 2015. Each Agency's current escrow provision provides that a regulated lending institution must escrow all premiums and fees for required flood insurance if the institution requires the escrow of taxes, insurance premiums, fees or other charges. *See* 12 CFR 22.5 and 172.5 (OCC); 12 CFR 208.25(e) (Board); 12 CFR 339.5 (FDIC); 12 CFR 614.4935 (FCA); and 12 CFR 760.5 (NCUA).

[48] *See, e.g.,* 12 CFR 22.3(a) (OCC); 12 CFR 208.25(c)(1) (Board); 12 CFR 339.3(a) (FDIC); 12 CFR 614.4930(a) (FCA); and 12 CFR 760.3(a) (NCUA).

Finally, some credit union association commenters recommended that the escrow status be detailed on an insurance declarations page and that changes in escrow status should be reported to insurance companies who should, in turn, notify all lienholders and homeowners of changes in escrow. The Agencies note that the FDPA, as amended, does not address how insurance companies compose their declarations pages or when and how they must notify lienholders and homeowners regarding escrow status. Accordingly, the Agencies decline to make that requested change.

Loan-Related Exceptions

Section 102(d) of the FDPA, as amended by section 25 of HFIAA, contains several exceptions to the general escrow requirement. These exceptions include: (i) Loans that are in a subordinate position to a senior lien secured by the same property for which flood insurance is being provided; (ii) loans secured by residential improved real estate or a mobile home that is part of a condominium, cooperative, or other project development, provided certain conditions are met; (iii) loans that are secured by residential improved real estate or a mobile home that is used as collateral for a business purpose; (iv) home equity lines of credit; (v) nonperforming loans; and (vi) loans with terms not longer than 12 months. These exceptions are in addition to the small lender exception applicable to certain regulated lending institutions that have total assets of less than $1 billion set forth in section 102(d) of the FDPA, as amended by section 100209 of Biggert-Waters, discussed below. Numerous commenters supported these exceptions.

Although the Agencies proposed the exceptions largely as provided in HFIAA, the Agencies did propose some clarifications in the October 2014 Proposed Rule. With respect to the exception for loans secured by residential improved real estate or a mobile home that is used as collateral for a business purpose, the Agencies proposed that the exception apply to a loan that is an extension of credit primarily for a business, commercial, or agricultural purpose.

Commenters supported the Agencies' clarification regarding the business purpose loan exception. Some commenters, however, recommended that the Agencies provide further guidance on the exception. Some commenters suggested that the Agencies specifically adopt or refer to the interpretations in Regulation Z, which implements TILA, on the meaning of ''primarily for a business, commercial, or agricultural purpose.'' [49]

The Agencies are adopting the exception on business, commercial, or agricultural purpose loans as proposed. As the Agencies explained in the October 2014 Proposed Rule, this is identical to language the Agencies initially proposed in the October 2013 Proposed Rule, which commenters to the October 2013 Proposed Rule supported. As discussed in the October 2013 Proposed Rule and noted in the October 2014 Proposed Rule, the Agencies specifically proposed this language to be consistent with similar exemptions in RESPA [50] and TILA.[51] There is a long history of established guidance on the meaning of ''primarily for a business, commercial, or agricultural purpose,'' including the interpretations set forth in Regulation Z and associated commentary. Consequently, the Agencies do not believe further interpretations or an explicit referral to Regulation Z is necessary; however, the Agencies intend that those interpretations be used as guidance in connection with this provision.

Section 102(d) of the FDPA, as amended by section 25 of HFIAA, also includes an exception for a loan in a junior or subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which flood insurance is being provided at the time of the origination of the loan. The Agencies proposed language in the October 2014 Proposed Rule similar to the language in HFIAA for this exception, with some changes to improve readability and clarity. Commenters supported the Agencies' proposed clarifications. Some commenters, however, suggested that the exception be available for subordinate lienholders regardless of whether there is already coverage in place because determining such coverage can be difficult. The Agencies note that HFIAA explicitly provides that the exception is only available for subordinate loans secured by property for which flood insurance is already in place. Furthermore, the Agencies note that, as discussed in the Q&As at Q&A 36, regulated lending institutions are already expected to inquire as to the amount of flood insurance coverage that is in place when they make, increase, extend, or renew a subordinate lien loan.[52] Accordingly, the Agencies are adopting the exception as proposed.

Several commenters also requested that the Agencies clarify whether a lender has a duty to monitor its lien position over the life of the loan to determine whether the loan qualifies for the subordinate lien exception. As discussed further below, the Agencies do not believe there is an ongoing duty to evaluate the applicability of the subordinate lien exception, or any of the other exceptions. However, similar to the force placement provisions relating to the mandatory flood insurance purchase requirement, the Agencies believe that when a lender makes a determination that the subordinate lien exception no longer applies, for example, when it receives notice that the senior lien has been paid off or when it conducts the required inquiry at a triggering event, then the lender must begin escrowing flood insurance premiums and fees. Therefore, lenders should ensure that the loan documents executed in connection with a subordinate loan permit the lender to require an escrow in connection with the loan in the event the loan takes a first lien position and becomes subject to the escrow requirement.

Section 102(d) of the FDPA, as amended by section 25 of HFIAA, also excepts from the escrow requirement loans secured by residential improved real estate or a mobile home that is part of a condominium, cooperative, or other project development when covered by a flood insurance policy that: (i) Meets the mandatory flood insurance purchase requirement; (ii) is provided by the condominium association, cooperative, homeowners association or other applicable group; and (iii) the premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense. The Agencies proposed in the October 2014 Proposed Rule to implement this exception substantially as stated in the statute.

As the Agencies discussed in both the October 2013 Proposed Rule and the October 2014 Proposed Rule, if the amount of the policy purchased by the condominium association, cooperative, homeowners association, or other applicable group does not satisfy the mandatory flood insurance purchase requirement, then the borrower would be required to obtain a supplemental policy to cover the deficiency. In those instances, the Agencies expect the regulated lending institution to escrow

[49] One credit union association commenter inquired whether a loan for residential investment properties would be considered a loan that is ''primarily for business, agricultural or commercial purposes.'' The Agencies note that Regulation Z contains commentary that addresses this question. *See* comments 3 and 4 under 12 CFR 1026.3(a).

[50] *See* 12 U.S.C. 2606(a).

[51] *See* 15 U.S.C. 1603(1).

[52] *See* 74 FR 35914, 35940–41 (July 21, 2009).

the premiums and fees for the supplemental policy unless the small lender exception applies. For example, if a condominium association purchases an NFIP Residential Condominium Building Association Policy (RCBAP) or a private flood insurance policy for less than the amount of insurance required by the mandatory purchase requirement under the FDPA, the borrower must obtain a dwelling policy for supplemental coverage.

Commenters were generally supportive of the exception as included in the October 2014 Proposed Rule. One community association commenter suggested that the Agencies require insurance companies to disclose the beneficial owner of a policy. However, the FDPA does not compel insurance companies to disclose the beneficial owner of a policy. The Agencies are adopting the condominium association, cooperative, and homeowners association exception as proposed in the October 2014 Proposed Rule.

Section 102(d) of the FDPA, as amended by section 25 of HFIAA, includes an exception from the escrow requirement for home equity lines of credit (HELOCs), which was an exception requested by many commenters on the October 2013 Proposed Rule. The Agencies proposed this exception, consistent with HFIAA, in the October 2014 Proposed Rule. One consumer group commenter suggested that the Agencies exclude fully drawn HELOCs from the exception on the theory that such loans are really closed-end loans disguised as HELOCs to qualify for the exception and evade other mortgage requirements. The Agencies note that the FDPA, as amended by section 25 of HFIAA, does not include any exclusion to the exception. Moreover, the issue of whether credit qualifies as open-end credit is addressed by Regulation Z.[53] Therefore, the Agencies are adopting the exception as proposed.

Section 102(d) of the FDPA, as amended by section 25 of HFIAA, also includes an exception from the escrow requirement for nonperforming loans. The Agencies proposed to implement this exception with a clarification that the exception be available for a nonperforming loan that is 90 or more days past due and solicited comment on the clarification. Several commenters supported the Agencies' clarification. Other commenters, however, requested that the Agencies look to the CFPB's foreclosure and servicing rules or the FCA's rules on categorizing assets for accounting and reporting purposes in 12 CFR 621.6. In addition, many commenters suggested that once a designated loan is 90 or more days past due, it should not lose the exception if the borrower makes additional payments.

Based on these comments, the Agencies believe further clarification is required regarding this exception. Although it appears that 90 or more days past due is an appropriate measure of when a loan is nonperforming and is consistent with many lenders' current practices, there is confusion on when a nonperforming loan may become a performing loan that is no longer entitled to the exception. The Agencies generally agree that a borrower making some additional payments would not render a nonperforming loan a performing loan; however, the Agencies believe some guidance is necessary to help lenders determine when a loan is no longer nonperforming. Therefore, the Agencies are adopting language that is adapted from the FCA's regulations on categorizing assets[54] to provide that a nonperforming loan is a loan that is 90 or more days past due and remains nonperforming until it is permanently modified or until the entire amount past due, including principal, accrued interest, and penalty interest incurred as the result of past due status, is collected or otherwise discharged in full.

The final exception provided by section 25 of HFIAA is for a loan that has a term of not longer than 12 months, which the Agencies proposed as provided by the statute. Several financial institution commenters suggested that the term of the exception be extended to 15 months or 24 months to include all construction loans. The Agencies note the statute provides an exception only for loans with a term of 12 months or less, and therefore, the exception is adopted as proposed. However, if a loan of 12 months or less is extended or renewed for an additional term of 12 months or less, the Agencies' regulations would permit the exception to apply to the extended or renewed loan because an extension or renewal is a triggering event. Therefore, at the time of the triggering event, the regulated lending institution may apply the exception if the term of the newly extended or renewed loan is for a term of 12 months or less.

Moreover, the Agencies are adding new language to address questions the Agencies received about the duration of an exception to the escrow requirement. These questions were raised particularly with respect to exceptions based on a loan status that could change, such as the subordinate lien and nonperforming loan exceptions. Given the ambiguity in the FDPA, as amended, regarding how the exceptions would apply, the final rule clarifies that if a regulated lending institution, or its servicer, determines at any time during the term of a designated loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, that an exception does not apply, then the lender or its servicer shall require the escrow of all flood insurance premiums and fees as soon as reasonably practicable. In addition, consistent with section 102(d)(3) of the FDPA, which states that escrow accounts established by section 102(d) of the FDPA shall be subject to section 10 of RESPA, the rule provides that a regulated lending institution must provide any disclosure required by section 10 of RESPA if such loan is otherwise subject to RESPA. The Agencies modeled this language on the force placement provisions for the mandatory flood insurance purchase requirement. As with the force placement provisions, the Agencies do not believe this imposes a duty to monitor the exception. However, if the regulated lending institution becomes aware that the status of the loan has changed, then the Agencies expect that the lender should take action, similar to the Agencies' expectations in the force placement context.

The Agencies also received several requests for additional exceptions from the escrow requirements. Some commenters suggested that the Agencies add an exception for closed-end home equity loans in a senior lien position of $100,000 or less or with a loan-to-value ratio of 60 percent or less. Another commenter suggested adding an exception for any loan with a loan-to-value ratio of 80 percent or less. An additional commenter suggested that the Agencies provide an exception for force-placed loans. Some farm credit commenters also requested that the Agencies provide an exception for loans with nontraditional payment structures such as semi-annual or annual payment schedules. The Agencies note that none of these exceptions are provided for in the FDPA, as amended, and therefore decline to add them.

In addition, a financial institution commenter requested that the Agencies create an exception for reverse mortgages. This commenter stated that it is not possible to align the frequency of escrow payments with loan payments because a borrower makes no payments on a reverse mortgage. The Agencies agree that given the terms of a reverse

[53] *See* 12 CFR 1026.2(a)(20) and associated commentary.

[54] *See* 12 CFR 621.6(c).

mortgage, such loans are already excluded based on the plain language of the escrow requirement, which requires lenders to collect flood insurance premiums and fees with the same frequency as payments on the loan are made. As a borrower makes no payments on a reverse mortgage, the lender is not required to escrow flood insurance premiums and fees for such loans.

Notice

The Agencies proposed that a regulated lending institution, or a servicer acting on its behalf, mail or deliver a written notice informing a borrower that it is required to escrow all premiums and fees for required flood insurance on residential improved real estate. As noted in the October 2014 Proposed Rule, this proposal was similar to the notice requirement proposed in the October 2013 Proposed Rule. The purpose of the proposed notice was to ensure that borrowers are informed about the requirement to escrow premiums and fees for mandatory flood insurance.

As the Agencies explained in the October 2014 Proposed Rule, the proposal would require that a regulated lending institution, or a servicer acting on its behalf, provide a notice on the escrow requirement with, or in, a notice the lender is already required to provide: The Notice of Special Flood Hazards. The Agencies proposed this approach in order to minimize the burden to regulated lending institutions of providing this notice and to ensure that borrowers receive the notice at a time when they are considering the purchase of flood insurance. The Agencies' current rules provide a sample form of this notice as Appendix A. Because HFIAA amendments tie the escrow requirement to a triggering event (*i.e.,* when a loan is made, increased, extended, or renewed), borrowers already will receive the Notice of Special Flood Hazards, as required by the Agencies' regulations, at the same time that the escrow of flood insurance premiums and fees will be required. To facilitate compliance, the Agencies proposed model language for the escrow notice to be included in or with the Notice of Special Flood Hazards, as applicable.

One commenter supported the proposed requirement to include the notice with the Notice of Special Flood Hazards. The final rule continues to include the escrow notice with the Notice of Special Flood Hazards.

The Agencies are making one modification to the escrow notice requirement in the October 2014 Proposed Rule. As discussed above with respect to the duration of the exception, the Agencies are clarifying that a regulated lending institution or its servicer must require the escrow of all flood insurance premiums and fees if the lender, or a servicer acting on the lender's behalf, determines at any time during the term of a loan that an exception to the escrow requirement for the loan no longer applies. To alert borrowers to the potential need to escrow in those circumstances, the Agencies also are requiring lenders to provide the escrow notice in connection with any excepted loan that could lose its exception during the term of the loan. Consequently, borrowers of loans that may eventually become subject to the escrow requirement will be informed of that possibility.

The Agencies also received some comments related to the content of the notice. These comments will be addressed below in the **SUPPLEMENTARY INFORMATION** accompanying the discussion on *Appendices A & B.*

Small Lender Exception

In addition to the exceptions to the escrow requirement discussed above, section 102(d) of the FDPA, as amended by section 100209 of Biggert-Waters, contains an exception for certain small lenders. The FDPA, as amended, states that, except as provided by State law, regulated lending institutions that have total assets of less than $1 billion are excepted from the escrow requirement if, on or before July 6, 2012, the institution: (i) In the case of a loan secured by residential improved real estate or a mobile home, was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of the loan and (ii) did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for loans secured by residential improved real estate or a mobile home. The Agencies proposed to implement this exception to the escrow requirement substantially as provided in the statute with some clarifications.

One of these clarifications addressed the measurement of the asset size to qualify for the exception, which the Agencies proposed in both the October 2013 Proposed Rule and the October 2014 Proposed Rule. Because Biggert-Waters does not specify a point in time to measure the asset size of an institution to determine whether such institution qualifies for the exception, the Agencies proposed that a regulated lending institution may qualify for the exception if it has total assets of less than $1 billion as of December 31 of either of the two prior calendar years. Consequently, regulated lending institutions with assets of $1 billion or more as of both December 31, 2014, and December 31, 2015, would not qualify for the exception in 2016. In contrast, a regulated lending institution with assets of less than $1 billion as of either December 31, 2014, or December 31, 2015, would qualify for the exception in 2016, provided the other conditions for the exception are met. As the Agencies explained in both the October 2013 Proposed Rule and the October 2014 Proposed Rule, the Agencies proposed this method, which is similar to how the OCC, the Board, and the FDIC have measured asset size in relation to the definitions for small entities under their Community Reinvestment Act (CRA) regulations,[55] to ensure an institution remains above the size threshold for a substantial period before requiring the institution to expend the resources necessary to establish a new escrow program.

Similar to comments received on the October 2013 Proposed Rule, some financial institution commenters to the October 2014 Proposed Rule suggested that the Agencies set the threshold at $2 billion in assets to be consistent with the CFPB escrow rules under Regulation Z for higher-priced mortgage loans.[56] A credit union association commenter suggested that the Agencies adjust the threshold annually for inflation. As the Agencies noted in the October 2014 Proposed Rule, the $1 billion asset-size threshold for the exception from the escrow requirements is specified in the FDPA, as amended, and the Agencies are therefore adopting the $1 billion asset-size threshold without an annual adjustment, consistent with the FDPA, as amended.

Some commenters also asked whether the assets to be measured applied per institution or whether the assets of all institutions under common ownership must be aggregated. The Agencies' regulations state that the measurement reflects the assets of only the regulated lending institution. As a result, regulated lending institutions need not consolidate the assets of other institutions under common ownership with the regulated lending institution for the measurement of asset size.

The Agencies also proposed transition rules for a change in status of a regulated lending institution that may

[55] *See* 12 CFR 25.12(u) and 195.12(u) (OCC); 12 CFR 228.12(u) (Board); and 12 CFR 345.12(u) (FDIC).

[56] *See* 12 CFR 1026.35(b)(2)(iii)(C).

initially qualify for the exception, but later grows to exceed the $1 billion asset-size threshold. Specifically, the Agencies proposed to give regulated lending institutions approximately six months to begin complying with the escrow requirement, which the Agencies explained in both the October 2013 Proposed Rule and October 2014 Proposed Rule is similar to the Board's Regulation II change in status rules.[57] Under the proposal, a regulated lending institution would be required to escrow flood insurance premiums and fees for any loans made, increased, extended, or renewed on or after July 1 of the succeeding calendar year after a regulated lending institution has a change in status. Therefore, under the proposed rule, if a regulated lending institution qualified for the exception in 2016, but had assets of $1 billion or more as of December 31, 2016, and December 31, 2017, such regulated lending institution would be required to begin escrowing for any loans made, increased, extended, or renewed on or after July 1, 2018. The final rule similarly would require regulated lending institutions that have had a change in status to begin escrowing for any loans made, increased, extended, or renewed on or after July 1 of the first calendar year of changed status. The Agencies have clarified the language in the final rule with no intended change in meaning.

Several financial institution trade association commenters suggested that lenders be given 12 months to comply with the escrow requirements after a change in status. The Agencies believe that this would be too long a period for lenders to comply in light of the Agencies' regulations measuring the lender's assets over a period of two years. Thus, a lender who has had assets of $1 billion or more one year and is on track during the second year to have assets of $1 billion or more should begin to prepare escrowing in the following year. In the Agencies' view, requiring such lenders to escrow flood insurance premiums and fees for loans made, increased, extended, or renewed on or after July 1 after the lender has had a change in status should be sufficient time for the lenders to comply.

The Agencies also received questions from commenters on whether an institution that experienced a change in status, which no longer qualifies it for the small lender exception, could regain the small lender exception if the institution's asset size decreased to less than $1 billion in a calendar year. Based on the Agencies' regulation, a regulated lending institution could technically reclaim small lender status in these circumstances. However, given the burden that a regulated lending institution would undertake to establish an escrow program, the Agencies question whether an institution would find it appropriate to abandon a program in which it has invested resources to develop and risk causing confusion to borrowers who have grown accustomed to escrowing flood insurance premiums and fees, especially if the institution could lose the small lender exception again in the future.

The FDPA, as amended, states that the small lender exception is available only if, on or before July 6, 2012, the institution: (i) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of the loan, in the case of a loan secured by residential improved real estate or a mobile home; and (ii) did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for loans secured by residential improved real estate or a mobile home.

The Agencies proposed clarifications to these conditions in the October 2014 Proposed Rule based on comments received on the October 2013 Proposed Rule. Specifically, the Agencies proposed that if, on or before July 6, 2012, the institution: (i) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of any loan secured by residential improved real estate or a mobile home; and (ii) did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for any loans secured by residential improved real estate or a mobile home, the institution may be eligible for the small lender exception provided it meets the size threshold. The Agencies are adopting this language in the final rule.

A farm credit commenter suggested that the conditions should only apply to an institution's consumer loan portfolio. The Agencies note that the statute applies the conditions to any loan secured by residential improved real estate or a mobile home. Therefore, based on the plain language of the FDPA, as amended, and the Agencies' regulations, the institution should include all loans secured by residential improved real estate or a mobile home, regardless of whether the loan is for a consumer purpose. Some commenters, including several farm credit commenters, suggested that instead of adopting the conditions set forth in the FDPA, the Agencies develop a bright line test, for example less than 100 mortgages per year or 200 loans per year or 5 percent of the institution's portfolio, to determine whether or not an institution has a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account. The Agencies do not believe these limits would be consistent with the FDPA and decline to adopt such standards.

The Agencies also received several questions about the conditions, which the Agencies believe can be resolved by looking to the plain language of the FDPA, as adopted and implemented by the Agencies' regulations. A financial institution trade group commenter asked whether a lender who began a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account after July 6, 2012 could still qualify for the small lender exception. Based on the FDPA and the Agencies' regulations, which reference a lender's policy on or before July 6, 2012, an institution could qualify for the exception if the policy of requiring escrow began *after* July 6, 2012, provided the lender meets the size threshold. Commenters also requested clarification on whether the small lender exception is available if the lender maintains escrows only on a borrower's request or if the policy of consistently and uniformly requiring escrow accounts comes at the behest of a third party. Regarding the former situation, the Agencies note that the FDPA and the Agencies' regulations state that the condition is based on a lender having a policy of *requiring* the escrow accounts. Therefore, if the lender is only maintaining escrows based on borrowers' requests, the Agencies do not believe this to be a policy of uniformly or consistently requiring escrow. With respect to the situation involving a third party, the Agencies believe that under the FDPA and the Agencies' regulations, it is irrelevant why the lender is requiring the escrow so long as there is a policy of uniformly or consistently requiring borrowers to escrow.

Option To Escrow

Section 25(b) of HFIAA requires regulated lending institutions to offer and make available to a borrower the option to escrow flood insurance premiums and fees for loans secured by residential improved real estate or a mobile home that are outstanding as of

[57] *See* 12 CFR 235.5(a)(3).

January 1, 2016. The Agencies proposed this provision in the October 2014 Proposed Rule generally as provided in the statute with changes to the language for clarity and organization. Consistent with section 25(b) of HFIAA, the proposal also clarified that providing an option to escrow would not apply to loans or lenders that are excepted from the general escrow requirement.

Commenters were generally supportive of the Agencies' proposal on the option to escrow. Some credit union and credit union trade group commenters, however, opposed requiring lenders to offer an option to escrow for loans outstanding on January 1, 2016. The Agencies note that offering an option to escrow is required by section 25(b) of HFIAA. As a result, the Agencies are adopting a requirement to offer an option to escrow, consistent with HFIAA.

Several commenters supported the Agencies' proposal stating that the option to escrow does not apply to loans or lenders that are excepted from the general escrow requirement. Many commenters requested the Agencies to clarify that the status of the loan as of the ''outstanding'' date should determine whether the lender must send the notice of the option to escrow. For example, if a loan outstanding as of January 1, 2016 is a subordinate lien loan excepted from the escrow requirement, then a lender that is not subject to the small lender exception need not provide the notice of the option to escrow even if the lien status for such loan could subsequently change. The Agencies agree that this is consistent with section 25(b) of HFIAA, which requires a regulated lending institution to offer and make available an option to escrow for loans outstanding *as of* January 1, 2016, and therefore, the status of the loan as of January 1, 2016 should determine whether the requirement to offer and make available an option to escrow applies.

The Agencies also received several comments on providing additional exceptions for the option to escrow requirement. Several commenters suggested that there should be an exception to offering an option to escrow for borrowers that already are escrowing. The Agencies agree section 25(b) of HFIAA provides an exception for certain loans that are already escrowing.[58] Furthermore, the Agencies do not find any reason for a borrower who is already escrowing to receive a notice of the option to escrow. Consequently, the Agencies are adding language to their regulations to clarify that the option to escrow does not apply to an outstanding loan with a related escrow of flood insurance premiums and fees, or to a loan that is already subject to the escrow requirement. Therefore, if a loan is outstanding on January 1, 2016, for example, and subsequently experiences a triggering event on February 1, 2016 so that the lender must begin escrowing flood insurance premiums and fees for such loan, the lender need not provide the option to escrow notice to the borrower.

Commenters also requested that the Agencies exclude loans for which borrowers have previously waived escrow or for which lenders previously offered an option to escrow from having to offer the option to escrow again. The Agencies decline to include such exceptions. Although a borrower may have previously decided to waive escrow or been offered an option to escrow, it is possible that the borrower's circumstances have changed, and if offered another chance to escrow, the borrower may do so. Moreover, including such exceptions would be inconsistent with section 25(b) of HFIAA.

Furthermore, the Agencies proposed in the October 2014 Proposed Rule to use their authority to implement the escrow requirement to mandate that regulated lending institutions that no longer qualify for the small lender exception provide the option to escrow for borrowers of loans outstanding on July 1 of the succeeding calendar year following the lender's change in status. For example, suppose a loan is made on March 1, 2016, by a regulated lending institution that qualifies for the exception for small lenders. If the lender then no longer qualifies for the exception for small lenders as of January 1, 2018, under the Agencies' regulations, the lender would be required to escrow flood insurance premiums and fees for loans made, increased, extended, or renewed on or after July 1, 2018. The lender would have the capability to escrow flood insurance premiums and fees on July 1, 2018, and could provide that service to the borrower of the March 1, 2016 loan. Consequently, under the Agencies' October 2014 Proposed Rule, the regulated lending institution would be required to offer the borrower of that loan the option to escrow.

A few credit union and farm credit commenters opposed the Agencies' proposal while a consumer group commenter supported the proposal. Several financial institution and financial institution trade association commenters did not oppose applying the option to escrow requirement to institutions that lose the small lender exception, but stated that additional time may be needed for such institutions to comply. The Agencies continue to believe that a regulated lending institution that no longer qualifies for the small lender exception should be required to provide an option to escrow. Because a regulated lending institution that experiences a change in status will be required to establish an escrow program, borrowers on existing loans should benefit from the institution's program and be offered the option to escrow. Therefore, the Agencies are adopting the proposed regulations to require regulated lending institutions that lose the small lender exception to offer the option to escrow to existing borrowers with outstanding loans secured by residential improved real estate or a mobile home as of its compliance date.

In the October 2014 Proposed Rule, the Agencies also proposed additional clarifications to provide more specific guidance to regulated lending institutions in administering this requirement. First, the Agencies proposed to implement the requirement that regulated lending institutions ''offer and make available'' the option to escrow flood insurance premiums and fees by requiring that for outstanding loans, a lender, or its servicer, mail or deliver, or provide electronically if the borrower agrees, a notice informing borrowers of the option to escrow by March 31, 2016. For lenders that no longer qualify for the small lender exception, the Agencies proposed that the notice informing borrowers of the option to escrow be provided by September 30 of the succeeding calendar year following the lender's change in status.

Several financial institution and trade group commenters stated that requiring notice for outstanding loans by March 31, 2016 provided sufficient time for regulated lending institutions to comply. There were, however, some commenters that suggested the notice be required by January 1, 2017, because certain institutions must manually identify outstanding loans for which the notice on the option to escrow must be provided. The Agencies believe that providing institutions with one year to

[58] Section 25(b)(1)(B) of HFIAA states that the term ''outstanding loan'' to which the option to escrow requirement applies includes a loan that is not subject to the requirement to escrow premiums and fees for flood insurance under section 102(d)(1) of the FDPA in effect on July 5, 2012. Therefore, if a loan is already escrowing pursuant to section 102(d)(1) of the FDPA in effect on July 5, 2012, it is not an outstanding loan that must be offered an option to escrow.

comply is too long, but that additional time may be warranted. Consequently, the Agencies are amending their proposed rule to require that the option to escrow notice should be provided by June 30, 2016.

Some commenters also requested additional time for providing the option to escrow notice for lenders that lose the small lender exception. The Agencies proposed that the notice be provided by September 30 of the succeeding calendar year following the lender's change in status. Thus, such an institution would have nine months from the time it loses the exception to send the option to escrow notice. The Agencies believe that nine months provides an adequate amount of time for such institutions to identify borrowers of outstanding loans and mail or deliver the notice and are therefore adopting the September 30 compliance date. The Agencies, however, have revised the language of the final rule to clarify that a lender that has had a change in status must provide the notice of the option to escrow by September 30 of the first calendar year in which it has had a change in status.

Second, the Agencies proposed to require a lender or its servicer to begin escrowing premiums and fees for flood insurance as soon as reasonably practicable after the lender or servicer receives the borrower's request to escrow. As the Agencies explained in the October 2014 Proposed Rule, this language was derived from similar requirements in Regulation E [59] and Regulation Z [60] regarding how soon a financial institution or credit card issuer must implement the revocation of an opt-in for overdraft services or an over-the-limit feature of a credit card, respectively.

Several commenters supported the Agencies' proposal, noting that regulated lending institutions have had experience with the ''as soon as reasonably practicable'' standard under Regulation E and Regulation Z and that no greater specificity in the language is necessary. Some commenters requested further guidance on when lenders must begin escrowing after a borrower's request. Given that the Agencies believe a standard timeline may be difficult to establish for different institutions, and in light of the experience that regulated lending institutions already have with the ''as soon as reasonably practicable'' concept under Regulation E and Regulation Z, the Agencies are adopting the provision as proposed.

[59] *See* 12 CFR 1005.17(f).

[60] *See* 12 CFR 1026.56(i).

Third, to facilitate compliance, the Agencies proposed a model clause for the notice on the option to escrow in Appendix B. The Agencies' model clause for the option to escrow notice and the comments the Agencies received in connection with this proposal, will be discussed in more detail below in the **SUPPLEMENTARY INFORMATION** to *Appendices A & B.*

____.____ *Required Use of Standard Flood Hazard Determination Form*

In connection with the detached structures exemption in section 102(c) of the FDPA, made by section 13 of HFIAA, discussed above, the Agencies proposed in the October 2014 Proposed Rule to amend the Agencies' regulations to clarify that a regulated lending institution need not perform a flood hazard determination for any properties or structures that are exempt from the mandatory flood insurance purchase requirement. The Agencies reasoned that because flood insurance is not required on such properties and structures, determining whether such structures are located in an SFHA is unnecessary, and that removing this requirement for such properties and structures would eliminate unnecessary fees charged to borrowers.

Several commenters criticized this proposed amendment. They suggested the Agencies clarify that, although a lender need not perform a flood hazard determination for any properties exempt from the mandatory flood insurance purchase requirement, a lender still may need to obtain a flood hazard determination and charge a fee for the determination even if the property or structure qualifies for the exemption. Two commenters noted that lenders generally are not aware of detached structures until the flood hazard determination lists the number of buildings located on a property or until an appraisal or survey, occurring after the lender has ordered a determination, identifies the detached structures.

The Agencies agree with these commenters that conducting a flood hazard determination may be necessary to ascertain the number of buildings located on the property. In addition, the lender otherwise may not be aware that there is a detached structure until after a flood hazard determination is ordered. Therefore, conducting a flood hazard determination remains necessary to ensure compliance with the flood insurance requirements. Accordingly, the final rule does not include the proposed exception to the flood hazard determination requirement for properties and structures exempt from the mandatory flood insurance purchase requirement.

Finally, the October 2013 Proposed Rule proposed technical amendments in this section to change the reference to the head of FEMA from ''Director'' to ''Administrator'' and to update how a lending institution may obtain the standard flood hazard insurance form by directing the institution to FEMA's Web site. No comments were received on this aspect of the proposal. The Agencies therefore adopt the change in title of the head of FEMA from ''Director'' to ''Administrator'' and the addition of the Web site reference as proposed.

____.____ *Force Placement of Flood Insurance*

Pursuant to section 102(e) of the FDPA, as amended by section 100244 of Biggert-Waters, the Agencies proposed to amend their rules for the force placement of flood insurance.[61] The October 2013 Proposed Rule sought to implement section 100244 of Biggert-Waters by setting forth when a regulated lending institution or its servicer may begin to charge the borrower for force-placed insurance, the circumstances under which a regulated lending institution or its servicer must terminate force-placed insurance and refund payments, and what documentary evidence is sufficient to demonstrate that a borrower has flood insurance coverage.

Notice and Purchase of Coverage

Under current regulations, if a regulated lending institution, or a servicer acting on its behalf, determines at any time during the term of a designated loan that the building or mobile home and any personal property securing the designated loan is not covered by flood insurance or is covered by flood insurance in an amount less than the amount required under the FDPA, then the regulated lending institution or its servicer must notify the borrower that the borrower should obtain flood insurance, at the borrower's expense, in an amount at least equal to the amount required under the mandatory purchase requirement, for the remaining term of the designated loan. If the borrower fails to obtain adequate flood insurance within 45 days after notification, then the regulated lending institution or its servicer must purchase flood insurance on behalf of

[61] The Agencies note that section 1463(a) of the Dodd-Frank Act sets forth requirements relating to the force placement of hazard insurance. The CFPB has excluded flood insurance required under the FDPA from the force placement requirements in its rule implementing this provision. 12 CFR 1024.37(a).

the borrower. The regulated lending institution or servicer may charge the borrower for the cost of the premiums and fees incurred in purchasing the insurance. Pursuant to section 102(e) of the FDPA, as amended by section 100244 of Biggert-Waters, the Agencies proposed to amend their regulations to provide that the regulated lending institution or its servicer may charge the borrower for the cost of premiums and fees incurred for coverage beginning on the date on which the borrower's flood insurance coverage lapsed or did not provide a sufficient coverage amount. The Agencies' understanding is that the date on which the flood insurance coverage lapses is the expiration date provided by the policy. The October 2013 Proposed Rule solicited comment on whether the Agencies' interpretation of the term ''lapsed'' is consistent with the insurance industry's use of the term and whether further clarification is necessary on when a lender or servicer may begin to charge for force-placed flood insurance.

A number of commenters, including trade associations and lenders, generally supported the proposed amendment allowing regulated lending institutions to charge borrowers for the cost of premiums and fees incurred for coverage beginning on the date of lapse or insufficient coverage. These commenters noted that this amendment would make it clear that force-placed insurance resulting from expired or lapsed policies should be dated to the date of expiration to ensure continuous flood coverage. Some trade association commenters supported the Agencies' approach as consistent with Congressional intent and long-standing industry practice adopted to ensure continuous coverage as required by the FDPA.

A number of commenters agreed with the Agencies' interpretation that the date of lapse is the expiration date provided in the borrower's flood insurance policy and asserted this definition is consistent with industry usage. Other commenters, however, disagreed with the Agencies' interpretation, with one trade association suggesting the regulations should clearly state that a lapse is any period in which flood insurance coverage is not continuously maintained that protects the interest of the named insured. Another commenter objected by noting that the term is an insurance term of art and means more than the date coverage expires. This commenter further stated that the term ''lapse'' can mean more than just the expiration date of coverage depending on an insurer's business practices. Lastly, an insurance association commenter suggested defining a ''lapse'' to occur when a policy has been not renewed for some reason or has been cancelled for non-payment, and therefore it would be more appropriate to use ''non-renewed or cancelled'' rather than ''expiration date'' as provided in the October 2013 Proposed Rule.

The Agencies understand that flood insurance policies under the NFIP will often provide policyholders with a ''grace period'' of typically 30 days following the expiration date to pay the renewal premiums and fees to restore the policy and ensure continuous coverage. However, the Agencies also understand that any flood insurance coverage provided by the NFIP policy during the grace period would cover only the lender's interest. The borrower's interest would be covered during the grace period only if the borrower pays the renewal premium within the grace period.[62] Because there may be a lack of continuous flood coverage protecting the borrower's interest during this ''grace period,'' the Agencies consider the policy to have lapsed as of the expiration date provided by the policy. The Agencies also consider policies that are cancelled for any reason as having lapsed as of the date of cancellation because the borrower's interests are no longer covered by the policy. Therefore, the Agencies have amended their interpretation from the original proposal to provide that the date on which the flood insurance coverage lapsed is the expiration date provided by the policy or the date the flood insurance policy is cancelled.

The Agencies also received several comments requesting general clarification on the 45-day notice requirement. Some commenters sought clarification on whether a regulated lending institution, or a servicer acting on its behalf, can send the 45-day notice of force placement to the borrower prior to the actual expiration of the current policy so that the institution is prepared to renew on the date it expires or whether the institution must wait until policy expiration to send the notice. The Agencies note that, to ensure that adequate flood insurance coverage is maintained throughout the term of the loan and to comply with the Federal flood statutes, a regulated lending institution or its servicer must notify a borrower whenever flood insurance on the collateral has expired or is less than the amount required for the property. The regulated lending institution or its servicer must send this notice upon making a determination that the flood insurance coverage is inadequate or has expired, such as upon receipt of the notice of cancellation or expiration from the insurance provider or as a result of an internal flood policy monitoring system. Notice is also required when a regulated lending institution learns that a property requires flood insurance coverage because it is in an SFHA as a result of a flood map change. The FDPA specifically provides that the lender or servicer for a loan must send a notice upon its determination that the collateral property securing the loan is either not covered by flood insurance or is covered by such insurance in an amount less than the amount required.[63] In accordance with this statutory requirement, the final rule clarifies that the required 45-day notice must be sent following the date of lapse or insufficient coverage of the borrower's policy.

The Agencies also received suggestions on alternative force placement notification processes. A few commenters recommended the Agencies add a second 15-day reminder,[64] as required for force-placed hazard insurance under the CFPB's rule, to simplify compliance for loan servicers subject to RESPA's Regulation X. Some commenters, including trade association commenters, recommended the Agencies issue guidance that would authorize a lender to follow a notification process similar to FEMA's Mortgage Portfolio Protection Program (MPPP).[65] The Agencies are aware of these alternative notification processes and appreciate the benefits of additional notices. The Agencies note that a regulated lending institution or its servicer, at its discretion, may send one or more additional notices prior to the expiration date as a courtesy to assist the borrower. However, in order to comply with this section, the regulated lending institution or its servicer still would be required to send the mandated 45-day notice following the lapse of the borrower's policy.

[62] National Flood Insurance Program, Flood Insurance Manual at REN 2–3 (Apr. 1, 2015).

[63] *See* 42 U.S.C. 4012a(e).

[64] Under Regulation X, the CFPB requires a servicer to send two written notices before a servicer can assess a force placement charge on a borrower: (1) A notice at least 45 days before assessment of a charge, and (2) a notice at least 30 days after the initial notice and at least 15 days before assessment of a force placement charge. 12 CFR 1024.37(c)–(d).

[65] MPPP requires three notification letters to be sent to the borrower: (1) 45 Days prior to expiration or upon determination, (2) 30 days following the first notification letter, and (3) after the end of 45 day notification period along with the flood insurance policy declarations page. 44 CFR 62.23.

With respect to the notification regarding the renewal of a force-placed flood insurance policy, some industry commenters requested additional guidance. One commenter stated that the Agencies should do more to reduce the need for force-placed flood insurance, and suggested that the Agencies coordinate with the CFPB to mitigate gaps in the regulations pertaining to flood insurance policies. The Agencies may provide guidance in the future regarding notification in connection with the renewal of a force-placed flood insurance policy.

Additionally, several commenters sought clarification on the date on which a regulated lending institution or its servicer may force-place flood insurance. Some commenters inquired as to whether the appropriate date is when the lender or servicer discovers the insufficient coverage or after the expiration of the 45-day notice period. Other commenters also asserted a 45-day waiting period creates liability for the institution and is contrary to the intent of the Federal flood statutes to ensure continuous insurance coverage. The Agencies agree with the commenters who suggested that the regulation provide that lenders or servicers may purchase force-placed insurance immediately after the borrower's original policy lapses. Biggert-Waters clarifies that a regulated lending institution or its servicer has the statutory authority to charge the borrower for the cost of premiums and fees incurred for coverage beginning on the date on which flood insurance coverage lapsed or did not provide a sufficient coverage amount. Therefore, Biggert-Waters permits a lender or servicer to force place insurance immediately after the borrower's policy has lapsed or did not provide sufficient coverage. The Agencies' interpretation seeks to ensure that the protections provided by flood coverage for both the borrower and lender will be continuous. Based on the Federal flood statutes, the final rule clarifies that a regulated lending institution, or a servicer acting on its behalf, may force place flood insurance that would provide coverage anytime during the 45-day notice period and would not have to wait 45 days after providing notice to force place.

Some commenters, however, objected to the October 2013 Proposed Rule by asserting that the proposed rule allowing for fees and charges of a force-placed policy beginning on the date the borrower's policy lapsed would be in conflict with Federal law that currently requires a 30-day waiting period on all NFIP policies, except for policies written in connection with new loans, and other, limited circumstances.[66] The Agencies understand that most force-placed policies are private flood insurance policies rather than policies written under the MPPP administered by FEMA. It is also the Agencies understanding that private force-placed flood insurance policies generally do not have a 30-day waiting period and would allow a regulated lending institution, or a servicer acting on its behalf, to force place flood insurance effective immediately.

In addition to requesting clarification on when a regulated lending institution or servicer can force place flood insurance, numerous commenters also sought clarification on the date on which a regulated lending institution or its servicer may charge for force-placed insurance. One commenter asked whether a regulated lending institution can force place flood insurance at the expiration of the current policy, but not charge the customer until the end of the 45-day notice period. The Agencies note that Biggert-Waters and the final regulations provide that a regulated lending institution or its servicer may charge the borrower for the cost of premiums and fees incurred for coverage beginning on the date on which flood insurance coverage lapsed or did not provide sufficient coverage. As discussed above, the Agencies interpret this provision to mean that a regulated lending institution or its servicer can force place flood insurance beginning on the day the borrower's policy lapsed or did not provide sufficient coverage, and also, as of that day, the institution can charge the borrower for the force-placed insurance.[67] However, if the borrower obtains a flood insurance policy that overlaps with the force-placed policy, the lender or servicer must refund any premiums paid by the borrower for this overlap period. For example, if a borrower has not renewed a flood insurance policy that expires on June 30, a lender or servicer must provide the 45-day notice to the borrower and may force place a flood insurance policy as early as July 1. The lender or servicer could bill the borrower upon force placing the policy or could wait to bill the borrower at a later date, for example, when the 45-day notice period expires. If the borrower did not obtain a flood insurance policy and the lender or servicer had not force placed insurance by August 14 (the end of 45-day period), the lender or servicer would be required by regulation to force place flood insurance on August 15. On the other hand, if the lender force placed flood insurance as of July 1 and, if on July 15, the borrower renewed his or her flood insurance policy (effective from July 1) to satisfy the mandatory purchase requirement and provided sufficient evidence to the lender or servicer, then the lender or servicer would be required to refund any premiums paid by the borrower for the force-placed insurance coverage between July 1 and July 15. As a practical matter, lenders or servicers may decide to wait until after the 45-day notice period has expired to collect premiums for coverage dating back to the date the force-placed policy was purchased to avoid the administrative burden of having to refund the borrower's premium for any period of overlapping coverage.

Finally, the Agencies received several comments regarding retroactive billing. One commenter suggested a regulated lending institution or its servicer should not be permitted to charge the borrower for lapsed coverage if the institution or servicer fails to identify a lapse within 60 days. Another commenter asserted it is unreasonable to allow an institution to delay sending notices in order to charge retroactively a borrower for a lengthy period of force-placed flood insurance coverage. Additionally, several commenters requested the Agencies to define clearly the date back to which a lender may charge force-placed flood insurance premiums and suggested this date to be when a lender discovers that flood insurance coverage ''did not provide a sufficient coverage amount.'' The plain language of the statute provides that the lender or servicer may charge for premiums and fees incurred for coverage beginning on the date on which flood insurance coverage lapsed or did not provide a sufficient coverage amount. Further, when the lending institution determines there is a coverage lapse or insufficient coverage, the FDPA requires the institution to send a notice to the borrower. The Agencies also observe that, for purposes of safety and soundness, regulated lending institutions should ensure continuous coverage of flood insurance for the building or mobile home and any personal property securing a designated loan.

Additionally, the Agencies interpret Biggert-Waters to permit a regulated lending institution to force place a flood insurance policy purchased on behalf of a borrower that is effective the day after

[66] Section 1306(c) of the NFIA, 42 U.S.C. 4013(c), as amended by the Act. *See* FEMA WYO Bulletin W–13017, issued March 29, 2013 and effective October 1, 2013.

[67] Under Regulation X, the CFPB requires a servicer to wait 45 days before a servicer can assess a force placement charge on a borrower. 12 CFR 1024.37(c)–(d).

expiration of a borrower's original insurance policy to ensure continuous coverage. Such a practice will ensure that institutions complete the force placement of flood insurance in a timely manner upon lapse of the policy and that there is continuous insurance coverage to protect both the borrower and the institution. If an institution, despite its monitoring efforts, discovers a policy with insufficient coverage, for example due to a re-mapping, the institution may charge back to the date of insufficient coverage provided the institution has purchased a policy that covers the property for flood loss and that policy was effective as of the date of insufficient coverage. However, if purchasing a new policy is necessary to force place insurance upon discovery of insufficient coverage, an institution may not charge back to the date of lapse or insufficient coverage because the policy did not provide coverage for the borrower prior to purchase.

Termination of Force-Placed Insurance

As provided in section 102(e)(3) of the FDPA, which was added by section 100244 of Biggert-Waters, the Agencies proposed that within 30 days of receipt by a regulated lending institution, or a servicer acting on its behalf, of a confirmation of a borrower's existing flood insurance coverage, a regulated lending institution is required to: (i) Notify the insurer to terminate any force-placed insurance purchased by the regulated lending institution or its servicer and (ii) refund to the borrower all premiums paid by the borrower for any insurance purchased by the regulated lending institution or its servicer under this section for any period during which the borrower's flood insurance coverage and the insurance coverage purchased by the regulated lending institution or its servicer were each in effect (overlap period), and any related fees charged to the borrower.

The Agencies realize that, although regulated lending institutions and servicers can request that a force-placed insurance policy be terminated, it is the insurer that actually cancels the policy. The October 2013 Proposed Rule, therefore, clarified that the statutory language in section 102(e)(3) of the FDPA, as amended by section 100244 of Biggert-Waters, requires the institution only to notify the insurer to terminate the force-placed policy. The institution also must fully refund to the borrower the premiums and fees for the overlap period within the 30-day period required by the statute.

Although some commenters generally supported the proposed termination and refund requirements, a few commenters objected. One commenter suggested that the Agencies withdraw this requirement for existing loans and allow a substantial period for compliance prospectively. Another commenter asserted this requirement would mean a lender is ''stuck with'' a portion of the premium for the force-placed insurance that was purchased only because the borrower did not satisfy an obligation of the mortgage agreement to purchase flood insurance. The Agencies understand lenders' concerns regarding the termination and refund provisions. However, Biggert-Waters specifically requires the refund of force-placed insurance premiums for any overlap period and does not provide an exception to the requirement for outstanding loans.

Other commenters sought further clarifications on the proposed requirements. One commenter, for example, presented a scenario in which an existing policy expires on September 1 and then on September 16, the lender force places coverage retroactive to the date of lapse (September 1) after having previously sent a force placement notice. On September 17, the borrower provides proof of policy purchased that day but which is subject to a 30-day waiting period prior to becoming effective. This commenter inquired whether the lender must terminate a force-placed policy and refund premiums and fees at the expiration of the 30-day waiting period or upon receipt by the lender of confirmation of borrower obtained flood insurance coverage. The Agencies note that Biggert-Waters requires a lender or servicer to terminate any force-placed insurance purchased by the regulated lending institution or its servicer and to refund to the borrower all premiums or fees paid by the borrower for any overlap period. Because the borrower's policy is subject to a 30-day waiting period, it would not be ''in effect'' until the waiting period has expired. The lender's force-placed policy provides the only flood insurance coverage on the property during that waiting period. Provided the force-placed insurance policy is terminated upon the expiration of the waiting period, the lender would not need to refund premiums and fees for the force-placed coverage because there would not be an overlap period.

Another commenter suggested the Agencies clarify that the lender's refund obligation is subject to the insurer's refund of the premium. The Agencies note that Biggert-Waters does not impose such a condition precedent upon the lender's refund.

A commenter urged the Agencies to adopt a limit on how far back a regulated lending institution may be required to refund overlapping flood insurance to encourage borrowers to be diligent in reviewing notices and prompt in notifying the lender or servicer. The Agencies understand the difficulties in refunding premiums for force-placed insurance for extensive overlap periods due to the borrower not notifying the lender promptly. Nonetheless, the Agencies note that Biggert-Waters makes clear that a lender is required to refund any premiums and fees a borrower has paid for which the borrower provides sufficient documentation of overlapping coverage. Accordingly, Biggert-Waters does not provide a limitation on the time period for which a borrower can submit documentation of overlapping coverage. However, the Agencies believe that a borrower receiving force placement notices and faced with the burden of associated fees and premiums would be motivated to provide prompt notification to the lender of the borrower's own policy rather than be required to pay the additional fees and premiums during any period of overlapping coverage. Based on a review of the comments, the Agencies are adopting the termination and refund provision as proposed.

In addition, the Agencies note that section 102(e)(3) of the FDPA, as amended, and the Agencies' final regulations, do not specify a party from which a regulated lending institution must receive confirmation of a borrower's existing flood insurance coverage. Therefore, regulated lending institutions may receive the confirmation from either the borrower or a third party, such as an insurance agent or insurer with whom the institution has direct contact.

Sufficiency of Demonstration

Pursuant to section 102(e)(4) of the FDPA, as amended by section 100244 of Biggert-Waters, the October 2013 Proposed Rule provided that, for purposes of confirming a borrower's existing flood insurance coverage, a regulated lending institution or its servicer must accept from the borrower an insurance policy declarations page that includes the existing flood insurance policy number and the identity of, and contact information for, the insurance company or its agent. A few commenters expressed general support for the proposed regulations as important protections that will simplify the verification process between lenders and flood insurance providers and result in greater transparency.

Numerous commenters requested further clarifications while others expressed concerns with implementation of the proposed rules.

Among the clarifications requested, several trade associations asked what constitutes a ''sufficient demonstration'' for purposes of confirming a borrower's existing flood insurance coverage. Another commenter suggested the Agencies clarify that sufficient evidence of insurance coverage must include items specified in FEMA Bulletin W–13013.[68] This commenter also suggested inclusion of the policy term effective dates, the current flood coverage amount, limitations and exclusions, the mortgagee's identity, and, if the coverage is provided by a private flood policy, some documentation that the policy satisfies either the Biggert-Waters definition of private flood insurance or the mandatory purchase requirement. A large lender commenter requested that the Agencies clarify that, in addition to the minimum required information, the declarations page must contain the correct amount, dates, and other information to fulfill the mandatory purchase requirements. This commenter also recommended that a copy of the policy be provided to the lender or servicer and that the lender or servicer have 45 days to check for compliance with any required private flood insurance criteria as conditions for terminating the force-placed insurance based on a borrower's private policy.

As provided by the October 2013 Proposed Rule, sufficient documentation consists of an insurance policy declarations page that includes the existing flood insurance policy number and the identity of and contact information for the insurance company or its agent. This information is all that is required under Biggert-Waters for an insurance policy declarations page to be considered sufficient evidence of a borrower's flood insurance coverage, and the Agencies decline to require additional information.

Another area of concern identified by commenters is that the requirement to accept the declarations page as sufficient demonstration may cause lenders to accept a private flood insurance policy based on the declarations page, only to later determine that the policy is unacceptable. As the Agencies discussed in the October 2013 Proposed Rule, a lender is responsible for making all necessary inquiries into the adequacy of the borrower's insurance policy to ensure that the policy complies with the mandatory purchase requirement. If the lender determines the coverage amount or any terms and conditions fail to meet applicable requirements, the lender should notify the borrower and request that the borrower obtain an adequate flood insurance policy.

Several commenters expressed concerns about the premature cancellation of a force-placed policy resulting in its replacement by another force-placed policy when the regulated lending institution determines that adequate insurance was not in place by the borrower. These commenters suggested that the Agencies clarify that a regulated lending institution or servicer is not required to cancel the force-placed policy until it has completed any necessary inquiries and receives valid evidence of compliant flood insurance coverage.

The Agencies understand the commenters' concerns with regard to premature cancellation of a force-placed policy and the administrative burden of terminating such a policy and refunding any paid premiums to the borrower. Consistent with Biggert-Waters, the final rule provides regulated lending institutions and servicers with 30 days from the receipt of the borrower's confirmation of existing flood insurance to conduct all necessary inquiries regarding whether the borrower's flood insurance policy satisfies the minimum mandatory purchase requirement.[69] The Agencies note that any further inquiry regarding the borrower's policy along with the termination and refund of premiums for the overlap period must be completed within the 30-day period following receipt of confirmation of a borrower's existing flood insurance coverage.

Finally, several commenters asserted that regulated lending institutions and servicers should have the discretion to accept other documents that may also demonstrate a borrower has adequate flood insurance coverage. The Agencies clarify that although a declarations page is the one option that a lender must accept, there are circumstances in which a lender can, subject to safe and sound banking practices, accept alternative evidence of insurance documents acceptable to the lender in order to cancel force-placed insurance. The Agencies note that the final rule establishes the only information that a lender or servicer may require as sufficient demonstration of flood insurance coverage; however, if other information is submitted, then the institution may accept it. The Agencies, therefore, adopt the provision as proposed in the October 2013 Proposed Rule.

Other Comments

In addition to the solicited comments, the Agencies received comments addressing force-placed insurance in general that are not specific to the October 2013 Proposed Rule. A few consumer associations urged the Agencies to adopt additional provisions to reduce the incidence of force-placed insurance and prevent kickbacks and other practices that unreasonably inflate the cost of force-placed insurance and encourage excessive use. These commenters encouraged the Agencies to require that force-placed insurance be reasonably priced, prohibit the purchase from an insurer affiliated with the servicer, and place limits on how much voluntary flood coverage the lender or servicer may require or force place. The Agencies observe that Biggert-Waters does not address these issues. However, the Agencies remind regulated institutions that their force placement practices should be consistent with all applicable laws, regulations, and safe and sound banking practices.

These consumer associations also requested that the Agencies require regulated lending institutions or servicers to advance insurance premiums rather than letting a borrower's policy lapse for nonpayment. These commenters urged that institutions and servicers must exhaust all options to keep homeowners' existing flood insurance policies in place before force placing insurance. The Agencies note, however, that the Federal flood statutes do not contain provisions similar to those relied upon by the CFPB in its mortgage servicing rule, which require a servicer to advance funds to a borrower's escrow account for the purpose of paying for a borrower's hazard insurance (unless the servicer has a reasonable basis to believe that a borrower's hazard insurance has been canceled or not renewed for

[68] FEMA Bulletin W–13013, issued March 19, 2013, reiterates that the NFIP rules and regulations do not allow the use of temporary declarations pages as evidence of insurance. The Bulletin refers to the General Rules section of the Flood Insurance Manual which provides rules regarding acceptable forms of evidence of insurance:

A copy of the Flood Insurance Application and premium payment, or a copy of the declarations page, is sufficient evidence of proof of purchase for new policies. The NFIP does not recognize binders. However, for informational purposes only, the NFIP recognizes certificates or evidences of flood insurance, and similar forms, provided for renewal policies if the following information is included: The policy form/type, term, and number; insured's name and mailing address; property location; current and rated flood risk zone; grandfathering status; mortgagee name and address; coverage limits; deductibles; and annual premium.

[69] *See* 42 U.S.C. 4012(a)(e)(3).

reasons other than nonpayment).[70] Although the final rule does not require a regulated lending institution to advance premiums, the Agencies note that nothing prohibits an institution from doing so to benefit the consumer.

A commenter requested that the Agencies clarify the applicability of the force placement provisions to re-mapping scenarios. The Agencies reiterate that if at any time during the life of the loan, a regulated lending institution or its servicer determines flood insurance is absent or insufficient, including following a map change, the regulated lending institution or its servicer must initiate force placement procedures by notifying the borrower of the mandatory purchase requirement and providing the borrower an opportunity to obtain the necessary amount of coverage. If the borrower fails to purchase the required amount of insurance within 45 days after the lender provides notice, the institution or servicer must force place flood insurance on the borrower's behalf.

Finally, the Agencies received comments from a number of different organizations discussing the escrowing of force-placed insurance premiums and fees. The Agencies addressed these comments above in the **SUPPLEMENTARY INFORMATION** related to ____.____

Escrow Requirement

____.____ *Determination Fees*

As discussed in the **SUPPLEMENTARY INFORMATION** related to ____.____ *Authority, purpose, and scope,* the Agencies are adopting the change in title of the head of FEMA from ''Director'' to ''Administrator'' as proposed.

____.____ *Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance*

Section 100239 of Biggert-Waters added a new section 102(b)(6) to the FDPA (42 U.S.C. 4012a(b)(6)), which requires regulated lending institutions to disclose to a borrower that: (i) Flood insurance is available from private insurance companies that issue SFIPs on behalf of the NFIP or directly from the NFIP; (ii) flood insurance that provides the same level of coverage as an SFIP under the NFIP may be available from a private insurance company that issues policies on behalf of the company; and (iii) the borrower is encouraged to compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and to direct inquiries regarding the availability, cost, and comparisons of flood insurance coverage to an insurance agent.

Furthermore, section 100239(b) of Biggert-Waters amended section 1364(a)(3)(C) of the 1968 Act (42 U.S.C. 4104a(a)(3)(C)) to require that the disclosures in section 102(b)(6) of the FDPA be provided in the Notice of Special Flood Hazards. Therefore, the final rule provides that the disclosures set forth in section 102(b)(6) of the FDPA be included in the Notice of Special Flood Hazards. The Agencies also proposed model language for the disclosure in the sample form of notice contained in Appendix A, as discussed further below.

In order to reduce the compliance burden of amending the Notice of Special Flood Hazards, the Agencies are implementing these changes to the regulation effective January 1, 2016. This effective date coincides with the January 1, 2016 effective date set forth in HFIAA that is applicable to the escrow provisions, which also affect Appendix A.

____.____ *Notice of Servicer's Identity*

As discussed in the **SUPPLEMENTARY INFORMATION** related to ____.____ *Authority, purpose, and scope,* the Agencies are adopting the change in title of the head of FEMA from ''Director'' to ''Administrator'' as proposed.

Appendices A & B

Appendix A

As discussed in the **SUPPLEMENTARY INFORMATION** accompanying the revisions to __.__.____*Escrow requirement* above, the Agencies proposed in the October 2014 Proposed Rule that regulated lending institutions must mail or deliver a written notice informing borrowers about the requirement to escrow premiums and fees for required flood insurance. To facilitate compliance with the proposed notice requirement, the Agencies proposed model language that could be included, if applicable, in the Notice of Special Flood Hazards as set forth in the sample form of notice contained in Appendix A.

Commenters were supportive of the Agencies proposing model language and that the notice be included in or with the Notice of Special Flood Hazards. However, the Agencies received comments with recommendations for improving the model language, which the Agencies are including in this final rule. In particular, these suggestions are meant to clarify that borrowers ''may'' be required to escrow flood insurance premiums and fees to take into account instances when the notice might be provided to a borrower of a loan excepted from the escrow requirement.

One municipal government commenter suggested that the Agencies also include an explanation of the term ''escrow.'' The Agencies are concerned that such an explanation could complicate the notice, because the concept of escrow is not unique to flood insurance. Additionally, escrow is already explained in the RESPA Special Information Booklet that is provided to consumers applying for Federally related mortgages.[71] As a result, the Agencies decline to require additional language to explain the term ''escrow'' in the Notice of Special Flood Hazards.

Furthermore, in the **SUPPLEMENTARY INFORMATION** accompanying the revisions to ____.____*Exemptions* above, the Agencies discussed a comment suggesting that the language required by section 13(b) of HFIAA to be contained in the RESPA Special Information Booklet also be included in the Notice of Special Flood Hazards. The commenter noted that some borrowers might not receive the RESPA Special Information Booklet. The Agencies believe that this is a concise disclosure that would be helpful to provide in the Notice of Special Flood Hazards without detracting from all the other disclosures required in the notice. Therefore, the Agencies are amending the Notice of Special Flood Hazards to include the language that is required to be included in the RESPA Special Information Booklet by section 13(b) of HFIAA.

Moreover, as noted above, the October 2013 Proposed Rule amended the sample form of notice contained in Appendix A to include the disclosures required by section 102(b)(6) of the FDPA, as added by section 100239 of

[70] The CFPB's rule requires a servicer to advance funds to a borrower's escrow account and to disburse such funds in a timely manner to pay the premium charge on a borrower's hazard insurance (unless the servicer has a reasonable basis to believe that a borrower's hazard insurance has been canceled or not renewed for reasons other than nonpayment of premium charges). Thus, even if a borrower were delinquent by more than 31 days, a servicer would be required under the CFPB's rule to advance funds to continue the borrower's hazard insurance policy. In promulgating this rule, the CFPB relied on its authority under section 19(a) of RESPA to prescribe such rules and to make such interpretations as may be necessary to achieve the consumer protection purposes of RESPA. *See* 78 FR 10696, 10714 (Feb. 14, 2013) and 12 CFR 1024.17(k)(5). The Agencies note that the Federal flood statutes do not contain a provision similar to the provision relied upon by the CFPB to require a servicer to advance funds to a borrower's escrow account.

[71] 12 U.S.C. 2604(b)(9).

Biggert-Waters, regarding the availability of private flood insurance coverage. The proposed additions to the sample form closely tracked the statutory language. The Agencies also proposed in the October 2013 Proposed Rule to revise the language relating to the coverage limit to more accurately reflect what is actually covered under the Federal flood statutes. Specifically, the October 2013 Proposed Rule amended the language to state that flood insurance coverage is available only on the building or mobile home and any personal property that secures the loan and not the land itself. In addition, the October 2013 Proposed Rule provided other technical amendments to the sample form of notice contained in Appendix A to change the references to the head of FEMA from ''Director'' to ''Administrator.'' The Agencies are adopting these changes set forth in the October 2013 Proposed Rule with one minor word change from ''ask'' to ''contact'' in the sample form language on the availability of private flood insurance coverage.

Finally, the changes to Appendix A are effective on January 1, 2016. Consistent with HFIAA, the provision requiring the escrow notice to be included on or with the Notice of Special Flood Hazards does not take effect until January 1, 2016. Therefore, the Agencies are making all the changes related to Appendix A effective at once, on January 1, 2016, in order to reduce the compliance burden on regulated lending institutions associated with amending the Notice of Special Flood Hazards.

Appendix B

As discussed above in the **SUPPLEMENTARY INFORMATION** accompanying the revisions to ____.____ *Escrow requirement,* the final rule requires lenders to provide a notice of the option to escrow to borrowers of loans outstanding as of January 1, 2016, or July 1 of the succeeding calendar year after a lender no longer qualifies for the small lender exception, as applicable. In the October 2014 Proposed Rule, the Agencies proposed an additional sample clause, Sample Clause for Option to Escrow for Outstanding Loans, as Appendix B to facilitate compliance with this proposed requirement.

In the October 2014 Proposed Rule, the Agencies proposed that the notice would not need to be provided in conjunction with any other disclosure or need to be segregated from other information provided to the borrower. A consumer group commenter suggested that the notice be conspicuous and segregated from any other correspondence. Although the Agencies believe that the notice should be readily apparent to the borrower to increase the likelihood of a borrower reading it, the Agencies decline to impose any specific requirement that the notice be conspicuous or segregated from other information. The Agencies believe that, as all of the information contained in the notice may be important to the borrower, no one particular part of the notice should be singled out. Under the final rule, regulated lending institutions may choose whether to provide the notice as a separate notice or add it to another disclosure the lender provides the borrower on or before the proposed deadline, such as a periodic statement.

A financial institution commenter inquired whether a lender may add additional language to the sample clause set forth in Appendix B. The Agencies note that the sample clause provides suggested language and that this would not preclude a regulated lending institution from inserting additional language that it believes would help a borrower better understand his or her options regarding the escrow of flood insurance premiums and fees. The commenter also recommended minor language and format changes to the sample clause, which the Agencies are adopting, among other changes to the language to improve readability.

Consistent with HFIAA, the escrow provisions requiring the option to escrow notice will not be effective until January 1, 2016. Consequently, Appendix B will not be effective until that date.

Appendix C

The Agencies are not adopting the notice proposed as Appendix C in the October 2013 Proposed Rule because the notice is no longer applicable, based on the changes to the escrow requirements enacted in HFIAA.

VI. Regulatory Analysis

Regulatory Flexibility Act

OCC: Pursuant to the Regulatory Flexibility Act (RFA), an agency must prepare a regulatory flexibility analysis for all proposed and final rules that describes the impact of the rule on small entities.[72] Under section 605(b) of the RFA, this analysis is not required if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and publishes its certification and a short explanatory statement in the **Federal Register** along with its rule. The OCC has concluded that the final rule does not have a significant economic impact on a substantial number of small entities supervised by the OCC.

The OCC currently supervises approximately 1,106 small entities—339 Federal savings associations, 748 national banks, and 19 trust companies (collectively, small banks).[73] To determine the number of banks that may be affected by the rule, we determined the number of banks that self-identified by reporting mortgage servicing assets or other activity associated with one-to-four family residential mortgage loans in the Q4 2014 Call Report or were identified by OCC examiners as a Home Mortgage Disclosure Act (HMDA) filer or bank that originates mortgage loans. We identified 1,162 such banks of which there are approximately 796 small banks that the rule could impact.[74] Thus, we assume the rule impacts a substantial number of small banks.

The OCC classifies the economic impact of total costs on a bank as significant if the total costs in a single year are greater than 5 percent of total salaries and benefits or greater than 2.5 percent of total non-interest expense. The OCC estimates that the average cost per small bank is approximately $6 thousand in 2015. Using this cost estimate, we believe the final rule will not have a significant economic impact on any small banks.

Therefore, pursuant to section 605(b) of the RFA, the OCC hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

Board: The RFA requires an agency to perform an assessment of the impact a rule is expected to have on small entities. Based on its analysis, and for the reasons stated below, the Board believes that this final rule will not have a significant economic impact on a substantial number of small entities.

1. *Statement of the need for, and objectives of, the final rule.* The Board

[72] *See* 5 U.S.C. 601 *et seq.*

[73] We base our estimate of the number of small entities on the Small Business Association's (SBA) size thresholds for commercial banks and savings institutions, and trust companies, which are $550 million and $38.5 million, respectively. Consistent with the General Principles of Affiliation 13 CFR 121.103(a), we count the assets of affiliated financial institutions when determining if we should classify a bank as a small entity. We use December 31, 2014, to determine size because a ''financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' *See* footnote 8 of the SBA's *Table of Size Standards.*

[74] For purposes of determining if the rule could impact a substantial number of small entities, we assume that all small banks have a policy in place to require the escrow of taxes and insurance.

is adopting revisions to Regulation H to implement certain provisions of Biggert-Waters and HFIAA over which the Agencies, including the Board, have jurisdiction. Consistent with HFIAA, the final rule exempts any structure that is a part of residential property but is detached from the primary residential structure of such property and does not serve as a residence from the mandatory flood insurance purchase requirement.

The final rule also implements the provisions in the FDPA, as amended by the Biggert-Waters Act and HFIAA, requiring a regulated lending institution (or its servicer) to escrow the premiums and fees for required flood insurance for any loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, unless the lender or the loan qualifies for exceptions set forth in the statute, including an exception for certain small lenders with assets less than $1 billion.

Furthermore, the final rule implements the requirement in HFIAA that regulated lending institutions offer and make available to a borrower the option to escrow flood insurance premiums and fees for loans that are outstanding as of January 1, 2016. The final rule also extends the requirement to offer and make available an option to escrow to a borrower when a regulated lending institution no longer qualifies for the exception for small lenders.

Finally, the final rule adopts revisions to the force placement provisions consistent with Biggert-Waters to clarify that a regulated lending institution or its servicer may charge a borrower for the cost of flood insurance coverage commencing on the date on which the borrower's coverage lapsed or became insufficient. The final rule also provides that within 30 days of receipt of a confirmation of a borrower's existing flood insurance coverage, a regulated lending institution is required to terminate any force-placed insurance purchased by the regulated lending institution, and refund to the borrower all premiums paid by the borrower for lender-place coverage for any period during which the borrower's flood insurance coverage and the lender-placed coverage overlapped.

2. *Summary of issues raised by comments in response to the initial regulatory flexibility analysis.* The Board did not receive any comments on the initial regulatory flexibility analysis.

3. *Small entities affected by the final rule.* All State member banks that are subject to Regulation H would be subject to the proposed rule. As of March 31, 2015, there were 850 State member banks. Under regulations issued by the Small Business Administration (SBA), banks and other depository institutions with total assets of $550 million or less are considered small entities. Of the 850 State member banks subject to Regulation H, approximately 632 State member banks would be considered small entities by the SBA.

4. *Recordkeeping, reporting, and compliance requirements.* The final rule would provide an exemption from a requirement for certain detached structures, but would also impose new compliance requirements with the final escrow provisions. With respect to the final rule exempting certain detached structures from the mandatory flood insurance purchase requirement, the Board believes the rules will not have a significant impact on small entities. First, not all designated loans are secured by detached structures that are eligible for the exemption. The final rule will have no impact with respect to such loans. Second, for designated loans that are secured by detached structures eligible for the exemption, lenders, including small lenders, may choose to continue requiring flood insurance on such structures as they currently do even though the FDPA does not mandate it, as discussed above in the **SUPPLEMENTARY INFORMATION**. As a result, the final rule would not have any impact in such instances. If a lender does choose to exempt detached structures that secure a designated loan from the mandatory flood insurance purchase requirement, the Board expects that the impact would be minimal because these types of structures typically constitute a smaller portion of the collateral securing designated loans.

Furthermore, as discussed in detail above in the **SUPPLEMENTARY INFORMATION**, regulated lending institutions with total assets less than $1 billion would generally be excepted from the proposed rules implementing the escrow provisions of HFIAA. Therefore, the final escrow provisions generally would not affect small entities.

The Biggert-Waters force placement provisions went into effect upon enactment of Biggert-Waters on July 6, 2012. As a result, the final rules implementing the Biggert-Waters force placement provisions should not have any impact on small entities who already were required to comply with the provisions as of July 6, 2012. Even prior to Biggert-Waters' passage, regulated lending institutions, including those that are considered small entities, should have had mechanisms in place to refund premiums and fees to borrowers for any period of overlap between a force-placed policy and a borrower's policy. Consequently, the force placement provisions, which set forth procedures for terminating force-placed insurance and refunding premiums and fees to the borrower, nevertheless, should have minimal impact on regulated lending institutions.

5. *Significant alternatives to the final revisions.* The Board has not identified any significant alternatives that would reduce the regulatory burden associated with this final rule on small entities.

FDIC: The FDIC is finalizing revisions to FDIC part 339 to account for certain changes to the FDPA, as amended by Biggert-Waters and HFIAA, that require lenders to escrow flood insurance premiums and fees to promote continuous flood insurance coverage for property securing designated loans, and to also terminate force-placed insurance and refund premiums and fees paid by a borrower for any period of overlapping insurance coverage.

The RFA requires an agency to prepare an analysis that describes the potential impact of a proposed rule on small entities and include it in a notice of proposed rulemaking, making it available for public comment. A regulatory flexibility analysis is not required, however, if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (defined in regulations promulgated by the SBA to include banking organizations with total assets of less than or equal to $550 million) and publishes its certification and a short, explanatory statement in the **Federal Register** together with the rule.

As of June 4, 2015, there were approximately 3,390 small FDIC-supervised banks, which include 3,103 State nonmember banks and 240 State-chartered savings banks, and 47 savings associations. The FDPA, as amended by Biggert-Waters, provides that generally a depository institution with assets of less than $1 billion is not required to comply with the escrow requirement. As a result, due to this statutory exclusion, the escrow requirement cannot have a significant economic impact on a substantial number of small entities.

Additionally, Biggert-Waters includes reimbursement provisions related to force placement of flood insurance. The provisions set out the circumstances under which a regulated lending institution must terminate force-placed insurance and refund to the borrower all premiums and fees paid by the borrower for lender-placed coverage for any period during which the borrower's

flood insurance coverage and the lender-placed coverage overlapped. Biggert-Waters' force placement provisions already went into effect upon passage of the Act on July 6, 2012. As a result, the final rule incorporating the Biggert-Waters force placement provisions should not have any impact on small entities that were required to comply with the provisions as of July 6, 2012. For these reasons, the FDIC certifies that this final rule will not have a significant economic impact on a substantial number of small entities that it supervises.

FCA: Pursuant to section 605(b) of the RFA, the FCA hereby certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Each of the banks in the Farm Credit System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them as small entities. Therefore, Farm Credit System institutions are not ''small entities'' as defined in the RFA.

NCUA: The RFA requires NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small entities.[75] For purposes of this analysis, NCUA considers small credit unions to be those having under $50 million in assets.[76] As of December 31, 2014, there are 4,129 small, federally insured credit unions, and only about 1,850 of these credit unions have real estate loans. This final rule implements certain changes to the FDPA, as amended by Biggert-Waters and HFIAA.

The final rule requires a credit union or servicer to escrow the premiums and fees for required flood insurance for any loans secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016. The final rule also implements additional exceptions from the escrow requirements, as amended by HFIAA. One of these exceptions allows for credit unions with total assets less than $1 billion to be generally excluded from the escrow requirements. Due to this statutory exception, the escrow provisions of the final rule will not significantly affect a substantial number of small credit unions.

In addition, the final rule adopts revisions to the force placement provisions to clarify that a credit union or its servicer may charge a borrower for the cost of flood insurance coverage from the date the borrower's coverage lapsed or became insufficient. The final rule also provides for the termination of force-placed insurance and the refund of premiums and fees paid by a borrower for any period of overlapping insurance coverage. The force placement provisions in the final rule were effective on July 6, 2012, and credit unions have been enforcing force placement provisions since that time. In addition, credit unions currently have the tools to refund premiums and fees whenever a borrower's policy overlaps a force-placed policy, as required in the final rule. Therefore, the final rule's force placement provisions will not have any significant impact on small credit unions that were required to comply with the provisions as of July 6, 2012.

For these reasons, NCUA finds that this final rule affects relatively few federally insured, small credit unions and the associated cost is minimal. Accordingly, NCUA certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*) requires certain agencies, including the OCC, to prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may 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 one year. If a budgetary impact statement is required, section 205 of UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating the rule.

Overall, we estimate the total costs associated with this final rule will range from approximately $25.1 million to approximately $30.8 million in 2015 and from approximately $13 million to approximately $16 million in 2016. However, pursuant to section 201 of the UMRA, a regulation does not impose a mandate to the extent it incorporates requirements ''specifically set forth in the law.'' Therefore, we exclude from our UMRA estimate costs specifically related to requirements set forth in Biggert-Waters and HFIAA, such as direct costs associated with establishing escrow accounts. Furthermore, under Title II of the UMRA, indirect costs, foregone revenues and opportunity costs are not included when determining if a mandate meets or exceeds UMRA's cost threshold. Therefore, based on these exclusions, our UMRA cost estimate for the final rule ranges from approximately $24.4 million to approximately $26.3 million.

Accordingly, because the OCC has determined that this final rule would not result in expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more, we have not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

Paperwork Reduction Act of 1995

The OCC, Board, FDIC, and NCUA (the PRA Agencies)[77] have determined that this final rule involves a collection of information pursuant to the provisions of the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501 *et seq.*).

In accordance with the PRA (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget (OMB). The collection of information that is subject to the PRA by this rule is found in 12 CFR 22.5, 208.25(e), 339.5, and 760.5. In addition, as permitted by the PRA, the Board also extends for three years its respective information collection.

The PRA Agencies may not conduct or sponsor, and an organization is not required to respond to, this information collection unless the information collection displays a currently valid OMB control number. The Board's OMB control number is 7100–0280. The FDIC, the OCC, and the NCUA will seek new OMB control numbers.

The OCC, FDIC, and NCUA submitted the information collection requirements to OMB in connection with the proposal. OMB filed a comment pursuant to 5 CFR 1320.11(c) instructing the agencies to examine public comment in response to the proposal and describe in the supporting statement of its next collection (the final rule) any public comments received regarding the collection as well as why (or why it did not) incorporate the commenter's recommendation and include the draft final rule in its next submission. There were no comments received regarding the collection. The

[75] 5 U.S.C. 603(a).

[76] Interpretive Ruling and Policy Statement 03–2, 68 FR 31949 (May 29, 2003), as amended by Interpretative Ruling and Policy Statement 13–1, 78 FR 4032 (Jan. 18, 2013).

[77] The FCA has determined that the final rule does not involve a collection of information pursuant to the PRA for System institutions because System institutions are Federally chartered instrumentalities of the United States and instrumentalities of the United States are specifically excepted from the definition of ''collection of information'' contained in 44 U.S.C. 3502(3).

agencies have resubmitted the collection to OMB in connection with the final rule.

Biggert-Waters required escrow for all new and outstanding loans in an SFHA, unless certain exceptions applied. HFIAA added several new exceptions, and most notably, ties the escrow requirement to a triggering event (the origination, refinance, increase, extension, or renewal of a loan on or after January 1, 2016). While a regulated lending institution is not required to escrow until a triggering event occurs, such institution is still required to offer and make available the option to escrow for all outstanding designated loans. This requirement is identical to the prior PRA burden in the October 2013 Proposed Rule, which required an escrow notice for all outstanding designated loans. However, there may be fewer notices because of the additional exceptions under HFIAA. The PRA Agencies believe the paperwork burden estimates remain unchanged from the prior PRA burden estimated in the October 2013 Proposed Rule.[78]

This information collection is required to evidence compliance with the requirements of the Federal flood insurance statutes with respect to lenders and servicers. Because the PRA Agencies do not collect any information, no issue of confidentiality arises. The respondents are for-profit and non-profit financial institutions, including small businesses.

Entities subject to the PRA Agencies' existing flood insurance rules will have to review and revise disclosures that are currently provided to ensure that such disclosures accurately reflect the disclosure requirements in this final rule. Entities subject to the rule may also need to develop new disclosures to meet the rule's timing requirements.

The total estimated burden represents averages for all respondents regulated by the PRA Agencies. The PRA Agencies expect that the amount of time required to implement each of the changes for a given institution may vary based on the size and complexity of the respondent.

The PRA Agencies estimate that respondents would take, on average, 40 hours to update their systems in order to comply with the disclosure requirements and the one-time escrow notice under the rule. In an effort to minimize the compliance cost and burden, particularly for small entities that do not meet the requirement for the statutory exception, the rule contains model disclosures in Appendices A and B that may be used to satisfy the requirements.

Burden Estimates

OCC:

Number of Respondents: 1,550.

Burden for Existing Recordkeeping Requirements: 21,700 hours.

Burden for Existing Disclosure Requirements: 23,250 hours.

Burden Added by Final Rule: 62,000 hours.

Total Burden for Collection for Final Rule: 106,950 hours.

Board:

Number of Respondents: 850.

Burden for Existing Recordkeeping Requirements: 14,308 hours.

Burden for Existing Disclosure Requirements: 17,780 hours.

Burden Added by Final Rule: 34,000 hours.

Total Burden for Collection for Final Rule: 66,088 hours.

FDIC:

Number of Respondents: 4,103.

Burden for Existing Recordkeeping Requirements: 57,442 hours.

Burden for Existing Disclosure Requirements: 71,474 hours.

Burden Added by Final Rule: 164,120 hours.

Total Burden for Collection for Final Rule: 293,036 hours.

NCUA:

Number of Respondents: 4,033.

Burden for Existing Recordkeeping Requirements: 47,892 hours.

Burden for Existing Disclosure Requirements: 59,824 hours.

Burden Added by Final Rule: 161,320 hours.

Total Burden for Collection for Final Rule: 269,036 hours.

These collections are available to the public at *www.reginfo.gov.*

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the PRA Agencies' functions; including whether the information has practical utility; (2) the accuracy of the PRA Agencies' estimate of the burden of the proposed information collection, including the cost of compliance; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments on the collection of information should be sent to:

OCC: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–ESCROW, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Board: Mark Tokarski, Acting Federal Reserve Clearance Officer, Office of the Chief Data Officer, Mail Stop K1–148, Board of Governors of the Federal Reserve System, Washington, DC 20551, with copies of such comments sent to the Office of Management and Budget, Paperwork Reduction Project (7100–0280), Washington, DC 20503.

FDIC: You may submit comments, which should refer to ''Interagency Flood Insurance, 3064–ESCROW'' by any of the following methods:

- Agency Web site: *http://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC Web site.
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Email: *comments@FDIC.gov.* Include ''Interagency Flood Insurance, 3064–ESCROW'' in the subject line of the message.
- Mail: Gary A. Kuiper, Counsel, or John Popeo, Counsel, Attn: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW., MB–3007, Washington, DC 20429.
- Hand Delivery: Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/*

[78] OCC's and NCUA's burden estimates have been slightly adjusted from the October 2013 Proposed Rule.

federal/ including any personal information provided.

NCUA: Jessica Khouri, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, Email: *OCIOPRA@ncua.gov.*

Additionally, commenters may send a copy of their comments to the OMB desk officer for the PRA Agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

List of Subjects

12 CFR Part 22

Flood insurance, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 172

Flood insurance, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 208

Accounting, Agriculture, Banks, banking, Confidential business information, Crime, Currency, Federal Reserve System, Flood insurance, Mortgages, Reporting and recordkeeping requirements, Securities.

12 CFR Part 339

Flood insurance, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 614

Agriculture, Banks, banking, Flood insurance, Foreign trade, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 760

Credit unions, Mortgages, Flood insurance, Reporting and recordkeeping requirements.

Office of the Comptroller of the Currency

12 CFR CHAPTER I

Authority and Issuance

For the reasons set forth in the joint preamble and under the authority of 12 U.S.C. 93a, chapter I of title 12 of the Code of Federal Regulations is amended as follows:

■ 1. Effective October 1, 2015, part 22 is revised to read as follows:

PART 22—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

Sec.

22.1 Purpose and scope.
22.2 Definitions.
22.3 Requirement to purchase flood insurance where available.
22.4 Exemptions.
22.5 Escrow requirement.
22.6 Required use of standard flood hazard determination form.
22.7 Force placement of flood insurance.
22.8 Determination fees.
22.9 Notice of special flood hazards and availability of Federal disaster relief assistance.
22.10 Notice of servicer's identity.
APPENDIX A TO PART 22—SAMPLE FORM OF NOTICE OF SPECIAL FLOOD HAZARDS AND AVAILABILITY OF FEDERAL DISASTER RELIEF ASSISTANCE

Authority: 12 U.S.C. 93a, 1462a, 1463, 1464, and 5412(b)(2)(B); 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

§ 22.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to implement the requirements of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4129).

(b) *Scope.* This part, except for §§ 22.6 and 22.8, applies to loans secured by buildings or mobile homes located or to be located in areas determined by the Administrator of the Federal Emergency Management Agency to have special flood hazards. Sections 22.6 and 22.8 apply to loans secured by buildings or mobile homes, regardless of location.

§ 22.2 Definitions.

For purposes of this part:

(a) *Act* means the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001–4129).

(b) *Administrator of FEMA* means the Administrator of the Federal Emergency Management Agency.

(c) *Building* means a walled and roofed structure, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, and a walled and roofed structure while in the course of construction, alteration, or repair.

(d) *Community* means a State or a political subdivision of a State that has zoning and building code jurisdiction over a particular area having special flood hazards.

(e) *Designated loan* means a loan secured by a building or mobile home that is located or to be located in a special flood hazard area in which flood insurance is available under the Act.

(f) *Federal savings association* means, for purposes of this part, a Federal savings association as that term is defined in 12 U.S.C. 1813(b)(2) and any service corporations thereof.

(g) *Mobile home* means a structure, transportable in one or more sections, that is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term *mobile home* does not include a recreational vehicle. For purposes of this part, the term *mobile home* means a mobile home on a permanent foundation. The term *mobile home* includes a manufactured home as that term is used in the NFIP.

(h) *National bank* means a national bank or a Federal branch or agency of a foreign bank.

(i) *NFIP* means the National Flood Insurance Program authorized under the Act.

(j) *Residential improved real estate* means real estate upon which a home or other residential building is located or to be located.

(k) *Servicer* means the person responsible for:

(1) Receiving any scheduled, periodic payments from a borrower under the terms of a loan, including amounts for taxes, insurance premiums, and other charges with respect to the property securing the loan; and

(2) Making payments of principal and interest and any other payments from the amounts received from the borrower as may be required under the terms of the loan.

(l) *Special flood hazard area* means the land in the flood plain within a community having at least a one percent chance of flooding in any given year, as designated by the Administrator of FEMA.

(m) *Table funding* means a settlement at which a loan is funded by a contemporaneous advance of loan funds and an assignment of the loan to the person advancing the funds.

§ 22.3 Requirement to purchase flood insurance where available.

(a) *In general.* A national bank or Federal savings association shall not make, increase, extend, or renew any designated loan unless the building or mobile home and any personal property securing the loan is covered by flood insurance for the term of the loan. The amount of insurance must be at least equal to the lesser of the outstanding principal balance of the designated loan or the maximum limit of coverage available for the particular type of property under the Act. Flood insurance coverage under the Act is limited to the building or mobile home and any personal property that secures a loan and not the land itself.

(b) *Table funded loans.* A national bank or Federal savings association that acquires a loan from a mortgage broker or other entity through table funding

shall be considered to be making a loan for the purposes of this part.

§ 22.4 Exemptions.

The flood insurance requirement prescribed by § 22.3 does not apply with respect to:

(a) Any State-owned property covered under a policy of self-insurance satisfactory to the Administrator of FEMA, who publishes and periodically revises the list of States falling within this exemption;

(b) Property securing any loan with an original principal balance of $5,000 or less and a repayment term of one year or less; or

(c) Any structure that is a part of any residential property but is detached from the primary residential structure of such property and does not serve as a residence. For purposes of this paragraph (c):

(1) ''A structure that is a part of a residential property'' is a structure used primarily for personal, family, or household purposes, and not used primarily for agricultural, commercial, industrial, or other business purposes;

(2) A structure is ''detached'' from the primary residential structure if it is not joined by any structural connection to that structure; and

(3) ''Serve as a residence'' shall be based upon the good faith determination of the national bank or Federal savings association that the structure is intended for use or actually used as a residence, which generally includes sleeping, bathroom, or kitchen facilities.

§ 22.5 Escrow requirement.

If a national bank or Federal savings association requires the escrow of taxes, insurance premiums, fees, or any other charges for a loan secured by *residential* improved real estate or a mobile home that is made, increased, extended, or renewed on or after October 1, 1996, the national bank or Federal savings association shall also require the escrow of all premiums and fees for any flood insurance required under § 22.3. The national bank or Federal savings association, or a servicer acting on its behalf, shall deposit the flood insurance premiums on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA), which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the national bank or Federal savings association, or a servicer acting on its behalf, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

§ 22.6 Required use of standard flood hazard determination form.

(a) *Use of form.* A national bank or Federal savings association shall use the standard flood hazard determination form developed by the Administrator of FEMA when determining whether the building or mobile home offered as collateral security for a loan is or will be located in a special flood hazard area in which flood insurance is available under the Act. The standard flood hazard determination form may be used in a printed, computerized, or electronic manner. A national bank or Federal savings association may obtain the standard flood hazard determination form from FEMA's Web site at *www.fema.gov.*

(b) *Retention of form.* A national bank or Federal savings association shall retain a copy of the completed standard flood hazard determination form, in either hard copy or electronic form, for the period of time the bank or savings association owns the loan.

§ 22.7 Force placement of flood insurance.

(a) *Notice and purchase of coverage.* If a national bank or Federal savings association, or a servicer acting on behalf of the bank or savings association, determines at any time during the term of a designated loan, that the building or mobile home and any personal property securing the designated loan is not covered by flood insurance or is covered by flood insurance in an amount less than the amount required under § 22.3, then the national bank or Federal savings association, or a servicer acting on its behalf, shall notify the borrower that the borrower should obtain flood insurance, at the borrower's expense, in an amount at least equal to the amount required under § 22.3, for the remaining term of the loan. If the borrower fails to obtain flood insurance within 45 days after notification, then the national bank or Federal savings association, or its servicer, shall purchase insurance on the borrower's behalf. The national bank or Federal savings association, or its servicer, may charge the borrower for the cost of premiums and fees incurred in purchasing the insurance, including premiums or fees incurred for coverage beginning on the date on which flood insurance coverage lapsed or did not provide a sufficient coverage amount.

(b) *Termination of force-placed insurance*—(1) *Termination and refund.* Within 30 days of receipt by a national bank or Federal savings association, or by a servicer acting on its behalf, of a confirmation of a borrower's existing flood insurance coverage, the national bank or Federal savings association, or its servicer, shall:

(i) Notify the insurance provider to terminate any insurance purchased by the national bank or Federal savings association, or its servicer, under paragraph (a) of this section; and

(ii) Refund to the borrower all premiums paid by the borrower for any insurance purchased by the national bank or Federal savings association, or by its servicer, under paragraph (a) of this section during any period during which the borrower's flood insurance coverage and the insurance coverage purchased by the national bank or Federal savings association, or its servicer, were each in effect, and any related fees charged to the borrower with respect to the insurance purchased by the national bank or Federal savings association, or its servicer, during such period.

(2) *Sufficiency of demonstration.* For purposes of confirming a borrower's existing flood insurance coverage under paragraph (b) of this section, a national bank or Federal savings association, or a servicer acting on its behalf, shall accept from the borrower an insurance policy declarations page that includes the existing flood insurance policy number and the identity of, and contact information for, the insurance company or agent.

§ 22.8 Determination fees.

(a) *General.* Notwithstanding any Federal or State law other than the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4129), any national bank or Federal savings association, or a servicer acting on behalf of the national bank or Federal savings association, may charge a reasonable fee for determining whether the building or mobile home securing the loan is located or will be located in a special flood hazard area. A determination fee may also include, but is not limited to, a fee for life-of-loan monitoring.

(b) *Borrower fee.* The determination fee authorized by paragraph (a) of this section may be charged to the borrower if the determination:

(1) Is made in connection with a making, increasing, extending, or renewing of the loan that is initiated by the borrower;

(2) Reflects the Administrator of FEMA's revision or updating of flood plain areas or flood-risk zones;

(3) Reflects the Administrator of FEMA's publication of a notice or compendium that:

(i) Affects the area in which the building or mobile home securing the loan is located; or

(ii) By determination of the Administrator of FEMA, may reasonably require a determination whether the building or mobile home securing the loan is located in a special flood hazard area; or

(4) Results in the purchase of flood insurance coverage by the lender, or its servicer, on behalf of the borrower under § 22.7.

(c) *Purchaser or transferee fee.* The determination fee authorized by paragraph (a) of this section may be charged to the purchaser or transferee of a loan in the case of the sale or transfer of the loan.

§ 22.9 Notice of special flood hazards and availability of Federal disaster relief assistance.

(a) *Notice requirement.* When a national bank or Federal savings association makes, increases, extends, or renews a loan secured by a building or a mobile home located or to be located in a special flood hazard area, the bank or savings association shall mail or deliver a written notice to the borrower and to the servicer in all cases whether or not flood insurance is available under the Act for the collateral securing the loan.

(b) *Contents of notice.* The written notice must include the following information:

(1) A warning, in a form approved by the Administrator of FEMA, that the building or the mobile home is or will be located in a special flood hazard area;

(2) A description of the flood insurance purchase requirements set forth in section 102(b) of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a(b));

(3) A statement, where applicable, that flood insurance coverage is available under the NFIP and may also be available from private insurers; and

(4) A statement whether Federal disaster relief assistance may be available in the event of damage to the building or mobile home caused by flooding in a Federally declared disaster.

(c) *Timing of notice.* The national bank or Federal savings association shall provide the notice required by paragraph (a) of this section to the borrower within a reasonable time before the completion of the transaction, and to the servicer as promptly as practicable after the bank or savings association provides notice to the borrower and in any event no later than the time the bank or savings association provides other similar notices to the servicer concerning hazard insurance and taxes. Notice to the servicer may be made electronically or may take the form of a copy of the notice to the borrower.

(d) *Record of receipt.* The national bank or Federal savings association shall retain a record of the receipt of the notices by the borrower and the servicer for the period of time it owns the loan.

(e) *Alternate method of notice.* Instead of providing the notice to the borrower required by paragraph (a) of this section, a national bank or Federal savings association may obtain satisfactory written assurance from a seller or lessor that, within a reasonable time before the completion of the sale or lease transaction, the seller or lessor has provided such notice to the purchaser or lessee. The national bank or Federal savings association shall retain a record of the written assurance from the seller or lessor for the period of time it owns the loan.

(f) *Use of sample form of notice.* A national bank or Federal savings association will be considered to be in compliance with the requirement for notice to the borrower of this section by providing written notice to the borrower containing the language presented in appendix A to this part within a reasonable time before the completion of the transaction. The notice presented in appendix A to this part satisfies the borrower notice requirements of the Act.

§ 22.10 Notice of servicer's identity.

(a) *Notice requirement.* When a national bank or Federal savings association makes, increases, extends, renews, sells, or transfers a loan secured by a building or mobile home located or to be located in a special flood hazard area, it shall notify the Administrator of FEMA (or the Administrator's designee) in writing of the identity of the servicer of the loan. The Administrator of FEMA has designated the insurance provider to receive the national bank's or Federal savings association's notice of the servicer's identity. This notice may be provided electronically if electronic transmission is satisfactory to the Administrator of FEMA's designee.

(b) *Transfer of servicing rights.* The national bank or Federal savings association shall notify the Administrator of FEMA (or the Administrator's designee) of any change in the servicer of a loan described in paragraph (a) of this section within 60 days after the effective date of the change. This notice may be provided electronically if electronic transmission is satisfactory to the Administrator of FEMA's designee. Upon any change in the servicing of a loan described in paragraph (a) of this section, the duty to provide notice under this paragraph (b) shall transfer to the transferee servicer.

Appendix A to Part 22—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Director of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community: _____. This area has at least a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Director of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

____ The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

- Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance also may be available from private insurers that do not participate in the NFIP.
- At a minimum, flood insurance purchased must cover *the lesser of:*

(1) the outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the overall value of the property securing the loan minus the value of the land on which the property is located.

- Federal disaster relief assistance (usually in the form of a low-interest loan) may be

available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

____ Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally-declared flood disaster.

■ 2. Effective January 1, 2016, § 22.5 is revised to read as follows:

§ 22.5 Escrow requirement.

(a) *In general*—(1) *Applicability.* Except as provided in paragraphs (a)(2) or (c) of this section, a national bank or a Federal savings association, or a servicer acting on its behalf, shall require the escrow of all premiums and fees for any flood insurance required under § 22.3(a) for any designated loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, payable with the same frequency as payments on the designated loan are required to be made for the duration of the loan.

(2) *Exceptions.* Paragraph (a)(1) of this section does not apply if:

(i) The loan is an extension of credit primarily for business, commercial, or agricultural purposes;

(ii) The loan is in a subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which the borrower has obtained flood insurance coverage that meets the requirements of § 22.3(a);

(iii) Flood insurance coverage for the residential improved real estate or mobile home is provided by a policy that:

(A) Meets the requirements of § 22.3(a);

(B) Is provided by a condominium association, cooperative, homeowners association, or other applicable group; and

(C) The premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense;

(iv) The loan is a home equity line of credit;

(v) The loan is a nonperforming loan, which is a loan that is 90 or more days past due and remains nonperforming until it is permanently modified or until the entire amount past due, including principal, accrued interest, and penalty interest incurred as the result of past due status, is collected or otherwise discharged in full; or

(vi) The loan has a term of no longer than 12 months.

(3) *Duration of exception.* If a national bank or Federal savings association, or a servicer acting its behalf, determines at any time during the term of a designated loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, that an exception under paragraph (a)(2) of this section does not apply, then the bank or savings association, or the servicer acting on its behalf, shall require the escrow of all premiums and fees for any flood insurance required under § 22.3(a) as soon as reasonably practicable and, if applicable, shall provide any disclosure required under section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA).

(4) *Escrow account.* The national bank or Federal savings association, or a servicer acting on its behalf, shall deposit the flood insurance premiums and fees on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of RESPA, which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the national bank or Federal savings association, or a servicer acting on its behalf, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

(b) *Notice.* For any loan for which a national bank or Federal savings association is required to escrow under paragraphs (a)(1) or (c)(2) of this section or may be required to escrow under paragraphs (a)(3) of this section during the term of the loan, the national bank or Federal savings association, or a servicer acting on its behalf, shall mail or deliver a written notice with the notice provided under § 22.9 informing the borrower that the national bank or Federal savings association is required to escrow all premiums and fees for required flood insurance, using language that is substantially similar to model clauses on the escrow requirement in appendix A to this part.

(c) *Small lender exception*—(1) *Qualification.* Except as may be required under applicable State law, paragraphs (a), (b), and (d) of this section do not apply to a national bank or Federal savings association:

(i) That has total assets of less than $1 billion as of December 31 of either of the two prior calendar years; and

(ii) On or before July 6, 2012:

(A) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of any loan secured by residential improved real estate or a mobile home; and

(B) Did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for any loans secured by residential improved real estate or a mobile home.

(2) *Change in status.* If a national bank or Federal savings association previously qualified for the exception in paragraph (c)(1) of this section, but no longer qualifies for the exception because it had assets of $1 billion or more for two consecutive calendar year ends, the national bank or Federal savings association must escrow premiums and fees for flood insurance pursuant to paragraph (a) of this section for any designated loan made, increased, extended, or renewed on or after July 1 of the first calendar year of changed status.

(d) *Option to escrow*—(1) *In general.* A national bank or Federal savings association, or a servicer acting on its behalf, shall offer and make available to the borrower the option to escrow all premiums and fees for any flood insurance required under § 22.3 for any loan secured by residential improved real estate or a mobile home that is outstanding on January 1, 2016, or July 1 of the first calendar year in which the national bank or Federal savings association has had a change in status pursuant to paragraph (c)(2) of this section, unless:

(i) The loan or the national bank or Federal savings association qualifies for an exception from the escrow requirement under paragraphs (a)(2) or (c) of this section, respectively;

(ii) The borrower is already escrowing all premiums and fees for flood insurance for the loan; or

(iii) The national bank or Federal savings association is required to escrow flood insurance premiums and fees pursuant to paragraph (a) of this section.

(2) *Notice.* For any loan subject to paragraph (d) of this section, the national bank or Federal savings association, or a servicer acting on its behalf, shall mail or deliver to the borrower no later than June 30, 2016, or September 30 of the first calendar year in which the national bank or Federal savings association has had a change in

status pursuant to paragraph (c)(2) of this section, a notice in writing, or if the borrower agrees, electronically, informing the borrower of the option to escrow all premiums and fees for any required flood insurance and the method(s) by which the borrower may request the escrow, using language similar to the model clause in appendix B.

(3) *Timing.* The national bank or Federal savings association or the servicer acting on its behalf, must begin escrowing premiums and fees for flood insurance as soon as reasonably practicable after the bank or savings association, or servicer, receives the borrower's request to escrow.

■ 3. Effective January 1, 2016, § 22.9(b) is revised to read as follows:

§ 22.9 Notice of special flood hazards and availability of Federal disaster relief assistance.

* * * * *

(b) *Contents of notice.* The written notice must include the following information:

(1) A warning, in a form approved by the Administrator of FEMA, that the building or the mobile home is or will be located in a special flood hazard area;

(2) A description of the flood insurance purchase requirements set forth in section 102(b) of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a(b));

(3) A statement, where applicable, that flood insurance coverage is available from private insurance companies that issue standard flood insurance policies on behalf of the NFIP or directly from the NFIP;

(4) A statement that flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP also may be available from a private insurance company that issues policies on behalf of the company;

(5) A statement that the borrower is encouraged to compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and that the borrower should direct inquiries regarding the availability, cost, and comparisons of flood insurance coverage to an insurance agent; and

(6) A statement whether Federal disaster relief assistance may be available in the event of damage to the building or mobile home caused by flooding in a Federally declared disaster.

* * * * *

■ 4. Effective January 1, 2016, Appendix A to Part 22 is revised to read as follows:

Appendix A to Part 22—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Administrator of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community: _____. This area has a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

____The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

• At a minimum, flood insurance purchased must cover *the lesser of:*

(1) the outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the building or mobile home and any personal property that secures your loan and not the land itself.

• Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

• Although you may not be required to maintain flood insurance on all structures, you may still wish to do so, and your mortgage lender may still require you to do so to protect the collateral securing the mortgage. If you choose not to maintain flood insurance on a structure and it floods, you are responsible for all flood losses relating to that structure.

Availability of Private Flood Insurance Coverage

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and contact an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

[Escrow Requirement for Residential Loans

Federal law may require a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If your lender notifies you that an escrow account is required for your loan, then you must pay your flood insurance premiums and fees to the lender or its servicer with the same frequency as you make loan payments for the duration of your loan. These premiums and fees will be deposited in the escrow account, which will be used to pay the flood insurance provider.]

____Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally declared flood disaster.

■ 5. Effective January 1, 2016, Appendix B to Part 22 is added to read as follows:

APPENDIX B TO PART 22—SAMPLE CLAUSE FOR OPTION TO ESCROW FOR OUTSTANDING LOANS

Escrow Option Clause

You have the option to escrow all premiums and fees for the payment on your flood insurance policy that covers any residential building or mobile home that is located in an area with special flood hazards and that secures your loan. If you choose this option:

• Your payments will be deposited in an escrow account to be paid to the flood insurance provider.

• The escrow amount for flood insurance will be added to the regular mortgage payment that you make to your lender or its servicer.

• The payments you make into the escrow account will accumulate over time and the funds will be used to pay your flood insurance policy when your lender or servicer receives a notice from your flood insurance provider that the flood insurance premium is due.

To choose this option, follow the instructions below. If you have any questions about the option, contact [Insert Name of Lender or Servicer] at [Insert Contact Information].

[Insert Instructions for Selecting to Escrow]

PART 172—[REMOVED]

■ 6. Effective October 1, 2015, part 172 is removed.

Federal Reserve System

12 CFR CHAPTER II

Authority and Issuance

For the reasons set forth in the joint preamble, part 208 of chapter II of title 12 of the Code of Federal Regulations is amended as set forth below:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

■ 7. The authority citation for part 208 continues to read as follows:

Authority: 12 U.S.C. 36, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1823(j), 1828(o), 1831o, 1831p-1, 3105, 3310, 3331–3351, and 3906–3909; 15 U.S.C. 78b, 781(b), 781(g), 781(i), 78o–4(c)(5), 78q, 78q–1, and 78w; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

■ 8. Effective October 1, 2015, § 208.25 is revised to read as follows:

§ 208.25 Loans in areas having special flood hazards.

(a) *Purpose and scope*—(1) *Purpose.* The purpose of this section is to implement the requirements of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4129).

(2) *Scope.* This section, except for paragraphs (f) and (h) of this section, applies to loans secured by buildings or mobile homes located or to be located in areas determined by the Administrator of the Federal Emergency Management Agency to have special flood hazards. Paragraphs (f) and (h) of this section apply to loans secured by buildings or mobile homes, regardless of location.

(b) *Definitions.* For purposes of this section:

(1) *Act* means the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001–4129).

(2) *Administrator of FEMA* means the Administrator of the Federal Emergency Management Agency.

(3) *Building* means a walled and roofed structure, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, and a walled and roofed structure while in the course of construction, alteration, or repair.

(4) *Community* means a State or a political subdivision of a State that has zoning and building code jurisdiction over a particular area having special flood hazards.

(5) *Designated loan* means a loan secured by a building or mobile home that is located or to be located in a special flood hazard area in which flood insurance is available under the Act.

(6) *Mobile home* means a structure, transportable in one or more sections, that is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term *mobile home* does not include a recreational vehicle. For purposes of this section, the term *mobile home* means a mobile home on a permanent foundation. The term *mobile home* includes a manufactured home as that term is used in the NFIP.

(7) *NFIP* means the National Flood Insurance Program authorized under the Act.

(8) *Residential improved real estate* means real estate upon which a home or other residential building is located or to be located.

(9) *Servicer* means the person responsible for:

(i) Receiving any scheduled, periodic payments from a borrower under the terms of a loan, including amounts for taxes, insurance premiums, and other charges with respect to the property securing the loan; and

(ii) Making payments of principal and interest and any other payments from the amounts received from the borrower as may be required under the terms of the loan.

(10) *Special flood hazard area* means the land in the flood plain within a community having at least a one percent chance of flooding in any given year, as designated by the Administrator of FEMA.

(11) *Table funding* means a settlement at which a loan is funded by a contemporaneous advance of loan funds and an assignment of the loan to the person advancing the funds.

(c) *Requirement to purchase flood insurance where available*—(1) *In general.* A member bank shall not make, increase, extend, or renew any designated loan unless the building or mobile home and any personal property securing the loan is covered by flood insurance for the term of the loan. The amount of insurance must be at least equal to the lesser of the outstanding principal balance of the designated loan or the maximum limit of coverage available for the particular type of property under the Act. Flood insurance coverage under the Act is limited to the building or mobile home and any personal property that secures a loan and not the land itself.

(2) *Table funded loans.* A member bank that acquires a loan from a mortgage broker or other entity through table funding shall be considered to be making a loan for the purposes of this section.

(d) *Exemptions.* The flood insurance requirement prescribed by paragraph (c) of this section does not apply with respect to:

(1) Any State-owned property covered under a policy of self-insurance satisfactory to the Administrator of FEMA, who publishes and periodically revises the list of States falling within this exemption;

(2) Property securing any loan with an original principal balance of $5,000 or less and a repayment term of one year or less; or

(3) Any structure that is a part of any residential property but is detached from the primary residential structure of such property and does not serve as a residence. For purposes of this paragraph (d)(3):

(i) ''A structure that is a part of a residential property'' is a structure used primarily for personal, family, or household purposes, and not used primarily for agricultural, commercial, industrial, or other business purposes;

(ii) A structure is ''detached'' from the primary residential structure if it is not joined by any structural connection to that structure; and

(iii) ''Serve as a residence'' shall be based upon the good faith determination of the member bank that the structure is intended for use or actually used as a residence, which generally includes sleeping, bathroom, or kitchen facilities.

(e) *Escrow requirement.* If a member bank requires the escrow of taxes, insurance premiums, fees, or any other charges for a loan secured by *residential* improved real estate or a mobile home that is made, increased, extended, or renewed after October 1, 1996, the member bank shall also require the escrow of all premiums and fees for any flood insurance required under paragraph (c) of this section. The member bank, or a servicer acting on its behalf, shall deposit the flood insurance premiums on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA), which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those

accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the member bank, or a servicer acting on its behalf, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

(f) *Required use of standard flood hazard determination form*—(1) *Use of form.* A state member bank shall use the standard flood hazard determination form developed by the Administrator of FEMA when determining whether the building or mobile home offered as collateral security for a loan is or will be located in a special flood hazard area in which flood insurance is available under the Act. The standard flood hazard determination form may be used in a printed, computerized, or electronic manner. A state member bank may obtain the standard flood hazard determination form from FEMA's Web site at *www.fema.gov.*

(2) *Retention of form.* A state member bank shall retain a copy of the completed standard flood hazard determination form, in either hard copy or electronic form, for the period of time the state member bank owns the loan.

(g) *Force placement of flood insurance*—(1) *Notice and purchase of coverage.* If a member bank, or a servicer acting on behalf of the bank, determines at any time during the term of a designated loan, that the building or mobile home and any personal property securing the designated loan is not covered by flood insurance or is covered by flood insurance in an amount less than the amount required under paragraph (c) of this section, then the member bank or its servicer shall notify the borrower that the borrower should obtain flood insurance, at the borrower's expense, in an amount at least equal to the amount required under paragraph (c) of this section, for the remaining term of the loan. If the borrower fails to obtain flood insurance within 45 days after notification, then the member bank or its servicer shall purchase insurance on the borrower's behalf. The member bank or its servicer may charge the borrower for the cost of premiums and fees incurred in purchasing the insurance, including premiums or fees incurred for coverage beginning on the date on which flood insurance coverage lapsed or did not provide a sufficient coverage amount.

(2) *Termination of force-placed insurance*—(i) *Termination and refund.* Within 30 days of receipt by a member bank, or a servicer acting on its behalf, of a confirmation of a borrower's existing flood insurance coverage, the member bank or its servicer shall:

(A) Notify the insurance provider to terminate any insurance purchased by the member bank or its servicer under paragraph (g)(1) of this section; and

(B) Refund to the borrower all premiums paid by the borrower for any insurance purchased by the member bank or its servicer under paragraph (g)(1) of this section during any period during which the borrower's flood insurance coverage and the insurance coverage purchased by the member bank or its servicer were each in effect, and any related fees charged to the borrower with respect to the insurance purchased by the member bank or its servicer during such period.

(ii) *Sufficiency of demonstration.* For purposes of confirming a borrower's existing flood insurance coverage under paragraph (g)(2) of this section, a member bank or its servicer shall accept from the borrower an insurance policy declarations page that includes the existing flood insurance policy number and the identity of, and contact information for, the insurance company or agent.

(h) *Determination fees.*—(1) *General.* Notwithstanding any Federal or State law other than the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4129), any member bank, or a servicer acting on behalf of the bank, may charge a reasonable fee for determining whether the building or mobile home securing the loan is located or will be located in a special flood hazard area. A determination fee may also include, but is not limited to, a fee for life-of-loan monitoring.

(2) *Borrower fee.* The determination fee authorized by paragraph (h)(1) of this section may be charged to the borrower if the determination:

(i) Is made in connection with a making, increasing, extending, or renewing of the loan that is initiated by the borrower;

(ii) Reflects the Administrator of FEMA's revision or updating of flood plain areas or flood-risk zones;

(iii) Reflects the Administrator of FEMA's publication of a notice or compendium that:

(A) Affects the area in which the building or mobile home securing the loan is located; or

(B) By determination of the Administrator of FEMA, may reasonably require a determination whether the building or mobile home securing the loan is located in a special flood hazard area; or

(iv) Results in the purchase of flood insurance coverage by the lender or its servicer on behalf of the borrower under paragraph (g) of this section.

(3) *Purchaser or transferee fee.* The determination fee authorized by paragraph (h)(1) of this section may be charged to the purchaser or transferee of a loan in the case of the sale or transfer of the loan.

(i) *Notice of special flood hazards and availability of Federal disaster relief assistance.* When a member bank makes, increases, extends, or renews a loan secured by a building or a mobile home located or to be located in a special flood hazard area, the bank shall mail or deliver a written notice to the borrower and to the servicer in all cases whether or not flood insurance is available under the Act for the collateral securing the loan.

(1) *Contents of notice.* The written notice must include the following information:

(i) A warning, in a form approved by the Administrator of FEMA, that the building or the mobile home is or will be located in a special flood hazard area;

(ii) A description of the flood insurance purchase requirements set forth in section 102(b) of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a(b));

(iii) A statement, where applicable, that flood insurance coverage is available under the NFIP and may also be available from private insurers; and

(iv) A statement whether Federal disaster relief assistance may be available in the event of damage to the building or mobile home caused by flooding in a Federally declared disaster.

(2) *Timing of notice.* The member bank shall provide the notice required by paragraph (i)(1) of this section to the borrower within a reasonable time before the completion of the transaction, and to the servicer as promptly as practicable after the bank provides notice to the borrower and in any event no later than the time the bank provides other similar notices to the servicer concerning hazard insurance and taxes. Notice to the servicer may be made electronically or may take the form of a copy of the notice to the borrower.

(3) *Record of receipt.* The member bank shall retain a record of the receipt of the notices by the borrower and the servicer for the period of time the bank owns the loan.

(4) *Alternate method of notice.* Instead of providing the notice to the borrower required by paragraph (i)(1) of this section, a member bank may obtain satisfactory written assurance from a seller or lessor that, within a reasonable time before the completion of the sale or lease transaction, the seller or lessor has

provided such notice to the purchaser or lessee. The member bank shall retain a record of the written assurance from the seller or lessor for the period of time the bank owns the loan.

(5) *Use of sample form of notice.* A member bank will be considered to be in compliance with the requirement for notice to the borrower of this paragraph (i) of this section by providing written notice to the borrower containing the language presented in appendix A of this section within a reasonable time before the completion of the transaction. The notice presented in appendix A of this section satisfies the borrower notice requirements of the Act.

(j) *Notice of servicer's identity*—(1) *Notice requirement.* When a member bank makes, increases, extends, renews, sells, or transfers a loan secured by a building or mobile home located or to be located in a special flood hazard area, the bank shall notify the Administrator of FEMA (or the Administrator's designee) in writing of the identity of the servicer of the loan. The Administrator of FEMA has designated the insurance provider to receive the member bank's notice of the servicer's identity. This notice may be provided electronically if electronic transmission is satisfactory to the Administrator of FEMA's designee.

(2) *Transfer of servicing rights.* The member bank shall notify the Administrator of FEMA (or the Administrator's designee) of any change in the servicer of a loan described in paragraph (j)(1) of this section within 60 days after the effective date of the change. This notice may be provided electronically if electronic transmission is satisfactory to the Administrator of FEMA's designee. Upon any change in the servicing of a loan described in paragraph (j)(1) of this section, the duty to provide notice under this paragraph (j)(2) of this section shall transfer to the transferee servicer.

Appendix A to § 208.25—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Director of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community:

_____. This area has a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Director of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

____ The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

- Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance also may be available from private insurers that do not participate in the NFIP.
- At a minimum, flood insurance purchased must cover *the lesser of:*

(1) the outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the overall value of the property securing the loan minus the value of the land on which the property is located.

- Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

____ Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally declared flood disaster.

■ 9. Effective January 1, 2016, § 208.25 is amended by:

■ a. Revising paragraph (e).

■ b. Revising paragraph (i)(1).

■ c. Revising Appendix A to § 208.25.

■ d. Adding Appendix B to § 208.25.

§ 208.25 Loans in areas having special flood hazards.

* * * * *

(e) *Escrow requirement*—(1) *In general*—(i) *Applicability.* Except as provided in paragraphs (e)(1)(ii) or (e)(3) of this section, a member bank, or a servicer acting on its behalf, shall require the escrow of all premiums and fees for any flood insurance required under paragraph (c) of this section for any designated loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, payable with the same frequency as payments on the designated loan are required to be made for the duration of the loan.

(ii) *Exceptions.* Paragraph (e)(1)(i) of this section does not apply if:

(A) The loan is an extension of credit primarily for business, commercial, or agricultural purposes;

(B) The loan is in a subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which the borrower has obtained flood insurance coverage that meets the requirements of paragraph (c) of this section;

(C) Flood insurance coverage for the residential improved real estate or mobile home is provided by a policy that:

(*1*) Meets the requirements of paragraph (c) of this section;

(*2*) Is provided by a condominium association, cooperative, homeowners association, or other applicable group; and

(*3*) The premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense;

(D) The loan is a home equity line of credit;

(E) The loan is a nonperforming loan, which is a loan that is 90 or more days past due and remains nonperforming until it is permanently modified or until the entire amount past due, including principal, accrued interest, and penalty interest incurred as the result of past due status, is collected or otherwise discharged in full; or

(F) The loan has a term of not longer than 12 months.

(iii) *Duration of exception.* If a member bank, or a servicer acting on behalf of the bank, determines at any time during the term of a designated loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, that an exception under paragraph (e)(1)(ii) of this section does not apply, then the bank or its servicer shall require the escrow of all premiums and fees for any flood insurance required under paragraph (c) of this section as soon as reasonably practicable and, if applicable, shall provide any disclosure required under section 10 of the Real

Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA).

(iv) *Escrow account.* The member bank, or a servicer acting on its behalf, shall deposit the flood insurance premiums and fees on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of RESPA, which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the member bank, or a servicer acting on its behalf, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

(2) *Notice.* For any loan for which a member bank is required to escrow under paragraphs (e)(1) or (e)(3)(ii) of this section or may be required to escrow under paragraph (e)(1)(iii) of this section during the term of the loan, the member bank, or a servicer acting on its behalf, shall mail or deliver a written notice with the notice provided under paragraph (i) of this section informing the borrower that the member bank is required to escrow all premiums and fees for required flood insurance, using language that is substantially similar to model clauses on the escrow requirement in appendix A to this section.

(3) *Small lender exception*—(i) *Qualification.* Except as may be required under applicable State law, paragraphs (e)(1), (2), and (4) of this section do not apply to a member bank:

(A) That has total assets of less than $1 billion as of December 31 of either of the two prior calendar years; and

(B) On or before July 6, 2012:

(*1*) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of any loan secured by residential improved real estate or a mobile home; and

(*2*) Did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for any loans secured by residential improved real estate or a mobile home.

(ii) *Change in status.* If a member bank previously qualified for the exception in paragraph (e)(3)(i) of this section, but no longer qualifies for the exception because it had assets of $1 billion or more for two consecutive calendar year ends, the member bank must escrow premiums and fees for flood insurance pursuant to paragraph (e)(1) of this section for any designated loan made, increased, extended, or renewed on or after July 1 of the first calendar year of changed status.

(4) *Option to escrow.* (i) *In general.* A member bank, or a servicer acting on its behalf, shall offer and make available to the borrower the option to escrow all premiums and fees for any flood insurance required under paragraph (c) of this section for any loan secured by residential improved real estate or a mobile home that is outstanding on January 1, 2016, or July 1 of the first calendar year in which the member bank has had a change in status pursuant to paragraph (e)(3)(ii) of this section, unless:

(A) The loan or the member bank qualifies for an exception from the escrow requirement under paragraphs (e)(1)(ii) or (e)(3) of this section, respectively;

(B) The borrower is already escrowing all premiums and fees for flood insurance for the loan; or

(C) The member bank is required to escrow flood insurance premiums and fees pursuant to paragraph (e)(1) of this section.

(ii) *Notice.* For any loan subject to paragraph (e)(4)(i) of this section, the member bank, or a servicer acting on its behalf, shall mail or deliver to the borrower no later than June 30, 2016, or September 30 of the first calendar year in which the member bank has had a change in status pursuant to paragraph (e)(3)(ii) of this section, a notice in writing, or if the borrower agrees, electronically, informing the borrower of the option to escrow all premiums and fees for any required flood insurance and the method(s) by which the borrower may request the escrow, using language similar to the model clause in appendix B to this section.

(iii) *Timing.* The member bank or servicer must begin escrowing premiums and fees for flood insurance as soon as reasonably practicable after the member bank or servicer receives the borrower's request to escrow.

* * * * *

(i) * * *

(1) *Contents of notice.* The written notice must include the following information:

(i) A warning, in a form approved by the Administrator of FEMA, that the building or the mobile home is or will be located in a special flood hazard area;

(ii) A description of the flood insurance purchase requirements set forth in section 102(b) of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a(b));

(iii) A statement, where applicable, that flood insurance coverage is available from private insurance companies that issue standard flood insurance policies on behalf of the NFIP or directly from the NFIP;

(iv) A statement that flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP also may be available from a private insurance company that issues policies on behalf of the company;

(v) A statement that the borrower is encouraged to compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and that the borrower should direct inquiries regarding the availability, cost, and comparisons of flood insurance coverage to an insurance agent; and

(vi) A statement whether Federal disaster relief assistance may be available in the event of damage to the building or mobile home caused by flooding in a Federally declared disaster.

* * * * *

Appendix A to § 208.25—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Administrator of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community: _____. This area has a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

____ The community in which the property securing the loan is located participates in

the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

• At a minimum, flood insurance purchased must cover *the lesser of:*

(1) the outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the building or mobile home and any personal property that secures your loan and not the land itself.

• Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

• Although you may not be required to maintain flood insurance on all structures, you may still wish to do so, and your mortgage lender may still require you to do so to protect the collateral securing the mortgage. If you choose not to maintain flood insurance on a structure and it floods, you are responsible for all flood losses relating to that structure.

Availability of Private Flood Insurance Coverage

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and contact an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

[Escrow Requirement for Residential Loans

Federal law may require a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If your lender notifies you that an escrow account is required for your loan, then you must pay your flood insurance premiums and fees to the lender or its servicer with the same frequency as you make loan payments for the duration of your loan. These premiums and fees will be deposited in the escrow account, which will be used to pay the flood insurance provider.]

____ Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally declared flood disaster.

Appendix B to § 208.25—Sample Clause for Option to Escrow for Outstanding Loans

Escrow Option Clause

You have the option to escrow all premiums and fees for the payment on your flood insurance policy that covers any residential building or mobile home that is located in an area with special flood hazards and that secures your loan. If you choose this option:

• Your payments will be deposited in an escrow account to be paid to the flood insurance provider.

• The escrow amount for flood insurance will be added to the regular mortgage payment that you make to your lender or its servicer.

• The payments you make into the escrow account will accumulate over time and the funds will be used to pay your flood insurance policy when your lender or servicer receives a notice from your flood insurance provider that the flood insurance premium is due.

To choose this option, follow the instructions below. If you have any questions about the option, contact [Insert Name of Lender or Servicer] at [Insert Contact Information].

[Insert Instructions for Selecting to Escrow]

Federal Deposit Insurance Corporation

12 CFR CHAPTER III

Authority and Issuance

For the reasons set forth in the joint preamble, the Board of Directors of the FDIC amends part 339 of chapter III of title 12 of the Code of Federal Regulations as follows:

■ 10. Effective October 1, 2015, part 339 is revised to read as follows:

PART 339—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

Sec.

339.1 Authority, purpose, and scope.
339.2 Definitions.
339.3 Requirement to purchase flood insurance where available.
339.4 Exemptions.
339.5 Escrow requirement.
339.6 Required use of standard flood hazard determination form.
339.7 Force placement of flood insurance.
339.8 Determination fees.
339.9 Notice of special flood hazards and availability of Federal disaster relief assistance.
339.10 Notice of servicer's identity.
Appendix A to Part 339—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

§ 339.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued pursuant to 12 U.S.C. 1462a, 1463, 1464, 1819 (Tenth), 5412(b)(2)(C) and 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

(b) *Purpose.* The purpose of this part is to implement the requirements of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4129).

(c) *Scope.* This part, except for §§ 339.6 and 339.8, applies to loans secured by buildings or mobile homes located or to be located in areas determined by the Administrator of the Federal Emergency Management Agency to have special flood hazards. Sections 339.6 and 339.8 apply to loans secured by buildings or mobile homes, regardless of location.

§ 339.2 Definitions.

As used in this part:

Act means the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001–4129).

Administrator of FEMA means the Administrator of the Federal Emergency Management Agency.

Building means a walled and roofed structure, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, and a walled and roofed structure while in the course of construction, alteration, or repair.

Community means a State or a political subdivision of a State that has zoning and building code jurisdiction over a particular area having special flood hazards.

Designated loan means a loan secured by a building or mobile home that is located or to be located in a special flood hazard area in which flood insurance is available under the Act.

FDIC-supervised institution means any insured depository institution for which the Federal Deposit Insurance Corporation is the appropriate Federal banking agency pursuant to section 3(g) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(g).

Mobile home means a structure, transportable in one or more sections, that is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term *mobile home* does not include a recreational vehicle. For purposes of this part, the term *mobile home* means a mobile home on a permanent foundation. The term *mobile home* includes a manufactured home as that term is used in the NFIP.

NFIP means the National Flood Insurance Program authorized under the Act.

Residential improved real estate means real estate upon which a home or other residential building is located or to be located.

Servicer means the person responsible for:

(1) Receiving any scheduled, periodic payments from a borrower under the terms of a loan, including amounts for taxes, insurance premiums, and other charges with respect to the property securing the loan; and

(2) Making payments of principal and interest and any other payments from the amounts received from the borrower as may be required under the terms of the loan.

Special flood hazard area means the land in the flood plain within a community having at least a one percent chance of flooding in any given year, as designated by the Administrator of FEMA.

Table funding means a settlement at which a loan is funded by a contemporaneous advance of loan funds and an assignment of the loan to the person advancing the funds.

§ 339.3 Requirement to purchase flood insurance where available.

(a) *In general.* An FDIC-supervised institution shall not make, increase, extend, or renew any designated loan unless the building or mobile home and any personal property securing the loan is covered by flood insurance for the term of the loan. The amount of insurance must be at least equal to the lesser of the outstanding principal balance of the designated loan or the maximum limit of coverage available for the particular type of property under the Act. Flood insurance coverage under the Act is limited to the building or mobile home and any personal property that secures a loan and not the land itself.

(b) *Table funded loans.* An FDIC-supervised institution that acquires a loan from a mortgage broker or other entity through table funding shall be considered to be making a loan for the purpose of this part.

§ 339.4 Exemptions.

The flood insurance requirement prescribed by § 339.3 does not apply with respect to:

(a) Any state-owned property covered under a policy of self-insurance satisfactory to the Administrator of FEMA, who publishes and periodically revises the list of states falling within this exemption;

(b) Property securing any loan with an original principal balance of $5,000 or less and a repayment term of one year or less; or

(c) Any structure that is a part of any residential property but is detached from the primary residential structure of such property and does not serve as a residence. For purposes of this paragraph (c):

(1) ''A structure that is a part of a residential property'' is a structure used primarily for personal, family, or household purposes, and not used primarily for agricultural, commercial, industrial, or other business purposes;

(2) A structure is ''detached'' from the primary residential structure if it is not joined by any structural connection to that structure; and

(3) ''Serve as a residence'' shall be based upon the good faith determination of the FDIC-supervised institution that the structure is intended for use or actually used as a residence, which generally includes sleeping, bathroom, or kitchen facilities.

§ 339.5 Escrow requirement.

If an FDIC-supervised institution requires the escrow of taxes, insurance premiums, fees, or any other charges for a loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after October 1, 1996, the FDIC-supervised institution shall also require the escrow of all premiums and fees for any flood insurance required under § 339.3. The FDIC-supervised institution, or a servicer acting on behalf of the FDIC-supervised institution, shall deposit the flood insurance premiums on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA), which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the FDIC-supervised institution, or a servicer acting on behalf of the FDIC-supervised institution, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

§ 339.6 Required use of standard flood hazard determination form.

(a) *Use of form.* An FDIC-supervised institution shall use the standard flood hazard determination form developed by the Administrator of FEMA when determining whether the building or mobile home offered as collateral security for a loan is or will be located in a special flood hazard area in which flood insurance is available under the Act. The standard flood hazard determination form may be used in a printed, computerized, or electronic manner. An FDIC-supervised institution may obtain the standard flood hazard determination form from FEMA's Web site at *www.fema.gov.*

(b) *Retention of form.* An FDIC-supervised institution shall retain a copy of the completed standard flood hazard determination form, in either hard copy or electronic form, for the period of time the FDIC-supervised institution owns the loan.

§ 339.7 Force placement of flood insurance.

(a) *Notice and purchase of coverage.* If an FDIC-supervised institution, or a servicer acting on its behalf, determines at any time during the term of a designated loan, that the building or mobile home and any personal property securing the designated loan is not covered by flood insurance or is covered by flood insurance in an amount less than the amount required under § 339.3, then the FDIC-supervised institution or its servicer shall notify the borrower that the borrower should obtain flood insurance, at the borrower's expense, in an amount at least equal to the amount required under § 339.3, for the remaining term of the loan. If the borrower fails to obtain flood insurance within 45 days after notification, then the FDIC-supervised institution or its servicer shall purchase insurance on the borrower's behalf. The FDIC-supervised institution or its servicer may charge the borrower for the cost of premiums and fees incurred in purchasing the insurance, including premiums or fees incurred for coverage beginning on the date on which flood insurance coverage lapsed or did not provide a sufficient coverage amount.

(b) *Termination of force-placed insurance*—(1) *Termination and refund.* Within 30 days of receipt by an FDIC-supervised institution, or a servicer acting on its behalf, of a confirmation of a borrower's existing flood insurance coverage, the FDIC-supervised institution or its servicer shall:

(i) Notify the insurance provider to terminate any insurance purchased by the FDIC-supervised institution or its servicer under paragraph (a) of this section; and

(ii) Refund to the borrower all premiums paid by the borrower for any insurance purchased by the FDIC-supervised institution or its servicer

under paragraph (a) of this section during any period during which the borrower's flood insurance coverage and the insurance coverage purchased by the FDIC-supervised institution or its servicer were each in effect, and any related fees charged to the borrower with respect to the insurance purchased by the FDIC-supervised institution or its servicer during such period.

(2) *Sufficiency of demonstration.* For purposes of confirming a borrower's existing flood insurance coverage under paragraph (b) of this section, an FDIC-supervised institution or its servicer shall accept from the borrower an insurance policy declarations page that includes the existing flood insurance policy number and the identity of, and contact information for, the insurance company or agent.

§ 339.8 Determination fees.

(a) *General.* Notwithstanding any Federal or State law other than the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4129), any FDIC-supervised institution, or a servicer acting on its behalf, may charge a reasonable fee for determining whether the building or mobile home securing the loan is located or will be located in a special flood hazard area. A determination fee may also include, but is not limited to, a fee for life-of-loan monitoring.

(b) *Borrower fee.* The determination fee authorized by paragraph (a) of this section may be charged to the borrower if the determination:

(1) Is made in connection with a making, increasing, extending, or renewing of the loan that is initiated by the borrower;

(2) Reflects the Administrator of FEMA's revision or updating of floodplain areas or flood-risk zones;

(3) Reflects the Administrator of FEMA's publication of a notice or compendium that:

(i) Affects the area in which the building or mobile home securing the loan is located; or

(ii) By determination of the Administrator of FEMA, may reasonably require a determination whether the building or mobile home securing the loan is located in a special flood hazard area; or

(4) Results in the purchase of flood insurance coverage by the lender or its servicer on behalf of the borrower under § 339.7.

(c) *Purchaser or transferee fee.* The determination fee authorized by paragraph (a) of this section may be charged to the purchaser or transferee of a loan in the case of the sale or transfer of the loan.

§ 339.9 Notice of special flood hazards and availability of Federal disaster relief assistance.

(a) *Notice requirement.* When an FDIC-supervised institution makes, increases, extends, or renews a loan secured by a building or a mobile home located or to be located in a special flood hazard area, the FDIC-supervised institution shall mail or deliver a written notice to the borrower and to the servicer in all cases whether or not flood insurance is available under the Act for the collateral securing the loan.

(b) *Contents of notice.* The written notice must include the following information:

(1) A warning, in a form approved by the Administrator of FEMA, that the building or the mobile home is or will be located in a special flood hazard area;

(2) A description of the flood insurance purchase requirements set forth in section 102(b) of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a(b));

(3) A statement, where applicable, that flood insurance coverage is available under the NFIP and may also be available from private insurers; and

(4) A statement whether Federal disaster relief assistance may be available in the event of damage to the building or mobile home caused by flooding in a Federally-declared disaster.

(c) *Timing of notice.* The FDIC-supervised institution shall provide the notice required by paragraph (a) of this section to the borrower within a reasonable time before the completion of the transaction, and to the servicer as promptly as practicable after the FDIC-supervised institution provides notice to the borrower and in any event no later than the time the FDIC-supervised institution provides other similar notices to the servicer concerning hazard insurance and taxes. Notice to the servicer may be made electronically or may take the form of a copy of the notice to the borrower.

(d) *Record of receipt.* The FDIC-supervised institution shall retain a record of the receipt of the notices by the borrower and the servicer for the period of time the FDIC-supervised institution owns the loan.

(e) *Alternate method of notice.* Instead of providing the notice to the borrower required by paragraph (a) of this section, an FDIC-supervised institution may obtain satisfactory written assurance from a seller or lessor that, within a reasonable time before the completion of the sale or lease transaction, the seller or lessor has provided such notice to the purchaser or lessee. The FDIC-supervised institution shall retain a record of the written assurance from the seller or lessor for the period of time the FDIC-supervised institution owns the loan.

(f) *Use of sample form of notice.* An FDIC-supervised institution will be considered to be in compliance with the requirement for notice to the borrower of this section by providing written notice to the borrower containing the language presented in appendix A to this part within a reasonable time before the completion of the transaction. The notice presented in appendix A to this part satisfies the borrower notice requirements of the Act.

§ 339.10 Notice of servicer's identity.

(a) *Notice requirement.* When an FDIC-supervised institution makes, increases, extends, renews, sells, or transfers a loan secured by a building or mobile home located or to be located in a special flood hazard area, the FDIC-supervised institution shall notify the Administrator of FEMA (or the Administrator of FEMA's designee) in writing of the identity of the servicer of the loan. The Administrator of FEMA has designated the insurance provider to receive the FDIC-supervised institution's notice of the servicer's identity. This notice may be provided electronically if electronic transmission is satisfactory to the Administrator of FEMA's designee.

(b) *Transfer of servicing rights.* The FDIC-supervised institution shall notify the Administrator of FEMA (or the Administrator of FEMA's designee) of any change in the servicer of a loan described in paragraph (a) of this section within 60 days after the effective date of the change. This notice may be provided electronically if electronic transmission is satisfactory to the Administrator or his or her designee. Upon any change in the servicing of a loan described in paragraph (a) of this section, the duty to provide notice under this paragraph (b) shall transfer to the transferee servicer.

Appendix A to Part 339—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Director of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood*

Insurance Rate Map or the *Flood Hazard Boundary Map* for the following community: _____. This area has at least a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Director of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

_____ The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

• Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance also may be available from private insurers that do not participate in the NFIP.

• At a minimum, flood insurance purchased must cover *the lesser of:*

(1) the outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the overall value of the property securing the loan minus the value of the land on which the property is located.

• Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

____ Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally-declared flood disaster.

■ 11. Effective January 1, 2016, § 339.5 is revised to read as follows:

§ 339.5 Escrow requirement.

(a) *In general*—(1) *Applicability.* Except as provided in paragraphs (a)(2) or (c) of this section, an FDIC-supervised institution, or a servicer acting on its behalf, shall require the escrow of all premiums and fees for any flood insurance required under § 339.3(a) for any designated loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, payable with the same frequency as payments on the designated loan are required to be made for the duration of the loan.

(2) *Exceptions.* Paragraph (a)(1) of this section does not apply if:

(i) The loan is an extension of credit primarily for business, commercial, or agricultural purposes;

(ii) The loan is in a subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which the borrower has obtained flood insurance coverage that meets the requirements of § 339.3(a);

(iii) Flood insurance coverage for the residential improved real estate or mobile home is provided by a policy that:

(A) Meets the requirements of § 339.3(a);

(B) Is provided by a condominium association, cooperative, homeowners association, or other applicable group; and

(C) The premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense;

(iv) The loan is a home equity line of credit;

(v) The loan is a nonperforming loan, which is a loan that is 90 or more days past due and remains nonperforming until it is permanently modified or until the entire amount past due, including principal, accrued interest, and penalty interest incurred as the result of past due status, is collected or otherwise discharged in full; or

(vi) The loan has a term of not longer than 12 months.

(3) *Duration of exception.* If an FDIC-supervised institution, or a servicer acting on its behalf, determines at any time during the term of a designated loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, that an exception under paragraph (a)(2) of this section does not apply, then the FDIC-supervised institution or its servicer shall require the escrow of all premiums and fees for any flood insurance required under § 339.3(a) as soon as reasonably practicable and, if applicable, shall provide any disclosure required under section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA).

(4) *Escrow account.* The FDIC-supervised institution, or a servicer acting on its behalf, shall deposit the flood insurance premiums and fees on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of RESPA, which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the FDIC-supervised institution, or a servicer acting on its behalf, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

(b) *Notice.* For any loan for which an FDIC-supervised institution is required to escrow under paragraph (a) or paragraph (c)(2) of this section or may be required to escrow under paragraph (a)(3) of this section during the term of the loan, the FDIC-supervised institution, or a servicer acting on its behalf, shall mail or deliver a written notice with the notice provided under § 339.9 informing the borrower that the FDIC-supervised institution is required to escrow all premiums and fees for required flood insurance, using language that is substantially similar to model clauses on the escrow requirement in appendix A.

(c) *Small lender exception*—(1) *Qualification.* Except as may be required under applicable State law, paragraphs (a), (b) and (d) of this section do not apply to an FDIC-supervised institution:

(i) That has total assets of less than $1 billion as of December 31 of either of the two prior calendar years; and

(ii) On or before July 6, 2012:

(A) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of any loan secured by residential improved real estate or a mobile home; and

(B) Did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for any loans secured by residential improved real estate or a mobile home.

(2) *Change in status.* If an FDIC-supervised institution previously qualified for the exception in paragraph (c)(1) of this section, but no longer qualifies for the exception because it had assets of $1 billion or more for two consecutive calendar year ends, the FDIC-supervised institution must

escrow premiums and fees for flood insurance pursuant to paragraph (a) for any designated loan made, increased, extended, or renewed on or after July 1 of the first calendar year of changed status.

(d) *Option to escrow*—(1) *In general.* An FDIC-supervised institution, or a servicer acting on its behalf, shall offer and make available to the borrower the option to escrow all premiums and fees for any flood insurance required under § 339.3 for any loan secured by residential improved real estate or a mobile home that is outstanding on January 1, 2016, or July 1 of the first calendar year in which the FDIC-supervised institution has had a change in status pursuant to paragraph (c)(2) of this section, unless:

(i) The loan or the FDIC-supervised institution qualifies for an exception from the escrow requirement under paragraphs (a)(2) or (c) of this section, respectively;

(ii) The borrower is already escrowing all premiums and fees for flood insurance for the loan; or

(iii) The FDIC-supervised institution is required to escrow flood insurance premiums and fees pursuant to paragraph (a) of this section.

(2) *Notice.* For any loan subject to paragraph (d) of this section, the FDIC-supervised institution, or a servicer acting on its behalf, shall mail or deliver to the borrower no later than June 30, 2016, or September 30 of the first calendar year in which the FDIC-supervised institution has had a change in status pursuant to paragraph (c)(2) of this section, a notice in writing, or if the borrower agrees, electronically, informing the borrower of the option to escrow all premiums and fees for any required flood insurance and the method(s) by which the borrower may request the escrow, using language similar to the model clause in appendix B to this part.

(3) *Timing.* The FDIC-supervised institution or servicer must begin escrowing premiums and fees for flood insurance as soon as reasonably practicable after the FDIC-supervised institution or servicer receives the borrower's request to escrow.

■ 12. Effective January 1, 2016, § 339.9(b) is revised to read as follows:

§ 339.9 Notice of special flood hazards and availability of Federal disaster relief assistance.

* * * * *

(b) *Contents of notice.* The written notice must include the following information:

(1) A warning, in a form approved by the Administrator of FEMA, that the building or the mobile home is or will be located in a special flood hazard area;

(2) A description of the flood insurance purchase requirements set forth in section 102(b) of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a(b));

(3) A statement, where applicable, that flood insurance coverage is available from private insurance companies that issue standard flood insurance policies on behalf of the NFIP or directly from the NFIP;

(4) A statement that flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may also be available from a private insurance company that issues policies on behalf of the company.

(5) A statement that the borrower is encouraged to compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and that the borrower should direct inquiries regarding the availability, cost, and comparisons of flood insurance coverage to an insurance agent; and

(6) A statement whether Federal disaster relief assistance may be available in the event of damage to the building or mobile home caused by flooding in a Federally declared disaster.

■ 13. Effective January 1, 2016, Appendix A to Part 339 is revised to read as follows:

Appendix A to Part 339—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Administrator of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community: _____. This area has a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

____The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

• At a minimum, flood insurance purchased must cover *the lesser of:*

(1) the outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the building or mobile home and any personal property that secures your loan and not the land itself.

• Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

• Although you may not be required to maintain flood insurance on all structures, you may still wish to do so, and your mortgage lender may still require you to do so to protect the collateral securing the mortgage. If you choose not to maintain flood insurance on a structure and it floods, you are responsible for all flood losses relating to that structure.

Availability of Private Flood Insurance Coverage

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and contact an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

[Escrow Requirement for Residential Loans

Federal law may require a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If your lender notifies you that an escrow account is required for your loan, then you must pay your flood insurance premiums and fees to the lender or its servicer with the same frequency as you make loan payments for the duration of your loan. These premiums and fees will be deposited in the escrow account, which will be used to pay the flood insurance provider.]

____Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in

which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally declared flood disaster.

■ 14. Effective January 1, 2016, Appendix B to Part 339 is added to read as follows:

Appendix B to Part 339—Sample Clause for Option to Escrow for Outstanding Loans

Escrow Option Clause

You have the option to escrow all premiums and fees for the payment on your flood insurance policy that covers any residential building or mobile home that is located in an area with special flood hazards and that secures your loan. If you choose this option:

- Your payments will be deposited in an escrow account to be paid to the flood insurance provider.
- The escrow amount for flood insurance will be added to the regular mortgage payment that you make to your lender or its servicer.
- The payments you make into the escrow account will accumulate over time and the funds will be used to pay your flood insurance policy when your lender or servicer receives a notice from your flood insurance provider that the flood insurance premium is due.

To choose this option, follow the instructions below. If you have any questions about the option, contact [Insert Name of Lender or Servicer] at [Insert Contact Information].

[Insert Instructions for Selecting to Escrow]

Farm Credit Administration

12 CFR CHAPTER VI

Authority and Issuance

For the reasons stated in the preamble, part 614 of chapter VI, title 12 of the Code of Federal Regulations is revised as follows:

PART 614—LOAN POLICIES AND OPERATIONS

■ 15. The authority citation for part 614 continues to read as follows:

Authority: 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128; secs. 1.3, 1.5, 1.6, 1.7, 1.9, 1.10, 2.0, 2.2, 2.3, 2.4, 2.10, 2.12, 2.13, 2.15, 3.0, 3.1, 3.3, 3.7, 3.8, 3.10, 3.20, 3.28, 4.12, 4.12A, 4.13, 4.13B, 4.14, 4.14A, 4.14C, 4.14D, 4.14E, 4.18, 4.19, 4.36, 4.37, 5.9, 5.10, 5.17, 7.0, 7.2, 7.6, 7.7, 7.8, 7.12, 7.13, 8.0, 8.5 of the Farm Credit Act (12 U.S.C. 2011, 2013, 2014, 2015, 2017, 2018, 2071, 2073, 2074, 2075, 2091, 2093, 2094, 2096, 2121, 2122, 2124, 2128, 2129, 2131, 2141, 2149, 2183, 2184, 2199, 2201, 2202, 2202a, 2202c, 2202d, 2202e, 2206, 2207, 2219a, 2219b, 2243, 2244, 2252, 2279a, 2279a–2, 2279b, 2279b–1, 2279b–2, 2279f, 2279f–1, 2279aa, 2279aa–5); sec. 413 of Pub. L. 100–233, 101 Stat. 1568, 1639.

■ 16. Effective October 1, 2015, subpart S is revised to read as follows:

Subpart S—Flood Insurance Requirements

Sec.
614.4920 Purpose, and scope.
614.4925 Definitions.
614.4930 Requirement to purchase flood insurance where available.
614.4932 Exemptions.
614.4935 Escrow requirement.
614.4940 Required use of standard flood hazard determination form.
614.4945 Force placement of flood insurance.
614.4950 Determination fees.
614.4955 Notice of special flood hazards and availability of Federal disaster relief assistance.
614.4960 Notice of servicer's identity.
Appendix A to Subpart S of Part 614—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

Subpart S—Flood Insurance Requirements

§ 614.4920 Purpose and scope.

(a) *Purpose.* This subpart implements the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4129).

(b) *Scope.* This subpart, except for §§ 614.4940 and 614.4950, applies to loans secured by buildings or mobile homes located or to be located in areas determined by the Administrator of the Federal Emergency Management Agency to have special flood hazards. Sections 614.4940 and 614.4950 apply to loans secured by buildings or mobile homes, regardless of location.

§ 614.4925 Definitions.

For purposes of this subpart:

1968 Act means the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4129).

Administrator of FEMA means the Administrator of the Federal Emergency Management Agency.

Building means a walled and roofed structure, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, and a walled and roofed structure while in the course of construction, alteration, or repair.

Community means a State or a political subdivision of a State that has zoning and building code jurisdiction over a particular area having special flood hazards.

Designated loan means a loan secured by a building or mobile home that is located or to be located in a special flood hazard area in which flood insurance is available under the 1968 Act.

Mobile home means a structure, transportable in one or more sections, that is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term *mobile home* does not include a recreational vehicle. For purposes of this subpart, the term *mobile home* means a mobile home on a permanent foundation. The term *mobile home* includes a manufactured home as that term is used in the NFIP.

NFIP means the National Flood Insurance Program authorized under the 1968 Act.

Residential improved real estate means real estate upon which a home or other residential building is located or to be located.

Servicer means the person responsible for:

(1) Receiving any scheduled, periodic payments from a borrower under the terms of a loan, including amounts for taxes, insurance premiums, and other charges with respect to the property securing the loan; and

(2) Making payments of principal and interest and any other payments from the amounts received from the borrower as may be required under the terms of the loan.

Special flood hazard area means the land in the flood plain within a community having at least a one percent chance of flooding in any given year, as designated by the Administrator of FEMA.

Table funding means a settlement at which a loan is funded by a contemporaneous advance of loan funds and an assignment of the loan to the person advancing the funds.

§ 614.4930 Requirement to purchase flood insurance where available.

(a) *In general.* A System institution shall not make, increase, extend, or renew any designated loan unless the building or mobile home and any personal property securing the loan is covered by flood insurance for the term of the loan. The amount of insurance must be at least equal to the lesser of the outstanding principal balance of the designated loan or the maximum limit of coverage available for the particular type of property under the 1968 Act. Flood insurance coverage under the 1968 Act is limited to the building or mobile home and any personal property that secures a loan and not the land itself.

(b) *Table funded loans.* A System institution that acquires a loan from a mortgage broker or other entity through

table funding shall be considered to be making a loan for the purposes of this subpart.

§ 614.4932 Exemptions.

The flood insurance requirement prescribed by § 614.4930 does not apply with respect to:

(a) Any State-owned property covered under a policy of self-insurance satisfactory to the Administrator of FEMA, who publishes and periodically revises the list of States falling within this exemption;

(b) Property securing any loan with an original principal balance of $5,000 or less and a repayment term of one year or less; or

(c) Any structure that is a part of any residential property but is detached from the primary residential structure of such property and does not serve as a residence. For purposes of this paragraph (c):

(1) ''A structure that is a part of a residential property'' is a structure used primarily for personal, family, or household purposes, and not used primarily for agricultural, commercial, industrial, or other business purposes;

(2) A structure is ''detached'' from the primary residential structure if it is not joined by any structural connection to that structure; and

(3) ''Serve as a residence'' shall be based upon the good faith determination of the System institution that the structure is intended for use or actually used as a residence, which generally includes sleeping, bathroom, or kitchen facilities.

§ 614.4935 Escrow requirement.

If a System institution requires the escrow of taxes, insurance premiums, fees, or any other charges for a loan secured by residential improved real estate or a mobile home that is made, increased, extended or renewed on or after October 4, 1996, the institution shall also require the escrow of all premiums and fees for any flood insurance required under § 614.4930. The institution, or a servicer acting on behalf of the institution, shall deposit the flood insurance premiums on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA), which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the institution, or a servicer acting on behalf of the institution, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

§ 614.4940 Required use of standard flood hazard determination form.

(a) *Use of form.* A System institution shall use the standard flood hazard determination form developed by the Administrator of FEMA when determining whether the building or mobile home offered as collateral security for a loan is or will be located in a special flood hazard area in which flood insurance is available under the 1968 Act. The standard flood hazard determination form may be used in a printed, computerized, or electronic manner. A System institution may obtain the standard flood hazard determination form from FEMA's Web site at *www.fema.gov.*

(b) *Retention of form.* A System institution shall retain a copy of the completed standard flood hazard determination form, in either hard copy or electronic form, for the period of time the System institution owns the loan.

§ 614.4945 Force placement of flood insurance.

(a) *Notice and purchase of coverage.* If a System institution, or a servicer acting on behalf of the System institution, determines at any time during the term of a designated loan, that the building or mobile home and any personal property securing the designated loan is not covered by flood insurance or is covered by flood insurance in an amount less than the amount required under § 614.4930, then the System institution, or a servicer acting on its behalf, shall notify the borrower that the borrower should obtain flood insurance, at the borrower's expense, in an amount at least equal to the amount required under § 614.4930, for the remaining term of the loan. If the borrower fails to obtain flood insurance within 45 days after notification, then the System institution, or its servicer, shall purchase insurance on the borrower's behalf. The System institution, or its servicer, may charge the borrower for the cost of premiums and fees incurred in purchasing the insurance, including premiums or fees incurred for coverage beginning on the date on which flood insurance coverage lapsed or did not provide a sufficient coverage amount.

(b) *Termination of force-placed insurance*—(1) *Termination and refund.* Within 30 days of receipt by a System institution, or by a servicer acting on its behalf, of a confirmation of a borrower's existing flood insurance coverage, the System institution, or its servicer, shall:

(i) Notify the insurance provider to terminate any insurance purchased by the System institution, or its servicer, under paragraph (a) of this section; and

(ii) Refund to the borrower all premiums paid by the borrower for any insurance purchased by the System institution, or by its servicer, under paragraph (a) of this section during any period during which the borrower's flood insurance coverage and the insurance coverage purchased by the System institution, or its servicer, were each in effect, and any related fees charged to the borrower with respect to the insurance purchased by the System institution, or its servicer, during such period.

(2) *Sufficiency of demonstration.* For purposes of confirming a borrower's existing flood insurance coverage under paragraph (b) of this section, a System institution, or a servicer acting on its behalf, shall accept from the borrower an insurance policy declarations page that includes the existing flood insurance policy number and the identity of, and contact information for, the insurance company or agent.

§ 614.4950 Determination fees.

(a) *General.* Notwithstanding any Federal or State law other than the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4129), any System institution, or a servicer acting on behalf of the System institution, may charge a reasonable fee for determining whether the building or mobile home securing the loan is located or will be located in a special flood hazard area. A determination fee may also include, but is not limited to, a fee for life-of-loan monitoring.

(b) *Borrower fee.* The determination fee authorized by paragraph (a) of this section may be charged to the borrower if the determination:

(1) Is made in connection with a making, increasing, extending, or renewing of the loan that is initiated by the borrower;

(2) Reflects the Administrator of FEMA's revision or updating of flood plain areas or flood-risk zones;

(3) Reflects the Administrator of FEMA's publication of a notice or compendium that:

(i) Affects the area in which the building or mobile home securing the loan is located; or

(ii) By determination of the Administrator of FEMA, may reasonably require a determination whether the building or mobile home securing the

loan is located in a special flood hazard area; or

(4) Results in the purchase of flood insurance coverage by the lender, or its servicer, on behalf of the borrower under § 614.4945.

(c) *Purchaser or transferee fee.* The determination fee authorized by paragraph (a) of this section may be charged to the purchaser or transferee of a loan in the case of the sale or transfer of the loan.

§ 614.4955 Notice of special flood hazards and availability of Federal disaster relief assistance.

(a) *Notice requirement.* When a System institution makes, increases, extends, or renews a loan secured by a building or a mobile home located or to be located in a special flood hazard area, the System institution shall mail or deliver a written notice to the borrower and to the servicer in all cases whether or not flood insurance is available under the 1968 Act for the collateral securing the loan.

(b) *Contents of notice.* The written notice must include the following information:

(1) A warning, in a form approved by the Administrator of FEMA, that the building or the mobile home is or will be located in a special flood hazard area;

(2) A description of the flood insurance purchase requirements set forth in section 102(b) of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a(b));

(3) A statement, where applicable, that flood insurance coverage is available under the NFIP and may also be available from private insurers; and

(4) A statement whether Federal disaster relief assistance may be available in the event of damage to the building or mobile home caused by flooding in a Federally declared disaster.

(c) *Timing of notice.* The System institution shall provide the notice required by paragraph (a) of this section to the borrower within a reasonable time before the completion of the transaction, and to the servicer as promptly as practicable after the System institution provides notice to the borrower and in any event no later than the time the System institution provides other similar notices to the servicer concerning hazard insurance and taxes. Notice to the servicer may be made electronically or may take the form of a copy of the notice to the borrower.

(d) *Record of receipt.* The System institution shall retain a record of the receipt of the notices by the borrower and the servicer for the period of time it owns the loan.

(e) *Alternate method of notice.* Instead of providing the notice to the borrower required by paragraph (a) of this section, a System institution may obtain satisfactory written assurance from a seller or lessor that, within a reasonable time before the completion of the sale or lease transaction, the seller or lessor has provided such notice to the purchaser or lessee. The System institution shall retain a record of the written assurance from the seller or lessor for the period of time it owns the loan.

(f) *Use of sample form of notice.* A System institution will be considered to be in compliance with the requirement for notice to the borrower of this section by providing written notice to the borrower containing the language presented in appendix A to this subpart within a reasonable time before the completion of the transaction. The notice presented in appendix A to this subpart satisfies the borrower notice requirements of the 1968 Act.

§ 614.4960 Notice of servicer's identity.

(a) *Notice requirement.* When a System institution makes, increases, extends, renews, sells, or transfers a loan secured by a building or mobile home located or to be located in a special flood hazard area, it shall notify the Administrator of FEMA (or the Administrator's designee) in writing of the identity of the servicer of the loan. The Administrator of FEMA has designated the insurance provider to receive the System institution's notice of the servicer's identity. This notice may be provided electronically if electronic transmission is satisfactory to the Administrator of FEMA's designee.

(b) *Transfer of servicing rights.* The System institution shall notify the Administrator of FEMA (or the Administrator's designee) of any change in the servicer of a loan described in paragraph (a) of this section within 60 days after the effective date of the change. This notice may be provided electronically if electronic transmission is satisfactory to the Administrator of FEMA's designee. Upon any change in the servicing of a loan described in paragraph (a) of this section, the duty to provide notice under this paragraph (b) shall transfer to the transferee servicer.

Appendix A to Subpart S of Part 614—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Director of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community: ___. This area has at least a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Director of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

__ The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

- Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance also may be available from private insurers that do not participate in the NFIP.
- At a minimum, flood insurance purchased must cover *the lesser of:*

(1) The outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the overall value of the property securing the loan minus the value of the land on which the property is located.

- Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

__ Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally-declared flood disaster.

■ 17. Effective January 1, 2016, § 614.4935 is revised to read as follows:

§ 614.4935 Escrow requirement.

(a) *In general*—(1) *Applicability.* Except as provided in paragraph (a)(2) or paragraph (c) of this section, a System institution, or a servicer acting on its behalf, shall require the escrow of all premiums and fees for any flood insurance required under § 614.4930 for any designated loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, payable with the same frequency as payments on the designated loan are required to be made for the duration of the loan.

(2) *Exceptions.* Paragraph (a)(1) of this section does not apply if:

(i) The loan is an extension of credit primarily for business, commercial, or agricultural purposes;

(ii) The loan is in a subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which the borrower has obtained flood insurance coverage that meets the requirements of § 614.4930;

(iii) Flood insurance coverage for the residential improved real estate or mobile home is provided by a policy that:

(A) Meets the requirements of § 614.4930;

(B) Is provided by a condominium association, cooperative, homeowners association, or other applicable group; and

(C) The premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense;

(iv) The loan is a home equity line of credit;

(v) The loan is a nonperforming loan, which is a loan that is 90 or more days past due and remains nonperforming until it is permanently modified or until the entire amount past due, including principal, accrued interest, and penalty interest incurred as the result of past due status, is collected or otherwise discharged in full; or

(vi) The loan has a term of no longer than 12 months.

(3) *Duration of exception.* If a System institution, or a servicer acting its behalf, determines at any time during the term of a designated loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, that an exception under paragraph (a)(2) of this section does not apply, then the System institution, or the servicer acting on its behalf, shall require the escrow of all premiums and fees for any flood insurance required under § 614.4930 as soon as reasonably practicable and, if applicable, shall provide any disclosure required under section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA).

(4) *Escrow account.* The System institution, or a servicer acting on its behalf, shall deposit the flood insurance premiums and fees on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of RESPA, which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the System institution, or a servicer acting on its behalf, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

(b) *Notice.* For any loan for which a System institution is required to escrow under paragraph (a)(1) or paragraph (c)(2) of this section or may be required to escrow under paragraph (a)(3) of this section during the term of the loan, the System institution, or a servicer acting on its behalf, shall mail or deliver a written notice with the notice provided under § 614.4955 informing the borrower that the System institution is required to escrow all premiums and fees for required flood insurance, using language that is substantially similar to model clauses on the escrow requirement in appendix A to this subpart.

(c) *Small lender exception*—(1) *Qualification.* Except as may be required under applicable State law, paragraphs (a), (b), and (d) of this section do not apply to a System institution:

(i) That has total assets of less than $1 billion as of December 31 of either of the two prior calendar years; and

(ii) On or before July 6, 2012:

(A) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of any loan secured by residential improved real estate or a mobile home; and

(B) Did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for any loans secured by residential improved real estate or a mobile home.

(2) *Change in status.* If a System institution previously qualified for the exception in paragraph (c)(1) of this section, but no longer qualifies for the exception because it had assets of $1 billion or more for two consecutive calendar year ends, the System institution must escrow premiums and fees for flood insurance pursuant to paragraph (a) of this section for any designated loan made, increased, extended, or renewed on or after July 1 of the first calendar year of changed status.

(d) *Option to escrow*—(1) *In general.* A System institution, or a servicer acting on its behalf, shall offer and make available to the borrower the option to escrow all premiums and fees for any flood insurance required under § 614.4930 for any loan secured by residential improved real estate or a mobile home that is outstanding on January 1, 2016, or July 1 of the first calendar year in which the System institution has had a change in status pursuant to paragraph (c)(2) of this section, unless:

(i) The loan or the System institution qualifies for an exception from the escrow requirement under paragraph (a)(2) or (c) of this section, respectively;

(ii) The borrower is already escrowing all premiums and fees for flood insurance for the loan; or

(iii) The System institution is required to escrow flood insurance premiums and fees pursuant to paragraph (a) of this section.

(2) *Notice.* For any loan subject to paragraph (d) of this section, the System institution, or a servicer acting on its behalf, shall mail or deliver to the borrower no later than June 30, 2016, or September 30 of the first calendar year in which the System institution has had a change in status pursuant to paragraph (c)(2) of this section, a notice in writing, or if the borrower agrees, electronically, informing the borrower of the option to escrow all premiums and fees for any required flood insurance and the method(s) by which the borrower may request the escrow, using language similar to the model clause in appendix B to this subpart.

(3) *Timing.* The System institution, or the servicer acting on its behalf, must begin escrowing premiums and fees for flood insurance as soon as reasonably practicable after the System institution, or servicer, receives the borrower's request to escrow.

■ 18. Effective January 1, 2016, § 614.4955(b) is revised to read as follows:

§ 614.4955 Notice of special flood hazards and availability of Federal disaster relief assistance.

* * * * *

(b) *Contents of notice.* The written notice must include the following information:

(1) A warning, in a form approved by the Administrator of FEMA, that the building or the mobile home is or will be located in a special flood hazard area;

(2) A description of the flood insurance purchase requirements set forth in section 102(b) of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a(b));

(3) A statement, where applicable, that flood insurance coverage is available from private insurance companies that issue standard flood insurance policies on behalf of the NFIP or directly from the NFIP;

(4) A statement that flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP also may be available from a private insurance company that issues policies on behalf of the company;

(5) A statement that the borrower is encouraged to compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and that the borrower should direct inquiries regarding the availability, cost, and comparisons of flood insurance coverage to an insurance agent; and

(6) A statement whether Federal disaster relief assistance may be available in the event of damage to the building or mobile home caused by flooding in a Federally declared disaster.

* * * * *

■ 19. Effective January 1, 2016, Appendix A to Subpart S is revised to read as follows:

Appendix A to Subpart S of Part 614—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Administrator of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community: ___. This area has a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

__ The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

- At a minimum, flood insurance purchased must cover *the lesser of*:

(1) The outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the building or mobile home and any personal property that secures your loan and not the land itself.

- Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.
- Although you may not be required to maintain flood insurance on all structures, you may still wish to do so, and your mortgage lender may still require you to do so to protect the collateral securing the mortgage. If you choose not to maintain flood insurance on a structure and it floods, you are responsible for all flood losses relating to that structure.

Availability of Private Flood Insurance Coverage

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and contact an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

[Escrow Requirement for Residential Loans

Federal law may require a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If your lender notifies you that an escrow account is required for your loan, then you must pay your flood insurance premiums and fees to the lender or its servicer with the same frequency as you make loan payments for the duration of your loan. These premiums and fees will be deposited in the escrow account, which will be used to pay the flood insurance provider.]

__ Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally declared flood disaster.

■ 20. Effective January 1, 2016, Appendix B to Subpart S is added to read as follows:

Appendix B to Subpart S of Part 614—Sample Clause for Option to Escrow for Outstanding Loans

Escrow Option Clause

You have the option to escrow all premiums and fees for the payment on your flood insurance policy that covers any residential building or mobile home that is located in an area with special flood hazards and that secures your loan. If you choose this option:

- Your payments will be deposited in an escrow account to be paid to the flood insurance provider.
- The escrow amount for flood insurance will be added to the regular mortgage payment that you make to your lender or its servicer.
- The payments you make into the escrow account will accumulate over time and the funds will be used to pay your flood insurance policy when your lender or servicer receives a notice from your flood insurance provider that the flood insurance premium is due.

To choose this option, follow the instructions below. If you have any questions about the option, contact [Insert Name of Lender or Servicer] at [Insert Contact Information].

[Insert Instructions for Selecting to Escrow]

National Credit Union Administration

12 CFR CHAPTER VII

Authority and Issuance

For the reasons set forth in the joint preamble, the NCUA Board amends part 760 of chapter VII of title 12 of the Code of Federal Regulations as follows:

PART 760—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

■ 21. The authority citation for part 760 continues to read as follows:

Authority: 12 U.S.C. 1757, 1789; 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

■ 22. Effective October 1, 2015, part 760 is revised to read as follows:

PART 760—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

Sec.
760.1 Authority, purpose, and scope.
760.2 Definitions.
760.3 Requirement to purchase flood insurance where available.
760.4 Exemptions.
760.5 Escrow requirement.
760.6 Required use of standard flood hazard determination form.
760.7 Force placement of flood insurance.
760.8 Determination fees.
760.9 Notice of special flood hazards and availability of Federal disaster relief assistance.
760.10 Notice of servicer's identity.
Appendix A to Part 760—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

§ 760.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued pursuant to 12 U.S.C. 1757, 1789 and 42 U.S.C. 4012a, 4104a, 4104b, 4106, 4128.

(b) *Purpose.* The purpose of this part is to implement the requirements of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4129).

(c) *Scope.* This part, except for §§ 760.6 and 760.8, applies to loans secured by buildings or mobile homes located or to be located in areas determined by the Administrator of the Federal Emergency Management Agency to have special flood hazards. Sections 760.6 and 760.8 apply to loans secured by buildings or mobile homes, regardless of location.

§ 760.2 Definitions.

As used in this part:

Act means the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001–4129).

Administrator of FEMA means the Administrator of the Federal Emergency Management Agency.

Building means a walled and roofed structure, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, and a walled and roofed structure while in the course of construction, alteration, or repair.

Community means a State or a political subdivision of a State that has zoning and building code jurisdiction over a particular area having special flood hazards.

Credit union means a Federal or State-chartered credit union that is insured by the National Credit Union Share Insurance Fund.

Designated loan means a loan secured by a building or mobile home that is located or to be located in a special flood hazard area in which flood insurance is available under the Act.

Mobile home means a structure, transportable in one or more sections, that is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term *mobile home* does not include a recreational vehicle. For purposes of this part, the term *mobile home* means a mobile home on a permanent foundation. The term *mobile home* includes a manufactured home as that term is used in the NFIP.

NFIP means the National Flood Insurance Program authorized under the Act.

Residential improved real estate means real estate upon which a home or other residential building is located or to be located.

Servicer means the person responsible for:

(1) Receiving any scheduled, periodic payments from a borrower under the terms of a loan, including amounts for taxes, insurance premiums, and other charges with respect to the property securing the loan; and

(2) Making payments of principal and interest and any other payments from the amounts received from the borrower as may be required under the terms of the loan.

Special flood hazard area means the land in the flood plain within a community having at least a one percent chance of flooding in any given year, as designated by the Administrator of FEMA.

Table funding means a settlement at which a loan is funded by a contemporaneous advance of loan funds and an assignment of the loan to the person advancing the funds.

§ 760.3 Requirement to purchase flood insurance where available.

(a) *In general.* A credit union shall not make, increase, extend, or renew any designated loan unless the building or mobile home and any personal property securing the loan is covered by flood insurance for the term of the loan. The amount of insurance must be at least equal to the lesser of the outstanding principal balance of the designated loan or the maximum limit of coverage available for the particular type of property under the Act. Flood insurance coverage under the Act is limited to the building or mobile home and any personal property that secures a loan and not the land itself.

(b) *Table funded loan.* A credit union that acquires a loan from a mortgage broker or other entity through table funding shall be considered to be making a loan for the purposes of this part.

§ 760.4 Exemptions.

The flood insurance requirement prescribed by § 760.3 does not apply with respect to:

(a) Any State-owned property covered under a policy of self-insurance satisfactory to the Administrator of FEMA, who publishes and periodically revises the list of States falling within this exemption;

(b) Property securing any loan with an original principal balance of $5,000 or less and a repayment term of one year or less; or

(c) Any structure that is a part of any residential property but is detached from the primary residential structure of such property and does not serve as a residence. For purposes of this paragraph (c):

(1) ''A structure that is a part of a residential property'' is a structure used primarily for personal, family, or household purposes, and not used primarily for agricultural, commercial, industrial, or other business purposes;

(2) A structure is ''detached'' from the primary residential structure if it is not joined by any structural connection to that structure; and

(3) ''Serve as a residence'' shall be based upon the good faith determination of the credit union that the structure is intended for use or actually used as a residence, which generally includes sleeping, bathroom, or kitchen facilities.

§ 760.5 Escrow requirement.

If a credit union requires the escrow of taxes, insurance premiums, fees, or any other charges for a loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after November 1, 1996, the credit union shall also require the escrow of all premiums and fees for any flood insurance required under § 760.3. The credit union, or a servicer acting on behalf of the credit union, shall deposit the flood insurance premiums on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA), which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise

subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the credit union, or a servicer acting on behalf of the credit union, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

§ 760.6 Required use of standard flood hazard determination form.

(a) *Use of form.* A credit union shall use the standard flood hazard determination form developed by the Administrator of FEMA when determining whether the building or mobile home offered as collateral security for a loan is or will be located in a special flood hazard area in which flood insurance is available under the Act. The standard flood hazard determination form may be used in a printed, computerized, or electronic manner. A credit union may obtain the standard flood hazard determination form from FEMA's Web site at *www.fema.gov.*

(b) *Retention of form.* A credit union shall retain a copy of the completed standard flood hazard determination form, in either hard copy or electronic form, for the period of time the credit union owns the loan.

§ 760.7 Force placement of flood insurance.

(a) *Notice and purchase of coverage.* If a credit union, or a servicer acting on behalf of the credit union, determines at any time during the term of a designated loan, that the building or mobile home and any personal property securing the designated loan is not covered by flood insurance or is covered by flood insurance in an amount less than the amount required under § 760.3, then the credit union or its servicer shall notify the borrower that the borrower should obtain flood insurance, at the borrower's expense, in an amount at least equal to the amount required under § 760.3, for the remaining term of the loan. If the borrower fails to obtain flood insurance within 45 days after notification, then the credit union or its servicer shall purchase insurance on the borrower's behalf. The credit union or its servicer may charge the borrower for the cost of premiums and fees incurred in purchasing the insurance, including premiums or fees incurred for coverage beginning on the date on which flood insurance coverage lapsed or did not provide a sufficient coverage amount.

(b) *Termination of force-placed insurance*—(1) *Termination and refund.* Within 30 days of receipt by a credit union, or a servicer acting on behalf of the credit union, of a confirmation of a borrower's existing flood insurance coverage, the credit union or its servicer shall:

(i) Notify the insurance provider to terminate any insurance purchased by the credit union or its servicer under paragraph (a) of this section; and

(ii) Refund to the borrower all premiums paid by the borrower for any insurance purchased by the credit union or its servicer under paragraph (a) of this section during any period during which the borrower's flood insurance coverage and the insurance coverage purchased by the credit union or its servicer were each in effect, and any related fees charged to the borrower with respect to the insurance purchased by the credit union or its servicer during such period.

(2) *Sufficiency of demonstration.* For purposes of confirming a borrower's existing flood insurance coverage under paragraph (b) of this section, a credit union or its servicer shall accept from the borrower an insurance policy declarations page that includes the existing flood insurance policy number and the identity of, and contact information for, the insurance company or agent.

§ 760.8 Determination fees.

(a) *General.* Notwithstanding any Federal or State law other than the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4129), any credit union, or a servicer acting on behalf of the credit union, may charge a reasonable fee for determining whether the building or mobile home securing the loan is located or will be located in a special flood hazard area. A determination fee may also include, but is not limited to, a fee for life-of-loan monitoring.

(b) *Borrower fee.* The determination fee authorized by paragraph (a) of this section may be charged to the borrower if the determination:

(1) Is made in connection with a making, increasing, extending, or renewing of the loan that is initiated by the borrower;

(2) Reflects the Administrator of FEMA's revision or updating of floodplain areas or flood-risk zones;

(3) Reflects the Administrator of FEMA's publication of a notice or compendium that:

(i) Affects the area in which the building or mobile home securing the loan is located; or

(ii) By determination of the Administrator of FEMA, may reasonably require a determination whether the building or mobile home securing the loan is located in a special flood hazard area; or

(4) Results in the purchase of flood insurance coverage by the credit union or its servicer on behalf of the borrower under § 760.7.

(c) *Purchaser or transferee fee.* The determination fee authorized by paragraph (a) of this section may be charged to the purchaser or transferee of a loan in the case of the sale or transfer of the loan.

§ 760.9 Notice of special flood hazards and availability of Federal disaster relief assistance.

(a) *Notice requirement.* When a credit union makes, increases, extends, or renews a loan secured by a building or a mobile home located or to be located in a special flood hazard area, the credit union shall mail or deliver a written notice to the borrower and to the servicer in all cases whether or not flood insurance is available under the Act for the collateral securing the loan.

(b) *Contents of notice.* The written notice must include the following information:

(1) A warning, in a form approved by the Administrator of FEMA, that the building or the mobile home is or will be located in a special flood hazard area;

(2) A description of the flood insurance purchase requirements set forth in section 102(b) of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a(b));

(3) A statement, where applicable, that flood insurance coverage is available under the NFIP and may also be available from private insurers; and

(4) A statement whether Federal disaster relief assistance may be available in the event of damage to the building or mobile home caused by flooding in a Federally-declared disaster.

(c) *Timing of notice.* The credit union shall provide the notice required by paragraph (a) of this section to the borrower within a reasonable time before the completion of the transaction, and to the servicer as promptly as practicable after the credit union provides notice to the borrower and in any event no later than the time the credit union provides other similar notices to the servicer concerning hazard insurance and taxes. Notice to the servicer may be made electronically or may take the form of a copy of the notice to the borrower.

(d) *Record of receipt.* The credit union shall retain a record of the receipt of the notices by the borrower and the servicer for the period of time the credit union owns the loan.

(e) *Alternate method of notice.* Instead of providing the notice to the borrower

required by paragraph (a) of this section, a credit union may obtain satisfactory written assurance from a seller or lessor that, within a reasonable time before the completion of the sale or lease transaction, the seller or lessor has provided such notice to the purchaser or lessee. The credit union shall retain a record of the written assurance from the seller or lessor for the period of time the credit union owns the loan.

(f) *Use of sample form of notice.* A credit union will be considered to be in compliance with the requirement for notice to the borrower of this section by providing written notice to the borrower containing the language presented in appendix A to this part within a reasonable time before the completion of the transaction. The notice presented in appendix A to this part satisfies the borrower notice requirements of the Act.

§ 760.10 Notice of servicer's identity.

(a) *Notice requirement.* When a credit union makes, increases, extends, renews, sells, or transfers a loan secured by a building or mobile home located or to be located in a special flood hazard area, the credit union shall notify the Administrator of FEMA (or the Administrator of FEMA's designee) in writing of the identity of the servicer of the loan. The Administrator of FEMA has designated the insurance provider to receive the credit union's notice of the servicer's identity. This notice may be provided electronically if electronic transmission is satisfactory to the Administrator of FEMA's designee.

(b) *Transfer of servicing rights.* The credit union shall notify the Administrator of FEMA (or the Administrator of FEMA's designee) of any change in the servicer of a loan described in paragraph (a) of this section within 60 days after the effective date of the change. This notice may be provided electronically if electronic transmission is satisfactory to the Administrator or his or her designee. Upon any change in the servicing of a loan described in paragraph (a) of this section, the duty to provide notice under this paragraph (b) shall transfer to the transferee servicer.

Appendix A to Part 760—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Director of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community: _____. This area has at least a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Director of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

____The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

- Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance also may be available from private insurers that do not participate in the NFIP.
- At a minimum, flood insurance purchased must cover *the lesser of:*

(1) The outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the overall value of the property securing the loan minus the value of the land on which the property is located.

- Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

____Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally-declared flood disaster.

■ 23. Effective January 1, 2016, § 760.5 is revised to read as follows:

§ 760.5 Escrow requirement.

(a) *In general*—(1) *Applicability.* Except as provided in paragraphs (a)(2) or (c) of this section, a credit union, or a servicer acting on behalf of the credit union, shall require the escrow of all premiums and fees for any flood insurance required under § 760.3(a) for any designated loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, payable with the same frequency as payments on the designated loan are required to be made for the duration of the loan.

(2) *Exceptions.* Paragraph (a)(1) of this section does not apply if:

(i) The loan is an extension of credit primarily for business, commercial, or agricultural purposes;

(ii) The loan is in a subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which the borrower has obtained flood insurance coverage that meets the requirements of § 760.3(a);

(iii) Flood insurance coverage for the residential improved real estate or mobile home is provided by a policy that:

(A) Meets the requirements of § 760.3(a);

(B) Is provided by a condominium association, cooperative, homeowners association, or other applicable group; and

(C) The premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense;

(iv) The loan is a home equity line of credit;

(v) The loan is a nonperforming loan, which is a loan that is 90 or more days past due and remains nonperforming until it is permanently modified or until the entire amount past due, including principal, accrued interest, and penalty interest incurred as the result of past due status, is collected or otherwise discharged in full; or

(vi) The loan has a term of not longer than 12 months.

(3) *Duration of exception.* If a credit union, or a servicer acting on behalf of the credit union, determines at any time during the term of a designated loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, that an exception under paragraph (a)(2) of this section does not apply, then the credit union or its servicer shall require the escrow of all premiums and fees for any flood insurance required under § 760.3(a) as soon as reasonably practicable and, if applicable, shall provide any disclosure required under section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA).

(4) *Escrow account.* The credit union, or a servicer acting on behalf of the credit union, shall deposit the flood

insurance premiums and fees on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of RESPA, which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the credit union, or a servicer acting on behalf of the credit union, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

(b) *Notice.* For any loan for which a credit union is required to escrow under paragraph (a) or paragraph (c)(2) of this section or may be required to escrow under paragraph (a)(3) of this section during the term of the loan, the credit union, or a servicer acting on behalf of the credit union, shall mail or deliver a written notice with the notice provided under § 760.9 informing the borrower that the credit union is required to escrow all premiums and fees for required flood insurance, using language that is substantially similar to model clauses on the escrow requirement in appendix A.

(c) *Small lender exception*—(1) *Qualification.* Except as may be required under applicable State law, paragraphs (a), (b) and (d) of this section do not apply to a credit union:

(i) That has total assets of less than $1 billion as of December 31 of either of the two prior calendar years; and

(ii) On or before July 6, 2012:

(A) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of any loan secured by residential improved real estate or a mobile home; and

(B) Did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for any loans secured by residential improved real estate or a mobile home.

(2) *Change in status.* If a credit union previously qualified for the exception in paragraph (c)(1) of this section, but no longer qualifies for the exception because it had assets of $1 billion or more for two consecutive calendar year ends, the credit union must escrow premiums and fees for flood insurance pursuant to paragraph (a) of this section for any designated loan made, increased, extended, or renewed on or after July 1 of the first calendar year of changed status.

(d) *Option to escrow*—(1) *In general.* A credit union, or a servicer acting on behalf of the credit union, shall offer and make available to the borrower the option to escrow all premiums and fees for any flood insurance required under § 760.3 for any loan secured by residential improved real estate or a mobile home that is outstanding on January 1, 2016, or July 1 of the first calendar year in which the credit union has had a change in status pursuant to paragraph (c)(2) of this section, unless:

(i) The credit union or the loan qualifies for an exception from the escrow requirement under paragraphs (a)(2) or (c) of this section, respectively;

(ii) The borrower is already escrowing all premiums and fees for flood insurance for the loan; or

(iii) The credit union is required to escrow flood insurance premiums and fees pursuant to paragraph (a) of this section.

(2) *Notice.* For any loan subject to paragraph (d) of this section, the credit union, or a servicer acting on behalf of the credit union, shall mail or deliver to the borrower no later than June 30, 2016, or September 30 of the first calendar year in which the credit union has had a change in status pursuant to paragraph (c)(2) of this section, a notice in writing, or if the borrower agrees, electronically, informing the borrower of the option to escrow all premiums and fees for any required flood insurance and the method(s) by which the borrower may request the escrow, using language similar to the model clause in appendix B to this part.

(3) *Timing.* The credit union or servicer must begin escrowing premiums and fees for flood insurance as soon as reasonably practicable after the credit union or servicer receives the borrower's request to escrow.

■ 24. Effective January 1, 2016, § 760.9(b) is revised to read as follows:

§ 760.9 Notice of special flood hazards and availability of Federal disaster relief assistance.

* * * * *

(b) *Contents of notice.* The written notice must include the following information:

(1) A warning, in a form approved by the Administrator of FEMA, that the building or the mobile home is or will be located in a special flood hazard area;

(2) A description of the flood insurance purchase requirements set forth in section 102(b) of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a(b));

(3) A statement, where applicable, that flood insurance coverage is available from private insurance companies that issue standard flood insurance policies on behalf of the NFIP or directly from the NFIP;

(4) A statement that flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may also be available from a private insurance company that issues policies on behalf of the company;

(5) A statement that the borrower is encouraged to compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and that the borrower should direct inquiries regarding the availability, cost, and comparisons of flood insurance coverage to an insurance agent; and

(6) A statement whether Federal disaster relief assistance may be available in the event of damage to the building or mobile home caused by flooding in a Federally declared disaster.

* * * * *

■ 25. Effective January 1, 2016, Appendix A to Part 760 is revised to read as follows:

Appendix A to Part 760—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Administrator of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community: _____. This area has a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

____The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew

flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

• At a minimum, flood insurance purchased must cover *the lesser of:*

(1) The outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the building or mobile home and any personal property that secures your loan and not the land itself.

• Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

• Although you may not be required to maintain flood insurance on all structures, you may still wish to do so, and your mortgage lender may still require you to do so to protect the collateral securing the mortgage. If you choose not to maintain flood insurance on a structure and it floods, you are responsible for all flood losses relating to that structure.

Availability of Private Flood Insurance Coverage

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and contact an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

[Escrow Requirement for Residential Loans

Federal law may require a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If your lender notifies you that an escrow account is required for your loan, then you must pay your flood insurance premiums and fees to the lender or its servicer with the same frequency as you make loan payments for the duration of your loan. These premiums and fees will be deposited in the escrow account, which will be used to pay the flood insurance provider.]

____Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally declared flood disaster.

■ 26. Effective January 1, 2016, Appendix B to Part 760 is added to read as follows:

Appendix B to Part 760—Sample Clause for Option to Escrow for Outstanding Loans

Escrow Option Clause

You have the option to escrow all premiums and fees for the payment on your flood insurance policy that covers any residential building or mobile home that is located in an area with special flood hazards and that secures your loan. If you choose this option:

• Your payments will be deposited in an escrow account to be paid to the flood insurance provider.

• The escrow amount for flood insurance will be added to the regular mortgage payment that you make to your lender or its servicer.

• The payments you make into the escrow account will accumulate over time and the funds will be used to pay your flood insurance policy when your lender or servicer receives a notice from your flood insurance provider that the flood insurance premium is due.

To choose this option, follow the instructions below. If you have any questions about the option, contact [Insert Name of Lender or Servicer] at [Insert Contact Information].

[Insert Instructions for Selecting to Escrow]

Dated: June 16, 2015.

Thomas J. Curry,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, June 18, 2015.

Robert deV. Frierson,

Secretary of the Board.

By order of the Board of Directors of the Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

Dated at Washington, DC, this 16th day of June, 2015.

By order of the Board of the Farm Credit Administration.

Dale L. Aultman,

Secretary.

Dated at McLean, VA, this 16th day of June, 2015.

By order of the Board of the National Credit Union Administration.

Gerard Poliquin,

Secretary of the Board.

Dated at Alexandria, VA, this 18th day of June, 2015.

[FR Doc. 2015–15956 Filed 7–20–15; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P; 6705–01–P; 7535–01–U

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Part IV

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed Frameworks for Early-Season Migratory Bird Hunting Regulations; Notice of Meetings; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2014–0064; FF09M21200–156–FXMB1231099BPP0]

RIN 1018–BA67

Migratory Bird Hunting; Proposed Frameworks for Early-Season Migratory Bird Hunting Regulations; Notice of Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter Service or we) is proposing to establish the 2015–16 early-season hunting regulations for certain migratory game birds. We annually prescribe frameworks, or outer limits, for dates and times when hunting may occur and the maximum number of birds that may be taken and possessed in early seasons. Early seasons may open as early as September 1, and include seasons in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands. These frameworks are necessary to allow State selections of specific final seasons and limits and to allow recreational harvest at levels compatible with population status and habitat conditions. This proposed rule also provides the regulatory alternatives for the 2015–16 duck hunting seasons.

DATES: *Comments:* You must submit comments on the proposed early-season frameworks by July 31, 2015.

Meetings: The Service Migratory Bird Regulations Committee (SRC) will meet to consider and develop proposed regulations for late-season migratory bird hunting and the 2016 spring/summer migratory bird subsistence seasons in Alaska on July 29–30, 2015. All meetings will commence at approximately 8:30 a.m.

ADDRESSES: *Comments:* You may submit comments on the proposals by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2014–0064.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS–HQ–MB–2014–0064; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041.

We will not accept emailed or faxed comments. We will post all comments on *http://www.regulations.gov.* This generally means that your entire submission—including any personal identifying information—will be posted on the Web site. See the Public Comments section, below, for more information.

Meetings: The Service Migratory Bird Regulations Committee will meet at the U.S. Fish and Wildlife Service, 5275 Leesburg Pike, Falls Church, Virginia.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803; (703) 358–1967.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2015

On April 13, 2015, we published in the **Federal Register** (80 FR 19852) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2015–16 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the April 13 proposed rule.

Further, we explained that all sections of subsequent documents outlining hunting frameworks and guidelines were organized under numbered headings. Those headings are:

1. Ducks
   A. General Harvest Strategy
   B. Regulatory Alternatives
   C. Zones and Split Seasons
   D. Special Seasons/Species Management
   i. September Teal Seasons
   ii. September Teal/Wood Duck Seasons
   iii. Black ducks
   iv. Canvasbacks
   v. Pintails
   vi. Scaup
   vii. Mottled ducks
   viii. Wood ducks
   ix. Youth Hunt
   x. Mallard Management Units
   xi. Other
2. Sea Ducks
3. Mergansers
4. Canada Geese
   A. Special Seasons
   B. Regular Seasons
   C. Special Late Seasons
5. White-fronted Geese
6. Brant
7. Snow and Ross's (Light) Geese
8. Swans
9. Sandhill Cranes
10. Coots
11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-tailed Pigeons
16. Doves
17. Alaska
18. Hawaii
19. Puerto Rico
20. Virgin Islands
21. Falconry
22. Other

Subsequent documents will refer only to numbered items requiring attention. Therefore, it is important to note that we will omit those items requiring no attention, and remaining numbered items will be discontinuous and appear incomplete.

On June 11, 2015, we published in the **Federal Register** (80 FR 33223) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations. The June 11 supplement also provided detailed information on the 2015–16 regulatory schedule and announced the SRC and Flyway Council meetings.

This document, the third in a series of proposed, supplemental, and final rulemaking documents for migratory bird hunting regulations, deals specifically with proposed frameworks for early-season regulations and the regulatory alternatives for the 2015–16 duck hunting seasons. It will lead to final frameworks from which States may select season dates, shooting hours, and daily bag and possession limits for the 2015–16 season.

We have considered all pertinent comments received through June 26, 2015, on the April 13 and June 11, 2015, rulemaking documents in developing this proposed rule. In addition, new proposals for certain early-season regulations are provided for public comment. Comment periods are specified above under **DATES**. We will publish final regulatory frameworks for early seasons in the **Federal Register** on or about August 16, 2015.

Service Migratory Bird Regulations Committee Meetings

Participants at the June 24–25, 2015, meetings reviewed information on the current status of migratory shore and upland game birds and developed 2015–16 migratory game bird regulations recommendations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the U.S. Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl.

Participants at the previously announced July 29–30, 2015, meetings will review information on the current

status of waterfowl and develop recommendations for the 2015–16 regulations pertaining to regular waterfowl seasons and other species and seasons not previously discussed at the early-season meetings. In accordance with Department of the Interior policy, these meetings are open to public observation and you may submit comments on the matters discussed.

Population Status and Harvest

The following paragraphs provide preliminary information on the status of waterfowl and information on the status and harvest of migratory shore and upland game birds excerpted from various reports. For more detailed information on methodologies and results, you may obtain complete copies of the various reports at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from our Web site at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html.*

Waterfowl Breeding and Habitat Survey

Federal, provincial, and State agencies conduct surveys each spring to estimate the size of waterfowl breeding populations and to evaluate the conditions of the habitats. These surveys are conducted using fixed-wing aircraft, helicopters, and ground crews and encompass principal breeding areas of North America, covering an area over 2.0 million square miles. The traditional survey area comprises Alaska, Canada, and the northcentral United States, and includes approximately 1.3 million square miles. The eastern survey area includes parts of Ontario, Quebec, Labrador, Newfoundland, Nova Scotia, Prince Edward Island, New Brunswick, New York, and Maine, an area of approximately 0.7 million square miles.

Despite an early spring over most of the survey area, habitat conditions were similar to or poorer than last year. In many areas, the decline in habitat conditions was due to average to below-average annual precipitation, with the exception of portions of southern Saskatchewan and central latitudes of eastern Canada. The total pond estimate (Prairie Canada and United States combined) was 6.3 ± 0.2 million, which was 12 percent below the 2014 estimate of 7.2 ± 0.2 million and 21 percent above the long-term average of 5.2 ± 0.03 million.

Traditional Survey Area (U.S. and Canadian Prairies and Parklands)

Spring came early across the traditional survey area, particularly in relation to 2013 and 2014. Much of the Canadian prairies had average to below-average winter precipitation and above-average temperatures. Best moisture conditions were centered in southern Saskatchewan, but nearly all of prairie Canada experienced below-normal spring precipitation. The 2015 estimate of ponds in Prairie Canada was 4.2 ± 0.1 million. This estimate was 10 percent below the 2014 estimate of 4.6 ± 0.2 million and 19 percent above the long-term average (3.5 ± 0.02 million). Annual winter precipitation was lower in the northern part of the survey area; the Parklands, however, continue to benefit from hold-over water. The boreal region and Alaska exhibited drier conditions, but an early spring and no flooding should aid waterfowl production. Most of the Canadian portion of the traditional survey area was rated as fair or good this year with areas of excellent conditions that received greater annual precipitation.

Following a relatively mild winter, the U.S. prairies also recorded an early spring, although precipitation since last summer was average to mostly below average. Habitat conditions declined from 2014 in Montana and the Dakotas despite significant rainfall in May, which came too late to benefit most nesting waterfowl. The 2015 pond estimate for the northcentral United States was 2.2 ± 0.09 million which was 16 percent below the 2014 estimate of 2.6 ± 0.1 million and 28 percent above the long-term average (1.7 ± 0.02 million).

Eastern Survey Area

Winter and spring temperatures in the eastern survey area were again well below normal. February was the coldest on record in Maine and the State had near-record snowfall. Average to above-average winter and spring precipitation was confined to central latitudes of Ontario and Quebec and the Maritimes whereas far western and southeastern Ontario and northern and extreme southern Quebec received well below-average precipitation. Even with an early spring in the survey area, a protracted thaw produced little flooding in areas that had received above-average precipitation, therefore assisting waterfowl production.

Status of Teal

The estimate of blue-winged teal from the traditional survey area is 8.5 million. This count was similar to 2014, and is 73 percent above the 1955–2014 average.

Sandhill Cranes

The annual indices to abundance of the Mid-Continent Population (MCP) of sandhill cranes have been relatively stable since 1982, but over the past few years the trend is slightly increasing. The preliminary spring 2015 index for sandhill cranes in the Central Platte River Valley (CPRV), Nebraska, uncorrected for visibility bias, was 325,956 birds. This estimate is 4 percent lower than the long-term average for the ocular estimate. The 3-year average for photo-corrected counts (which are more accurate than ocular estimates because they account for birds present but not seen by aerial crews) for 2012–14 was 620,841, which is above the established population-objective range of 349,000–472,000 cranes. All Central Flyway States, except Nebraska, allowed crane hunting in portions of their States during 2014–15. An estimated 7,825 Central Flyway hunters participated in these seasons, which was 24 percent lower than the number that participated in the previous season. Hunters harvested 15,776 MCP cranes in the U.S. portion of the Central Flyway during the 2014–15 seasons, which was 27 percent lower than the harvest for the previous year but 6 percent higher than the long-term average. The retrieved harvest of MCP cranes in hunt areas outside of the Central Flyway (Arizona, Pacific Flyway portion of New Mexico, Minnesota, Alaska, Canada, and Mexico combined) was 13,221 during 2014–15. The preliminary estimate for the North American MCP sport harvest, including crippling losses, was 32,666 birds, which was a 19 percent decrease from the previous year's estimate. The long-term (1982–2012) trends for the MCP indicate that harvest has been increasing at a higher rate than population growth.

The fall 2014 pre-migration survey for the Rocky Mountain Population (RMP) resulted in a count of 19,668 cranes. The 3-year average was 18,482 sandhill cranes, which is within the established population objective of 17,000–21,000 for the RMP. Hunting seasons during 2014–15 in portions of Arizona, Idaho, Montana, New Mexico, Utah, and Wyoming resulted in a harvest of 624 RMP cranes, an 8 percent decrease from the previous year's harvest.

The Lower Colorado River Valley Population (LCRVP) survey results indicate a 24 percent decrease from 3,353 birds in 2014 to 2,536 birds in 2015. The 3-year average is 2,989 LCRVP cranes, which is above the population objective of 2,500.

The Eastern Population (EP) sandhill crane fall survey index (83,479) increased by 30 percent in 2014, and a combined total of 401 cranes were harvested in Kentucky's fourth hunting season and Tennessee's second season.

Woodcock

The American woodcock (*Scolopax minor*) is managed as two management regions, the Eastern and the Central. Singing Ground and Wing-collection Surveys are conducted to assess population status. The Singing Ground Survey is intended to measure long-term changes in woodcock population levels. Singing Ground Survey data for 2015 indicate that the number of singing male woodcock per route in the Eastern and Central Management Regions was unchanged from 2014. There was a statistically significant, declining 10-year trend in woodcock heard for the Eastern Management Region during 2005–15, while the 10-year trend in the Central Management Region was not significant. This marks the second year in a row that the 10-year trend in the Eastern Management Region has shown a decline. Both management regions have a long-term (1968–2015) declining trend (−1.1 percent per year in the Eastern Management Region and −0.7 percent per year in the Central Management Region).

The Wing-collection Survey provides an index to recruitment. Wing-collection Survey data indicate that the 2014 recruitment index for the U.S. portion of the Eastern Region (1.49 immatures per adult female) was 6.9 percent less than the 2013 index, and 8.9 percent less than the long-term (1963–2013) average. The recruitment index for the U.S. portion of the Central Region (1.39 immatures per adult female) was 9.7 percent less than the 2013 index and 10.6 percent less than the long-term (1963–2013) average.

During last year's seasons, hunters in the Eastern Region harvested 58,600 birds, which was 6.2 percent below the number for the previous season and 31.4 percent below the long-term (1999–2013) average. In the Central Region, 141,500 woodcock were harvested, 21.4 percent less than in 2013 and 36.5 percent less than the long-term average.

Band-Tailed Pigeons

Two subspecies of band-tailed pigeon occur north of Mexico, and are managed as two separate populations: Interior and Pacific Coast. Information on the abundance and harvest of band-tailed pigeons is collected annually in the United States and British Columbia. Abundance information comes from the Breeding Bird Survey (BBS) and the Mineral Site Survey (MSS, specific to the Pacific Coast Population). Harvest and hunter participation are estimated from the Migratory Bird Harvest Information Program (HIP). The BBS provided evidence that the abundance of Pacific Coast band-tailed pigeons decreased (−1.8 percent per year) over the long term (1968–2014). No trends in abundance were evident during the recent 10- and 5-year periods for both the BBS and MSS. Harvest estimates indicate that 2,900 active hunters took 12,000 pigeons and spent 8,800 days afield in 2014. Composition of harvest was 25 percent hatching-year pigeons.

For Interior band-tailed pigeons, the BBS provided evidence that abundance decreased (−5.5 percent per year) over the long term (1968–2014). Similar to Pacific Coast birds, no trends in abundance were evident during the recent 10- and 5-year periods. An estimated 1,500 hunters harvested 1,500 pigeons and spent 3,300 days afield in 2014.

Mourning Doves

Doves in the United States are managed in three management units, Eastern (EMU), Central (CMU), and Western (WMU). We annually summarize information collected in the United States on survival, recruitment, abundance, and harvest of mourning doves. We report on trends in the number of doves heard and seen per route from the all-bird BBS, and provide absolute abundance estimates based on band recovery and harvest data. Harvest and hunter participation are estimated from the HIP.

BBS data suggested that the abundance of mourning doves over the last 49 years increased in the Eastern Management Unit (EMU) and decreased in the Central (CMU) and Western (WMU) Management Units. Estimates of absolute abundance are available only since 2003 and indicate that there are about 274 million doves in the United States. In 2014, abundance varied among the management units with 68.2 million in the EMU, 161.6 million in the CMU, and 43.6 million in the WMU.

Current (2014) HIP estimates for mourning dove total harvest, active hunters, and total days afield in the United States were 13,809,500 birds, 839,600 hunters, and 2,386,700 days afield. Harvest and hunter participation at the unit level were: EMU, 4,889,800 birds, 310,200 hunters, and 791,300 days afield; CMU, 7,654,700 birds, 427,100 hunters, and 1,333,600 days afield; and WMU, 1,265,000 birds, 102,300 hunters, and 261,800 days afield.

Review of Public Comments

The preliminary proposed rulemaking (April 13, 2015; 80 FR 19852) opened the public comment period for migratory game bird hunting regulations and announced the proposed regulatory alternatives for the 2015–16 duck hunting season. Comments concerning early-season issues and the proposed alternatives are summarized below and numbered in the order used in the April 13, 2015, **Federal Register** document. Only the numbered items pertaining to early-season issues and the proposed regulatory alternatives for which we received written comments are included. Consequently, the issues do not follow in consecutive numerical or alphabetical order.

We received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below.

We seek additional information and comments on the recommendations in this supplemental proposed rule. New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items in the April 13. 2015, **Federal Register** document.

General

Written Comments: A commenter protested the entire migratory bird hunting regulations process, the killing of all migratory birds, and status and habitat data on which the migratory bird hunting regulations are based.

Service Response: Our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Having taken into account the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, we believe that the hunting seasons provided for herein are compatible with the current status of migratory bird populations and long-term population goals. Additionally, we are obligated to, and do, give serious consideration to all information received as public comment. We believe that the Flyway-Council system of migratory bird management has been a longstanding, successful example of State-Federal cooperative management since its establishment in 1952. However, as

always, we continue to seek new ways to streamline and improve the process.

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) General Harvest Strategy; (B) Regulatory Alternatives, including specification of framework dates, season lengths, and bag limits; (C) Zones and Split Seasons; and (D) Special Seasons/Species Management. The categories correspond to previously published issues/discussions, and only those containing substantial recommendations are discussed below.

A. General Harvest Strategy

Council Recommendations: The Mississippi Flyway Council recommended that regulations changes be restricted to one step per year, both when restricting as well as liberalizing hunting regulations.

The Pacific Flyway Council recommended removing the objective constraint for the western mallard Adaptive Harvest Management (AHM) protocol.

Service Response: As we stated in the April 13, 2015, proposed rule, we intend to continue use of AHM to help determine appropriate duck-hunting regulations for the 2015–16 season. AHM is a tool that permits sound resource decisions in the face of uncertain regulatory impacts, as well as providing a mechanism for reducing that uncertainty over time. The current AHM protocol is used to evaluate four alternative regulatory levels based on the population status of mallards and their breeding habitat (*i.e.,* abundance of ponds). Special hunting restrictions are enacted for certain species, such as canvasbacks, black ducks, scaup, and pintails.

Regarding the Mississippi Flyway Council recommendation to limit regulatory changes to one step per year, we recognize the long-standing interest by the Council to impose a one-step constraint on regulatory changes. In the past, we have not endorsed this recommendation due to the pending completion of the Supplemental Environmental Impact Statement (SEIS) on migratory bird hunting. With the recently completed SEIS, we are now transitioning to a new regulatory process. At the same time, the Central and Mississippi Flyways have begun a new effort to re-visit the AHM protocol for managing harvest of mid-continent mallards (*i.e.,* ''double-looping''). This effort will include a discussion of appropriate management objectives, regulatory packages, and management of non-mallard stocks. We believe that these discussions would be the appropriate venue to discuss what role, if any, a one-step constraint might play in management of waterfowl in the Central and Mississippi Flyways. Such discussions should include the potential impact of a one-step constraint on the frequency of when the liberal, moderate, and restrictive packages would be recommended. On a final note, while we recognize the Council's concern about potentially communicating a large regulatory change to hunters, we have concerns about the appropriateness of a one-step constraint in situations when the status of the waterfowl resource may warrant such a measure. We look forward to working with the Flyway Councils on this issue.

In 2008, we described and adopted a protocol for regulatory decision-making for the newly defined stock of western mallards (73 FR 43290; July 24, 2008). We continue to believe that the prescribed regulatory choice for the Pacific Flyway should be based on the status of this western mallard breeding stock. However, as we previously discussed in the April 13, 2015, proposed rule, the current early and late-season regulatory actions will be combined into a new single process beginning with the 2016–17 seasons. Migratory bird hunting regulations will be based on predictions from models derived from long-term biological information and established harvest strategies. Adjustment to western mallard AHM for the new regulatory process was straightforward, except for the implementation of the objective function constraint that has been in use since 2008. Efforts to implement this constraint with new optimization methods were unsuccessful, and assessment results suggest that the objective function constraint used in western mallard AHM may not be necessary or performing as previously envisioned. The Pacific Flyway Council has expressed interest in continued cooperation in working with the Service to clarify western mallard AHM objectives. During 2016, the technical representatives from the Pacific Flyway Council in conjunction with the Harvest Management Working Group will review harvest management objectives, incorporate additional mallard breeding stocks (*i.e.,* those in Washington and British Columbia), and consider constraints to minimize large annual changes in regulation packages with relatively small changes in population size (*e.g.,* moving from liberal to closed seasons in successive years with no moderate or restrictive intermediate steps).

We will propose a specific regulatory alternative for each of the Flyways during the 2015–16 season after survey information becomes available later this summer. More information on AHM is located at *http://www.fws.gov/birds/management/adaptive-harvest-management.php.*

As we stated above, for the 2016–17 season, the current early and late-season regulatory actions will be combined into a new single process. Migratory bird hunting regulations will be based on predictions from models derived from long-term biological information and established harvest strategies. Since 1995, the Service and Flyway Councils have applied the principles of adaptive management to inform harvest management decisions in the face of uncertainty while trying to learn about system (bird populations) responses to harvest regulations and environmental changes. Prior to the timing and process changes necessary for implementation of SEIS 2013, the annual AHM process began with the observation of the system state each spring followed by an updating of model weights and the derivation of an optimal harvest policy that was then used to make a state-dependent decision (*i.e.,* breeding population estimates were used with a policy matrix to inform harvest regulatory decisions). The system state then evolves over time in response to the decision and natural variation in population dynamics. The following spring, the monitoring programs observe the state of the system and the iterative decision-making process continues forward in time. However, with the changes in decision timing specified by the SEIS, the post-survey AHM process will not be possible because monitoring information describing the system state will not be available at the time the decision must be made. As a result, the optimization framework used to derive the current harvest policy can no longer calculate current and future harvest values as a function of the current system and model states. To address this issue, we adjusted the optimization procedures to calculate harvest values conditional on the last observed system state and regulatory decision.

Results and analysis of our work is contained in a technical report that provides a summary of revised methods and assessment results based on updated AHM protocols developed in response to the preferred alternative specified in the SEIS. The report describes necessary changes to optimization procedures and decision processes for the implementation of AHM for midcontinent, eastern and

western mallards, northern pintails, and scaup decision frameworks.

Results indicate that the necessary adjustments to the optimization procedures and AHM protocols to account for changes in decision timing are not expected to result in major changes to expected management performance for mallard, pintail, and scaup AHM. In general, pre-survey (or pre-SEIS necessary changes) harvest policies were similar to harvest policies based on new post-survey (or post-SEIS necessary changes) AHM protocols. We found some subtle differences in the degree to which strategies exhibited knife-edged regulatory changes in the pre-survey policies with a reduction in the number of cells indicating moderate regulations. In addition, pre-survey policies became more liberal when conditioning on previous regulatory decisions that were more conservative. These patterns were consistent for each AHM decision-making framework. Overall, a comparison of simulation results of the pre- and post-survey protocols did not suggest substantive changes in the frequency of regulations or in the expected average population size. These results suggest that the additional form of uncertainty that the change in decision timing introduces is not expected to limit our expected harvest management performance with the adoption of the pre-survey AHM protocols.

A complete copy of the AHM report can be found on *www.regulations.gov* or at *http://www.fws.gov/migratorybirds/pdf/management/AHM/SEIS&AHMReportFinal.pdf.*

B. Regulatory Alternatives

Council Recommendations: The Mississippi and Central Flyway Councils recommended that regulatory alternatives for duck hunting seasons remain the same as those used in 2014–15.

Service Response: The regulatory alternatives proposed in the April 13, 2015, **Federal Register** will be used for the 2015–16 hunting season (see accompanying table at the end of this proposed rule for specifics). In 2005, the AHM regulatory alternatives were modified to consist only of the maximum season lengths, framework dates, and bag limits for total ducks and mallards. Restrictions for certain species within these frameworks that are not covered by existing harvest strategies will be addressed during the late-season regulations process. For those species with specific harvest strategies (canvasbacks, pintails, black ducks, and scaup), those strategies will again be used for the 2015–16 hunting season.

C. Zones and Split Seasons

Council Recommendations: The Mississippi and Central Flyway Councils recommended no changes to the existing zone and split season guidelines. However, they further recommended that States be provided the option of changing duck zones and split arrangements in either the 2016–17 or 2017–18 seasons, with the next open season in 2021 for the 2021–25 period.

Service Response: Zones and split seasons are ''special regulations'' designed to distribute hunting opportunities and harvests according to temporal, geographic, and demographic variability in waterfowl and other migratory game bird populations. For ducks, States have been allowed the option of dividing their allotted hunting days into two (or in some cases three) segments to take advantage of species-specific peaks of abundance or to satisfy hunters in different areas who want to hunt during the peak of waterfowl abundance in their area. However, the split-season option does not fully satisfy many States that wish to provide a more equitable distribution of harvest opportunities. Therefore, we also have allowed the establishment of independent seasons in up to four zones within States for the purpose of providing more equitable distribution of harvest opportunity for hunters throughout the State.

In 1978, we prepared an environmental assessment (EA) on the use of zones to set duck hunting regulations. A primary tenet of the 1978 EA was that zoning would be for the primary purpose of providing equitable distribution of duck hunting opportunities within a State or region and not for the purpose of increasing total annual waterfowl harvest in the zoned areas. In fact, target harvest levels were to be adjusted downward if they exceeded traditional levels as a result of zoning. Subsequent to the 1978 EA, we conducted a review of the use of zones and split seasons in 1990. In 2011, we prepared a new EA analyzing some specific proposed changes to the zone and split season guidelines. The current guidelines were then finalized in 2011 (76 FR 53536; August 26, 2011).

Currently, every 5 years, States are afforded the opportunity to change the zoning and split season configuration within which they set their annual duck hunting regulations. The next regularly scheduled open season for changes to zone and split season configurations is in 2016, for use during the 2016–20 period. However, as we discussed in the September 23, 2014, **Federal Register** (79 FR 56864), and the April 13, 2015, **Federal Register** (80 FR 19852), we are implementing significant changes to the annual regulatory process as outlined in the 2013 SEIS. As such, the previously identified May 1, 2016, due date for zone and split season configuration changes that was developed under the current regulatory process, is too late for those States wishing to change zone and split season configurations for implementation in the 2016–17 season. Under the new regulatory schedule, we anticipate publishing the proposed rule for all 2016–17 migratory bird seasons sometime this fall—approximately 30 days after the SRC meeting (which is scheduled for October 28–29, 2015). A final rule tentatively would be published 75 days after the proposed rule (no later than April 1). This schedule would preclude inclusion of new zone descriptions in the proposed rule as had been done in past open seasons and would not be appropriate because it would preclude the ability for the public to comment on these new individual State zone descriptions. Therefore, we need to include any new proposed 2016–20 zone descriptions in the 2016–17 hunting seasons proposed rule document that will be published later this year.

Considering all of the above, we agree with the Mississippi and Central Flyway Councils and have decided that a two-phase approach is appropriate. For those States wishing to change zone and split season configurations in time for the 2016–17 season, we will need to receive new configuration and zone descriptions by December 1, 2015. States that do not send in new zone and split season configuration changes until the previously identified May 1, 2016, deadline will have those changes implemented in the 2017–18 hunting season. The next scheduled open season would remain in 2021 for the 2021–25 seasons.

For the current open season, the guidelines for duck zone and split season configurations will be as follows:

Guidelines for Duck Zones and Split Seasons

The following zone and split-season guidelines apply only for the regular duck season:

(1) A zone is a geographic area or portion of a State, with a contiguous boundary, for which independent dates may be selected for the regular duck season.

(2) Consideration of changes for management-unit boundaries is not subject to the guidelines and provisions governing the use of zones and split seasons for ducks.

(3) Only minor (less than a county in size) boundary changes will be allowed for any grandfathered arrangement, and changes are limited to the open season.

(4) Once a zone and split option is selected during an open season, it must remain in place for the following 5 years.

Any State may continue the configuration used in the previous 5-year period. If changes are made, the zone and split-season configuration must conform to one of the following options:

(1) No more than four zones with no splits,

(2) Split seasons (no more than 3 segments) with no zones, or

(3) No more than three zones with the option for 2-way (2-segment) split seasons in one, two, or all zones.

Grandfathered Zone and Split Arrangements

When we first implemented the zone and split guidelines in 1991, several States had completed experiments with zone and split arrangements different from our original options. We offered those States a one-time opportunity to continue (''grandfather'') those arrangements, with the stipulation that only minor changes could be made to zone boundaries. If any of those States now wish to change their zone and split arrangement:

(1) The new arrangement must conform to one of the 3 options identified above; and

(2) The State cannot go back to the grandfathered arrangement that it previously had in place.

Management Units

We will continue to utilize the specific limitations previously established regarding the use of zones and split seasons in special management units, including the High Plains Mallard Management Unit. We note that the original justification and objectives established for the High Plains Mallard Management Unit provided for additional days of hunting opportunity at the end of the regular duck season. In order to maintain the integrity of the management unit, current guidelines prohibit simultaneous zoning and/or 3-way split seasons within a management unit and the remainder of the State. Removal of this limitation would allow additional proliferation of zone and split configurations and compromise the original objectives of the management unit.

D. Special Seasons/Species Management

i. September Teal Seasons

Utilizing the criteria developed for the teal season harvest strategy, this year's estimate of 8.3 million blue-winged teal from the traditional survey area indicates that a 16-day September teal season in the Atlantic, Central, and Mississippi Flyways is appropriate for 2015.

4. Canada Geese

A. Special Seasons

Council Recommendations: The Pacific Flyway Council recommended increasing season length from 7 to 15 days and the daily bag limit from 2 to 5 for Canada geese in Idaho.

Service Response: We agree with the Pacific Flyway Council's request to increase the Canada goose season length and daily bag limit in Idaho. The special early Canada goose hunting season is generally designed to reduce or control overabundant resident Canada goose populations. Increasing the season length from 7 to 15 days and the daily bag limit from 2 to 5 geese in Idaho may help reduce or control the abundance of resident Canada geese.

B. Regular Seasons

Council Recommendations: The Mississippi Flyway Council recommended that the framework opening date for all species of geese for the regular goose seasons in the Lower Peninsula of Michigan and Wisconsin be September 16, 2015, and in the Upper Peninsula of Michigan be September 11, 2015.

Service Response: We concur with recommended framework opening dates. Michigan, beginning in 1998, and Wisconsin, beginning in 1989, have opened their regular Canada goose seasons prior to the Flyway-wide framework opening date to address resident goose management concerns in these States. As we have previously stated (73 FR 50678, August 27, 2008), we agree with the objective to increase harvest pressure on resident Canada geese in the Mississippi Flyway and will continue to consider the opening dates in both States as exceptions to the general Flyway opening date, to be reconsidered annually. The framework closing date for the early goose season in the Upper Peninsula of Michigan is September 10. By changing the framework opening date for the regular season to September 11 in the Upper Peninsula of Michigan there will be no need to close goose hunting in that area for 5 days and thus lose the ability to maintain harvest pressure on resident Canada geese. We note that the most recent resident Canada goose estimate for the Mississippi Flyway was 1,461,000 geese during the spring of 2014, above the Flyway's population goal of 1.18 to 1.40 million birds.

6. Brant

As we discussed in the June 11, 2015, **Federal Register** (80 FR 33223), for the 2015–16 Atlantic brant season, we will continue to use the existing Flyway Cooperative Management Plan for this species to determine the appropriate hunting regulations. However, as we discuss below, the process for determining regulations for the 2016–17 season will need to be modified. In the April 30, 2014 (79 FR 24512), and the April 13, 2015 (80 FR 19852), **Federal Register**s, we discussed how, under the new regulatory process, the current early- and late-season regulatory actions will be combined into a new single process beginning with the 2016–17 seasons. Regulatory proposals will be developed using biological data from the preceding year(s), model predictions, and/or most recently accumulated data that are available at the time the proposals are being formulated. Individual harvest strategies will be modified using data from the previous year(s) because the current year's data would not be available for many of the strategies.

Further, we stated that during this transition period, harvest strategies and prescriptions would be modified to fit into the new regulatory schedule. Atlantic brant is one such species that will require some modifications to the regulatory process that we have largely used since 1992 to establish the annual frameworks.

In developing the annual proposed frameworks for Atlantic brant in the past, the Atlantic Flyway Council and the Service used the number of brant counted during the Mid-winter Waterfowl Survey (MWS) in the Atlantic Flyway, and took into consideration the brant population's expected productivity that summer. The MWS is conducted each January, and expected brant productivity is based on early-summer observations of breeding habitat conditions and nesting effort in important brant nesting areas. Thus, the data under consideration were available before the annual Flyway and SRC decision-making meetings took place in late July. Although the existing regulatory alternatives for Atlantic brant were developed by factoring together long-term productivity rates (observed during November and December productivity surveys) with estimated

observed harvest under different framework regulations, the primary decision-making criterion for selecting the annual frameworks was the MWS count.

In the April 13, 2015, **Federal Register** (80 FR 19852), we presented the major steps in the 2016–17 regulatory cycle relating to biological information availability, open public meetings, and **Federal Register** notifications. Under the new regulatory schedule due to be implemented this fall and winter for the 2016–17 migratory bird hunting regulations, neither the expected 2016 brant production information (available summer 2016) nor the 2016 MWS count (conducted in January 2016) will be available this October, when the decisions on proposed Atlantic brant frameworks for the 2016–17 seasons must be made. However, the 2016 MWS will be completed and winter brant data will be available by the expected publication of the final frameworks (late February 2016). Therefore, we are proposing frameworks for Atlantic brant in 2016–17 using the process laid out below, with the final decision to be determined by the 2016 MWS count:

If the MWS count is <100,000 Atlantic brant, the season will be closed.

If the MWS count is between 100,000 and 125,000 brant, States may select a 30-day season between the Saturday nearest September 24 and January 31, with a 2-bird daily bag limit. States may split their seasons into 2 segments.

If the MWS count is between 125,000 and 150,000 brant, States may select a 50-day season between the Saturday nearest September 24 and January 31, with a 2-bird daily bag limit. States may split their seasons into 2 segments.

If the MWS count is between 150,000 and 200,000 brant, States may select a 60-day season between the Saturday nearest September 24 and January 31, with a 2-bird daily bag limit. States may split their seasons into 2 segments.

If the MWS count is >200,000 brant, States may select a 60-day season between the Saturday nearest September 24 and January 31, with a 3-bird daily bag limit. States may split their seasons into 2 segments.

We note that the proposed prescriptive regulatory frameworks listed above are identical to those contained in the Atlantic Flyway Council's current Atlantic brant hunt plan (2011), with the exception of considering expected brant production. However, at this time our new regulatory schedule will likely preclude any formal consideration of the brant population's expected productivity in the summer. While our proposed process would be a slight change to the existing mechanics of the Atlantic brant hunt plan, we believe it would have no significant effects on the long-term conservation of the Atlantic brant resource.

For a more detailed discussion of the various technical aspects of the new regulatory process, we refer the reader to the 2013 SEIS on our Web site at *http://www.fws.gov/birds/index.php.*

8. Swans

Council Recommendations: In March the Atlantic, Mississippi, and Central Flyway Councils recommended increasing tundra swan permit numbers by 25 percent (2,400 permits) for the 2015–16 season, if the final 3-year running average mid-winter count exceeds 110,000 Eastern Population tundra swans, in accordance with the Eastern Population tundra swan management plan.

Service Response: At the June 24–25 SRC meeting, the Atlantic, Mississippi, and Central Flyway Councils withdrew their recommendations to increase tundra swan permit numbers because the final 3-year running average mid-winter count did not exceed 110,000 Eastern Population tundra swans.

9. Sandhill Cranes

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended that Kentucky be granted an operational sandhill crane hunting season beginning in 2015 following the guidelines established in the Eastern Population of Sandhill Cranes Management Plan (EP Management Plan). Kentucky's operational season would consist of a maximum season length of 60 days (with no splits) to be held between September 1 and January 31, with a daily bag limit of 2 birds, and a season limit of 3 birds. Hunting would occur between sunrise and sunset. Per the guidelines set forth in the EP Management Plan, and based on the State's 5-year peak average of 12,072 birds, Kentucky would be allowed to issue a maximum of 1,207 tags during the 2015–16 season. These permits would be divided among 400 permitted hunters. Hunters would be required to take mandatory whooping crane identification training, utilize Service-approved nontoxic shot shells, tag birds, report harvest daily via Kentucky's reporting system, and complete a post-season survey.

The Central and Pacific Flyway Councils recommended using the Rocky Mountain Population (RMP) sandhill crane harvest allocation of 938 birds as proposed in the allocation formula using the 3-year running population average for 2012–14. The Councils also recommended that, under the new annual regulatory process beginning with the 2016–17 season, the harvest strategy described in the Pacific and Central Flyway Management Plan for RMP sandhill cranes be published in the proposed season frameworks and be used to determine allowable harvest. They recommended that the final allowable harvest each year be included in the final season frameworks published in February.

The Pacific Flyway Council recommended some minor changes to the hunt area boundaries in Idaho to simplify and clarify hunt area descriptions. More specifically, Area 5 would now include all of Franklin County, and Area 1 would include all of Caribou County except that portion lying within the Grays Lake Basin. The Pacific Flyway Council also recommended eliminating the Lower Colorado River Valley Population (LCRVP) experimental season.

Service Response: We agree with the recommendation to grant operational status to Kentucky's sandhill crane hunting season. Kentucky held an experimental sandhill crane season during 2011–13 and was granted an additional year in order to finalize analysis of the first 3 years of data collected during the experiment. The structure of the experimental seasons conformed to the frameworks outlined in the Eastern Population of Sandhill Cranes Management Plan. Harvest of sandhill cranes in Kentucky during 2011–13 ranged from 59 to 96 birds per year. This level of annual harvest was well below the allowable annual harvest of 1,174 birds determined by the permit allocation system outlined in the management plan. Therefore, we believe that Kentucky's crane season should continue on an operational basis, and that seasons should conform to the frameworks and permit guidelines outlined in the Eastern Population of Sandhill Cranes Management Plan.

We also agree with the Central and Pacific Flyway Councils' recommendations on the RMP sandhill crane harvest allocation of 938 cranes for the 2015–16 season, as outlined in the RMP sandhill crane management plan's hunting area requirements and harvest allocation formula. The objective for RMP sandhill cranes is to manage for a stable population index of 17,000–21,000 cranes determined by an average of the three most recent, reliable September (fall pre-migration) surveys. Additionally, the RMP management plan allows for the regulated harvest of cranes when the 3-year average of the

population indices exceeds 15,000 cranes. The most recent 3-year average for the RMP sandhill crane fall index is 18,482 birds, a slight increase from the previous 3-year average of 17,757 cranes.

Regarding the RMP crane harvest and the new regulatory process, this issue is very similar to the Atlantic brant issue discussed above under 6. Brant. Currently, results of the fall survey of RMP sandhill cranes, upon which the annual allowable harvest is based, will continue to be released between December 15 and January 31 each year, which is after the date for which proposed frameworks will be formulated in the new regulatory process. If the usual procedures for determining allowable harvest were used, data 2–4 years old would be used to determine the annual allocation for RMP sandhill cranes. Due to the variability in fall survey counts and recruitment for this population, and their impact on the annual harvest allocations, we agree that relying on data that is 2–4 years old is not ideal. Thus, we agree that the formula to determine the annual allowable harvest for RMP sandhill cranes should be used under the new regulatory schedule and propose to utilize it as such. That formula uses information on abundance and recruitment collected annually through operational monitoring programs, as well as constant values based on past research or monitoring for survival of fledglings to breeding age and harvest retrieval rate. The formula is:

$$H = C \times P \times R \times L \times f$$

where:

H = total annual allowable harvest;
C = the average of the three most recent, reliable fall population indices;
P = the average proportion of fledged chicks in the fall population in the San Luis Valley during the most recent 3 years for which data are available;
R = estimated recruitment of fledged chicks to breeding age (current estimate is 0.5);
L = retrieval rate of 0.80 (allowance for an estimated 20 percent crippling loss based on hunter interviews); and
f = (C/16,000) (a variable factor used to adjust the total harvest to achieve a desired effect on the entire population)

A final estimate for the allowable harvest would be available to publish in the final rule, allowing us to use data that is 1–3 years old as is currently practiced. We look forward to continuing discussions and work on the RMP crane issue with the Central and Pacific Flyway Councils this summer in preparation for the 2016–17 season.

We also agree with the Pacific Flyway Council's recommendation for minor changes to the existing RMP sandhill crane hunting area boundaries in Idaho. The boundary adjustments are intended to simplify and clarify existing hunting area boundary descriptions, and are consistent with the Pacific and Central Flyway Council's RMP sandhill crane management plan hunting area requirements.

Finally, we also agree with the Pacific Flyway Council's recommendation to eliminate the LCRVP sandhill crane experimental hunting season. As requested by the Pacific Flyway Council in 2006 (71 FR 51407, August 29, 2006), we authorized in 2007 a carefully controlled, very limited experimental season for LCRVP sandhill cranes in Arizona based on our final environmental assessment (72 FR 49624, August 28, 2007). In 2009, the Pacific Flyway Council recommended extending the experimental season for LCRVP sandhill cranes in Arizona for an additional 3 years (74 FR 43009, August 25, 2009). The extension was necessary due to implementation difficulties that prohibited initiating the new hunt. We continued to support the establishment of the 3-year experimental framework for this hunt, conditional on successful monitoring being conducted as called for in the Flyway hunting plan for this population. Subsequently, the only hunting season successfully implemented in Arizona for this population was in 2010 where 5 youth participated and no cranes were harvested. The Pacific Flyway Council has indicated in their recent recommendation that there are no plans to hunt this population in the near future.

11. Moorhens and Gallinules

Council Recommendations: The Atlantic Flyway Council recommended allowing the hunting of purple swamphens (*Porphyrio porphyria*) in Florida beginning in 2015. They recommended that hunting be allowed during any open waterfowl season and that all regulations in 50 CFR 20 subparts C and D would apply. Further, they recommended a daily bag limit of 25 birds, with a possession limit of 75. They also recommended that we exclude this species from monitoring programs.

Service Response: Purple swamphens are a species native to the U.S. Territories of American Samoa, Baker and Howland Islands, and Guam, and Commonwealth of the Northern Mariana Islands and as such are protected under 50 CFR 10.13. In Florida, purple swamphens are an introduced species that likely resulted from escapees. Available data indicate that the population may be expanding and competing with native species. As such, in 2010, we established a Control Order in 50 CFR 21.53 in order to control possible expansion of the species (75 FR 9314, March 1, 2010). However, there has never been a sport hunting season established in the United States for purple swamphens. Consequently, we believe a new hunting season for purple swamphens would require appropriate National Environmental Policy Act (NEPA) coverage. Since a NEPA analysis of this proposal has not yet been conducted, we do not support the Council's recommendation at this time. We will reconsider it after appropriate NEPA analysis has been completed.

14. Woodcock

In 2011, we implemented an interim harvest strategy for woodcock for a period of 5 years (2011–15) (76 FR 19876, April 8, 2011). The interim harvest strategy provides a transparent framework for making regulatory decisions for woodcock season length and bag limit while we work to improve monitoring and assessment protocols for this species. Utilizing the criteria developed for the interim strategy, the 3-year average for the Singing Ground Survey indices and associated confidence intervals fall within the ''moderate package'' for both the Eastern and Central Management Regions. As such, a ''moderate season'' for both management regions for the 2015–16 woodcock hunting season is appropriate. Specifics of the interim harvest strategy can be found at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html.*

15. Band-Tailed Pigeons

Council Recommendations: The Central and Pacific Flyway Councils recommended decreasing the season length from 30 days to 14 days, and decreasing the daily bag limit from 5 to 2 for the Interior Population of band-tailed pigeons.

Service Response: We agree with the Central and Pacific Flyway Councils' recommendations to decrease season length from 30 to 14 days and daily bag limit from 5 to 2 birds for Interior band-tailed pigeons. Last year (79 FR 51405, August 28, 2014), we recommended that the Councils work together and with the Service's Division of Migratory Bird Management to review available information and conduct an assessment of the harvest potential of this population. We also requested they advise us of the results of this assessment and develop a regulatory recommendation using this information at our June 2015 regulatory meeting.

Technical representatives from the Central and Pacific Flyway Councils and the Service's Division of Migratory Bird Management met in Denver on October 23–24, 2014, to discuss an approach to assessing harvest potential and review available demographic data for interior band-tailed pigeons. At the meeting in Denver, participants agreed on using the Potential Take Level framework (PTL) for the harvest potential assessment. The objective of this PTL assessment was to derive an estimate of allowable harvest to compare with the best estimate of observed harvest after accounting for uncertainty of demographic parameters (*i.e.,* survival, reproduction, and population size). The assessment used all available demographic information for this species, albeit limited, but the information is dated and may not adequately represent extant conditions. Also, current abundance is largely unknown, and estimated hunter harvest is highly imprecise and may be biased high relative to the true value. Considering all the data, their precision, and potential biases, the assessment suggested that a conservative approach to harvest management for this population is warranted. Results were consistent with those of earlier investigators (1992) that reported low harvest potential for the Pacific Coast band-tailed pigeon. Results of the assessment provide a transparent approach to help inform the regulatory decision-making process for this population until additional information becomes available or a formal harvest strategy is developed. The PTL assessment could be updated if improved information on estimated hunter harvest and population size becomes available.

16. Mourning Doves

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended use of the ''standard'' season framework comprising a 90-day season and 15-bird daily bag limit for States within the Eastern Management Unit. The daily bag limit could be composed of mourning doves and white-winged doves, singly or in combination.

The Mississippi and Central Flyway Councils recommended the use of the ''standard'' season package of a 15-bird daily bag limit and a 70-day season for the 2015–16 mourning dove season in the States within the Central Management Unit.

The Pacific Flyway Council recommended use of the ''standard'' season framework for States in the Western Management Unit (WMU) population of mourning doves. In Idaho, Nevada, Oregon, Utah, and Washington, the season length would be no more than 60 consecutive days with a daily bag limit of 15 mourning and white-winged doves in the aggregate. In Arizona and California, the season length would be no more than 60 consecutive days, which could be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag limit would be 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves. During the remainder of the season, the daily bag limit would be 15 mourning doves. In California, the daily bag limit would be 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves.

The Central Flyway Council also recommended that the Service, beginning with the 2016–17 hunting season, adopt a new ''standard'' season package framework comprised of a 90-day season and 15-bird daily bag limit for States within the Central Management Unit.

Service Response: Based on the harvest strategies and current population status, we agree with the recommended selection of the ''standard'' season frameworks for doves in the Eastern, Central, and Western Management Units for the 2015–16 seasons.

We do not support the recommendation by the Central Flyway to increase the length of the dove season to 90 days for the 2016–17 season at this time. We understand that the Central Flyway will continue to work with the Mississippi Flyway in the coming months to develop a joint recommendation to increase the season length, and we would consider such a recommendation at that time.

Lastly, as we discussed in the April 13, 2015, **Federal Register** (80 FR 19852), 2016 is the next open season for changes to dove zone and split configurations for the 2016–20 period. The current guidelines were approved in 2006 (see July 28, 2006, **Federal Register**, 71 FR 43008), for the use of zones and split seasons for doves with implementation beginning in the 2007–08 season. While the initial period was for 4 years (2007–10), we further stated that, beginning in 2011, zoning would conform to a 5-year period.

As discussed above under C. Zones and Split Seasons for ducks, because of unintentional and unanticipated issues with changing the regulatory schedule for the 2016–17 season, we have decided that a two-phase approach is appropriate. For those States wishing to change zone and split season configurations in time for the 2016–17 season, we will need to receive that new configuration and zone descriptions by December 1, 2015. For those States that do not send in zone and split season configuration changes until the previously identified May 1, 2016, deadline, we will implement those changes in the 2017–18 hunting season. The next normally scheduled open season will be in 2021 for the 2021–25 seasons.

For the current open season, the guidelines for dove zone and split season configurations will be as follows:

Guidelines for Dove Zones and Split Seasons in the Eastern and Central Mourning Dove Management Units

(1) A zone is a geographic area or portion of a State, with a contiguous boundary, for which independent seasons may be selected for dove hunting.

(2) States may select a zone and split option during an open season. The option must remain in place for the following 5 years except that States may make a one-time change and revert to their previous zone and split configuration in any year of the 5-year period. Formal approval will not be required, but States must notify the Service before making the change.

(3) Zoning periods for dove hunting will conform to those years used for ducks, *e.g.,* 2016–20.

(4) The zone and split configuration consists of two zones with the option for 3-way (3-segment) split seasons in one or both zones. As a grandfathered arrangement, Texas will have three zones with the option for 2-way (2-segment) split seasons in one, two, or all three zones.

(5) States that do not wish to zone for dove hunting may split their seasons into no more than 3 segments.

For the 2016–20 period, any State may continue the configuration used in 2011–15. If changes are made, the zone and split-season configuration must conform to one of the options listed above. If Texas uses a new configuration for the entirety of the 5-year period, it cannot go back to the grandfathered arrangement that it previously had in place.

18. Alaska

Council Recommendations: The Pacific Flyway Council recommended two changes in the Alaska early-season frameworks. Specifically, they recommended:

1. For white-fronted geese in Unit 18 (Yukon-Kuskokwim Delta), increasing the daily bag limit from 8 to 10.

2. For Canada geese in Units 6–B, 6–C, and on Hinchinbrook and Hawkins Islands in Unit 6–D, increasing the possession limit from two times to three times the daily bag limit.

Service Response: We agree with the Pacific Flyway Council's recommendation to increase the daily bag limit from 8 to 10 white-fronted geese in Unit 18. The recent 3-year (2012–14) average fall population of Pacific white-fronted geese was 627,108 geese, and is well above the population objective of 300,000 geese as identified in the Pacific Flyway Council's management plan for this population. The Yukon-Kuskowim Delta (Unit 18) supports more than 95 percent of the breeding population of Pacific white-fronted geese.

We also agree with the Pacific Flyway Council's recommendation to increase the possession limit for Canada geese from two times to three times the daily bag limit in Units 6–B, 6–C, and on Hinchinbrook and Hawkins Islands in Unit 6–D. The recent 3-year (2011–14, no estimate was available in 2013) average breeding population of dusky Canada geese was 13,678 geese, and is the highest 3-year average since 1995. The dusky Canada goose annual population index has increased steadily since 2009, and 2014 (15,574) is the highest value since 2005. The status of dusky Canada geese continues to be of concern, and harvest restrictions have been and remain in place to protect these geese throughout their range since the 1970s. We continue to support the harvest strategy described in the Pacific Flyway Council's management plan for this population.

Public Comments

The Department of the Interior's policy is, whenever possible, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgating final migratory game bird hunting regulations, we will consider all comments we receive. These comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**.

We will post all comments in their entirety—including your personal identifying information—on *http://www.regulations.gov.* 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, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in the preambles of any final rules.

Required Determinations

Based on our most current data, we are affirming our required determinations made in the April 13, 2015, proposed rule (80 FR 19852); see that document, for descriptions of our actions to ensure compliance with the following statutes and Executive Orders:

- National Environmental Policy Act;
- Endangered Species Act;
- Regulatory Planning and Review;
- Regulatory Flexibility Act;
- Small Business Regulatory Enforcement Fairness Act;
- Paperwork Reduction Act;
- Unfunded Mandates Reform Act;
- Executive Orders 12630, 12988, 13175, 13132, and 13211.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

These rules that are proposed to be promulgated for the 2015–16 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: July 9, 2015.

Michael J. Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

Proposed Regulations Frameworks for 2015–16 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of the Interior approved the following proposed frameworks, which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may select hunting seasons for certain migratory game birds between September 1, 2015, and March 10, 2016. These frameworks are summarized below.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are three times the daily bag limit.

Permits: For some species of migratory birds, the Service authorizes the use of permits to regulate harvest or monitor their take by sport hunters, or both. In many cases (*e.g.,* tundra swans, some sandhill crane populations), the Service determines the amount of harvest that may be taken during hunting seasons during its formal regulations-setting process, and the States then issue permits to hunters at levels predicted to result in the amount of take authorized by the Service. Thus, although issued by States, the permits would not be valid unless the Service approved such take in its regulations.

These Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take migratory birds at levels specified in the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferrable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

Flyways and Management Units

Waterfowl Flyways

Atlantic Flyway—includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway—includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway—includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all Counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway—includes Alaska, Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Management Units

Mourning Dove Management Units

Eastern Management Unit—All States east of the Mississippi River, and Louisiana.

Central Management Unit—Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Western Management Unit—Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

Woodcock Management Regions

Eastern Management Region—Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Central Management Region—Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

Other geographic descriptions are contained in a later portion of this document.

Definitions

Dark geese: Canada geese, white-fronted geese, brant (except in Alaska, California, Oregon, Washington, and the Atlantic Flyway), and all other goose species, except light geese.

Light geese: Snow (including blue) geese and Ross's geese.

Waterfowl Seasons in the Atlantic Flyway

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, and Pennsylvania, where Sunday hunting is prohibited Statewide by State law, all Sundays are closed to all take of migratory waterfowl (including mergansers and coots).

Special September Teal Season

Outside Dates: Between September 1 and September 30, an open season on all species of teal may be selected by the following States in areas delineated by State regulations:

Atlantic Flyway—Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia.

Mississippi Flyway—Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin. The seasons in Iowa, Michigan, and Wisconsin are experimental.

Central Flyway—Colorado (part), Kansas, Nebraska, New Mexico (part), Oklahoma, and Texas. The season in the northern portion of Nebraska is experimental.

Hunting Seasons and Daily Bag Limits: Not to exceed 16 consecutive hunting days in the Atlantic, Mississippi, and Central Flyways. The daily bag limit is 6 teal.

Shooting Hours:

Atlantic Flyway—One-half hour before sunrise to sunset, except in South Carolina, where the hours are from sunrise to sunset.

Mississippi and Central Flyways—One-half hour before sunrise to sunset, except in the States of Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, where the hours are from sunrise to sunset.

Special September Duck Seasons

Florida, Kentucky and Tennessee: In lieu of a special September teal season, a 5-consecutive-day season may be selected in September. The daily bag limit may not exceed 6 teal and wood ducks in the aggregate, of which no more than 2 may be wood ducks. In addition, a 4-consecutive-day experimental season may be selected in September either immediately before or immediately after the 5-consecutive day teal/wood duck season. The daily bag limit is 6 teal.

Iowa: In lieu of an experimental special September teal season, Iowa may hold up to 5 days of its regular duck hunting season in September. All ducks that are legal during the regular duck season may be taken during the September segment of the season. The September season segment may commence no earlier than the Saturday nearest September 20 (September 19). The daily bag and possession limits will be the same as those in effect last year but are subject to change during the late-season regulations process. The remainder of the regular duck season may not begin before October 10.

Special Youth Waterfowl Hunting Days

Outside Dates: States may select 2 days per duck-hunting zone, designated as ''Youth Waterfowl Hunting Days,'' in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, mergansers, coots, and gallinules and will be the same as those allowed in the regular season. Flyway species and area restrictions will remain in effect.

Shooting Hours: One-half hour before sunrise to sunset.

Participation Restrictions: Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt, but may participate in other seasons that are open on the special youth day.

Scoters, Eiders, and Long-Tailed Ducks (Atlantic Flyway)

Outside Dates: Between September 15 and January 31.

Hunting Seasons and Daily Bag Limits: Not to exceed 107 days, with a daily bag limit of 7, singly or in the aggregate, of the listed sea duck species, of which no more than 4 may be scoters.

Daily Bag Limits During the Regular Duck Season: Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular duck season. In all other areas, sea ducks may be taken only during the regular open

season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters) and possession limits.

Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States.

Special Early Canada Goose Seasons

Atlantic Flyway

General Seasons

A Canada goose season of up to 15 days during September 1–15 may be selected for the Eastern Unit of Maryland. Seasons not to exceed 30 days during September 1–30 may be selected for Connecticut, Florida, Georgia, New Jersey, New York (Long Island Zone only), North Carolina, Rhode Island, and South Carolina. Seasons may not exceed 25 days during September 1–25 in the remainder of the Flyway. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Daily Bag Limits: Not to exceed 15 Canada geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during any general season, shooting hours may extend to one-half hour after sunset if all other waterfowl seasons are closed in the specific applicable area.

Mississippi Flyway

General Seasons

Canada goose seasons of up to 15 days during September 1–15 may be selected, except in the Upper Peninsula in Michigan, where the season may not extend beyond September 10, and in Minnesota, where a season of up to 22 days during September 1–22 may be selected. The daily bag limit may not exceed 5 Canada geese, except in designated areas of Minnesota where the daily bag limit may not exceed 10 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

A Canada goose season of up to 10 consecutive days during September 1–10 may be selected by Michigan for Huron, Saginaw, and Tuscola Counties, except that the Shiawassee National Wildlife Refuge, Shiawassee River State Game Area Refuge, and the Fish Point Wildlife Area Refuge will remain closed. The daily bag limit may not exceed 5 Canada geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset if all other waterfowl and crane seasons are closed in the specific applicable area.

Central Flyway

General Seasons

In Kansas, Nebraska, Oklahoma, South Dakota, and Texas, Canada goose seasons of up to 30 days during September 1–30 may be selected. In Colorado, New Mexico, North Dakota, Montana, and Wyoming, Canada goose seasons of up to 15 days during September 1–15 may be selected. The daily bag limit may not exceed 5 Canada geese, except in Kansas, Nebraska, and Oklahoma, where the daily bag limit may not exceed 8 Canada geese and in North Dakota and South Dakota, where the daily bag limit may not exceed 15 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset if all other waterfowl and crane seasons are closed in the specific applicable area.

Pacific Flyway

General Seasons

California may select a 9-day season in Humboldt County during September 1–15. The daily bag limit is 2.

Colorado may select a 9-day season during September 1–15. The daily bag limit is 4.

Oregon may select a 15-day season during September 1–15, except that in the Northwest Zone the season may be during September 1–20. The daily bag limit is 5.

Idaho may select a 15-day season during September 1–15. The daily bag limit is 5.

Washington may select a 15-day season during September 1–15. The daily bag limit is 5, except in Pacific County where the daily bag limit is 15.

Wyoming may select an 8-day season during September 1–15. The daily bag limit is 3.

Areas open to hunting of Canada geese in each State must be described, delineated, and designated as such in each State's hunting regulations.

Regular Goose Seasons

Mississippi Flyway

Regular goose seasons may open as early as September 11 in the Upper Peninsula of Michigan and September 16 in Wisconsin and the Lower Peninsula of Michigan. Season lengths, bag and possession limits, and other provisions will be established during the late-season regulations process.

Sandhill Cranes

Regular Seasons in the Mississippi Flyway:

Outside Dates: Between September 1 and February 28 in Minnesota and between September 1 and January 31 in Kentucky.

Hunting Seasons: A season not to exceed 37 consecutive days may be selected in the designated portion of northwestern Minnesota (Northwest Goose Zone) and a season not to exceed 60 consecutive days in Kentucky.

Daily Bag Limit: 2 sandhill cranes. In Kentucky the seasonal bag limit is 3 sandhill cranes.

Permits: Each person participating in the regular sandhill crane seasons must have a valid Federal or State sandhill crane hunting permit.

Other Provisions: The number of permits (where applicable), open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plans and approved by the Mississippi Flyway Council.

Experimental Season in the Mississippi Flyway:

Outside Dates: Between September 1 and January 31.

Hunting Seasons: A season not to exceed 60 consecutive days may be selected in Tennessee.

Bag Limit: Not to exceed 3 daily and 3 per season in Tennessee.

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Other Provisions: Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Mississippi Flyway Council.

Regular Seasons in the Central Flyway:

Outside Dates: Between September 1 and February 28.

Hunting Seasons: Seasons not to exceed 37 consecutive days may be selected in designated portions of Texas (Area 2). Seasons not to exceed 58 consecutive days may be selected in designated portions of the following States: Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming. Seasons not to exceed 93 consecutive days may be selected in designated portions of the following States: New Mexico, Oklahoma, and Texas.

Daily Bag Limits: 3 sandhill cranes, except 2 sandhill cranes in designated portions of North Dakota (Area 2) and Texas (Area 2).

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Special Seasons in the Central and Pacific Flyways:

Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming may select seasons for hunting sandhill cranes within the range of the Rocky Mountain Population (RMP) subject to the following conditions:

Outside Dates: Between September 1 and January 31.

Hunting Seasons: The season in any State or zone may not exceed 30 consecutive days.

Bag limits: Not to exceed 3 daily and 9 per season.

Permits: Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

Other Provisions: Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Central and Pacific Flyway Councils, with the following exceptions:

A. In Utah, 100 percent of the harvest will be assigned to the RMP quota;

B. In Arizona, monitoring the racial composition of the harvest must be conducted at 3-year intervals;

C. In Idaho, 100 percent of the harvest will be assigned to the RMP quota; and

D. In New Mexico, the season in the Estancia Valley is experimental, with a requirement to monitor the level and racial composition of the harvest; greater sandhill cranes in the harvest will be assigned to the RMP quota.

Common Moorhens and Purple Gallinules

Outside Dates: Between September 1 and the last Sunday in January (January 31) in the Atlantic, Mississippi, and Central Flyways. States in the Pacific Flyway have been allowed to select their hunting seasons between the outside dates for the season on ducks; therefore, they are late-season frameworks, and no frameworks are provided in this document.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 70 days in the Atlantic, Mississippi, and Central Flyways. Seasons may be split into 2 segments. The daily bag limit is 15 common moorhens and purple gallinules, singly or in the aggregate of the two species.

Zoning: Seasons may be selected by zones established for duck hunting.

Rails

Outside Dates: States included herein may select seasons between September 1 and the last Sunday in January (January 31) on clapper, king, sora, and Virginia rails.

Hunting Seasons: Seasons may not exceed 70 days, and may be split into 2 segments.

Daily Bag Limits:

Clapper and King Rails—In Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, 10, singly or in the aggregate of the two species. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 15, singly or in the aggregate of the two species.

Sora and Virginia Rails—In the Atlantic, Mississippi, and Central Flyways and the Pacific Flyway portions of Colorado, Montana, New Mexico, and Wyoming, 25 rails, singly or in the aggregate of the two species. The season is closed in the remainder of the Pacific Flyway.

Snipe

Outside Dates: Between September 1 and February 28, except in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Virginia, where the season must end no later than January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 107 days and may be split into two segments. The daily bag limit is 8 snipe.

Zoning: Seasons may be selected by zones established for duck hunting.

American Woodcock

Outside Dates: States in the Eastern Management Region may select hunting seasons between October 1 and January 31. States in the Central Management Region may select hunting seasons between the Saturday nearest September 22 (September 19) and January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 45 days in the Eastern Region and 45 days in the Central Region. The daily bag limit is 3. Seasons may be split into two segments.

Zoning: New Jersey may select seasons in each of two zones. The season in each zone may not exceed 36 days.

Band-Tailed Pigeons

Pacific Coast States (California, Oregon, Washington, and Nevada)

Outside Dates: Between September 15 and January 1.

Hunting Seasons and Daily Bag Limits: Not more than 9 consecutive days, with a daily bag limit of 2.

Zoning: California may select hunting seasons not to exceed 9 consecutive days in each of two zones. The season in the North Zone must close by October 3.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah)

Outside Dates: Between September 1 and November 30.

Hunting Seasons and Daily Bag Limits: Not more than 14 consecutive days, with a daily bag limit of 2.

Zoning: New Mexico may select hunting seasons not to exceed 14 consecutive days in each of two zones. The season in the South Zone may not open until October 1.

Doves

Outside Dates: Between September 1 and January 15, except as otherwise provided, States may select hunting seasons and daily bag limits as follows:

Eastern Management Unit

Hunting Seasons and Daily Bag Limits: Not more than 90 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. Regulations for bag and possession limits, season length, and shooting hours must be uniform within specific hunting zones.

Central Management Unit

For all States except Texas:

Hunting Seasons and Daily Bag Limits: Not more than 70 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may

be split into not more than three periods.

Texas:

Hunting Seasons and Daily Bag Limits: Not more than 70 days, with a daily bag limit of 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 2 may be white-tipped doves.

Zoning and Split Seasons: Texas may select hunting seasons for each of three zones subject to the following conditions:

A. The hunting season may be split into not more than two periods, except in that portion of Texas in which the special white-winged dove season is allowed, where a limited take of mourning and white-tipped doves may also occur during that special season (see Special White-winged Dove Area).

B. A season may be selected for the North and Central Zones between September 1 and January 25; and for the South Zone between the Friday nearest September 20 (September 18), but not earlier than September 17, and January 25.

C. Except as noted above, regulations for bag and possession limits, season length, and shooting hours must be uniform within each hunting zone.

Special White-winged Dove Area in Texas:

In addition, Texas may select a hunting season of not more than 4 days for the Special White-winged Dove Area of the South Zone between September 1 and September 19. The daily bag limit may not exceed 15 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 2 may be mourning doves and no more than 2 may be white-tipped doves.

Western Management Unit

Hunting Seasons and Daily Bag Limits:

Idaho, Nevada, Oregon, Utah, and Washington—Not more than 60 consecutive days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Arizona and California—Not more than 60 days, which may be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves. During the remainder of the season, the daily bag limit is 15 mourning doves. In California, the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves.

Alaska

Outside Dates: Between September 1 and January 26.

Hunting Seasons: Alaska may select 107 consecutive days for waterfowl, sandhill cranes, and common snipe in each of 5 zones. The season may be split without penalty in the Kodiak Zone. The seasons in each zone must be concurrent.

Closures: The hunting season is closed on emperor geese, spectacled eiders, and Steller's eiders.

Daily Bag and Possession Limits:

Ducks—Except as noted, a basic daily bag limit of 7 ducks. Daily bag limits in the North Zone are 10, and in the Gulf Coast Zone, they are 8. The basic limits may include no more than 1 canvasback daily and may not include sea ducks.

In addition to the basic duck limits, Alaska may select sea duck limits of 10 daily, singly or in the aggregate, including no more than 6 each of either harlequin or long-tailed ducks. Sea ducks include scoters, common and king eiders, harlequin ducks, long-tailed ducks, and common and red-breasted mergansers.

Light Geese—The daily bag limit is 4.

Canada Geese—The daily bag limit is 4 with the following exceptions:

A. In Units 5 and 6, the taking of Canada geese is permitted from September 28 through December 16.

B. On Middleton Island in Unit 6, a special, permit-only Canada goose season may be offered. A mandatory goose identification class is required. Hunters must check in and check out. The bag limit is 1 daily and 1 in possession. The season will close if incidental harvest includes 5 dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value five or less) with a bill length between 40 and 50 millimeters.

D. In Units 9, 10, 17, and 18, the daily bag limit is 6 Canada geese.

White-fronted Geese—The daily bag limit is 4 with the following exceptions:

A. In Units 9, 10, and 17, the daily bag limit is 6 white-fronted geese.

B. In Unit 18, the daily bag limit is 10 white-fronted geese.

Brant—The daily bag limit is 2.

Snipe—The daily bag limit is 8.

Sandhill cranes—The daily bag limit is 2 in the Southeast, Gulf Coast, Kodiak, and Aleutian Zones, and Unit 17 in the North Zone. In the remainder of the North Zone (outside Unit 17), the daily bag limit is 3.

Tundra Swans—Open seasons for tundra swans may be selected subject to the following conditions:

A. All seasons are by registration permit only.

B. All season framework dates are September 1–October 31.

C. In Unit 17, no more than 200 permits may be issued during this operational season. No more than 3 tundra swans may be authorized per permit, with no more than 1 permit issued per hunter per season.

D. In Unit 18, no more than 500 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

E. In Unit 22, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

F. In Unit 23, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

Hawaii

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 65 days (75 under the alternative) for mourning doves.

Bag Limits: Not to exceed 15 (12 under the alternative) mourning doves.

Note: Mourning doves may be taken in Hawaii in accordance with shooting hours and other regulations set by the State of Hawaii, and subject to the applicable provisions of 50 CFR part 20.

Puerto Rico

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days.

Daily Bag and Possession Limits: Not to exceed 20 Zenaida, mourning, and white-winged doves in the aggregate, of which not more than 10 may be Zenaida doves and 3 may be mourning doves. Not to exceed 5 scaly-naped pigeons.

Closed Seasons: The season is closed on the white-crowned pigeon and the plain pigeon, which are protected by the Commonwealth of Puerto Rico.

Closed Areas: There is no open season on doves or pigeons in the following areas: Municipality of Culebra, Desecheo Island, Mona Island, El Verde Closure Area, and Cidra Municipality and adjacent areas.

Ducks, Coots, Moorhens, Gallinules, and Snipe

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 55 days may be selected for hunting ducks,

common moorhens, and common snipe. The season may be split into two segments.

Daily Bag Limits:

Ducks—Not to exceed 6.

Common moorhens—Not to exceed 6.

Common snipe—Not to exceed 8.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck, which are protected by the Commonwealth of Puerto Rico. The season also is closed on the purple gallinule, American coot, and Caribbean coot.

Closed Areas: There is no open season on ducks, common moorhens, and common snipe in the Municipality of Culebra and on Desecheo Island.

Virgin Islands

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days for Zenaida doves.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves.

Closed Seasons: No open season is prescribed for ground or quail doves or pigeons.

Closed Areas: There is no open season for migratory game birds on Ruth Cay (just south of St. Croix).

Local Names for Certain Birds: Zenaida dove, also known as mountain dove; bridled quail-dove, also known as Barbary dove or partridge; common ground-dove, also known as stone dove, tobacco dove, rola, or tortolita; scaly-naped pigeon, also known as red-necked or scaled pigeon.

Ducks

Outside Dates: Between December 1 and January 31.

Hunting Seasons: Not more than 55 consecutive days.

Daily Bag Limits: Not to exceed 6.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck.

Special Falconry Regulations

Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29. These States may select an extended season for taking migratory game birds in accordance with the following:

Extended Seasons: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments.

Framework Dates: Seasons must fall between September 1 and March 10.

Daily Bag Limits: Falconry daily bag limits for all permitted migratory game birds must not exceed 3 birds, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended falconry season.

Regular Seasons: General hunting regulations, including seasons and hunting hours, apply to falconry in each State listed in 50 CFR 21.29. Regular season bag limits do not apply to falconry. The falconry bag limit is not in addition to gun limits.

Area, Unit, and Zone Descriptions

Doves

Alabama

South Zone—Baldwin, Barbour, Coffee, Covington, Dale, Escambia, Geneva, Henry, Houston, and Mobile Counties.

North Zone—Remainder of the State.

Florida

Northwest Zone—The Counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, Washington, Leon (except that portion north of U.S. 27 and east of State Road 155), Jefferson (south of U.S. 27, west of State Road 59 and north of U.S. 98), and Wakulla (except that portion south of U.S. 98 and east of the St. Marks River).

South Zone—Remainder of State.

Louisiana

North Zone—That portion of the State north of a line extending east from the Texas border along State Highway 12 to U.S. Highway 190, east along U.S. 190 to Interstate Highway 12, east along Interstate Highway 12 to Interstate Highway 10, then east along Interstate Highway 10 to the Mississippi border.

South Zone—The remainder of the State.

Mississippi

North Zone—That portion of the State north and west of a line extending west from the Alabama State line along U.S. Highway 84 to its junction with State Highway 35, then south along State Highway 35 to the Louisiana State line.

South Zone—The remainder of Mississippi.

Texas

North Zone—That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to TX 20; west along TX 20 to TX 148; north along TX 148 to I–10 at Fort Hancock; east along I–10 to I–20; northeast along I–20 to I–30 at Fort Worth; northeast along I–30 to the Texas-Arkansas State line.

South Zone—That portion of the State south and west of a line beginning at the International Bridge south of Del Rio, proceeding east on U.S. 90 to State Loop 1604 west of San Antonio; then south, east, and north along Loop 1604 to Interstate Highway 10 east of San Antonio; then east on I–10 to Orange, Texas.

Special White-winged Dove Area in the South Zone—That portion of the State south and west of a line beginning at the International Toll Bridge in Del Rio; then northeast along U.S. Highway 277 Spur to U.S. Highway 90 in Del Rio; then east along U.S. Highway 90 to State Loop 1604; then along Loop 1604 south and east to Interstate Highway 37; then south along Interstate Highway 37 to U.S. Highway 181 in Corpus Christi; then north and east along U.S. 181 to the Corpus Christi Ship Channel, then eastwards along the south shore of the Corpus Christi Ship Channel to the Gulf of Mexico.

Central Zone—That portion of the State lying between the North and South Zones.

Band-tailed Pigeons

California

North Zone—Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties.

South Zone—The remainder of the State.

New Mexico

North Zone—North of a line following U.S. 60 from the Arizona State line east to I–25 at Socorro and then south along I–25 from Socorro to the Texas State line.

South Zone—The remainder of the State.

Washington

Western Washington—The State of Washington excluding those portions lying east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Woodcock

New Jersey

North Zone—That portion of the State north of NJ 70.

South Zone—The remainder of the State.

Special Early Canada Goose Seasons

Atlantic Flyway

Connecticut

North Zone—That portion of the State north of I–95.

South Zone—The remainder of the State.

Maryland

Eastern Unit—Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; and that part of Anne Arundel County east of Interstate 895, Interstate 97 and Route 3; that part of Prince George's County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State line.

Western Unit—Allegany, Baltimore, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington Counties and that part of Anne Arundel County west of Interstate 895, Interstate 97 and Route 3; that part of Prince George's County west of Route 3 and Route 301; and that part of Charles County west of Route 301 to the Virginia State line.

Massachusetts

Western Zone—That portion of the State west of a line extending south from the Vermont border on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut border.

Central Zone—That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire border on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island border; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.-Elm St. bridge will be in the Coastal Zone.

Coastal Zone—That portion of Massachusetts east and south of the Central Zone.

New York

Lake Champlain Goose Area—The same as the Lake Champlain Waterfowl Hunting Zone, which is that area of New York State lying east and north of a continuous line extending along Route 11 from the New York-Canada International boundary south to Route 9B, south along Route 9B to Route 9, south along Route 9 to Route 22 south of Keeseville, south along Route 22 to the west shore of South Bay along and around the shoreline of South Bay to Route 22 on the east shore of South Bay, southeast along Route 22 to Route 4, northeast along Route 4 to the New York-Vermont boundary.

Northeast Goose Area—The same as the Northeastern Waterfowl Hunting Zone, which is that area of New York State lying north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to Interstate 81, south along Interstate Route 81 to Route 31, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 22 at Greenwich Junction, north along Route 22 to Washington County Route 153, east along CR 153 to the New York-Vermont boundary, exclusive of the Lake Champlain Zone.

East Central Goose Area—That area of New York State lying inside of a continuous line extending from Interstate Route 81 in Cicero, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, west along Route 146 to Albany County Route 252, northwest along Route 252 to Schenectady County Route 131, north along Route 131 to Route 7, west along Route 7 to Route 10 at Richmondville, south on Route 10 to Route 23 at Stamford, west along Route 23 to Route 7 in Oneonta, southwest along Route 7 to Route 79 to Interstate Route 88 near Harpursville, west along Route 88 to Interstate Route 81, north along Route 81 to the point of beginning.

West Central Goose Area—That area of New York State lying within a continuous line beginning at the point where the northerly extension of Route 269 (County Line Road on the Niagara–Orleans County boundary) meets the International boundary with Canada, south to the shore of Lake Ontario at the eastern boundary of Golden Hill State Park, south along the extension of Route 269 and Route 269 to Route 104 at Jeddo, west along Route 104 to Niagara County Route 271, south along Route 271 to Route 31E at Middleport, south along Route 31E to Route 31, west along Route 31 to Griswold Street, south along Griswold Street to Ditch Road, south along Ditch Road to Foot Road, south along Foot Road to the north bank of Tonawanda Creek, west along the north bank of Tonawanda Creek to Route 93, south along Route 93 to Route 5, east along Route 5 to Crittenden-Murrays Corners Road, south on Crittenden-Murrays Corners Road to the NYS Thruway, east along the Thruway 90 to Route 98 (at Thruway Exit 48) in Batavia, south along Route 98 to Route 20, east along Route 20 to Route 19 in Pavilion Center, south along Route 19 to Route 63, southeast along Route 63 to Route 246, south along Route 246 to Route 39 in Perry, northeast along Route 39 to Route 20A, northeast along Route 20A to Route 20, east along Route 20 to Route 364 (near Canandaigua), south and east along Route 364 to Yates County Route 18 (Italy Valley Road), southwest along Route 18 to Yates County Route 34, east along Route 34 to Yates County Route 32, south along Route 32 to Steuben County Route 122, south along Route 122 to Route 53, south along Route 53 to Steuben County Route 74, east along Route 74 to Route 54A (near Pulteney), south along Route 54A to Steuben County Route 87, east along Route 87 to Steuben County Route 96, east along Route 96 to Steuben County Route 114, east along Route 114 to Schuyler County Route 23, east and southeast along Route 23 to Schuyler County Route 28, southeast along Route 28 to Route 409 at Watkins Glen, south along Route 409 to Route 14, south along Route 14 to Route 224 at Montour Falls, east along Route 224 to Route 228 in Odessa, north along Route 228 to Route 79 in Mecklenburg, east along Route 79 to Route 366 in Ithaca, northeast along Route 366 to Route 13, northeast along Route 13 to Interstate Route 81 in Cortland, north along Route 81 to the north shore of the Salmon River to shore of Lake Ontario, extending generally northwest in a straight line to the nearest point of the International boundary with Canada, south and west along the International boundary to the point of beginning.

Hudson Valley Goose Area—That area of New York State lying within a continuous line extending from Route 4 at the New York–Vermont boundary, west and south along Route 4 to Route 149 at Fort Ann, west on Route 149 to Route 9, south along Route 9 to Interstate Route 87 (at Exit 20 in Glens Falls), south along Route 87 to Route 29, west along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, southeast along Route 146 to Main Street in Altamont, west along Main Street to Route 156, southeast along Route 156 to Albany County Route 307, southeast along Route 307 to Route 85A, southwest along Route 85A to Route 85, south along Route 85 to Route 443, southeast along Route 443 to Albany County Route 301 at Clarksville, southeast along Route 301 to Route 32, south along Route 32 to Route 23 at Cairo, west along Route 23 to Joseph Chadderdon Road, southeast along Joseph Chadderdon Road to Hearts Content Road (Greene County Route 31), southeast along Route 31 to Route 32, south along Route 32 to Greene County Route 23A, east along Route 23A to Interstate Route 87 (the NYS Thruway), south along Route 87 to Route 28 (Exit 19) near Kingston, northwest on Route 28 to Route 209, southwest on Route 209 to the New York–Pennsylvania boundary, southeast along the New York–Pennsylvania boundary to the New York–New Jersey boundary, southeast along the New York–New Jersey boundary to Route 210 near Greenwood Lake, northeast along Route 210 to Orange County Route 5, northeast along Orange County Route 5 to Route 105 in the Village of Monroe, east and north along Route 105 to Route 32, northeast along Route 32 to Orange County Route 107 (Quaker Avenue), east along Route 107 to Route 9W, north along Route 9W to the south bank of Moodna Creek, southeast along the south bank of Moodna Creek to the New Windsor–Cornwall town boundary, northeast along the New Windsor–Cornwall town boundary to the Orange–Dutchess County boundary (middle of the Hudson River), north along the county boundary to Interstate Route 84, east along Route 84 to the Dutchess–Putnam County boundary, east along the county boundary to the New York–Connecticut boundary, north along the New York–Connecticut boundary to the New York–Massachusetts boundary, north along the New York–Massachusetts boundary to the New York–Vermont boundary, north to the point of beginning.

Eastern Long Island Goose Area (NAP High Harvest Area)—That area of Suffolk County lying east of a continuous line extending due south from the New York–Connecticut boundary to the northernmost end of Roanoke Avenue in the Town of Riverhead; then south on Roanoke Avenue (which becomes County Route 73) to State Route 25; then west on Route 25 to Peconic Avenue; then south on Peconic Avenue to County Route (CR) 104 (Riverleigh Avenue); then south on CR 104 to CR 31 (Old Riverhead Road); then south on CR 31 to Oak Street; then south on Oak Street to Potunk Lane; then west on Stevens Lane; then south on Jessup Avenue (in Westhampton Beach) to Dune Road (CR 89); then due south to international waters.

Western Long Island Goose Area (RP Area)—That area of Westchester County and its tidal waters southeast of Interstate Route 95 and that area of Nassau and Suffolk Counties lying west of a continuous line extending due south from the New York–Connecticut boundary to the northernmost end of the Sunken Meadow State Parkway; then south on the Sunken Meadow Parkway to the Sagtikos State Parkway; then south on the Sagtikos Parkway to the Robert Moses State Parkway; then south on the Robert Moses Parkway to its southernmost end; then due south to international waters.

Central Long Island Goose Area (NAP Low Harvest Area)—That area of Suffolk County lying between the Western and Eastern Long Island Goose Areas, as defined above.

South Goose Area—The remainder of New York State, excluding New York City.

Pennsylvania

Southern James Bay Population (SJBP) Zone—The area north of I–80 and west of I–79, including in the city of Erie west of Bay Front Parkway to and including the Lake Erie Duck Zone (Lake Erie, Presque Isle, and the area within 150 yards of the Lake Erie Shoreline).

Vermont

Lake Champlain Zone—The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to VT 78 at Swanton; VT 78 to VT 36; VT 36 to Maquam Bay on Lake Champlain; along and around the shoreline of Maquam Bay and Hog Island to VT 78 at the West Swanton Bridge; VT 78 to VT 2 in Alburg; VT 2 to the Richelieu River in Alburg; along the east shore of the Richelieu River to the Canadian border.

Interior Zone—That portion of Vermont east of the Lake Champlain Zone and west of a line extending from the Massachusetts border at Interstate 91; north along Interstate 91 to US 2; east along US 2 to VT 102; north along VT 102 to VT 253; north along VT 253 to the Canadian border.

Connecticut River Zone—The remaining portion of Vermont east of the Interior Zone.

Mississippi Flyway

Arkansas

Early Canada Goose Area—Baxter, Benton, Boone, Carroll, Clark, Conway, Crawford, Faulkner, Franklin, Garland, Hempstead, Hot Springs, Howard, Johnson, Lafayette, Little River, Logan, Madison, Marion, Miller, Montgomery, Newton, Perry, Pike, Polk, Pope, Pulaski, Saline, Searcy, Sebastian, Sevier, Scott, Van Buren, Washington, and Yell Counties.

Illinois

North September Canada Goose Zone—That portion of the State north of a line extending west from the Indiana border along Interstate 80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central September Canada Goose Zone—That portion of the State south of the North September Canada Goose Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's road to Modoc

Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South September Canada Goose Zone—That portion of the State south and east of a line extending west from the Indiana border along Interstate 70, south along U.S. Highway 45, to Illinois Route 13, west along Illinois Route 13 to Greenbriar Road, north on Greenbriar Road to Sycamore Road, west on Sycamore Road to N. Reed Station Road, south on N. Reed Station Road to Illinois Route 13, west along Illinois Route 13 to Illinois Route 127, south along Illinois Route 127 to State Forest Road (1025 N), west along State Forest Road to Illinois Route 3, north along Illinois Route 3 to the south bank of the Big Muddy River, west along the south bank of the Big Muddy River to the Mississippi River, west across the Mississippi River to the Missouri border.

South Central September Canada Goose Zone—The remainder of the State between the south border of the Central Zone and the North border of the South Zone

Iowa

North Zone—That portion of the State north of U.S. Highway 20.

South Zone—The remainder of Iowa.

Cedar Rapids/Iowa City Goose Zone—Includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; then south and east along County Road E2W to Highway 920; then north along Highway 920 to County Road E16; then east along County Road E16 to County Road W58; then south along County Road W58 to County Road E34; then east along County Road E34 to Highway 13; then south along Highway 13 to Highway 30; then east along Highway 30 to Highway 1; then south along Highway 1 to Morse Road in Johnson County; then east along Morse Road to Wapsi Avenue; then south along Wapsi Avenue to Lower West Branch Road; then west along Lower West Branch Road to Taft Avenue; then south along Taft Avenue to County Road F62; then west along County Road F62 to Kansas Avenue; then north along Kansas Avenue to Black Diamond Road; then west on Black Diamond Road to Jasper Avenue; then north along Jasper Avenue to Rohert Road; then west along Rohert Road to Ivy Avenue; then north along Ivy Avenue to 340th Street; then west along 340th Street to Half Moon Avenue; then north along Half Moon Avenue to Highway 6; then west along Highway 6 to Echo Avenue; then north along Echo Avenue to 250th Street; then east on 250th Street to Green Castle Avenue; then north along Green Castle Avenue to County Road F12; then west along County Road F12 to County Road W30; then north along County Road W30 to Highway 151; then north along the Linn–Benton County line to the point of beginning.

Des Moines Goose Zone—Includes those portions of Polk, Warren, Madison and Dallas Counties bounded as follows: Beginning at the intersection of Northwest 158th Avenue and County Road R38 in Polk County; then south along R38 to Northwest 142nd Avenue; then east along Northwest 142nd Avenue to Northeast 126th Avenue; then east along Northeast 126th Avenue to Northeast 46th Street; then south along Northeast 46th Street to Highway 931; then east along Highway 931 to Northeast 80th Street; then south along Northeast 80th Street to Southeast 6th Avenue; then west along Southeast 6th Avenue to Highway 65; then south and west along Highway 65 to Highway 69 in Warren County; then south along Highway 69 to County Road G24; then west along County Road G24 to Highway 28; then southwest along Highway 28 to 43rd Avenue; then north along 43rd Avenue to Ford Street; then west along Ford Street to Filmore Street; then west along Filmore Street to 10th Avenue; then south along 10th Avenue to 155th Street in Madison County; then west along 155th Street to Cumming Road; then north along Cumming Road to Badger Creek Avenue; then north along Badger Creek Avenue to County Road F90 in Dallas County; then east along County Road F90 to County Road R22; then north along County Road R22 to Highway 44; then east along Highway 44 to County Road R30; then north along County Road R30 to County Road F31; then east along County Road F31 to Highway 17; then north along Highway 17 to Highway 415 in Polk County; then east along Highway 415 to Northwest 158th Avenue; then east along Northwest 158th Avenue to the point of beginning.

Cedar Falls/Waterloo Goose Zone—Includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County, then south along County Road V49 to County Road D38, then west along County Road D38 to State Highway 21, then south along State Highway 21 to County Road D35, then west along County Road D35 to Grundy Road, then north along Grundy Road to County Road D19, then west along County Road D19 to Butler Road, then north along Butler Road to County Road C57, then north and east along County Road C57 to U.S. Highway 63, then south along U.S. Highway 63 to County Road C66, then east along County Road C66 to the point of beginning.

Michigan

North Zone—Same as North duck zone.

Middle Zone—Same as Middle duck zone.

South Zone—Same as South duck zone.

Minnesota

Northwest Goose Zone—That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Intensive Harvest Zone—That portion of the State encompassed by a line extending east from the junction of US 2 and the North Dakota border, US 2 east to MN 32 N, MN 32 N to MN 92 S, MN 92 S to MN 200 E, MN 200 E to US 71 S, US 71 S to US 10 E, US 10 E to MN 101 S, MN 101 S to Interstate 94 E, Interstate 94 E to US 494 S, US 494 S to US 212 W, US 212 W to MN 23 S, MN 23 S to US 14 W, US 14 W to the South Dakota border, South Dakota Border north to the North Dakota border, North Dakota border north to US 2 E.

Rest of State: Remainder of Minnesota.

Wisconsin

Early-Season Subzone A—That portion of the State encompassed by a line beginning at the intersection of U.S. Highway 141 and the Michigan border near Niagara, then south along U.S. 141 to State Highway 22, west and southwest along State 22 to U.S. 45, south along U.S. 45 to State 22, west and south along State 22 to State 110, south along State 110 to U.S. 10, south along U.S. 10 to State 49, south along State 49 to State 23, west along State 23 to State 73, south along State 73 to State

60, west along State 60 to State 23, south along State 23 to State 11, east along State 11 to State 78, then south along State 78 to the Illinois border.

Early-Season Subzone B—The remainder of the State.

Central Flyway

North Dakota

Missouri River Canada Goose Zone—The area within and bounded by a line starting where ND Hwy 6 crosses the South Dakota border; then north on ND Hwy 6 to I–94; then west on I–94 to ND Hwy 49; then north on ND Hwy 49 to ND Hwy 200; then north on Mercer County Rd. 21 to the section line between sections 8 and 9 (T146N–R87W); then north on that section line to the southern shoreline to Lake Sakakawea; then east along the southern shoreline (including Mallard Island) of Lake Sakakawea to US Hwy 83; then south on US Hwy 83 to ND Hwy 200; then east on ND Hwy 200 to ND Hwy 41; then south on ND Hwy 41 to US Hwy 83; then south on US Hwy 83 to I–94; then east on I–94 to US Hwy 83; then south on US Hwy 83 to the South Dakota border; then west along the South Dakota border to ND Hwy 6.

Rest of State—Remainder of North Dakota.

South Dakota

Special Early Canada Goose Unit—The Counties of Campbell, Marshall, Roberts, Day, Clark, Codington, Grant, Hamlin, Deuel, Walworth; that portion of of Perkins County west of State Highway 75 and south of State Highway 20; that portion of Dewey County north of Bureau of Indian Affairs Road 8, Bureau of Indian Affairs Road 9, and the section of U.S. Highway 212 east of the Bureau of Indian Affairs Road 8 junction; that portion of Potter County east of U.S. Highway 83; that portion of Sully County east of U.S. Highway 83; portions of Hyde, Buffalo, Brule, and Charles Mix counties north and east of a line beginning at the Hughes-Hyde County line on State Highway 34, east to Lees Boulevard, southeast to the State Highway 34, east 7 miles to 350th Avenue, south to Interstate 90 on 350th Avenue, south and east on State Highway 50 to Geddes, east on 285th Street to U.S. Highway 281, and north on U.S. Highway 281 to the Charles Mix-Douglas County boundary; that portion of Bon Homme County north of State Highway 50; McPherson, Edmunds, Kingsbury, Brookings, Lake, Moody, Miner, Faulk, Hand, Jerauld, Douglas, Hutchinson, Turner, Union, Clay, Yankton, Aurora, Beadle, Davison, Hanson, Sanborn, Spink, Brown, Harding, Butte, Lawrence, Meade, Shannon, Jackson, Mellette, Todd, Jones, Haakon, Corson, Ziebach, and McCook Counties; and those portions of Minnehaha and Lincoln counties outside of an area bounded by a line beginning at the junction of the South Dakota-Minnesota state line and Minnehaha County Highway 122 (254th Street) west to its junction with Minnehaha County Highway 149 (464th Avenue), south on Minnehaha County Highway 149 (464th Avenue) to Hartford, then south on Minnehaha County Highway 151 (463rd Avenue) to State Highway 42, east on State Highway 42 to State Highway 17, south on State Highway 17 to its junction with Lincoln County Highway 116 (Klondike Road), and east on Lincoln County Highway 116 (Klondike Road) to the South Dakota–Iowa State line, then north along the South Dakota–Iowa and South Dakota–Minnesota border to the junction of the South Dakota–Minnesota State line and Minnehaha County Highway 122 (254th Street).

Texas

Eastern Goose Zone—East of a line from the International Toll Bridge at Laredo, north following IH–35 and 35W to Fort Worth, northwest along U.S. Hwy. 81 and 287 to Bowie, north along U.S. Hwy. 81 to the Texas–Oklahoma State line.

Pacific Flyway

Oregon

Northwest Zone—Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Polk, Multnomah, Tillamook, Washington, and Yamhill Counties.

Southwest Zone—Coos, Curry, Douglas, Jackson, Josephine, and Klamath Counties.

East Zone—Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, and Wasco Counties.

Washington

Area 1—Skagit, Island, and Snohomish Counties.

Area 2A (SW Permit Zone)—Clark County, except portions south of the Washougal River; Cowlitz County; and Wahkiakum County.

Area 2B (SW Permit Zone)—Pacific County.

Area 3—All areas west of the Pacific Crest Trail and west of the Big White Salmon River that are not included in Areas 1, 2A, and 2B.

Area 4—Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties.

Area 5—All areas east of the Pacific Crest Trail and east of the Big White Salmon River that are not included in Area 4.

Wyoming

Teton County Zone—All of Teton County.

Balance of State Zone—Remainder of the State.

Ducks

Atlantic Flyway

New York

Lake Champlain Zone—The U.S. portion of Lake Champlain and that area east and north of a line extending along NY 9B from the Canadian border to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont border.

Long Island Zone—That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone—That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania border.

Northeastern Zone—That area north of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to I–87, north along I–87 to U.S. 9 (at Exit 20), north along U.S. 9 to NY 149, east along NY 149 to U.S. 4, north along U.S. 4 to the Vermont border, exclusive of the Lake Champlain Zone.

Southeastern Zone—The remaining portion of New York.

Maryland

Special Teal Season Area— Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; that part of Anne Arundel County east of Interstate 895, Interstate 97, and Route 3; that part of Prince Georges County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State Line.

Mississippi Flyway

Indiana

North Zone—That part of Indiana north of a line extending east from the Illinois border along State Road 18 to U.S. 31; north along U.S. 31 to U.S. 24; east along U.S. 24 to Huntington; southeast along U.S. 224; south along

State Road 5; and east along State Road 124 to the Ohio border.

Central Zone—That part of Indiana south of the North Zone boundary and north of the South Zone boundary.

South Zone—That part of Indiana south of a line extending east from the Illinois border along U.S. 40; south along U.S. 41; east along State Road 58; south along State Road 37 to Bedford; and east along U.S. 50 to the Ohio border.

Iowa

North Zone—That portion of Iowa north of a line beginning on the South Dakota–Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east along State Highway 175 to State Highway 37, southeast along State Highway 37 to State Highway 183, northeast along State Highway 183 to State Highway 141, east along State Highway 141 to U.S. Highway 30, and along U.S. Highway 30 to the Illinois border.

Missouri River Zone—That portion of Iowa west of a line beginning on the South Dakota–Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, and west along State Highway 175 to the Iowa–Nebraska border.

South Zone—The remainder of Iowa.

Michigan

North Zone: The Upper Peninsula.

Middle Zone—That portion of the Lower Peninsula north of a line beginning at the Wisconsin State line in Lake Michigan due west of the mouth of Stony Creek in Oceana County; then due east to, and easterly and southerly along the south shore of Stony Creek to Scenic Drive, easterly and southerly along Scenic Drive to Stony Lake Road, easterly along Stony Lake and Garfield Roads to Michigan Highway 20, east along Michigan 20 to U.S. Highway 10 Business Route (BR) in the city of Midland, easterly along U.S. 10 BR to U.S. 10, easterly along U.S. 10 to Interstate Highway 75/U.S. Highway 23, northerly along I–75/U.S. 23 to the U.S. 23 exit at Standish, easterly along U.S. 23 to the centerline of the Au Gres River, then southerly along the centerline of the Au Gres River to Saginaw Bay, then on a line directly east 10 miles into Saginaw Bay, and from that point on a line directly northeast to the Canadian border.

South Zone—The remainder of Michigan.

Wisconsin

North Zone—That portion of the State north of a line extending east from the Minnesota State line along U.S. Highway 10 into Portage County to County Highway HH, east on County Highway HH to State Highway 66 and then east on State Highway 66 to U.S. Highway 10, continuing east on U.S. Highway 10 to U.S. Highway 41, then north on U.S. Highway 41 to the Michigan State line.

Mississippi River Zone—That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

South Zone—The remainder of Wisconsin.

Central Flyway

Colorado

Special Teal Season Area—Lake and Chaffee Counties and that portion of the State east of Interstate Highway 25.

Kansas

High Plains Zone—That portion of the State west of U.S. 283.

Early Zone—That part of Kansas bounded by a line from the Nebraska–Kansas State line south on K–128 to its junction with U.S.–36, then east on U.S.–36 to its junction with K–199, then south on K–199 to its junction with Republic County 30 Rd, then south on Republic County 30 Rd to its junction with K–148, then east on K–148 to its junction with Republic County 50 Rd, then south on Republic County 50 Rd to its junction with Cloud County 40th Rd, then south on Cloud County 40th Rd to its junction with K–9, then west on K–9 to its junction with U.S.–24, then west on U.S.–24 to its junction with U.S.–281, then north on U.S.–281 to its junction with U.S.–36, then west on U.S.–36 to its junction with U.S.–183, then south on U.S.–183 to its junction with U.S.–24, then west on U.S.–24 to its junction with K–18, then southeast on K–18 to its junction with U.S.–183, then south on U.S.–183 to its junction with K–4, then east on K–4 to its junction with I–135, then south on I–135 to its junction with K–61, then southwest on K–61 to McPherson County 14th Avenue, then south on McPherson County 14th Avenue to its junction with Arapaho Rd, then west on Arapaho Rd to its junction with K–61, then southwest on K–61 to its junction with K–96, then northwest on K–96 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with K–19, then east on K–19 to its junction with U.S.–281, then south on U.S.–281 to its junction with U.S.–54, then west on U.S.–54 to its junction with U.S.–183, then north on U.S.–183 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with Ford County Rd 126, then south on Ford County Rd 126 to its junction with U.S.–400, then northwest on U.S.–400 to its junction with U.S.–283, then north on U.S.–283 to its junction with the Nebraska–Kansas State line, then east along the Nebraska–Kansas State line to its junction with K–128.

Late Zone—That part of Kansas bounded by a line from the Nebraska–Kansas State line south on K–128 to its junction with U.S.–36, then east on U.S.–36 to its junction with K–199, then south on K–199 to its junction with Republic County 30 Rd, then south on Republic County 30 Rd to its junction with K–148, then east on K–148 to its junction with Republic County 50 Rd, then south on Republic County 50 Rd to its junction with Cloud County 40th Rd, then south on Cloud County 40th Rd to its junction with K–9, then west on K–9 to its junction with U.S.–24, then west on U.S.–24 to its junction with U.S.–281, then north on U.S.–281 to its junction with U.S.–36, then west on U.S.–36 to its junction with U.S.–183, then south on U.S.–183 to its junction with U.S.–24, then west on U.S.–24 to its junction with K–18, then southeast on K–18 to its junction with U.S.–183, then south on U.S.–183 to its junction with K–4, then east on K–4 to its junction with I–135, then south on I–135 to its junction with K–61, then southwest on K–61 to 14th Avenue, then south on 14th Avenue to its junction with Arapaho Rd, then west on Arapaho Rd to its junction with K–61, then southwest on K–61 to its junction with K–96, then northwest on K–96 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with K–19, then east on K–19 to its junction with U.S.–281, then south on U.S.–281 to its junction with U.S.–54, then west on U.S.–54 to its junction with U.S.–183, then north on U.S.–183 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with Ford County Rd 126, then south on Ford County Rd 126 to its junction with U.S.–400, then northwest on U.S.–400 to its junction with U.S.–283, then south on U.S.–283 to its junction with the Oklahoma–Kansas State line, then east along the Oklahoma–Kansas State line to its junction with U.S.–77, then north on U.S.–77 to its junction with Butler County, NE 150th Street, then east on Butler County, NE 150th Street to its junction with U.S.–35, then northeast on U.S.–35 to its junction with K–68,

then east on K–68 to the Kansas–Missouri State line, then north along the Kansas–Missouri State line to its junction with the Nebraska State line, then west along the Kansas–Nebraska State line to its junction with K–128.

Southeast Zone—That part of Kansas bounded by a line from the Missouri–Kansas State line west on K–68 to its junction with U.S.–35, then southwest on U.S.–35 to its junction with Butler County, NE 150th Street, then west on NE 150th Street until its junction with K–77, then south on K–77 to the Oklahoma–Kansas State line, then east along the Kansas–Oklahoma State line to its junction with the Missouri State line, then north along the Kansas—Missouri State line to its junction with K–68.

Nebraska

Special Teal Season Area (south)—That portion of the State south of a line beginning at the Wyoming State line; east along U.S. 26 to Nebraska Highway L62A east to U.S. 385; south to U.S. 26; east to NE 92; east along NE 92 to NE 61; south along NE 61 to U.S. 30; east along U.S. 30 to the Iowa border.

Special Teal Season Area (north)—The remainder of the State.

High Plains—That portion of Nebraska lying west of a line beginning at the South Dakota-Nebraska border on U.S. Hwy. 183; south on U.S. Hwy. 183 to U.S. Hwy. 20; west on U.S. Hwy. 20 to NE Hwy. 7; south on NE Hwy. 7 to NE Hwy. 91; southwest on NE Hwy. 91 to NE Hwy. 2; southeast on NE Hwy. 2 to NE Hwy. 92; west on NE Hwy. 92 to NE Hwy. 40; south on NE Hwy. 40 to NE Hwy. 47; south on NE Hwy. 47 to NE Hwy. 23; east on NE Hwy. 23 to U.S. Hwy. 283; and south on U.S. Hwy. 283 to the Kansas—Nebraska border.

Zone 1—Area bounded by designated Federal and State highways and political boundaries beginning at the South Dakota-Nebraska border west of NE Hwy. 26E Spur and north of NE Hwy. 12; those portions of Dixon, Cedar and Knox Counties north of NE Hwy. 12; that portion of Keya Paha County east of U.S. Hwy. 183; and all of Boyd County. Both banks of the Niobrara River in Keya Paha and Boyd counties east of U.S. Hwy. 183 shall be included in Zone 1.

Zone 2—The area south of Zone 1 and north of Zone 3.

Zone 3—Area bounded by designated Federal and State highways, County Roads, and political boundaries beginning at the Wyoming-Nebraska border at the intersection of the Interstate Canal; east along northern borders of Scotts Bluff and Morrill Counties to Broadwater Road; south to Morrill County Rd 94; east to County Rd 135; south to County Rd 88; southeast to County Rd 151; south to County Rd 80; east to County Rd 161; south to County Rd 76; east to County Rd 165; south to Country Rd 167; south to U.S. Hwy. 26; east to County Rd 171; north to County Rd 68; east to County Rd 183; south to County Rd 64; east to County Rd 189; north to County Rd 70; east to County Rd 201; south to County Rd 60A; east to County Rd 203; south to County Rd 52; east to Keith County Line; east along the northern boundaries of Keith and Lincoln Counties to NE Hwy. 97; south to U.S. Hwy 83; south to E Hall School Rd; east to N Airport Road; south to U.S. Hwy. 30; east to Merrick County Rd 13; north to County Rd O; east to NE Hwy. 14; north to NE Hwy. 52; west and north to NE Hwy. 91; west to U.S. Hwy. 281; south to NE Hwy. 22; west to NE Hwy. 11; northwest to NE Hwy. 91; west to U.S. Hwy. 183; south to Round Valley Rd; west to Sargent River Rd; west to Sargent Rd; west to Milburn Rd; north to Blaine County Line; east to Loup County Line; north to NE Hwy. 91; west to North Loup Spur Rd; north to North Loup River Rd; east to Pleasant Valley/Worth Rd; east to Loup County Line; north to Loup-Brown county line; east along northern boundaries of Loup and Garfield Counties to Cedar River Rd; south to NE Hwy. 70; east to U.S. Hwy. 281; north to NE Hwy. 70; east to NE Hwy. 14; south to NE Hwy. 39; southeast to NE Hwy. 22; east to U.S. Hwy. 81; southeast to U.S. Hwy. 30; east to U.S. Hwy. 75; north to the Washington County line; east to the Iowa-Nebraska border; south to the Missouri-Nebraska border; south to Kansas-Nebraska border; west along Kansas-Nebraska border to Colorado-Nebraska border; north and west to Wyoming-Nebraska border; north to intersection of Interstate Canal; and excluding that area in Zone 4.

Zone 4—Area encompassed by designated Federal and State highways and County Roads beginning at the intersection of NE Hwy. 8 and U.S. Hwy. 75; north to U.S. Hwy. 136; east to the intersection of U.S. Hwy. 136 and the Steamboat Trace (Trace); north along the Trace to the intersection with Federal Levee R–562; north along Federal Levee R–562 to the intersection with the Trace; north along the Trace/Burlington Northern Railroad right-of-way to NE Hwy. 2; west to U.S. Hwy. 75; north to NE Hwy. 2; west to NE Hwy. 43; north to U.S. Hwy. 34; east to NE Hwy. 63; north to NE Hwy. 66; north and west to U.S. Hwy. 77; north to NE Hwy. 92; west to NE Hwy. Spur 12F; south to Butler County Rd 30; east to County Rd X; south to County Rd 27; west to County Rd W; south to County Rd 26; east to County Rd X; south to County Rd 21 (Seward County Line); west to NE Hwy. 15; north to County Rd 34; west to County Rd J; south to NE Hwy. 92; west to U.S. Hwy. 81; south to NE Hwy. 66; west to Polk County Rd C; north to NE Hwy. 92; west to U.S. Hwy. 30; west to Merrick County Rd 17; south to Hordlake Road; southeast to Prairie Island Road; southeast to Hamilton County Rd T; south to NE Hwy. 66; west to NE Hwy. 14; south to County Rd 22; west to County Rd M; south to County Rd 21; west to County Rd K; south to U.S. Hwy. 34; west to NE Hwy. 2; south to U.S. Hwy. I–80; west to Gunbarrel Rd (Hall/Hamilton county line); south to Giltner Rd; west to U.S. Hwy. 281; south to U.S. Hwy. 34; west to NE Hwy. 10; north to Kearney County Rd R and Phelps County Rd 742; west to U.S. Hwy. 283; south to U.S. Hwy 34; east to U.S. Hwy. 136; east to U.S. Hwy. 183; north to NE Hwy. 4; east to NE Hwy. 10; south to U.S. Hwy. 136; east to NE Hwy. 14; south to NE Hwy. 8; east to U.S. Hwy. 81; north to NE Hwy. 4; east to NE Hwy. 15; south to U.S. Hwy. 136; east to NE Hwy. 103; south to NE Hwy. 8; east to U.S. Hwy. 75.

New Mexico (Central Flyway Portion)

North Zone—That portion of the State north of I–40 and U.S. 54.

South Zone—The remainder of New Mexico.

Pacific Flyway

California

Northeastern Zone—In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on

Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines west along the California-Oregon State line to the point of origin.

Colorado River Zone—Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada border south along U.S. 95 to Vidal Junction; south on a road known as ''Aqueduct Road'' in San Bernardino County through the town of Rice to the San Bernardino—Riverside County line; south on a road known in Riverside County as the ''Desert Center to Rice Road'' to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east 7 miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone—That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada border.

Southern San Joaquin Valley Temporary Zone—All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance-of-the-State Zone—The remainder of California not included in the Northeastern, Southern, and Colorado River Zones, and the Southern San Joaquin Valley Temporary Zone.

Canada Geese

Michigan

North Zone—Same as North duck zone.

Middle Zone—Same as Middle duck zone.

South Zone—Same as South duck zone.

Tuscola/Huron Goose Management Unit (GMU)—Those portions of Tuscola and Huron Counties bounded on the south by Michigan Highway 138 and Bay City Road, on the east by Colwood and Bay Port Roads, on the north by Kilmanagh Road and a line extending directly west off the end of Kilmanagh Road into Saginaw Bay to the west boundary, and on the west by the Tuscola-Bay County line and a line extending directly north off the end of the Tuscola-Bay County line into Saginaw Bay to the north boundary.

Allegan County GMU—That area encompassed by a line beginning at the junction of 136th Avenue and Interstate Highway 196 in Lake Town Township and extending easterly along 136th Avenue to Michigan Highway 40, southerly along Michigan 40 through the city of Allegan to 108th Avenue in Trowbridge Township, westerly along 108th Avenue to 46th Street, northerly along 46th Street to 109th Avenue, westerly along 109th Avenue to I–196 in Casco Township, then northerly along I–196 to the point of beginning.

Saginaw County GMU—That portion of Saginaw County bounded by Michigan Highway 46 on the north; Michigan 52 on the west; Michigan 57 on the south; and Michigan 13 on the east.

Muskegon Wastewater GMU—That portion of Muskegon County within the boundaries of the Muskegon County wastewater system, east of the Muskegon State Game Area, in sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32, T10N R14W, and sections 1, 2, 10, 11, 12, 13, 14, 24, and 25, T10N R15W, as posted.

Wisconsin

Same zones as for ducks but in addition:

Horicon Zone—That area encompassed by a line beginning at the intersection of State 21 and the Fox River in Winnebago County and extending westerly along State 21 to the west boundary of Winnebago County, southerly along the west boundary of Winnebago County to the north boundary of Green Lake County, westerly along the north boundaries of Green Lake and Marquette Counties to State 22, southerly along State 22 to State 33, westerly along State 33 to I–39, southerly along I–39 to I–90/94, southerly along I–90/94 to State 60, easterly along State 60 to State 83, northerly along State 83 to State 175, northerly along State 175 to State 33, easterly along State 33 to U.S. 45, northerly along U.S. 45 to the east shore of the Fond Du Lac River, northerly along the east shore of the Fond Du Lac River to Lake Winnebago, northerly along the western shoreline of Lake Winnebago to the Fox River, then westerly along the Fox River to State 21.

Exterior Zone—That portion of the State not included in the Horicon Zone.

Mississippi River Subzone—That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

Brown County Subzone—That area encompassed by a line beginning at the intersection of the Fox River with Green Bay in Brown County and extending southerly along the Fox River to State 29, northwesterly along State 29 to the Brown County line, south, east, and north along the Brown County line to Green Bay, due west to the midpoint of the Green Bay Ship Channel, then southwesterly along the Green Bay Ship Channel to the Fox River.

Sandhill Cranes

Mississippi Flyway

Minnesota

Northwest Goose Zone—That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Tennessee

Hunt Zone—That portion of the State south of Interstate 40 and east of State Highway 56.

Closed Zone—Remainder of the State.

Central Flyway

Colorado—The Central Flyway portion of the State except the San Luis Valley (Alamosa, Conejos, Costilla, Hinsdale, Mineral, Rio Grande, and Saguache Counties east of the Continental Divide) and North Park (Jackson County).

Kansas—That portion of the State west of a line beginning at the Oklahoma border, north on I–35 to Wichita, north on I–135 to Salina, and north on U.S. 81 to the Nebraska border.

Montana—The Central Flyway portion of the State except for that area

south and west of Interstate 90, which is closed to sandhill crane hunting.

New Mexico

Regular-Season Open Area—Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.

Middle Rio Grande Valley Area—The Central Flyway portion of New Mexico in Socorro and Valencia Counties.

Estancia Valley Area—Those portions of Santa Fe, Torrance and Bernallilo Counties within an area bounded on the west by New Mexico Highway 55 beginning at Mountainair north to NM 337, north to NM 14, north to I–25; on the north by I–25 east to U.S. 285; on the east by U.S. 285 south to U.S. 60; and on the south by U.S. 60 from U.S. 285 west to NM 55 in Mountainair.

Southwest Zone—Area bounded on the south by the New Mexico/Mexico border; on the west by the New Mexico/Arizona border north to Interstate 10; on the north by Interstate 10 east to U.S. 180, north to N.M. 26, east to N.M. 27, north to N.M. 152, and east to Interstate 25; on the east by Interstate 25 south to Interstate 10, west to the Luna county line, and south to the New Mexico/Mexico border.

North Dakota

Area 1—That portion of the State west of U.S. 281.

Area 2—That portion of the State east of U.S. 281.

Oklahoma—That portion of the State west of I–35.

South Dakota—That portion of the State west of U.S. 281.

Texas

Zone A—That portion of Texas lying west of a line beginning at the international toll bridge at Laredo, then northeast along U.S. Highway 81 to its junction with Interstate Highway 35 in Laredo, then north along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 at Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line.

Zone B—That portion of Texas lying within boundaries beginning at the junction of U.S. Highway 81 and the Texas–Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, then southwest along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 in the town of Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line, then south along the Texas-Oklahoma State line to the south bank of the Red River, then eastward along the vegetation line on the south bank of the Red River to U.S. Highway 81.

Zone C—The remainder of the State, except for the closed areas.

Closed areas—(A) That portion of the State lying east and north of a line beginning at the junction of U.S. Highway 81 and the Texas–Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, then southwest along Interstate Highway 35 to its junction with U.S. Highway 290 East in Austin, then east along U.S. Highway 290 to its junction with Interstate Loop 610 in Harris County, then south and east along Interstate Loop 610 to its junction with Interstate Highway 45 in Houston, then south on Interstate Highway 45 to State Highway 342, then to the shore of the Gulf of Mexico, and then north and east along the shore of the Gulf of Mexico to the Texas-Louisiana State line.

(B) That portion of the State lying within the boundaries of a line beginning at the Kleberg–Nueces County line and the shore of the Gulf of Mexico, then west along the County line to Park Road 22 in Nueces County, then north and west along Park Road 22 to its junction with State Highway 358 in Corpus Christi, then west and north along State Highway 358 to its junction with State Highway 286, then north along State Highway 286 to its junction with Interstate Highway 37, then east along Interstate Highway 37 to its junction with U.S. Highway 181, then north and west along U.S. Highway 181 to its junction with U.S. Highway 77 in Sinton, then north and east along U.S. Highway 77 to its junction with U.S. Highway 87 in Victoria, then south and east along U.S. Highway 87 to its junction with State Highway 35 at Port Lavaca, then north and east along State Highway 35 to the south end of the Lavaca Bay Causeway, then south and east along the shore of Lavaca Bay to its junction with the Port Lavaca Ship Channel, then south and east along the Lavaca Bay Ship Channel to the Gulf of Mexico, and then south and west along the shore of the Gulf of Mexico to the Kleberg-Nueces County line.

Wyoming

Regular Season Open Area—Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties.

Riverton-Boysen Unit—Portions of Fremont County.

Park and Big Horn County Unit—All of Big Horn, Hot Springs, Park and Washakie Counties.

Pacific Flyway

Arizona

Special Season Area—Game Management Units 28, 30A, 30B, 31, and 32.

Idaho

Area 1—All of Bear Lake County and all of Caribou County except that portion downstream from the dam at Alexander Reservoir south of U.S. Highway 30, and that portion lying within the Grays Lake Basin.

Area 2—All of Teton County except that portion lying west of state Highway 33 and south of Packsaddle Road (West 400 North) and north of the North Cedron Road (West 600 South) and east of the west bank of the Teton River.

Area 3—All of Fremont County except the Chester Wetlands Wildlife Management Area.

Area 4—All of Jefferson County.

Area 5—All of Bannock County east of Interstate 15 and south of U.S. Highway 30; and Franklin County west of U.S. Highway 91 from the Utah State line north to the junction of State Highway 34 in Preston and everything west of state Highway 34 north to the Franklin County-Caribou County line.

Montana

Zone 1 (Warm Springs Portion of Deer Lodge County)—Those portions of Deer Lodge County lying within the following described boundary: Beginning at the intersection of I–90 and Highway 273, then westerly along Highway 273 to the junction of Highway 1, then southeast along said highway to Highway 275 at Opportunity, then east along said highway to East Side County road, then north along said road to Perkins Lake, then west on said lane to I–90, then north on said interstate to the junction of Highway 273, the point of beginning. Except for sections 13 and 24, T5N, R10W; and Warm Springs Pond number 3.

Zone 2 (Ovando-Helmville Area)—That portion of the Pacific Flyway, located in Powell County lying within the following described boundary: beginning at the junction of State Routes

141 and 200, then west along Route 200 to its intersection with the Blackfoot River at Russell Gates Fishing Access Site (Powell—Missoula County line), then southeast along said river to its intersection with the Ovando—Helmville Road (County Road 104) at Cedar Meadows Fishing Access Site, then south and east along said road to its junction with State Route 141, then north along said route to its junction with State Route 200, the point of beginning.

Zone 3 (Dillon/Twin Bridges/Cardwell Areas)—That portion of Beaverhead, Madison and Jefferson counties lying within the following described boundaries: Beginning at Dillon, then northerly along US Hwy 91 to its intersection with the Big Hole River at Brown's Bridge north of Glen, then southeasterly and northeasterly along the Big Hole River to High Road, then east along High Road to State Highway 41, then east along said highway to the Beaverhead River, then north along said river to the Jefferson River and north along the Jefferson River to the Ironrod Bridge, then northeasterly along State Highway 41 to the junction with State Highway 55, then northeasterly along said highway to the junction with I–90, then east along I–90 to Cardwell and Route 359 then south along Route 359 to the Parrot Hill/Cedar Hill Road then southwesterly along said road and the Cemetery Hill Road to the Parrot Ditch road to the Point of Rocks Road to Carney Lane to the Bench Road to the Waterloo Road and Bayers Lanes, to State Highway 41, then east along State Highway 41 to the Beaverhead River, then south along the Beaverhead River to the mouth of the Ruby River, then southeasterly along the Ruby River to the East Bench Road, then southwesterly along the East Bench Road to the East Bench Canal, then southwesterly along said canal to the Sweetwater Road, then west along Sweetwater Road to Dillon, the point of beginning, plus the remainder of Madison County and all of Gallatin County.

Zone 4 (Broadwater County)—All of Broadwater County.

Utah

Cache County—All of Cache County.

East Box Elder County—That portion of Box Elder County beginning on the Utah-Idaho State line at the Box Elder-Cache County line; west on the State line to the Pocatello Valley County Road; south on the Pocatello Valley County Road to I–15; southeast on I–15 to SR–83; south on SR–83 to Lamp Junction; west and south on the Promontory Point County Road to the tip of Promontory Point; south from Promontory Point to the Box Elder-Weber County line; east on the Box Elder-Weber County line to the Box Elder-Cache County line; north on the Box Elder-Cache County line to the Utah-Idaho State line.

Rich County—All of Rich County.

Uintah County—All of Uintah County.

Wyoming

Area 1 (Bear River)—All of the Bear River and Ham's Fork River drainages in Lincoln County.

Area 2 (Salt River Area)—All of the Salt River drainage in Lincoln County south of the McCoy Creek Road.

Area 3 (Eden Valley Area)—All lands within the Bureau of Reclamation's Eden Project in Sweetwater County.

Area 5 (Uintah County Area)—All of Uinta County.

All Migratory Game Birds in Alaska

North Zone—State Game Management Units 11–13 and 17–26.

Gulf Coast Zone—State Game Management Units 5–7, 9, 14–16, and 10 (Unimak Island only).

Southeast Zone—State Game Management Units 1–4.

Pribilof and Aleutian Islands Zone—State Game Management Unit 10 (except Unimak Island).

Kodiak Zone—State Game Management Unit 8.

All Migratory Game Birds in the Virgin Islands

Ruth Cay Closure Area—The island of Ruth Cay, just south of St. Croix.

All Migratory Game Birds in Puerto Rico

Municipality of Culebra Closure Area—All of the municipality of Culebra.

Desecheo Island Closure Area—All of Desecheo Island.

Mona Island Closure Area—All of Mona Island.

El Verde Closure Area—Those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for 1 kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public.

Cidra Municipality and adjacent areas—All of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: Beginning on Highway 172 as it leaves the municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality boundary to the point of the beginning.

REGULATORY ALTERNATIVES FOR DUCK HUNTING DURING THE 2015-16 SEASON

	ATLANTIC FLYWAY			MISSISSIPPI FLYWAY			CENTRAL FLYWAY (a)			PACIFIC FLYWAY (b)(c)		
	RES	MOD	LIB	RES	MOD	LIB	RES	MOD	LIB	RES	MOD	LIB
Beginning Shooting Time	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise
Ending Shooting Time	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset
Opening Date	Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24
Closing Date	Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.	Sun. nearest Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.	Sun. nearest Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.	Sun. nearest Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.
Season Length (in days)	30	45	60	30	45	60	39	60	74	60	86	107
Daily Bag/	3	6	6	3	6	6	3	6	6	4	7	7
Species/Sex Limits within the Overall Daily Bag Limit												
Mallard (Total/Female)	3/1	4/2	4/2	2/1	4/1	4/2	3/1	5/1	5/2	3/1	5/2	7/2

(a) In the High Plains Mallard Management Unit, all regulations would be the same as the remainder of the Central Flyway, with the exception of season length. Additional days would be allowed under the various alternatives as follows: restrictive - 12, moderate and liberal - 23. Under all alternatives, additional days must be on or after the Saturday nearest December 10.

(b) In the Columbia Basin Mallard Management Unit, all regulations would be the same as the remainder of the Pacific Flyway, with the exception of season length. Under all alternatives except the liberal alternative, an additional 7 days would be allowed.

(c) In Alaska, framework dates, bag limits, and season length would be different from the remainder of the Pacific Flyway. The bag limit would be 5-8 under the restrictive alternative, and 7-10 under the moderate and liberal alternatives. Under all alternatives, season length would be 107 days and framework dates would be Sep. 1 - Jan. 26.

[FR Doc. 2015–17718 Filed 7–20–15; 8:45 am]

BILLING CODE 4310–55–P

FEDERAL REGISTER

Vol. 80 Tuesday,

No. 139 July 21, 2015

Part V

Department of Labor

Office of Workers' Compensation Programs

Advisory Board on Toxic Substances and Worker Health; Notice of Advisory Board Establishment; Notices

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Advisory Board on Toxic Substances and Worker Health; Notice of Advisory Board Establishment

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Advisory Board on Toxic Substances and Worker Health for Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA); Notice of Advisory Board Establishment.

SUMMARY: In accordance with section 3687 of Pub. L. 106–398, which was added by section 3141(a) of the National Defense Authorization Act (NDAA) of 2015, Executive Order 13699 (June 26, 2015), and the provisions of the Federal Advisory Committee Act and its implementing regulations issued by the General Services Administration (GSA), the Advisory Board on Toxic Substances and Worker Health is established.

The Advisory Board on Toxic Substances and Worker Health (Board) shall advise the Secretary of Labor (Secretary) with respect to: (1) The Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; and (4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency. The Board, when necessary, coordinates exchanges of data and findings with the Department of Health and Human Services' Advisory Board on Radiation and Worker Health.

Membership of the Board shall consist of 12–15 members, to be appointed by the Secretary. A Chair of the Board will be appointed by the Secretary from among the Board members. Pub. L. 106–398, Section 3687(a)(3). Pursuant to Section 3687(a)(2), membership must be balanced and include members from the scientific, medical and claimant communities. The Department of Labor intends that one-third of the membership will be from the scientific community, one-third from the medical community, and one-third from the claimant community. The members serve two- or three-year staggered terms. At the discretion of the Secretary, members may be appointed to successive terms or removed at any time. The Board will meet no less than twice per year, except the Board may meet only once in 2015.

The Board shall report to the Secretary of Labor. As specified in Section 3687(i), the Board shall terminate five (5) years after the date of the enactment of the NDAA, which was December 19, 2014. Thus, the Board shall terminate on December 19, 2019.

FOR FURTHER INFORMATION CONTACT: You may contact Sam Shellenberger, Designated Federal Officer, Advisory Board on Toxic Substances and Worker Health, Office of Workers' Compensation Programs, at *shellenberger.sam@dol.gov,* or Carrie Rhoads, Office of Workers' Compensation Programs, at *rhoads.carrie@dol.gov,* U.S. Department of Labor, 200 Constitution Avenue NW., Suite S–3524, Washington, DC 20210, telephone (202) 693–0036.

This is not a toll-free number.

Signed at Washington, DC, this 15th day of July, 2015.

Leonard J. Howie III,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2015–17877 Filed 7–20–15; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Advisory Board on Toxic Substances and Worker Health; Request for Nominations

ACTION: Solicitation for Nominations To Serve on the Advisory Board on Toxic Substances and Worker Health for Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

SUMMARY: The Secretary of Labor (Secretary) invites interested parties to submit nominations for individuals to serve on the Advisory Board on Toxic Substances and Worker Health for Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

SUPPLEMENTARY INFORMATION: The Advisory Board on Toxic Substances and Worker Health (the Board) is mandated by Section 3687 of EEOICPA. The Secretary of Labor established the Board under this authority and Executive Order 13699 (June 26, 2015) and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The purpose of the Board is to advise the Secretary with respect to: 1) The Site Exposure Matrices (SEM) of the Department of Labor; 2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; 3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; and 4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency. In addition, the Board, when necessary, coordinates exchanges of data and findings with the Department of Health and Human Services' Advisory Board on Radiation and Worker Health, which advises the Department of Health and Human Services' National Institute for Occupational Safety and Health (NIOSH) on various aspects of causation in radiogenic cancer cases under Part B of the EEOICPA program.

The Board shall consist of 12–15 members, to be appointed by the Secretary. A Chair of the Board will be appointed by the Secretary from among the Board members. Pursuant to Section 3687(a)(2), the Advisory Board will reflect a reasonable balance of scientific, medical, and claimant members, to address the tasks assigned to the Advisory Board. The members serve two-year or three-year staggered terms. At the discretion of the Secretary, members may be appointed to successive terms or removed at any time. The Board will meet no less than twice per year, except the Board may meet only once in 2015.

Pursuant to Section 3687(d), no Board member, employee, or contractor can have any financial interest, employment, or contractual relationship (other than a routine consumer transaction) with any person who has provided or sought to provide, within two years of their appointment or during their appointment, goods or services for medical benefits under EEOICPA. A certification that this is true will be required with each nomination.

The Department of Labor is committed to equal opportunity in the workplace and seeks broad-based and diverse Advisory Board membership. Any interested person or organization may nominate one or more individuals for membership. Interested persons are also invited and encouraged to submit statements in support of nominees.

Nomination Process: Any interested person or organization may nominate one or more qualified individuals for

membership. If you would like to nominate an individual or yourself for appointment to the Board, please submit the following information:

- The nominee's contact information (name, title, business address, business phone, fax number, and/or business email address) and current employment or position;
- A copy of the nominee's resume or curriculum vitae;
- Category of membership that the nominee is qualified to represent;
- A summary of the background, experience, and qualifications that addresses the nominee's suitability for the nominated membership category identified above;
- Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience, and expertise in fields related to the EEOICPA program, particularly as pertains to industrial hygiene, toxicology, epidemiology, occupational medicine, lung conditions, or the nuclear facilities covered by the EEOICPA program;
- Any familiarity, experience, or history of participation with the EEOICPA program or with administering a technically complex compensation program such as EEOICPA; and
- A signed statement that the nominee is aware of the nomination, consents to have his or her name published in the **Federal Register** as part of a list of candidates, and is willing to regularly attend and participate in Advisory Board meetings, and has no conflicts of interest that would preclude membership on the Board.

Following the nomination period, a list of qualified candidates for the Advisory Board will be published in the **Federal Register** and interested parties will be invited to submit comments regarding those nominated, within the time period specified. The information received through this process, in addition to relevant information obtained from other sources, will assist the Secretary in appointing members to serve on the Advisory Board. Nominees will be appointed based on their demonstrated qualifications, professional experience, and knowledge of issues the Advisory Board may be asked to consider. Nominees will also be selected in accordance with statutory obligations under FACA and Section 3687 of EEOICPA regarding a balanced membership.

The activities of the Advisory Board may necessitate its members obtaining security clearance. Pursuant to Section 3687(f), the Secretary of Energy will ensure that the members and staff of the Board, and any contractors performing work in support of the Board, are afforded the opportunity to apply for a security clearance for any matter for which such a clearance is appropriate, and should provide a determination on eligibility for clearance within 180 days of receiving a completed application.

Any member appointed to fill a vacancy occurring prior to the expiration of a resigning Board member's term shall be appointed for the remainder of such term. As specified in Section 3687(i), the Advisory Board shall terminate five (5) years after the date of the enactment of the legislation, which was December 19, 2014. Thus, the Advisory Board shall terminate on December 19, 2019.

Members are Special Government Employees (SGEs). Members will serve without compensation. However, members may each receive reimbursement for travel expenses for attending Board meetings, including per diem in lieu of subsistence, as authorized by the Federal travel regulations.

ADDRESSES: Nominations may be submitted, including attachments, by any of the following methods:

- *Electronically:* Send to: *EnergyAdvisoryBoard@dol.gov* (specify in the email subject line, ''Advisory Board on Toxic Substances and Worker Health nomination'').
- *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy of the documents listed above to the following address: U.S. Department of Labor, Office of Workers' Compensation Programs, Advisory Board on Toxic Substances and Worker Health, Room S–3522, 200 Constitution Ave. NW., Washington, DC 20210.

Follow-up communications with nominees may occur as necessary through the process.

DATES: Nominations for individuals to serve on the Board must be submitted (postmarked, if sending by mail; submitted electronically; or received, if hand delivered) within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: For questions, contact Sam Shellenberger, Office of Workers' Compensation Programs, at *shellenberger.sam@dol.gov,* or Carrie Rhoads, Office of Workers' Compensation Programs, at *rhoads.carrie@dol.gov.*

Dated: July 15th, 2015.

Leonard J. Howie III,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2015–17879 Filed 7–20–15; 8:45 am]

BILLING CODE 4510–CH–P

FEDERAL REGISTER

Vol. 80 Tuesday,

No. 139 July 21, 2015

Part VI

The President

Notice of July 17, 2015—Continuation of the National Emergency With Respect to the Former Liberian Regime of Charles Taylor

Federal Register
Vol. 80, No. 139
Tuesday, July 21, 2015

Presidential Documents

Title 3—

The President

Notice of July 17, 2015

Continuation of the National Emergency With Respect to the Former Liberian Regime of Charles Taylor

On July 22, 2004, by Executive Order 13348, the President declared a national emergency with respect to the former Liberian regime of Charles Taylor pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, which have undermined Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources.

Although Liberia has made significant advances to promote democracy, and the Special Court for Sierra Leone convicted Charles Taylor for war crimes and crimes against humanity, the actions and policies of Charles Taylor and others have left a legacy of destruction that still challenge Liberia's transformation and recovery. The actions and policies of these persons continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, the national emergency declared on July 22, 2004, and the measures adopted on that date to deal with that emergency, must continue in effect beyond July 22, 2015. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the former Liberian regime of Charles Taylor declared in Executive Order 13348.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,
July 17, 2015.

[FR Doc. 2015–18044
Filed 7–20–15; 11:15 am]
Billing code 3295–F5

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