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FEDERAL REGISTER

Vol. 80 Thursday,
No. 185 September 24, 2015

Pages 57509–57692

OFFICE OF THE FEDERAL REGISTER

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DEPARTMENT OF ENERGY

2 CFR Part 910

RIN 1991–AB94

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This rule finalizes the Department of Energy (DOE)'s part of the Federal Awarding Agency Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards joint interim rule which was issued December 19, 2014 and makes several technical corrections to DOE's portion of the interim final rule.

DOE is not making new policy with either the interim final rule or this final rule. All regulatory language included here is consistent with either the policies in the Uniform Guidance or DOE's existing policies and practices.

DATES: *Effective:* October 26, 2015.

FOR FURTHER INFORMATION CONTACT: Ellen Colligan, Procurement Analyst, U.S. Department of Energy, Office of Acquisition Management, Contract and Financial Assistance Policy Division MA–611, Telephone: (202) 287–1776. Email: *ellen.colligan@hq.doe.gov.*

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I. Summary

The Department makes substantial use of financial assistance awards (grants and cooperative agreements) to meet its mission goals. To manage these awards, the Department added requirements specifying changes and additions to its Administrative Requirements for Grants and Cooperative Agreements.

On December 19, 2014, OMB published a rulemaking in the **Federal Register** finalizing the guidance on Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (79 FR 75867). As a part of the same rulemaking, OMB issued the interim final Federal Awarding Agency Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards which contained a separate section for each federal awarding agency. DOE's regulations are contained in 2 CFR part 910 (79 FR 76024).

DOE is finalizing this rule with technical corrections as detailed below.

DOE received no comments from members of the public in response to its section of the joint interim final rule. However, DOE has found areas where technical corrections are necessary. Corrections are included only where it has come to the attention of DOE that particular language in the final guidance did not match with DOE's intent and would result in an erroneous implementation of the guidance. The technical corrections include:

a. Adding the national interest exception from competition (consistent with the existing requirement in section 600.6(b)(8)). When carrying requirements forward from our current regulations, this section was inadvertently dropped from the regulations. We need this exception for instances where non-competitive awards are necessary to meet the national interest of the United States.

b. Clarifying that restricted eligibility needs to be approved one level above CO. In an attempt to clarify this section of the regulations when carrying the requirement forward to our new regulations, the approval level was omitted. We need to add this back since regulations as written do not require any higher level approval.

c. Adding section 910.127, Legal Authority and Effect which is consistent with 10 CFR 600.16. There is nothing in the new regulations to indicate what constitutes a legal award or exactly how the recipient acknowledges that they have agreed to the terms and conditions of the award. Therefore, we are carrying forward a section from our current regulations which clarifies this issue.

d. Clarifying sections 910.501 and 910.507 to update some references from ''program-specific'' to ''compliance'' audits. The major difference between program-specific audits and compliance audits is that program-specific audits require that the auditee prepare a financial statement and that the auditor perform an audit of the financial statements. The guidance provided in 2 CFR 910 corresponding to Compliance Audits by for-profit entities is consistent with prior DOE guidance. The requirements in 2 CFR 910 do not require an auditee to prepare financial statements and do not require an auditor to perform an audit of financial statements. Instead, the guidance in 2 CFR 910 specifies requirements to be met by the auditee and auditor that ensures the audit complies with Generally Accepted Government Auditing Standards (GAGAS), Federal statutes and regulations, and the terms and conditions of Federal award. The effect is that 2 CFR 910 does not ''create new policy or requirements . . .'' in accordance with OMB implementing guidance (consistent with the existing requirement in section 600.316). The corrections primarily replace the term ''Program-Specific'' Audit with the term ''Compliance'' Audit in order to eliminate potential confusion between the two types of audits.

e. Making a wording change to 910.502 to parallel a technical correction made by OMB December 19, 2014. Wording change is to say that ''. . . determination of when a Federal award is expended *must* be based on

when the activity related to the Federal award occurs . . .''. The previous wording said that it *should* be based on when the activity related to the Federal award occurs. Making this change clarifies that there are no other factors to consider when determining when an expenses are incurred under the Federal award.

II. Procedural Requirements

A. Review Under Executive Orders 12866 and 13563

The regulatory action today has been determined not to be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993). Accordingly, this rule is not subject to review under the Executive Order by the Office of Information and Regulatory Affairs within the Office of Management and Budget.

DOE has also reviewed the regulation pursuant to Executive Order 13563, issued on January 18, 2011 (76 FR 3281 (Jan. 21, 2011)). Executive Order 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, the Office of Information and Regulatory Affairs has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. DOE believes that today's NOPR is consistent with these principles, including the requirement that, to the extent permitted by law, agencies adopt a regulation only upon a reasoned determination that its benefits justify its costs and, in choosing among alternative regulatory approaches, those approaches maximize net benefits.

B. 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,'' 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction.

With regard to 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; these regulations meet the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency that is issuing a final rule to provide a final regulatory flexibility analysis or to certify that the rule will not have a significant economic impact on a substantial number of small entities. OMB determined that the common interim final rule implements OMB final guidance issued on December 26, 2013, and will not have a significant economic impact beyond the impact of the December 2013 guidance.

D. Review Under the Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Ch. 3506; 5 CFR 1320 Appendix A.1) (PRA), DOE reviewed the interim final rule and determined that there are no new collections of information contained therein. DOE's procurement reporting and recordkeeping burdens have been approved under OMB Control No. 1910–4100.

E. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule falls into a class of actions which would not individually or cumulatively have significant impact on the human environment, as determined by DOE's regulations (10 CFR part 1021, subpart D) implementing the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*).

F. Review Under Executive Order 13132

OMB determined that the joint interim final rule does not have any Federalism implications, as required by Executive Order 13132

G. Review Under the Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act) (2 U.S.C. 1532) requires that covered agencies prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires covered agencies to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. OMB has determined that this joint interim final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more in any one year. Accordingly, the Federal agencies participating in this joint interim final rule have not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

H. 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 the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, 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. Today's rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

I. Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for agencies to review most disseminations of information to the public under implementing 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 today's notice under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under the Administrative Procedure Act

An agency may find good cause to exempt a rule from the requirement for a notice of rulemaking and the opportunity for public under the Administrative Procedure Act (APA) if the requirement is determined to be unnecessary, impracticable, or contrary to the public interest under *5 U.S.C. 533*(b)(3)(B). Today's rule finalizes DOE portion of issued the interim final Federal Awarding Agency Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (79 FR 75867; DOE's portion begins at 76024). In addition DOE is publishing as final certain technical amendments which were omitted from the interim final rule. These amendments address internal agency practices concerning how DOE administers and have effect on members of the public in general or on financial assistance applicants in particular. Consequently, good cause exists for issuing these amendments as a final rule as notice and comment is unnecessary.

K. 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).

L. Approval by the Office of the Secretary of Energy

The Office of the Secretary of Energy has approved issuance of this rule.

List of Subjects in 2 CFR Part 910

Accounting, Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

Issued in Washington, DC, on September 17, 2015.

Patrick Ferraro,

Director, Office of Acquisition Management.

Joseph Waddell,

Deputy Associate Administrator, Acquisition and Project, Management, National Nuclear Security Administration.

Accordingly, the interim rule amending 2 CFR part 910 which was published at 79 FR 75867 on December 19, 2014, is adopted as a final rule with the following changes:

PART 910—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 1. The authority citation for part 910 continues to read as follows:

Authority: 42 U.S.C. 7101, *et seq.;* 31 U.S.C. 6301–6308; 50 U.S.C. 2401 *et seq.;* 2 CFR part 200.

■ 2. Section 910.126 is amended by:

■ a. Removing ''and'' at the end of paragraph (b)(1);

■ b. Removing the punctuation at the end of paragraph (b)(2), and adding in its place ''; and''; and

■ c. Adding paragraphs (b)(3) and (c)(8).

The additions read as follows:

§ 910.126 Competition.

* * * * *

(b) * * *

(3) Approved, prior to award, by an approver at least one level above the Contracting Officer.

(c) * * *

(8) The responsible program Assistant Secretary, Deputy Administrator, or other official of equivalent authority has determined that making the award non-competitively is in the public interest. This authority cannot not be delegated.

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■ 3. Section 910.127 is added to read as follows:

§ 910.127 Legal authority and effect.

(a) A DOE financial assistance award is valid only if it is in writing and is signed, either in writing or electronically, by a DOE Contracting Officer.

(b) Recipients are free to accept or reject the award. A request to draw down DOE funds constitutes the Recipient's acceptance of the terms and conditions of this Award.

■ 4. Section 910.501 is amended by revising paragraphs (b)(1) and (2) to read as follows:

§ 910.501 Audit requirements.

* * * * *

(b) *Compliance audit.* (1) If a for-profit entity has one or more DOE awards with expenditures of $750,000 or more during the for-profit entity's fiscal year, they must have a compliance audit for each of the awards with $750,000 or more in expenditures. A compliance audit should comply with the applicable provisions in § 910.514—Scope of Audit. The remaining awards do not require, individually or in the aggregate, a compliance audit.

(2) If a for-profit entity receives more than one award from DOE with a sum total of expenditures of $750,000 or more during the for-profit entity's fiscal year, but does not have any single award with expenditures of $750,000 or more; the entity must determine whether any or all of the awards have common compliance requirements (*i.e.,* are considered a cluster of awards) and determine the total expenditures of the awards with common compliance requirements. A compliance audit is required for the largest cluster of awards (if multiple clusters of awards exist) or the largest award not in a cluster of awards, whichever corresponding expenditure total is greater. A compliance audit should comply with the applicable provisions in § 910.514—Scope of Audit. The remaining awards

do not require, individually or in the aggregate, a compliance audit;

* * * * *

■ 5. Section 910.507 is amended by:

■ a. Revising the section heading;

■ b. Removing the second occurrence of ''program-specific audit'' in the last sentence in paragraph (a) introductory text and adding in its place ''compliance audit'';

■ c. Removing ''Program-specific audits'' in the second sentence in paragraph (b) introductory text and adding in its place ''Compliance audits''.

The revision reads as follows:

§ 910.507 Compliance audits.

* * * * *

■ 6. In § 910.502 introductory text, revise the subject heading and the first sentence to read as follows:

§ 910.502 Basis for determining DOE awards expended.

Determining Federal awards expended. The determination of when a Federal award is expended must be based on when the activity related to the DOE award occurs. * * *

* * * * *

[FR Doc. 2015–24276 Filed 9–23–15; 8:45 am]

BILLING CODE 6450–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 791

RIN 3133–AE45

Promulgation of NCUA Rules and Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule and Interpretive Ruling and Policy Statement 15–1.

SUMMARY: The NCUA Board (Board) is issuing a final rule to amend Interpretive Ruling and Policy Statement (IRPS) 87–2, as amended by IRPS 03–2 and 13–1. The amended IRPS increases the asset threshold used to define the term ''small entity'' under the Regulatory Flexibility Act (RFA) from $50 million to $100 million and, thereby, provides transparent consideration of regulatory relief for a greater number of credit unions in future rulemakings. The final rule and IRPS also makes a technical change to NCUA's regulations in connection with procedures for developing regulations.

DATES: This rule and IRPS are effective November 23, 2015.

FOR FURTHER INFORMATION CONTACT: Kevin Tuininga, Lead Liquidations Counsel, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428 or telephone: (703) 518–6543.

SUPPLEMENTARY INFORMATION:

I. Background
II. Summary of Public Comments
III. The Final Rule and IRPS
IV. Regulatory Procedures

I. Background

A. What changes does this final rule and IRPS make?

The RFA, as amended, generally requires federal agencies to determine and consider the impact of proposed and final rules on small entities. Since adopting IRPS 13–1 in 2013, the Board has defined ''small entity'' in this context as a federally insured credit union (FICU) with less than $50 million in assets.[1] This final rule and IRPS 15–1 redefines ''small entity'' as a FICU with less than $100 million in assets. In addition, the final rule amends § 791.8(a) of NCUA's regulations to reference IRPS 15–1. Section 791.8(a) governs NCUA's procedures for developing regulations and incorporates IRPS 87–2 and each of its amendments.

B. What changes were proposed?

On February 19, 2015, the Board issued a proposed rulemaking and IRPS with a 60-day comment period.[2] In doing so, the Board proposed to increase from $50 million to $100 million the asset threshold used to define small entity under the RFA. In support of proposing to double, rather than incrementally increase, the RFA threshold, the Board weighed competitive disadvantages within the credit union industry, relative threats to the National Credit Union Share Insurance Fund (Insurance Fund), and the need for broader regulatory relief. The proposed increase would provide an additional 733 small FICUs with special consideration of the economic impact of proposed and final regulations, bringing the total number of FICUs covered by the RFA to approximately 4,690. The proposed rule and IRPS 15–1 retained the three-year review cycle the Board adopted in 2013. Finally, the proposal referenced IRPS 15–1 in § 791.8(a) of NCUA's regulations governing regulatory procedures.

C. What is the history and purpose of the RFA?

Congress enacted the RFA in 1980, Public Law 96–354, and amended it with the Small Business Regulatory Enforcement Fairness Act of 1996.[3] The RFA, in part, requires federal agencies to determine whether a proposed or final rule would have a significant economic impact on a substantial number of small entities.[4] If so, the RFA requires agencies to engage in a small entity impact analysis, known as an initial regulatory flexibility analysis (IRFA) for proposed rules and a final regulatory flexibility analysis (FRFA) for final rules.[5] The IRFA and FRFA (or a summary of them) must be published in the **Federal Register**.[6] If an agency determines that a proposed or final rule will not have a ''significant economic impact on a substantial number of small entities,'' the agency may certify as much in the **Federal Register** and forego the IRFA and FRFA.[7]

For an IRFA, the procedural requirements include, among other things, ''a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply,'' a description of reporting, recordkeeping, and other compliance burden, and an identification of any overlapping or conflicting federal rules.[8] In addition, the IRFA must ''contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives . . . and which minimize any significant economic impact of the proposed rule on small entities.''[9] This discussion must include alternatives such as allowing ''differing compliance or reporting requirements or timetables,'' ''the clarification, consolidation, or simplification of compliance and reporting requirements,'' ''the use of performance rather than design standards,'' and a full or partial exemption for small entities.[10]

The FRFA must meet requirements similar to that of the IRFA, but must also discuss and respond to public comments and describe ''the steps the agency has taken to minimize the significant economic impact on small entities . . . , including a statement of factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other

[1] IRPS 13–1, 78 FR 4032 (Jan. 18, 2013).

[2] 80 FR 11954 (Mar. 5, 2015).

[3] Public Law 104–121. A principal purpose of the 1996 amendment was to provide an opportunity for judicial review of agency compliance with the RFA. Id.

[4] 5 U.S.C. 603, 604, 605(b).

[5] 5 U.S.C. 603, 604.

[6] Id.

[7] 5 U.S.C. 605(b).

[8] 5 U.S.C. 603(b). The IRFA must also include a description of why the agency is considering action and ''a succinct statement of the objectives of, and legal basis for, the proposed rule. . . .'' Id.

[9] 5 U.S.C. 603(c).

[10] Id.

significant alternatives to the rule . . . was rejected.'' [11] These processes encourage federal agencies to give special consideration to the ability of smaller entities to absorb compliance burdens imposed by new rules.

The RFA establishes terms for various subgroups that fall within the meaning of ''small entity,'' including ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' [12] FICUs, as not-for-profit enterprises, are ''small organizations,'' within the broader meaning of ''small entity.'' The RFA permits a regulator, including NCUA, to establish one or more definitions of ''small organization,'' as appropriate to the activities of the agency.[13] An agency's definition must be subjected to public comment and published in the **Federal Register**.[14] The RFA provides a default definition of ''small organization'' as ''a not-for-profit enterprise which is independently owned and operated and is not dominant in its field. . . .'' [15]

In 1981, the Board initially defined ''small entity'' in IRPS 81–4 as any FICU with less than $1 million in assets.[16] IRPS 87–2 superseded IRPS 81–4, but retained the definition of ''small entity'' as a FICU with assets under $1 million.[17] The Board updated the definition in 2003 to include FICUs with less than $10 million in assets with IRPS 03–2.[18] The last update occurred in 2013, when the Board increased the defining threshold to include FICUs with less than $50 million in assets.[19] In addition, the Board pledged to review the RFA threshold after two years and thereafter on a three-year cycle, similar to its regulatory review process.[20] On February 19, 2015, the Board issued a proposed rule and IRPS with a 60-day comment period, proposing to increase the threshold used to define ''small entity'' from $50 million to $100 million.[21]

II. Summary of Public Comments

The public comment period for the proposed rule and IRPS ended on May 4, 2015. NCUA received 16 comment letters from commenters that included credit union trade associations, state credit union leagues, federal credit unions, and a federally insured, state-chartered credit union.[22] All commenters expressly supported the proposal at some level. One commenter supported the proposal without advocating any additional changes or expressing concerns. A number of commenters, however, made specific recommendations or expressed concerns about one or more aspects of the proposal.

A. What were the general comments on the asset threshold?

More than one-third of commenters either expressed some level of satisfaction with the $100 million threshold or did not directly advocate a specific threshold higher than $100 million. Two of these commenters observed that the proposed threshold ''sufficiently captures small [FICUs] that have unique challenges and particular sensitivity to even the smallest regulatory requirement.'' Another stated that the increase will benefit and account for the FICUs generally facing significant challenges based on the characteristics NCUA identified in the proposal. One commenter noted that increasing the RFA threshold to $100 million is consistent with NCUA's proposed definition of the term ''complex'' credit union for risk-based capital purposes. This commenter also stated that $100 million seemed appropriate in comparison to the RFA threshold used for banks. One commenter praised NCUA for proposing to increase the threshold to $100 million only two years after approving an increase from $10 million to $50 million. Multiple commenters, including some that expressed satisfaction with the proposed threshold, alluded to compelling reasons to set the threshold higher than $100 million, but did not directly advocate a specific number or discuss the reasons for doing so.

Approximately half of the commenters expressed concern about the proposed $100 million asset threshold and recommended a higher threshold for the final rule. Many from this group favored the $550 million threshold set by the Small Business Administration (SBA), citing one or more of the Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, and the Federal Reserve Board as examples of regulators that use the SBA asset threshold for purposes of the RFA. Some commenters also suggested a threshold of at least $250 million, as an alternative to $550 million. One commenter suggested that $175 million would also be more appropriate than $100 million, noting that the Consumer Financial Protection Bureau uses this threshold to assemble panels in complying with its obligations under the Small Business Regulatory Enforcement Fairness Act. Another commenter suggested $300 million as the appropriate asset threshold.

Two commenters posited that, if NCUA is willing to adopt a risk-based capital rule with requirements on par with banking regulators, it should be willing to bring its RFA threshold into parity as well. One commenter maintained that even FICUs with $250 million in assets are not dominant in their field and did not present greater risk to the Insurance Fund, particularly because the RFA does not mandate specific changes to existing regulations.

One commenter argued the RFA does not require use of a bright-line asset threshold, which risks ''bifurcating the industry'' when used to determine eligibility for regulatory relief. This commenter also expressed concern that some FICUs over $100 million in assets but with few employees and branches will not be taken into consideration when NCUA is studying the economic impact of rules on FICUs under the $100 million threshold. A few commenters that advocated an asset threshold higher than $100 million contended that NCUA should consider the definition of ''small entity'' in the context of the entire group of financial institutions against which FICUs compete, including banks.

At least eight commenters expressed concerns about the capacity of NCUA's Office of Small Credit Union Initiatives (OSCUI) to serve small credit unions under an increased asset threshold. Many of these commenters suggested that NCUA should separate the eligibility threshold OSCUI uses from the asset threshold set for RFA purposes, leaving the OSCUI threshold at $50 million or adjusting it to $75 million. If NCUA increases OSCUI's eligibility threshold,[23] some commenters encouraged NCUA to provide OSCUI with additional or adequate resources to help bolster and preserve small credit unions. One commenter recommended that NCUA establish a process to allocate OSCUI resources to various asset categories for

[11] 5 U.S.C. 604(a).

[12] 5 U.S.C. 601.

[13] 5 U.S.C. 601(4).

[14] Id.

[15] Id.

[16] IRPS 81–4, 46 FR 29248 (June 1, 1981).

[17] 52 FR 35231 (Sept. 8, 1987).

[18] 68 FR 31949 (May 29, 2003).

[19] IRPS 13–1, 78 FR 4032 (Jan. 18, 2013).

[20] Id. IRPSs 87–2, 03–2, and 13–1 are referenced in NCUA's rule governing the promulgation of regulations. 12 CFR 791.8(a).

[21] 80 FR 11954 (Mar. 5, 2015).

[22] The comments can be found on the Web at the following address: *http://www.ncua.gov/Legal/Regs/Pages/PR20150219Promulgation.aspx.*

[23] The proposed rule and IRPS did not address the eligibility threshold for OSCUI assistance. While NCUA will consider the comments it received on the OSCUI threshold, that threshold is not addressed in this final rule and IRPS.

a more equitable distribution to the smallest credit unions.

B. What were the comments on the review period?

Two commenters advocated, without elaboration, that NCUA adjust the threshold annually based on an index to capture a percentage of the smallest credit unions. One commenter asked for review every two years and another advocated an annual review. Anticipating additional future increases in the RFA threshold, one commenter suggested that NCUA increase efficiency and avoid more comment periods by effecting a larger increase in the final rule.

C. What other comments did NCUA receive?

Several commenters commented generally on excessive regulatory burden, a lack of resources and employees to cope with the burden, and the continuing loss of small FICUs. One commenter asked that NCUA explain in the preamble to the final rule the circumstances under which it might make distinctions among small FICUs. Another commenter noted the RFA classification does not convey any immediate regulatory relief to FICUs in existing rules and recommended that NCUA revisit its current regulations to consider substituting the final rule's small entity threshold for existing size standards. This commenter also criticized the use of the term ''small credit union'' in both the Small Credit Union Exam Program and the RFA context, indicating that using the same term in reference to different thresholds could be confusing.

The Board has carefully considered all the public comments it received in response to the proposed rule and IRPS. The final rule and IRPS and the Board's response to the public comments are discussed below.

III. The Final Rule and IRPS

Based on the comment letters and economic analysis of FICUs in various asset ranges, the Board maintains $100 million is the most appropriate asset threshold for the final rule and IRPS. The proposed threshold received significant support in public comments, and the factors NCUA considered in the proposal continue to support $100 million as the most suitable threshold at this time. Increasing the RFA threshold to $100 million will account for FICUs that generally face more significant challenges than their larger peers based on their relatively small asset base, membership, and economies of scale.

Increasing the threshold to levels recommended by a minority of commenters would cover up to 93 percent of FICUs and risk dilution of the RFA's special consideration for the smallest FICUs.[24] As explained below, the $100 million threshold results in a similar institution coverage ratio as the RFA threshold the FDIC uses in relation to banks. In addition, the $100 million threshold covers a significantly greater percentage of FICU assets, compared to the percentage of bank assets covered by the banking agencies' $550 million threshold.

Finally, the RFA threshold does not make larger FICUs ineligible for regulatory relief. The Board fully intends to continue to carefully consider the impact of all of its regulations on all FICUs.

A. What data supports the $100 million threshold?

Data gathered for the period between 2001 and 2014 reflects the competitive disadvantages across multiple industry metrics for FICUs below $100 million in assets, including the following:

- Deposit growth rates;
- asset growth rates; membership growth rates;
- loan origination growth rates;
- inflation-adjusted average loan amounts;
- ratio of operating costs to assets;
- merger and liquidation trends;
- average year-to-date loan amounts;
- non-interest expenses per dollar loaned;
- average assets per full-time employee; and
- average non-interest expense per annual loan originations.

Particularly, rates of deposit growth, rates of membership growth, rates of loan origination growth, and the ratio of operating costs to assets, each discussed more fully below, exemplify differentiations between FICUs both above and below the $100 million threshold.

(i) Slower Deposit Growth Rates

Smaller FICUs have consistently demonstrated an inability to grow their deposit base at a rate that keeps pace with larger FICUs. This slower growth rate makes it difficult for smaller FICUs to cover fixed costs, which are increasing over time. FICUs with growing deposits and loans are able to spread out fixed costs and incrementally reduce operating costs.

In general, deposit growth rates drop off significantly for FICUs with less than $100 million in assets. FICUs with less than $100 million in assets as of the end of the year 2000 grew their deposits by an average of 3.9 percent annually over the next 14 years. In comparison, FICUs with greater than $100 million in assets as of the end of the year 2000 grew deposits at 7.1 percent annually, on average, over the same period. On an asset-weighted basis, the industry's average deposit growth rate from 2001 to 2014 was 6.8 percent per year.

(ii) Slower Membership Growth Rates

FICUs with less than $100 million in assets also had significantly slower membership growth rates than larger FICUs. On average, FICUs with less than $100 million in assets as of the end of the year 2000 had their membership shrink by 0.5 percent annually over the next 14 years. In contrast, FICUs $100 million or more in assets as of the end of the year 2000 grew their membership by 2.3 percent annually over the same period. On an asset-weighted basis, the industry's membership growth rate was 1.8 percent per year from 2001 to 2014.

(iii) Slower Growth in Loan Originations

FICUs with less than $100 million in assets also had significantly slower growth in loan originations than larger FICUs. On average, FICUs with less than $100 million in assets as of the end of the year 2000 grew loan originations by 3.7 percent annually over the next 14 years. In contrast, FICUs with $100 million or more in assets as of the end of the year 2000 grew their loan originations by 9.6 percent annually over the same period. On an asset-weighted basis, the industry's loan origination growth was 6.6 percent per year from 2001 to 2014.

(iv) Higher Operating Expenses

FICUs with less than $100 million in assets also had higher annual operating expenses per unit of assets and per dollar of loan originations compared to other asset groups. On average, FICUs with less than $100 million in assets as of the end of the year 2000 had annual operating expenses equal to 4.0 percent of assets over the next 14 years. FICUs with $100 million or more in assets as of the end of the year 2000 had annual operating expenses of 3.5 percent of assets over the same period.

The impact of these differences in operating expenses can be dramatic. Between 2001 and 2014, FICUs with less than $100 million in assets as of the end of the year 2000, had operating expenses, on average, equal to 18 cents for every dollar in loan originations.

[24] An asset threshold of $175 million would cover 84 percent of all FICUs; $250 million would cover 87% of all FICUs; $550 million would cover 93 percent of all FICUs.

This expense ratio was close to a third higher than FICUs with $100 million or more in assets as of the end of the year 2000, which averaged annual operating expenses equal to 13 cents for every dollar in loan originations over the same period.

The 55 basis point difference in operating expenses between FICUs above and below the $100 million asset threshold resulted in large and persistent differences in earnings between these FICUs. The earnings gap between FICUs above and below the threshold averaged 41 basis points over the 2001 to 2014 period. To put this in perspective, during that period, 25 percent of FICUs below the $100 million asset threshold had negative earnings. Only 2.8 percent of FICUs with $100 million or more in assets had negative earnings over the same period.

FICUs with persistently weak or negative earnings are more likely to go out of business via failure or merger. Despite representing 83 percent of all FICUs, FICUs with less than $100 million in assets experienced 93 percent of mergers and liquidations since 2004. The disappearance of these FICUs threatens to deprive the credit union industry of a critical constituency.

Although the number of mergers and failures for FICUs below $100 million is disproportionately high, these FICUs do not represent a correspondingly high risk exposure to the Insurance Fund. For FICUs with assets of $50 million to less than $100 million (those which this final rule and IRPS include in RFA coverage), losses have historically been relatively small. Nine FICUs between $50 million and $100 million in inflation-adjusted assets failed between the first quarter of 2001 and fourth quarter of 2014. Resulting losses totaled less than $56 million. In contrast, losses for FICUs between $100 million and $250 million were $379 million, more than six times that amount over the same period. FICUs between $100 million and $550 million accounted for $790 million in inflation-adjusted losses.

Rather than expanding the RFA threshold to $550 million or $250 million, which would include FICUs responsible for significantly more losses and risk, the Board believes the $100 million threshold represents a reasonable additional share for RFA coverage. FICUs with assets of $50 million to less than $100 million hold 4.5 percent of system assets, bringing the total system assets within RFA coverage to 10 percent. To the extent the increase to $100 million results in more FICU exemptions from rules governing safety and soundness, it will not present material risk to the Insurance Fund.

For additional background, the table below shows the differentiation of the characteristics between the final rule's $100 million threshold and the expanded RFA coverage thresholds that also received support from some commenters. Unless otherwise indicated, the table includes cumulative data from 2001 to 2014.

	Inflation-adjusted assets at time of failure		
	<$100M	<$250M	<$550M
Share of Industry Losses	32%	63%	97%

	Assets as of year 2000		
	<$100M %	<$250M %	<$550M %
Asset Growth	77	104	125
Membership Growth	−12	0	10
Loan Growth	49	78	104

The Board's task under the RFA is to designate as ''small'' a subset of institutions to which its regulations apply, rather than comparing FICUs to the array of competing institutions that are not subject to NCUA's regulations.[25] A $100 million threshold covers a similar portion of FICUs and a significantly higher portion of FICU assets (76 percent and 10 percent, respectively) in comparison to the FDIC's $550 million RFA threshold for banks subject to its regulations (81 percent and 6 percent, respectively). In contrast, a $250 million or $550 million threshold for credit unions would cover a disproportionate percentage of FICUs and of total FICU assets, as reflected in the table below:

	Credit unions <$100M %	Credit unions <$250M %	Credit unions <$550M %	Banks <$550M %
Share of Industry Assets	10	20	32	6
Share of Institutions	76	87	93	81

Although a bright line asset threshold arguably bifurcates groups of FICUs for purposes of the RFA, it also avoids diluting the pool of FICUs for which the RFA requires special consideration. The Board believes a threshold significantly higher than $100 million would divert focus from the FICUs that are most in need of the RFA process. Further, the $100 million threshold does not preclude the Board from considering regulatory impacts on larger FICUs. The Board fully intends to continue reviewing the impact of all of its regulations on all FICUs.

[25] The Initial Regulatory Flexibility Analysis requires consideration of alternatives such as ''the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities. . . .'' 5 U.S.C. 603(c)(1). Differing compliance and reporting requirements or timetables can only be considered within the group of institutions to which the regulations apply. Thus NCUA's definition of ''small entities'' does not factor in banks or other institutions outside NCUA's jurisdiction.

The RFA requires a formal, published, analytical process during promulgation of a regulation whenever such regulation would impose significant economic burdens on a substantial number of small FICUs. It subjects this published consideration to the benefit of public comments. It does not, however, impose a substantive limit on the conclusions the Board may draw based on its analyses. On the contrary, the Board is still able to make distinctions in future rulemakings above or below the threshold designated in this final rule and IRPS. The Board can make these distinctions based on its RFA analysis and its broader consideration of regulatory impacts across all FICUs.

The Board's rule governing liquidity and contingency funding demonstrates this possibility by imposing differing compliance requirements on three asset tiers of FICUs.[26] The RFA threshold was $50 million at the time of the rule's adoption. While the Board exempted FICUs with assets under $50 million from most of the rule's compliance requirements, the Board also exempted a second tier ($50 million to $250 million) from some requirements. Only the largest tier (over $250 million) is required to comply with the entire rule.

As the liquidity rule also demonstrates, asset thresholds remain a principal comparative tool used to determine a FICU's relative size. As such, an asset threshold, rather than an employee- or branch-based demarcation, continues to be the most transparent and administratively feasible as a framework for its RFA analyses. An asset threshold is consistent with size standards that appear in the FCU Act and other NCUA regulations.

With respect to review, the Board continues to believe that the three-year period the proposed rule retained from 2013 provides a reasonable time within which to discern and interpret new trends in relevant data. Further, it is consistent with the longstanding review period NCUA uses for all its regulations. Rather than an annual or biannual adjustment, the three-year cycle avoids the uncertainty of continuous fluctuation that more frequent adjustments could create. Further, the scheduled opportunity to study trends and receive comments provides an advantage over automatically indexed adjustments.

As discussed in the proposal, the Board will separately consider whether to align thresholds in existing rules, such as those applying interest rate risk and liquidity requirements, with the RFA threshold. The NCUA's regular three-year review cycle provides appropriate opportunities for these considerations. Individual reviews will facilitate transparent considerations of unique risks and compliance burdens specific to those rules, rather than encouraging a one-size-fits-all approach.

B. How will the final rule and IRPS affect FICUs?

By increasing the RFA threshold to $100 million in assets, the Board recognizes its role in ensuring additional scrutiny of regulatory costs for FICUs under that threshold. The increase requires the Board to engage in the RFA's public analytical process for the benefit of considerably more FICUs, whenever a regulation would impose significant economic burdens on a substantial number of them. Further, future rules are more likely to invoke an RFA analysis because of the greater number of FICUs for which the Board must consider substantial economic impacts.

The $100 million threshold will cause NCUA to give special consideration to an additional 733 small FICUs. The total number of FICUs covered by the RFA will increase to approximately 4,690. This represents 75.6 percent of FICUs, which hold 10 percent of FICU assets. When an IRFA or FRFA is triggered, these additional FICUs will have the benefit of an opportunity to comment on a transparent and published analysis of impacts and alternatives. For all of these FICUs, future regulations will be thoroughly evaluated to determine whether an exemption or other separate consideration should apply. The $100 million threshold ensures that regulatory relief will be consistently and robustly considered for significantly more FICUs.

This final rule and IRPS retains the three-year review cycle that the Board adopted in 2013. The review period gives FICUs a regular opportunity to provide input on the Board's RFA threshold. Finally, the rule references IRPS 15–1 in § 791.8(a) of NCUA's regulations governing regulatory procedures, replacing the reference to IRPS 13–1.

IV. Regulatory Procedures

A. Regulatory Flexibility Act

For any final rule it adopts, the RFA requires NCUA to prepare a FRFA that, among other things, describes the steps the agency has taken to minimize economic impact on small entities (currently defined by NCUA as FICUs with under $50 million in assets), unless the NCUA certifies that the final rule will not have a significant economic impact on a substantial number of small entities. In this case, the final rule and IRPS expands the number of FICUs defined as small entities under the RFA. It, therefore, will not have a significant economic impact on a substantial number of FICUs under $50 million in assets that are already covered by the RFA.

With respect to additional FICUs that will now be covered, the principal component of the final rule and IRPS will provide prospective relief in the form of special and more robust consideration of FICUs' ability to handle compliance burdens. This prospective relief is not yet quantifiable. Further, the final rule and IRPS can only reduce, rather than increase, compliance burdens for these FICUs and, therefore, will not raise costs in a manner that requires a FRFA. Accordingly, NCUA has determined and certifies that the final rule and IRPS will not have a significant economic impact on a substantial number of small entities. No FRFA is required.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency creates a new paperwork burden on regulated entities or modifies an existing burden.[27] For purposes of the PRA, a paperwork burden may take the form of either a reporting or a recordkeeping requirement, both referred to as information collections. The changes to IRPS 87–2, as amended, will not create any new paperwork burden for FICUs. Thus, NCUA has determined that this final rule and IRPS does not increase the paperwork requirements under the PRA and regulations of the Office of Management and Budget.

C. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. This final rule and IRPS 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. NCUA has determined that this final rule and IRPS does not constitute a policy that has federalism implications for purposes of the executive order.

[26] 12 CFR 741.12.

[27] 44 U.S.C. 3507(d).

D. Assessment of Federal Regulations and Policies on Families

NCUA has determined that this final rule and IRPS will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

List of Subjects in 12 CFR Part 791

Administrative practice and procedure, Credit unions, Sunshine Act.

By the National Credit Union Administration Board on September 17, 2015.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed above, the Board amends IRPS 87–2 (as amended by IRPS 03–2 and IRPS 13–1) by revising the second sentence of paragraph 2 of Section II and replacing the last two sentences of paragraph 2 of Section II to read as follows:

Interpretive Ruling and Policy Statement 87–2

* * * * *

II. Procedures for the Development of Regulations

* * * * *

2. * * * NCUA will designate federally insured credit unions with less than $100 million in assets as small entities. * * * Every three years, the NCUA Board will review and consider adjusting the asset threshold it uses to define small entities for purposes of analyzing whether a regulation will have a significant economic impact on a substantial number of small entities.

* * * * *

For the reasons discussed above, the Board amends 12 CFR part 791 as follows:

PART 791—RULES OF NCUA BOARD PROCEDURES; PROMULGATION OF NCUA RULES AND REGULATIONS; PUBLIC OBSERVATION OF NCUA BOARD MEETINGS

■ 1. The authority citation for part 791 continues to read as follows:

Authority: 12 U.S.C. 1766, 1789 and 5 U.S.C 552b.

■ 2. In § 791.8, revise paragraph (a) to read as follows:

§ 791.8 Promulgation of NCUA rules and regulations.

(a) NCUA's procedures for developing regulations are governed by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and NCUA's policies for the promulgation of rules and regulations as set forth in its Interpretive Ruling and Policy Statement 87–2, as amended by Interpretive Ruling and Policy Statements 03–2 and 15–1.

* * * * *

[FR Doc. 2015–24165 Filed 9–23–15; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–2905; Airspace Docket No. 15–AWA–3]

RIN 2120–AA66

Amendment of Class C Airspace; Portland International Airport, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends geographic coordinates of Portland International Airport, Portland, OR, under Class C airspace, due to recent surveys of the airport. This action also updates the name and geographic coordinates of satellite airports referenced in the Portland description. This action does not change the boundaries or operating requirements of the airspace.

DATES: Effective date 0901 UTC, December 10, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points and subsequent amendments can be viewed online at *http://www.faa.gov/airtraffic/publications/*. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

The order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it updates the geographic coordinates of Portland International Airport, Portland, OR.

History

During a review of the airspace for Portland International Airport, Portland, OR, the FAA identified that the airport's geographic coordinates were incorrect. This action updates the geographic coordinates to coincide with the FAA's aeronautical database for the respective Class C airspace area. Additionally, this action updates the names and geographic coordinates of referenced airports within the Portland International Airport's Class C airspace description.

Class C airspace designations are published in paragraph 4000 of FAA Order 7400.9Z dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class C airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class C airspace at Portland International Airport, Portland, OR, by adjusting the geographic coordinates to reflect recent survey data. This rule also adjusts the Evergreen North-South Airpark, Vancouver, WA, formerly Evergreen Airport, and Pearson Field, Vancouver, WA, formerly Pearson Airpark.

This is an administrative change and does not affect the boundaries, altitudes, or operating requirements of the airspace, therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, effective September 15, 2015, is amended as follows:

Paragraph 4000 Class C Airspace

* * * * *

ANM OR C Portland International Airport, OR [Amended]

Portland International Airport, OR
(Lat. 45°35′19″ N., long. 122°35′49″ W.)
Evergreen North-South Airpark
(Lat. 45°37′33″ N., long. 122°31′52″ W.)
Pearson Field
(Lat. 45°37′14″ N., long. 122°39′23″ W.)

That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of Portland International Airport, excluding that airspace within a 1-mile radius of Evergreen North-South Airpark and that airspace from the 003° bearing from Evergreen North-South Airpark clockwise to the 105° bearing from Evergreen North-South Airpark, and excluding that airspace up to but not including 1,100 feet MSL in an area bounded by a line beginning at the point where the 019° bearing from Pearson Field intersects the 5-mile arc from Portland International Airport extending southeast to a point 1½ miles east of Pearson Field on the extended centerline of Runway 8/26 and thence south to the north shore of the Columbia River and thence west via the north shore of the Columbia River to the 5-mile arc from Portland International; and excluding that airspace west of the east bank of the Willamette River; and that airspace extending upward from 2,000 feet MSL to and including 4,000 feet MSL within a 10-mile radius of Portland International Airport from the 004° bearing from the airport clockwise to the 093° bearing from the airport, and that airspace extending upward from 1,700 feet MSL to and including 4,000 feet MSL within a 10-mile radius of the airport from the 093° bearing from the airport clockwise to the 196° bearing from the airport, and that airspace extending upward from 2,300 feet MSL to and including 4,000 feet MSL from the 196° bearing from the airport clockwise to the 268° bearing from the airport, and that airspace extending upward from 1,800 feet MSL to and including 4,000 feet MSL within a 10-mile radius of the airport from the 268° bearing from the airport clockwise to the 004° bearing from the airport.

Issued in Washington, DC, on September 15, 2015.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2015–23997 Filed 9–23–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–0690; Airspace Docket No. 15–AWA–1]

RIN 2120–AA66

Amendment of Class C Airspace; Burbank, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends the name and geographic coordinates of the Burbank-Glendale-Pasadena Airport at Burbank, CA. The Burbank-Glendale-Pasadena Airport has been renamed Bob Hope Airport and geographic coordinates are updated to reflect recent surveys of the airport.

DATES: Effective date 0901 UTC, December 10, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Jason Stahl, Airspace Policy and Regulations Group, Office of Airspace Services, Federal Aviation

Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the air traffic service route structure in the north central United States to maintain the efficient flow of air traffic.

History

During a biennial review of the Burbank-Glendale-Pasadena Airport's airspace the FAA identified that the airport's name had been changed to Bob Hope Airport and the geographic coordinates were incorrect. This action updates the name and geographic coordinates to coincide with the FAA's aeronautical database for the respective Class C airspace area.

Class C airspace designations are published in paragraph 4000 of FAA Order 7400.9Z dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class C airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends the Class C airspace within which all aircraft operators are subject to operating rules and equipment requirements of Part 91 of the Federal Aviation Regulations (see 14 CFR 91.130). The name of the Burbank-Glendale-Pasadena Airport is changed to Bob Hope Airport and the geographic coordinates are updated. This rule is meant to insure pilots do not confuse instructions provided to them by Air Traffic Control.

This is an administrative change and does not affect the boundaries, altitudes, or operating requirements of the airspace, therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, effective September 15, 2015, is amended as follows:

Paragraph 4000 Class C Airspace

* * * * *

AWP CA C Burbank-Glendale-Pasadena Airport, CA [Remove]

AWP CA C Burbank, CA [New]

Bob Hope Airport, CA
(Lat. 34°12′03″ N., long. 118°21′31″ W.)
Whiteman Airport
(Lat. 34°15′35″ N., long. 118°24′48″ W.)

That airspace extending upward from the surface to and including 4,800 feet MSL within a 5-mile radius of Bob Hope Airport excluding that airspace below 3,000 feet MSL within a 1.8-mile radius of Whiteman Airport, and excluding that airspace below 3,500 feet MSL east of a direct line from a point 5 miles on the 004° bearing from the airport to a point 5 miles on the 090° bearing from the airport; and that airspace extending upward from 3,000 feet MSL to and including 4,800 feet MSL within a 10-mile radius of Bob Hope Airport from the 104° bearing clockwise to the 004° bearing from the airport excluding that airspace south of the north boundary of the Los Angeles, CA, Class B airspace area, and excluding that airspace beyond an 8-mile radius north and east of the 294° bearing, and excluding that airspace beyond 5 miles north and east of a line from a point 8 miles on the 343° bearing from the airport to a point 5 miles on the 004° bearing from the airport.

Issued in Washington, DC, on September 15, 2015.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2015–23994 Filed 9–23–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Docket No. FAA–2015–3601; Airspace Docket No. 15–AGL–5

RIN 2120–AA66

Revocation of Jet Route J–513; North Central United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes jet route J–513 in the north central United States. The FAA is taking this action to reflect and accommodate route changes made in Canadian airspace as part of Canada's Windsor-Toronto-Montreal (WTM) airspace redesign project.

DATES: Effective date 0901 UTC, December 10, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA, Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the air traffic service route structure in the north central United States to maintain the efficient flow of air traffic.

Background

In 1969, the FAA published in the **Federal Register** a rule that established J–513 from the Lakehead, Ontario, Canada, VHF Omnidirection Range Tactical Air Navigation (VORTAC) navigation aid (NAVAID) to the Sudbury, Ontario, Canada, VHF Omnidirection Range/Distance Measuring Equipment (VOR/DME) NAVAID (34 FR 12133, July 19, 1969). The route, extending through a small portion of airspace over the north central United States, was established in response to a request from the Canadian Department of Transport advising they had an immediate requirement for a high level airway to be designated from Lakehead to Sudbury. When it was established, J–513 joined to Canadian high level airway No. HL–513.

In 1970, the FAA published in the **Federal Register** a rule to amend J–513 (35 FR 3659, February 25, 1970). The amendment changed the name of the Lakehead, Ontario, Canada, VORTAC to Thunder Bay. As a result, the J–513 description was amended to reflect the route from the Thunder Bay, Ontario, Canada, VORTAC to the Sudbury, Ontario, Canada, VOR/DME, excluding the airspace within Canada.

In November 2014, Canada removed the portions of J–513 in Canadian airspace as part of their WTM airspace redesign program; however, corresponding action for the portion of J–513 in United States airspace was not accomplished by the FAA. This disconnect led to the charted depiction of J–513 being removed from the Instrument Flight Rules (IFR) high altitude enroute charts, but the legal description remained in FAA Order 7400.9 and the National Airspace System Repository (NASR).

Since the basis for which J–513 was originally established no longer exists, the FAA is removing the route from 14 CFR part 71 and FAA Order 7400.9. Subsequently, the FAA will remove the route from the NASR database.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

The FAA is amending Title 14 of the Code of Federal Regulations (14 CFR) part 71 by removing jet route J–513. This action responds to the route changes made in Canadian airspace as part of Canada's WTM airspace redesign project. This action removes a route that was put in place in accordance with a request from the Canadian Department of Transport, which traversed through Canadian and U.S. airspace. Canada has subsequently removed this route and the route no longer exists on aeronautical charts. Therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Jet routes are published in paragraph 2004 of FAA Order 7400.9Z dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The jet route listed in this document will be subsequently removed in the Order.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a. This airspace action consists of modifying an airway and it is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015 and effective September 15, 2015, is amended as follows:

Paragraph 2004 Jet Routes

* * * * *

J–513 [Removed]

Issued in Washington, DC, on September 15, 2015.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2015–24101 Filed 9–23–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–0343; Airspace Docket No. 14–ANM–10]

Establishment of Class E Airspace, Delta, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Blake Field Airport, Delta CO, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures developed for the airport. This action enhances the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, December 10, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy and ATC Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 29591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html*.

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Steve Haga, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA, 98057; telephone (425) 203–4563.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Blake Field Airport, Delta CO.

History

On June 22, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify Class E airspace extending upward from 700 feet above the surface at Blake Field Airport, Delta CO (80 FR 35597). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace extending upward from 700 feet above the surface at Blake Field Airport, Delta, CO. Controlled airspace is established within a 3.8-mile radius of Blake Field Airport, with segments extending from the 4-mile radius to 7.5 miles northeast, and 12 miles southwest of the airport. Development of new RNAV (GPS) standard instrument approach procedures has made this action necessary for continued safety and management of IFR operations at the airport.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion

under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment:

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

ANM WA E5 Delta, CO [New]

Blake Field Airport, CO
(Lat. 38°47′11″ N., long. 108°03′49″ W.)
Blake Field, point in space coordinates
(Lat. 38°47′43″ N., long. 107°58′46″ W.)

That airspace extending upward from 700 feet above the surface within 3.8-mile radius of Blake Field Airport, and that airspace 2.0 miles northwest and 2.5 miles southeast of the 227° bearing from the airport extending from the 3.8-mile radius to 12 miles southwest of the airport, and that airspace within a 4.0-mile radius of point in space coordinates at lat. 38°47′43″N., long. 107°58′46″ W., from a point where the 4.0-mile radius of the point in space intersects the 3.8 mile radius of the airport; thence clockwise along the 4.0-mile radius of the point in space to where the Blake Field Airport 48° bearing intersects the 4.0-mile radius; thence south to lat. 38°47′34″ N., long. 107°57′03″ W.; thence west to where the Blake Field Airport 79° bearing intersects the 3.8 mile radius of the airport.

Issued in Seattle, Washington, on September 09, 2015.

Christopher Ramirez,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2015–23992 Filed 9–23–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–1869; Airspace Docket No. 15–AGL–9]

Establishment of Class E Airspace; Newberry, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at the Newberry VHF Omni-Directional Radio Range/Distance Measuring Equipment (VOR/DME), Newberry, MI, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Minneapolis Air Route Traffic Control Center (ARTCC). This action enhances the safety and efficiency of aircraft operations within the National Airspace System (NAS). A minor change in the regulatory text is made to align the new Class E airspace with Minneapolis ARTCC's airspace.

DATES: *Effective date:* 0901 UTC, December 10, 2015. The Director of the Federal Register approves this incorporation by reference action under 1 Code of Federal Regulations, Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/airtraffic/publications/.* For further information, you can contact the Airspace Policy and ATC Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 29591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–868–2927.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106(f), describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at the Newberry VOR/DME, Newberry, MI.

History

On June 24, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace for the Newberry, MI area, creating controlled airspace at the Newberry VOR/DME within Minneapolis ARTCC boundaries (80 FR 36264) Docket No. FAA–2015–1869. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, the FAA found that the airspace coordinates in the legal description will change slightly to allow alignment of the new Class E airspace with the boundaries of Minneapolis ARTCC.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Z lists

Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 1,200 feet above the surface at the Newberry VOR/DME navigation aid, Newberry, MI, to contain aircraft while in IFR conditions under control of Minneapolis ARTCC by safely vectoring aircraft from en route airspace to terminal areas. Controlled airspace is needed for the safety and management of IFR operations within the confines of Minneapolis ARTCC airspace.

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6006 Enroute Domestic Airspace Areas

* * * * *

AGL MI E6 Newberry, MI [New]

Newberry VOR/DME, MI

Lat. 46°18′45″ N., long. 085°27′49″ W.

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 46°58′41″ N., long. 086°25′25″ W.; to lat. 45°44′17″ N., long. 086°27′14″ W.; to lat. 45°43′49″ N., long. 085°20′28″ W.; to lat. 46°29′24″ N., long. 084°50′43″ W.; to lat. 46°48′24″ N., long. 085°51′50″ W., to lat. 46°58′30″ N., long. 086°25′01″ W., thence to the point of beginning, excluding that airspace within Federal airways and within Canadian airspace.

Issued in Fort Worth, TX, on August 27, 2015.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2015–23987 Filed 9–23–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Docket No. FAA–2015–1089; Airspace Docket No. 15–ANM–11

Amendment of Class E Airspace; Douglas, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Converse County Airport, Douglas, WY, to accommodate new Standard Instrument Approach Procedures (SIAPs) at Converse County Airport, and addresses an inaccuracy identified by FAA Airspace Policy and Support that V–19, which is no longer located in the area, is used in the legal description of the airspace. The geographic coordinates of the airport also are adjusted. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, December 10, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy and ATC Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 29591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html*.

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Steve Haga, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4563.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Converse County Airport, Douglas, WY.

History

On June 23, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify Class E airspace extending upward from 700 feet above the surface at Converse County Airport, Douglas, WY (80 FR 35889) and amend the geographic

coordinates of the airport and the legal description for that airspace extending from 1,200 feet above the surface, utilizing latitudinal and longitudinal reference points. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace extending upward from 700 feet above the surface at Converse County Airport, Douglas, WY. New Standard Instrument Approach Procedures are necessary for the safety and management of IFR operations at the airport. Class E airspace extending upward from 700 feet above the surface is modified to within a 4-mile radius of Converse County Airport, with a segment extending from the 4-mile radius to the 7-mile radius east to southwest of the airport, and a segment extending from the 4-mile radius to 7 miles northwest of the airport. The geographic coordinates of the airport are updated to coincide with the FAA's aeronautical database. The lateral boundary for that airspace extending from 1,200 feet above the surface is defined utilizing latitudinal and longitudinal reference points instead of Federal airway V–19, and does not change the lateral boundaries or operating requirements of the 1,200 foot airspace. This action enhances the safety and management of controlled airspace within the NAS.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

ANM WY E5 Douglas, WY [Modified]

Converse County Airport, WY
(Lat. 42°47′50″ N., long. 105°23′09″ W.)

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Converse County Airport beginning at lat. 42°50′30″ N., long. 105°27′11″ W., clockwise along the 4-mile radius of the airport to the 065° bearing from the airport, and that airspace within a 7-mile radius of the airport from the 065° bearing from the airport clockwise to the 226° bearing, thence northeast to lat. 42°48′41″ N., long. 105°28′28″ W., and that airspace 1 mile either side of the 297° bearing from airport extending from the 4-mile radius to 7 miles northwest of the airport, thence to the point of beginning That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 43°05′27″ N., long. 106°16′37″ W.; to lat. 43°35′23″ N., long. 104°30′02″ W.; to lat. 43°00′00″ N., long. 104°30′02″ W.; to lat. 43°00′00″ N., long. 104°03′16″ W.; to lat. 41°53′15″ N., long. 104°03′15″ W.; to lat. 41°51′54″ N., long. 105°17′18″ W.; thence to the point of beginning.

* * * * *

Issued in Seattle, Washington, on September 9, 2015.

Christopher Ramirez,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2015–23993 Filed 9–23–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–1871; Airspace Docket No. 15–AGL–10]

Establishment of Class E Airspace; Iron Mountain, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at the Iron Mountain VHF Omni-Directional Radio Range/Distance Measuring Equipment (VOR/DME), Iron Mountain, MI, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Minneapolis Air Route Traffic Control Center (ARTCC). This action enhances the safety and efficiency of aircraft operations within the National Airspace System (NAS). A minor change in the regulatory text is made to align the new Class E airspace with Minneapolis ARTCC's airspace.

DATES: *Effective date:* 0901 UTC, December 10, 2015. The Director of the Federal Register approves this incorporation by reference action under 1 Code of Federal Regulations, Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/airtraffic/publications/*. For further information, you can contact the Airspace Policy and ATC Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 29591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html*.

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–868–2927.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 (f), describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at the Iron Mountain VOR/DME, Iron Mountain, MI.

History

On June 24, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace for the Iron Mountain, MI area, creating controlled airspace at the Iron Mountain VOR/DME within Minneapolis ARTCC boundaries (80 FR 36262) Docket No. FAA–2015–1871. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, the FAA found that the airspace coordinates in the legal description will change slightly to allow alignment of the new Class E airspace with the boundaries of Minneapolis ARTCC.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 1,200 feet above the surface at the Iron Mountain VOR/DME navigation aid, Iron Mountain, MI, to contain aircraft while in IFR conditions under control of Minneapolis ARTCC by safely vectoring aircraft from en route airspace to terminal areas. Controlled airspace is needed for the safety and management of IFR operations within the confines of Minneapolis ARTCC airspace.

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR part 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6006 Enroute Domestic Airspace Areas

* * * * *

AGL MI E6 Iron Mountain, MI [New]

Iron Mountain VOR/DME, MI

Lat. 45°48′58″ N., long. 088°06′44″ W.

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 47°50′36″ N., long. 089°41′25″ W.; to lat. 47°54′30″ N., long. 088°46′30″ W.; thence clockwise via the arc of a 35-mile radius centered on the McKay TACAN to lat. 47°50′36″ N., long. 089°41′25″ W.; to lat. 47°05′00″ N., long. 087°00′00″ W.; to lat. 47°01′28″ N., long. 086°59′15″ W.; to lat. 46°53′22″ N., long. 088°21′39″ W.; to Iron Mountain VOR/DME; to Ironwood VORTAC; to lat. 46°51′42″ N., long. 090°20′18″ W.; thence to the point of beginning, excluding that airspace within Federal airways and within Canadian airspace.

Issued in Fort Worth, TX, on August 26, 2015.

Walter Tweedy,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2015–23991 Filed 9–23–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 40

[Docket No. RM15–9–000, Order No. 813]

Protection System, Automatic Reclosing, and Sudden Pressure Relaying Maintenance Reliability Standard

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Power Act, the Commission approves a revised Reliability Standard, PRC–005–4 (Protection System, Automatic Reclosing and Sudden Pressure Relaying Maintenance), developed and submitted by the North American Electric Reliability Corporation (NERC). In addition, the Commission approves one new definition and four revised definitions referenced in the proposed Reliability Standard, as well as the assigned violation risk factors and violation severity levels, and the associated implementation plan. Consistent with Order No. 758, the proposed Reliability Standard requires applicable entities to test and maintain certain sudden pressure relays as part of a protection system maintenance program.

DATES: This rule will become effective November 23, 2015.

FOR FURTHER INFORMATION CONTACT:

Tom Bradish (Technical Information), Office of Electric Reliability, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (301) 665–1391, *Tom.Bradish@ferc.gov.*

Julie Greenisen (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6362, *julie.greenisen@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Order No. 813

Final Rule (Issued September 17, 2015)

1. Pursuant to section 215 of the Federal Power Act (FPA),[1] the Commission approves a revised Reliability Standard, PRC–005–4 (Protection System, Automatic Reclosing and Sudden Pressure Relaying Maintenance), developed and submitted by the North American Electric Reliability Corporation (NERC), the Commission-certified Electric Reliability Organization (ERO). In addition, the Commission approves one new definition and four revised definitions referenced in the Reliability Standard, as well as the assigned violation risk factors and violation severity levels, and the proposed implementation plan. Consistent with Order No. 758,[2] Reliability Standard PRC–005–4 requires applicable entities to test and maintain certain sudden pressure relays as part of a protection system maintenance program.

I. Background

A. Regulatory Background

2. Section 215 of the FPA requires a Commission-certified ERO to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval.[3] Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight, or by the Commission independently.[4] In 2006, the Commission certified NERC as the ERO pursuant to FPA section 215.[5]

3. In 2007, the Commission approved an initial set of Reliability Standards submitted by NERC, including initial versions of four protection system and load-shedding-related maintenance standards: PRC–005–1, PRC–008–0, PRC–011–0, and PRC–017–0.[6] In addition, the Commission directed NERC to develop a revision to PRC–005–1 incorporating a maximum time interval during which to conduct maintenance and testing of protection systems, and to consider combining into one standard the various maintenance and testing requirements for all of the maintenance and testing-related standards for protection systems, underfrequency load shedding (UFLS) equipment and undervoltage load shedding (UVLS) equipment.

4. In February 2012, the Commission issued Order No. 758 in response to NERC's request for approval of its interpretation of Requirement R1 of the then-current version of the protection system maintenance standard, Reliability Standard PRC–005–1. In that order, the Commission accepted NERC's proposed interpretation of Requirement R1, which provided guidance on the types of protection system equipment to which the Reliability Standard did or did not apply. In reviewing NERC's interpretation, however, the Commission raised several concerns about potential gaps in the coverage of PRC–005–1, including a concern that the standard as written may not include all components that serve in some protective capacity.[7]

B. NERC Petition and Proposed Standard PRC–005–4

5. On December 18, 2014, NERC submitted a petition seeking approval of proposed Reliability Standard PRC–005–4, which would add to the applicability of Reliability Standard PRC–005–3 those sudden pressure relays that NERC has identified as having a potential effect on the reliable operation of the Bulk-Power System.[8] NERC stated that these revisions were developed to satisfy NERC's commitment to develop modifications to PRC–005 that would address the Commission's concerns, as set out in Order No. 758, regarding the lack of maintenance requirements for non-electrical sensing relays (such as sudden pressure relays) that could affect the reliable operation of the Bulk-Power System.[9]

6. NERC stated that sudden pressure relays are ''designed to quickly detect faults on the Bulk-Power System transformer equipment that may remain undetected by other Protection Systems, and can operate to limit any potential damage on the equipment.'' [10] NERC

[1] 16 U.S.C. 824o (2012).

[2] *Interpretation of Protection System Reliability Standard,* Order No. 758, 138 FERC ¶ 61,094, *clarification denied,* 139 FERC ¶ 61,227 (2012).

[3] 16 U.S.C. at 824o(c) and (d).

[4] *See id.* at 824o(e).

[5] *North American Electric Reliability Corp.,* 116 FERC ¶ 61,062, *order on reh'g & compliance,* 117 FERC ¶ 61,126 (2006), *aff'd sub nom. Alcoa, Inc.* v. *FERC,* 564 F.3d 1342 (D.C. Cir. 2009).

[6] *Mandatory Reliability Standards for the Bulk Power System,* Order No. 693, FERC Stats. & Regs. ¶ 31,242 at PP 1474, 1492, 1497, and 1514, *order on reh'g,* Order No. 693–A, 120 FERC ¶ 61,053 (2007).

[7] *See* Order No. 758, 138 FERC ¶ 61,094 at P 12. NERC has been addressing the concerns stated in Order No. 758 through a series of projects modifying the PRC–005 standard. *See Protection System Maintenance Reliability Standard,* Order No. 793, 145 FERC ¶ 61,253 (2013) (approving Reliability Standard PRC–005–2, which incorporated specific minimum maintenance activities and maximum time intervals for maintenance of individual components of the protection systems and load shedding equipment affecting the bulk electric system); *Protection System Maintenance Reliability Standard,* Order No. 803,150 FERC ¶ 61,039 (2015) (approving PRC–005–3 and directing NERC to develop a modification to include maintenance and testing of supervisory relays associated with relevant autoreclosing relay schemes).

[8] Reliability Standard PRC–005–4 is not attached to the Final Rule; however, the complete text of the Reliability Standard is available on the Commission's eLibrary document retrieval system in Docket No. RM15–9–000 and is posted on NERC's Web site, *available at: http://www.nerc.com.*

[9] *See* NERC Petition at 3, 9.

[10] *Id.* at 3. NERC described sudden pressure relays as relays which ''respond to changes in pressure and are utilized as protective devices for power transformers,'' and which may ''detect rapid

stated that the ''misoperation of sudden pressure relays that initiate tripping in response to fault conditions can impact the reliability of the Bulk-Power System,'' and accordingly proposed revisions to PRC–005–3 that will require entities to document and implement programs for maintenance of applicable sudden pressure relays.[11]

7. NERC explained that, consistent with Order No. 758, NERC's System Protection and Control Subcommittee (SPCS) performed a technical study ''to determine which devices that respond to non-electrical quantities should be addressed within PRC–005 identified devices.'' [12] NERC stated that the SPCS considered a broad range of devices that respond to non-electrical quantities, starting with the list of ninety-four devices included in the IEEE Standard Electrical Power System Device Function Numbers, then applying ''multiple layers of analysis to each device to select the ones that can affect the reliability of the Bulk-Power System.'' [13] The SPCS first determined that only those devices that initiate action to clear faults or mitigate abnormal system conditions present a risk to the Bulk-Power System. Next, the SPCS eliminated those devices that were ''previously considered as a result of the revised definition of Protection System or those that are clearly not protective devices, such as primary equipment and control devices.'' [14] Finally, the SPCS conducted an in-depth analysis of the remaining devices, and concluded that only one category—sudden pressure relays that are utilized in a trip application—should be included in the revised PRC–005–4.

8. NERC also explained that the SPCS developed a Supplemental Report in response to comments and questions from the Commission staff about its initial recommendations. These comments and questions focused on whether PRC–005 should include turbine generator vibration monitors and circuit breaker arc extinguishing systems.[15] The SPCS Supplemental Report, issued on October 31, 2014, examined these two kinds of devices and provided information on events during which these devices operated or failed to operate. The Supplemental Report concluded that neither device affected the reliable operation of the Bulk-Power System.

9. NERC stated that the standard drafting team that was tasked with developing the modifications to PRC–005 in response to Order No. 758 adopted the SPCS Report's recommendations, both as to the scope of additional relays included and as to the required minimum maintenance activities and maximum maintenance intervals for these relays.

10. NERC maintained in its petition that Reliability Standard PRC–005–4 will enhance reliability by extending the coverage of an applicable entity's protection system maintenance program to include sudden pressure relaying components. NERC further maintained that the proposed standard satisfies the Commission's concerns as raised in Order No. 758 ''by including . . . sudden pressure relays that detect [a] fault on Bulk-Power System transformer equipment and trip in response to fault conditions, as recommended by the SPCS Report.'' [16]

11. NERC explained that Reliability Standard PRC–005–4 has been modified to include ''Sudden Pressure Relaying'' devices (newly-defined) as part of an applicable entity's protection system maintenance program.[17] NERC further explained that Reliability Standard PRC–005–4's maintenance requirements would apply to a sudden pressure relay that trips an interrupting device to isolate the equipment it is monitoring, but that it ''does not include other non-electric sensing devices, pressure relays that only initiate an alarm, or pressure relief devices.'' [18] In addition, NERC explained that the revised standard replaces the term ''Special Protection System'' with the term ''Remedial Action Scheme,'' to align the standard with NERC's employment of the latter term moving forward, and revises Applicability section 4.2.6.1 to address how the largest bulk electric system generating unit would be determined in circumstances involving a Reserve Sharing Group.

12. NERC's proposed implementation plan for PRC–005–4 incorporates the phased-in implementation period approved for PRC–005–2, which has a twelve-year phase-in period, and adds compliance dates for the new requirements for applicable sudden pressure relays. NERC asked that PRC–005–4 become effective the first day of the first calendar quarter following Commission approval. Reliability Standard PRC–005–3 would be retired immediately prior to PRC–005–4 becoming effective.

13. NERC explained that the evidence retention period for PRC–005–4 is shorter than that required in the preceding versions of the standard, as it requires entities to maintain records for one maintenance cycle, rather than two cycles, if the interval of the maintenance activity is longer than the audit cycle. For maintenance activities where the interval is shorter than the audit cycle, documentation is to be retained for all maintenance activities since the previous audit.

14. Finally, NERC stated that the violation risk factors proposed in PRC–005–4 track those in previous versions of the standard, and that the violation severity levels have been revised to include the additional component (sudden pressure relays) in a manner consistent with the approach taken for PRC–005–3.

C. Notice of Proposed Rulemaking

15. On April 22, 2015, the Commission issued a Notice of Proposed Rulemaking (NOPR) proposing to approve Reliability Standard PRC–005–4, along with the new definition of Sudden Pressure Relaying, the four revised definitions referenced in the standard, and the assigned violation risk factors and violation severity levels.[19] The Commission agreed with NERC that the identified sudden pressure relays should be included in an adequate protection system maintenance program, and stated its belief that inclusion of these devices in such a maintenance program would enhance reliability.[20] However, the Commission also noted its continuing concern that ''misoperation of other types of non-electrical sensing relays or devices, such as pressure sensing devices associated with air blast or SF6 circuit breaker arc extinguishing systems, could affect the reliable operation of the Bulk-Power System.'' [21] While the Commission did

changes in gas pressure, oil pressure, or oil flow that are indicative of faults within the transformer equipment.'' *Id.* at 13. NERC noted that in addition to detecting faults, certain sudden pressure relays can trip the associated transformer circuitry in response to the fault conditions.

[11] *Id.* at 3–4.

[12] *Id.* at 4.

[13] *Id.* at 10.

[14] *Id.*

[15] NERC Petition at 11, Ex. E (NERC SPCS, *Sudden Pressure Relays and Other Devices that Respond to Non-Electrical Quantities: Supplemental Information to Support Project 2007–17.3: Protection System Maintenance and Testing* (Oct. 31, 2014) (SPCS Supplemental Report)).

[16] NERC Petition at 12.

[17] NERC also proposed to modify the definitions of Protection System Maintenance Program, Component Type, Component, and Countable Event to reflect the addition of sudden pressure relays to the scope of a required maintenance program. NERC Petition at 15–16.

[18] *Id.* at 18.

[19] *Protection System, Automatic Reclosing, and Sudden Pressure Relaying Maintenance Reliability Standard,* Notice of Proposed Rulemaking, 80 FR 22444 (Apr. 22, 2015), 151 FERC ¶ 61,026, (2015) (NOPR).

[20] *Id.* PP 15–16.

[21] *Id.* P 17.

not propose any revisions to the standard based on these concerns, it noted its expectation that Commission staff would continue to explore the issue with NERC.[22]

16. Comments on the NOPR were filed by NERC, the Edison Electric Institute (EEI), the National Rural Electric Cooperative Association (NRECA), Tennessee Valley Authority (TVA), Southern Company Services, Inc. (Southern Companies), and Eric S. Morris. Dominion Resources Services, Inc. filed a motion to intervene in this rulemaking, but did not file substantive comments. Ameren submitted late-filed comments on August 31, 2015.

II. Discussion

17. Pursuant to section 215(d)(2) of the FPA, the Commission approves Reliability Standard PRC–005–4, as well as the new definition of Sudden Pressure Relaying, the four revised definitions referenced in the proposed standard, the assigned violation risk factors and violation severity levels, and the proposed implementation plan (as discussed further below). We find that Reliability Standard PRC–005–4 will enhance reliability by requiring the inclusion of certain sudden pressure relays utilized in a trip application as part of the protection system maintenance program, and by requiring entities to undertake minimum required maintenance activities at maximum defined maintenance intervals. Moreover, we note that all of the commenters that addressed the issue support approval of PRC–005–4, as well as the associated definitions and violation risk factors and violation severity levels.[23]

18. Below we discuss the following matters: (1) continued assessment of reliability gaps associated with non-electrical sensing devices; and (2) alignment of implementation plans with other versions of PRC–005.

A. Continued Assessment of Non-Electrical Sensing Devices NOPR

19. The Commission indicated in the NOPR that it continued to have some concern ''that the misoperation of other types of non-electrical sensing relays or devices, such as pressure sensing devices associated with air blast or SF6 circuit breaker arc extinguishing systems, could affect the reliable operation of the Bulk-Power System.'' [24] While the Commission recognized that the SPCS Report found no situations ''in which misoperation of a density switch or sensor [*i.e.,* pressure sensing device] in response to a system disturbance had contributed to a cascading event,'' the Commission nevertheless noted its expectation that Commission staff would continue to explore the issue with NERC. The Commission pointed out that NERC's 2013 and 2014 State of Reliability reports indicated ''that AC substation equipment failures remain among the leading causes of Bulk Power System problems.'' [25]

Comments

20. NERC agrees with the Commission's proposal to continue to work with Commission staff ''to explore misoperations of particular types of non-electrical sensing relays or devices . . . to assess the impact of this equipment on the reliable operation of the Bulk-Power System.'' [26] While EEI supports NERC's commitment to continue to examine the misoperations issue, EEI maintains that the SPCS Report provided a ''comprehensive and thorough response to the Commission's concerns'' as set out in Order No. 758, and asks that the Commission not issue any further directives or modifications related to PRC–005 at this time.[27]

21. With respect to the Commission's expressed concern regarding density switches or sensors, EEI notes that the SPCS report found no operating experience in which misoperation of such a device contributed to a cascading event, and further found that ''density switches typically respond to an abnormal equipment condition and take[] action to protect the equipment from excessive loss of life rather than for the purpose of initiating fault clearing or mitigating an abnormal system condition to support reliable operation of the Bulk-Power System.'' [28] EEI also states that NERC's 2014 AC Substation Equipment Failure Report supports EEI's position that no maintenance gap exists with respect to density switches, as the report found that although ''failures of some of these devices may result in a breaker tripping, they are more properly considered as control failures, and typically are not associated with increased transmission outage severity.'' [29] Finally, EEI states that NERC's 2015 State of Reliability Report provides ''no indication that these devices have been implicated or otherwise identified as having any contributing factor in affecting reliable of operation of the Bulk-Power System.'' [30]

Commission Determination

22. As proposed in the NOPR, we approve Reliability Standard PRC–005–4 without any directives or modifications. As we stated in the NOPR, we find the proposed addition to the standard of those sudden pressure relays identified by the SPCS Report as potentially having an impact on the reliability of the Bulk-Power System sufficient to address the concerns we raised in Order No. 758 at this time.

23. We decline to make any further findings, as EEI suggests, as to the comprehensiveness of the SPCS Report or otherwise take a position on whether a maintenance reliability gap currently exists with respect to non-electrical sensing devices. Instead, we acknowledge NERC's agreement to continue to work with Commission staff to explore and assess the misoperations of particular types of non-electrical sensing relays or devices in relation to the reliable operation of the Bulk-Power System. As with any aspect of NERC's and the Commission's reliability oversight obligations, we expect that when reliability gaps are identified, NERC would seek to address each gap through modification of a Reliability Standard or other appropriate means.

B. Aligning PRC–005 Implementation Plans NOPR

24. In the NOPR, the Commission proposed to approve NERC's implementation plan for PRC–005–4, which incorporates the phased-in implementation period approved for PRC–005–2, with additional compliance dates for applicable sudden pressure relays. The Commission also proposed

[22] *Id.*

[23] One commenter, Eric S. Morris, does not directly address the Commission's proposed approval of PRC–005–4, but instead raises generic questions concerning the severity of fines imposed by NERC, and the lack of a cost-benefit analysis to determine whether reliability or security have improved following NERC's certification as the ERO. Because Mr. Morris has not raised any issues relevant to this rulemaking, we will not address his comments further here, but note that the Commission recently addressed issues related to NERC's overall performance and continued certification as the ERO in its Order on the Electric Reliability Organization's Five-Year Performance Assessment. *See North American Electric Reliability Corp.,* 149 FERC ¶ 61,141 (2014).

[24] NOPR, 151 FERC ¶ 61,026 at P 17.

[25] *Id.*

[26] NERC Comments at 2.

[27] EEI Comments at 4–5.

[28] *Id.* at 3 (quoting Consideration of Comments: Project 2007–17.3 Protection System Maintenance and Testing (PRC–005–X) (October 20, 2014) *http://www.nerc.com/pa/Stand/Prjct200717_3PrtctnSstmMntnceANDTstnPhs3/Project_2007-17.3_PRC-005-4_Summary-of_Comments_20140930.pdf*).

[29] *Id.* at 4 (citing AC Substation Equipment Failure Report, NERC ACSEFT, December 2014, Circuit Breaker, Relay/Trip Coil, p. 10).

[30] *Id.*

to approve NERC's proposed effective date for PRC–005–4, which would go into effect on the first day of the first calendar quarter following Commission approval.

Comments

25. NRECA, Southern Companies, TVA, and Ameren, who otherwise support approval of PRC–005–4, ask the Commission to consider rejecting NERC's proposed implementation plan for the revised standard, and to instead consider postponing the start dates for this and earlier versions of the standard. These commenters explain that several versions of PRC–005 have recently been approved or are under development, and that, as a result, ''implementation of the various versions of PRC–005 will burden the industry in the continued need to modify associated maintenance and testing programs.'' [31] Similarly, the Southern Companies ''join in the concern that the implementation of these various PRC–005 versions risk burdening the industry with the need to continuously modify associated maintenance and testing programs to track the implementation of the associated various timelines, requiring additional costs and multiple revisions to their Protection System Maintenance Programs within a very short period of time, likely resulting in unnecessary expenditures for the sake of compliance and not for reliability improvements.'' [32]

26. NRECA asks the Commission to consider two proposed approaches to allow for the alignment of implementation schedules for the revised version of PRC–005:

1. Postpone implementation of PRC–005–3, PRC–005–3(i), PRC–005–4 and PRC–005–5 to coincide with the beginning of implementation of PRC–005–6.
2. Defer action on PRC–005–3(i), PRC–005–3(ii), PRC–005–4 and PRC–005–5 to be considered concurrently with PRC–005–6.

Both TVA and Southern Companies support NRECA's proposal to postpone implementation of all yet-to-be implemented versions of PRC–005 to align with the beginning of implementation of PRC–005–6 (*i.e.,* the last PRC–005 revision under development).

Commission Determination

27. We decline, without prejudice, to postpone the proposed start date for implementation of PRC–005–4, or to alter the already-approved implementation plans and start dates for PRC–005–3. While we are sympathetic to commenters' concerns about the several versions of PRC–005 that have been or may be going into effect in a relatively short period, we are reluctant to consider postponing implementation of an approved standard (PRC–005–3) or deferring consideration of an otherwise beneficial standard (PRC–005–4) based on prospective versions of the standard that have yet to be filed. Thus, while we are aware that additional versions of the standard are being developed,[33] we cannot accurately predict when those versions will come before us and cannot properly evaluate the impact of postponing implementation of the two most recent versions of the standard. Accordingly, we decline without prejudice the requests pertaining to the implementation plans and start dates for PRC–005.

III. Information Collection Statement

28. The following collection of information contained in this Final Rule is subject to review by the Office of Management and Budget (OMB) under Section 3507(d) of the Paperwork Reduction Act of 1995 (PRA).[34] OMB's regulations require approval of certain information collection requirements imposed by agency rules.[35] Upon approval of a collection(s) of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of a rule will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number.

29. The Commission solicited comments on the need for and purpose of the information contained in Reliability Standard PRC–005–4, including whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques. The Commission received no comments regarding the need for the information collection or the burden estimates associated with PRC–005–4 as described in the Notice of Proposed Rulemaking.

30. The Final Rule approves Reliability Standard PRC–005–4, which will replace PRC–005–3 (Protection System and Automatic Reclosing Maintenance). The Reliability Standard expands the existing standard to cover sudden pressure relays that meet certain criteria, thereby imposing mandatory minimum maintenance activities and maximum maintenance intervals for the applicable relays. Because the specific requirements were designed to reflect common industry practice, entities are not expected to experience a meaningful change in actual maintenance and documentation practices. However, each applicable entity will have to perform a one-time review of sudden pressure relays that detect rapid changes in gas pressure, oil pressure, or oil flow that are indicative of faults within transformer equipment, and, if it has applicable sudden pressure relay devices, review current maintenance programs to ensure that they meet the requirements of proposed standard PRC–005–4. Accordingly, all additional information collection costs are expected to be limited to the first year of implementation of the revised standard.

31. Reliability Standard PRC–005–4 reduces the evidence retention requirements approved in previously-approved versions of the standard, and now requires entities to maintain documentation of maintenance activities for only one maintenance cycle (a maximum of twelve years) if the maintenance interval is longer than the audit cycle. For maintenance activities where the interval is shorter than the audit cycle, documentation is to be retained for all maintenance activities since the previous audit. While the potential data retention requirement exceeds the three-year period that is routinely allowed for regulations requiring record retention under the OMB regulations implementing the PRA,[36] the maximum evidence retention period has been reduced from 24 years to a maximum of 12 years as a result of the Commission's prior request for comment on the reasonableness of the evidence retention period in earlier versions of the standard, and appears to reflect the minimum time needed to ensure compliance with maintenance requirements.[37]

32. *Public Reporting Burden:* Affected entities must perform a one-time review

[31] NRECA Comments at 3.

[32] Southern Companies Comments at 6.

[33] We note that NERC recently posted a draft version of PRC–005–6 for balloting, which includes a proposed implementation plan that would make all versions of PRC–005, from version 3 onward, effective on the same day PRC–005–6 becomes effective. *See* Implementation Plan: Project 2007–17.4 PRC–005 FERC Order No. 803 Directive PRC–005–6, available at *http://www.nerc.com/pa/Stand/Project%20201505%20PRC005%20Order%20No%20803%20Directives%20DL/PRC-005-6_Implementation_Plan_clean_2015Jul24.pdf.*

[34] 44 U.S.C. 3507(d) (2006).

[35] 5 CFR 1320.11 (2012).

[36] *See* 5 CFR 1320.5(d)(2)(iv).

[37] *See* Order No. 803, 150 FERC ¶ 61,039 at PP 37–38.

of their existing sudden pressure relay schemes and associated maintenance programs to ensure that the programs contain at a minimum the activities required by Reliability Standard PRC–005–4. If the existing maintenance program does not meet the criteria in Reliability Standard PRC–005–4, the entity will have to make certain adjustments to the program.

33. Our estimate below assumes that the number of unique applicable entities (distribution providers, generator owners and transmission owners, or a combination of those) in the United States is approximately 1,287 [38] and the time required to do the one-time review will be approximately eight hours. The estimate further assumes that the one-time review would be performed by an engineer at a rate of $65.34 per hour.[39]

RM15–9–000 (MANDATORY RELIABILITY STANDARDS: RELIABILITY STANDARD PRC–005–4)

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden (hours) & cost per response (4)	Total annual burden hours & total annual cost (3)*(4)=(5)	Cost per respondent ($) (5)÷(1)
One-time review of sudden pressure relay maintenance program and adjustment	1,287	1	1,287	8 $523	10,296 $673,101	$523

Title: FERC–725P1,[40] Mandatory Reliability Standards: Reliability Standard PRC–005–4.

Action: Proposed Collection of Information.

OMB Control No: To be determined.

Respondents: Business or other for-profit and not-for-profit institutions.

Frequency of Responses: One time.

Necessity of the Information: Reliability Standard PRC–005–4 is part of the implementation of the Congressional mandate of the Energy Policy Act of 2005 to develop mandatory and enforceable Reliability Standards to better ensure the reliability of the nation's Bulk-Power System. Specifically, Reliability Standard PRC–005–4 helps to ensure that transmission and generation protection systems affecting the reliability of the Bulk-Power System are maintained and tested.

34. *Internal review:* The Commission has reviewed Reliability Standard PRC–005–4 and made a determination that approval of this standard is necessary to implement section 215 of the FPA. The Commission has assured itself, by means of its internal review, that there is specific, objective support for the burden estimates associated with the information requirements.

35. Interested persons may obtain information on the reporting requirements by contacting the Federal Energy Regulatory Commission, Office of the Executive Director, 888 First Street NE., Washington, DC 20426 [Attention: Ellen Brown, email: *DataClearance@ferc.gov,* phone: (202) 502–8663, fax: (202) 273–0873].

36. Comments concerning the information collections approved in this Final Rule and the associated burden estimates should be sent to the Commission in this docket and may also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs [Attention: Desk Officer for the Federal Energy Regulatory Commission]. For security reasons, comments should be sent by email to OMB at the following email address: *oira_submission@omb.eop.gov.* Please reference the docket number of this Final Rule (Docket No. RM15–9–000) or the collection number (FERC–725P1) in your submission.

IV. Regulatory Flexibility Act Analysis

37. The Regulatory Flexibility Act of 1980 (RFA) [41] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. Reliability Standard PRC–005–4 is expected to impose an additional, one-time burden on 1,287 entities (distribution providers, generator owners, and transmission owners, or a combination thereof). Comparison of the applicable entities with FERC's small business data indicates that approximately 789 of the 1,287 entities are small entities, or 61.31 percent of the respondents affected by this Reliability Standard.[42]

38. On average, each small entity affected may have a one-time cost of $523, representing a one-time review of the program for each entity, consisting of 8 man-hours at $65.34/hour, as explained above in the information collection statement. We do not consider this cost to be a significant economic impact for small entities. Accordingly, the Commission certifies that Reliability Standard PRC–005–4 will not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis is required.

V. Environmental Analysis

39. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[43] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion are rules that are clarifying, corrective,

[38] This figure reflects the generator owners, transmission owners, and distribution providers identified in the NERC Compliance Registry as of February 27, 2015.

[39] The figure is taken from the Bureau of Labor Statistics at *http://www.bls.gov/oes/current/naics2_22.htm;* Occupation Code: 17–2071.

[40] The FERC–725P1 is a temporary collection established so the Commission can submit this proposed rulemaking to OMB on time. However, the burden contained in this rulemaking should be contained in FERC–725G (OMB Control No. 1902–0252). Commission staff plans eventually to move this burden to FERC–725G.

[41] 5 U.S.C. 601–12. The number of small distribution providers required to comply with PRC–005–4 may decrease significantly. In March 2015, the Commission approved revisions to the NERC Rules of Procedure to implement NERC's ''risk based registration'' program, which raised the registry threshold for distribution providers from a 25 MW to 75 MW peak load. *North American Electric Reliability Corp.,* 150 FERC ¶ 61,213 (2015).

[42] The Small Business Administration sets the threshold for what constitutes a small business. Public utilities may fall under one of several different categories, each with a size threshold based on the company's number of employees, including affiliates, the parent company, and subsidiaries. For the analysis in this Final Rule, we are using a 500 employee threshold for each affected entity. Each entity is classified as Electric Bulk Power Transmission and Control (NAICS code 221121).

[43] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, FERC Stats. & Regs. ¶ 30,783 (1987).

or procedural or that do not substantially change the effect of the regulations being amended.[44] The actions taken herein fall within this categorical exclusion in the Commission's regulations.

VI. Document Availability

40. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's home page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

41. From the Commission's home page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number of this document excluding the last three digits in the docket number field.

42. User assistance is available for eLibrary and the Commission's Web site during normal business hours from the Commission's online support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the public reference room at (202) 502–8371, TTY (202) 502–8659. Email the Commission's public reference room at *public.referenceroom@ferc.gov.*

By the Commission.

Issued: September 17, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–24280 Filed 9–23–15; 8:45 am]

BILLING CODE 6717–01–P

[44] 18 CFR 380.4(a)(2)(ii).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 25

[Docket No. FDA–2013–N–1282]

National Environmental Policy Act; Environmental Assessments for Tobacco Products; Categorical Exclusions

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality (CEQ) Regulations Implementing NEPA (CEQ regulations), the Food and Drug Administration (FDA or the Agency) is issuing a final rule to revise its NEPA implementing regulations to provide categorical exclusions for certain actions related to substantial equivalence (SE) reports, SE exemption requests, and tobacco product applications, and the rescission (order withdrawing an order) or suspension of orders regarding the marketing of tobacco products under the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act). FDA is also amending its NEPA implementing regulations to include tobacco products, where appropriate, in light of its new authority under the Tobacco Control Act.

DATES: This rule is effective October 26, 2015.

FOR FURTHER INFORMATION CONTACT: Gerie Voss or Katherine Collins, Center for Tobacco Products, Food and Drug Administration, Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 877–287–1373; *gerie.voss@fda.hhs.gov* or *katherine.collins@fda.hhs.gov.*

Executive Summary

Purpose of the Final Rule

This final rule will allow certain classes of actions on tobacco product marketing applications to be excluded from the requirements to prepare an environmental assessment (EA) or an environmental impact statement (EIS). FDA is also amending its NEPA implementing regulations to include tobacco products, where appropriate, in light of its new authority under the Tobacco Control Act (Pub. L. 111–31).

Legal Authority

FDA is issuing this final rule under NEPA and CEQ regulations (42 U.S.C. 4332(2); 40 CFR parts 1500 to 1508) requiring FDA to assess, as an integral part of its decisionmaking process, the environmental impacts of any proposed Federal action to ascertain the environmental consequences of that action on the quality of the human environment and to ensure that the interested and affected public is appropriately informed. FDA regulations governing its responsibilities under NEPA are codified at part 25 (21 CFR part 25), and CEQ regulations are codified at 40 CFR parts 1500 to 1508.

Summary of the Major Provisions

This final rule applies to certain classes of tobacco product-related actions including: (1) Issuance of an order finding a tobacco product substantially equivalent under section 910(a)(2)(B) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 387j(a)(2)(B)); (2) issuance of an order finding a tobacco product not substantially equivalent under section 910(a) of the FD&C Act, denial of a request for an exemption under 21 CFR part 1107 (part 1107) from the requirement of demonstrating substantial equivalence, issuance of an order under section 910(c) of the FD&C Act that a new tobacco product may not be introduced or delivered for introduction into interstate commerce, or issuance of an order under section 911 of the FD&C Act (21 U.S.C. 387k) that a modified risk tobacco product (MRTP) may not be introduced or delivered for introduction into interstate commerce; (3) rescission (order withdrawing an order) or temporary suspension of an order authorizing the marketing of a new tobacco product under section 910 of the FD&C Act; (4) rescission of an order authorizing the marketing of a MRTP under section 911 of the FD&C Act; and (5) rescission of an order granting an exemption request under § 1107.1 (21 CFR 1107.1).

This final rule provides that certain classes of actions are categorically excluded from the requirement to prepare an EA or EIS unless extraordinary circumstances are present such that the specific proposed action may have the potential to significantly affect the quality of the human environment. The rule also amends FDA's NEPA implementing regulations to include tobacco products in sections dealing with statements about disclosure regarding certain FDA actions and preparation of an EIS.

I. Background and Legal Authority

NEPA and CEQ regulations require each Federal Agency to assess, as an integral part of its decisionmaking process, the environmental impacts of any proposed Federal action to ascertain the environmental consequences of that action on the quality of the human environment and to ensure that the interested and affected public is appropriately informed (42 U.S.C. 4332(2); 40 CFR 1506.6). CEQ is responsible for CEQ regulations and for overseeing Federal efforts to comply with NEPA. Both FDA and CEQ have issued regulations governing Agency obligations and responsibilities under NEPA. FDA regulations are codified at part 25 and CEQ regulations are codified at 40 CFR parts 1500 to 1508.

CEQ regulations, which are binding on all Federal Agencies, establish

procedures for implementing NEPA. Agencies may adopt procedures to supplement CEQ's regulations. In adopting NEPA-implementing procedures, Federal Agencies are directed by CEQ to reduce paperwork (40 CFR 1500.4 and 1500.2(b)) and to reduce delay (40 CFR 1500.5) by using several means, including the use of categorical exclusions. CEQ regulations also state that Agencies shall continue to review their policies and procedures and, in consultation with CEQ, revise them as necessary to ensure full compliance with the purpose and provisions of NEPA (40 CFR 1507.3).

FDA regulations state that for major Federal actions that may ''significantly affect the quality of the human environment,'' FDA must prepare an EIS (§ 25.22 (21 CFR 25.22); see also 40 CFR 1501.4). The term ''significantly,'' as used in NEPA, requires considerations of both ''context'' (*i.e.,* analyzed in several contexts) and ''intensity'' (*i.e.,* severity of impact) (40 CFR 1508.27(a), (b)). If the action may have a significant environmental impact, FDA can either prepare an EIS or prepare an EA. An EA provides sufficient information and analysis for FDA to determine whether to prepare an EIS or issue a finding of no significant impact (§ 25.20; 40 CFR 1501.4). FDA is responsible for the scope and content of an EA and generally requires an applicant to prepare an EA and make necessary corrections to it (§ 25.40(b)).

Categorically excluded actions refer to a category of actions that have been found not to individually or cumulatively have a significant effect on the quality of the human environment and which do not normally require the preparation of an EA or EIS (40 CFR 1508.4). However, as required under § 25.21 and 40 CFR 1508.4, FDA will require preparation of at least an EA for any specific action that normally would be excluded if extraordinary circumstances are present such that the specific proposed action may have the potential to significantly affect the quality of the human environment.

If a submitter elects to request a categorical exclusion for a proposed action, a claim of categorical exclusion must be submitted in accordance with § 25.15. Section 25.15 requires that the claim of categorical exclusion include: (1) A statement of compliance with the categorical exclusion criteria and (2) a statement that, to the submitter's knowledge, no extraordinary circumstances exist.

In November 2010, CEQ issued a final guidance on categorical exclusions including the process Federal Agencies should use to establish new categorical exclusions. The guidance states that Agencies can establish new categorical exclusions to reduce paperwork and delay where the Agency has developed a record illustrating that the proposed categorical exclusion covers a category of action that, on the basis of past experience, does not normally have the potential to cause significant environmental effects (Ref. 1 at pp. 2 and 16; 40 CFR 1508.4). In addition, when Agencies acquire new responsibilities through legislation or administrative restructuring, they should propose new categorical exclusions after they, or other Agencies, gain sufficient experience with the new activities to make a reasoned determination that any resulting environmental impacts are not significant (Ref. 1 at p. 18).

FDA is issuing new categorical exclusions in accordance with NEPA, FDA, and CEQ regulations, and the CEQ November 2010 categorical exclusion guidance. In the **Federal Register** of January 23, 2014 (79 FR 3742), FDA issued a notice of proposed rulemaking (NPRM) to categorically exclude certain tobacco product application actions from the requirement to conduct an EA or EIS unless extraordinary circumstances are present such that the specific proposed action may have the potential to significantly affect the quality of the human environment. The NPRM also sought to amend FDA's NEPA implementing regulations to include tobacco products. This final rule includes these categorical exclusions and amends FDA's NEPA implementing regulations.

The final rule is issued under 42 U.S.C. 4332(2) and 40 CFR 1507.3, which requires FDA to assess, as an integral part of its decisionmaking process, the environmental impacts of any proposed Federal action to ascertain the environmental consequences of that action on the quality of the human environment and to ensure that the interested and affected public is appropriately informed (42 U.S.C. 4332(2); 40 CFR 1506.6).

II. Overview of the Final Rule

FDA considered all of the comments it received regarding the proposed rule and is finalizing it with three changes. We have changed the text of § 25.20(o) in the final rule to clarify that granting a request for an exemption under part 1107 from the requirement of demonstrating substantial equivalence normally requires the preparation of an EA, unless it is subject to a categorical exclusion. Similarly, we have changed the text of § 25.35(b) to clarify that denial of a request for an exemption under part 1107 from the requirement of demonstrating substantial equivalence is categorically excluded and, therefore, normally does not require the preparation of an EA or an EIS. We have also made a technical change by replacing the term ''ordinarily'' with ''normally'' in §§ 25.20 and 25.35 to conform with 40 CFR 1508.4. The Agency considers these terms, as used in these regulations, to be synonymous. FDA will continue to evaluate the need for this conforming amendment to other FDA regulations in part 25 as the FDA regulations are updated.

In addition, § 25.20(o) in the final rule replaces proposed § 25.20(p) (Issuance of an order finding a tobacco product substantially equivalent under the FD&C Act, unless categorically excluded under § 25.35) and§ 25.20(p) replaces § 25.20(q) (Issuance of an order authorizing marketing of a new tobacco product under section 910 of the FD&C Act or an order authorizing marketing of a modified risk tobacco product under section 911 of the FD&C Act, unless categorically excluded under § 25.35).

The Agency has prepared EAs for many Agency-initiated actions and has reviewed hundreds of EAs for a variety of industry requests for Agency action on foods, drugs, and medical devices for human consumption and use, and foods and drugs given to animals. In accordance with § 25.40(a), these EAs have focused on the potential environmental effects related to the use and disposal from use of FDA-regulated articles. Based on FDA's experience reviewing EAs for actions involving foods, drugs, and medical devices for human consumption and use, and food and drugs given to animals, and its evaluation and knowledge of other relevant environmental science, FDA has determined that certain classes of actions related to tobacco products normally do not cause significant environmental effects and, therefore, should be added to the list of actions that are excluded from the requirement to prepare an EA or an EIS. In addition, FDA has gained sufficient experience from its responsibilities under the Tobacco Control Act to determine that certain actions on tobacco-related applications do not result in significant environmental impacts to the quality of the human environment. Accordingly, FDA is adding several new categorical exclusions for tobacco product-related actions.

With this final rule, FDA is adding the following classes of tobacco product-related actions that qualify for categorical exclusions: (1) Issuance of an order finding a tobacco product substantially equivalent to a tobacco

product commercially marketed in the United States as of February 15, 2007, under section 910(a)(2)(B) of the FD&C Act; (2) issuance of an order finding a tobacco product not substantially equivalent under section 910(a) of the FD&C Act, denial of a request for an exemption under part 1107 from the requirement of demonstrating substantial equivalence, issuance of an order under section 910(c) of the FD&C Act that a new tobacco product may not be introduced or delivered for introduction into interstate commerce, or issuance of an order under section 911 of the FD&C Act that a MRTP may not be introduced or delivered for introduction into interstate commerce (a MRTP is any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products); (3) rescission (order withdrawing an order) or temporary suspension of an order authorizing the marketing of a new tobacco product under section 910 of the FD&C Act; (4) rescission of an order authorizing the marketing of a MRTP under section 911 of the FD&C Act; and (5) rescission of an order granting an exemption request under § 1107.1.

III. Comments on the Proposed Rule

FDA received 10 comments on the proposed rule. Comments were received from tobacco product manufacturers, environmental groups, and individuals. To make it easier to identify comments and our responses, the word ''Comment,'' in parentheses, will appear before each comment, and the word ''Response,'' in parentheses, will appear before each response. We have numbered the comments to make it easier to distinguish between comments; the numbers are for organizational purposes only and do not reflect the order in which we received the comments or any value associated with them. We have combined similar comments under one numbered comment. In addition to the comments specific to this rulemaking that we address in the following paragraphs, we received five general comments: (1) One expressing a view that all tobacco products should be prohibited; (2) another providing reasons why FDA should regulate tobacco products and tobacco marketing; (3) one opposing any regulation that decreases FDA authority; (4) one supporting another comment; and (5) one that stated general disagreement with FDA proposing rules for this policy. These comments express broad policy views and do not address specific points related to this rulemaking. Because these general comments fall outside the scope of the proposed rule, we do not address them here. The remaining comments and FDA's responses follow.

(Comment 1) Multiple comments addressed the classes of tobacco actions FDA proposed to qualify for categorical exclusions. Several comments did not want FDA to categorically exclude any class of actions from the requirement to prepare an EA or EIS. These comments stated that the tobacco industry has misrepresented facts and relevant information regarding adverse impacts of its tobacco products and cannot be trusted to determine whether extraordinary circumstances are present such that the specific proposed action may have the potential to significantly affect the quality of the human environment.

(Response) We disagree with these comments. FDA is categorically excluding those actions that FDA has determined, based on experience, will not significantly affect the quality of the human environment. Additionally, this final rule will require a person submitting a tobacco product application to certify that the application qualifies for a categorical exclusion. FDA may deny the application if the submitter makes a false certification. In addition, under section 1001 of title 18 of the United States Code, anyone who makes a materially false, fictitious, or fraudulent statement to the Government of the United States is subject to criminal penalties. FDA, therefore, will continue to have appropriate oversight of the environmental impacts of tobacco product applications that are the subject of this final rule.

(Comment 2) Other comments expressed support for the rule and recommended that FDA add additional categorical exclusions for marketing authorizations for products that are the subject of SE reports under section 910(a)(2)(A) (nonprovisional SE reports) and SE exemption requests under section 905(j)(3) of the FD&C Act (21 U.S.C. 387e(j)(3)). These comments stated that FDA's analysis in support of the proposed rule should apply to these actions as well.

(Response) We disagree. As we stated in the proposed rule, FDA expects that any new tobacco product that receives marketing authorization through any of the available premarket pathways will have less—or no more—environmental impact than do tobacco products currently on the market. However, FDA does not yet have data to determine whether these actions, in the aggregate, will significantly impact the environment. Actions on provisional SE reports, by contrast, will relate only to products already on the market. Therefore, FDA is not proposing to add such categorical exclusions at this time.

(Comment 3) Comments provided several reasons why they believe categorically excluding nonprovisional SE reports and SE exemption requests from the requirement to develop an EA or EIS for tobacco products will not significantly affect the quality of the human environment. First, comments stated that marketing authorizations for products that are the subject of nonprovisional SE reports and SE exemption requests will not lead to a larger overall tobacco product market or expand tobacco product consumption; and tobacco products found SE or exempt from SE will compete with or replace tobacco products currently on the market. In addition, comments estimated that the number of new tobacco products for which FDA issues SE orders (for nonprovisional SE reports under section 910(a)(2)(A) of the FD&C Act) or grants SE exemptions would be relatively small.

Second, comments urged FDA to categorically exclude the granting of SE exemption requests because they believe the foreseeable environmental effects are even less significant for SE exemptions than for nonprovisional SE reports, based upon the more limited circumstances in which a product would be eligible for a request for an SE exemption.

Third, comments stated that authorizing categorical exclusions for marketing authorizations for products that are the subject of nonprovisional SE reports and SE exemption requests would be consistent with FDA's regulatory approach to premarket clearances and approvals for other product categories regulated by the Agency. Comments also maintained that the tobacco industry's previous experience with EAs for tobacco product applications demonstrates that these tobacco products are unlikely to significantly affect environment.

Fourth, a comment suggested that the extraordinary circumstances provision of the proposed rule supports inclusion of other classes of tobacco actions because it provides a mechanism by which to prevent any SE report or SE exemption request from resulting in the exposure of substances harmful to some biological mechanisms or systems in the environment or cause harm to a protected or endangered species.

(Response) We disagree with these comments. CEQ has provided guidance to Federal Agencies for substantiating a new or revised categorical exclusion. In this guidance, CEQ explains that

Federal Agencies should propose new categorical exclusions after they, or other Agencies, ''gain sufficient experience with new activities to make a reasoned determination that any resulting environmental impacts are not significant.'' At this time, FDA is not yet able to effectively evaluate whether these classes of actions will lead to a larger overall tobacco product market or expand tobacco product consumption. A finding of SE for products that are the subject of a nonprovisional SE report, while comparing one tobacco product to another for characteristics and public health impact, does not account for the environmental impact of many determinations in the aggregate. FDA will continue to monitor submissions and will consider issuing a new proposed rule if the Agency determines that additional tobacco product actions should be categorically excluded, in the absence of extraordinary circumstances, from further analysis in an EA or EIS.

(Comment 4) One comment stated that FDA should revise the examples provided in the preamble of the proposed rule regarding circumstances where a categorical exclusion would not be appropriate for tobacco products. This comment stated that FDA paraphrases two extraordinary circumstances examples provided in the regulations (at § 25.21(a) and (b)) and unnecessarily expands the scope of these provisions.

(Response) We disagree with this comment's characterization of FDA's discussion of extraordinary circumstances. FDA's description in the preamble provided circumstances for which EA or EIS preparation may be required for tobacco product applications. The descriptions were not intended to expand the existing regulations on extraordinary circumstances (§ 25.21 *Extraordinary circumstances*) but, rather, to apply them to tobacco product applications. As set forth in § 25.21, FDA will require preparation of at least an EA for an action that would normally be categorically excluded if extraordinary circumstances are present such that the proposed Agency action may have the potential to ''significantly'' affect the quality of the human environment. The ''protected or endangered species'' mentioned in the preamble to the proposed rule will continue to be those determined under the Endangered Species Act or the Convention on International Trade in Endangered Species of Wild Flora and Fauna to be endangered or threatened or wild flora or fauna that are entitled to special protection under some other Federal law, as stipulated at § 25.21(b). As stated in the preamble of the proposed rule, FDA will continue to rely upon consideration of the intensity and context as set out at 40 CFR 1508.27 for determining whether an extraordinary circumstance is present and a proposed action may have the potential to significantly affect the environment (79 FR 3742 at 3746).

(Comment 5) Two comments questioned FDA's assertion that tobacco product waste is ''individually and cumulatively trivial'' and asserted that FDA did not review a sufficient number of studies. These comments urged FDA to not finalize the proposed rule based on the environmental impact of tobacco product waste. They noted that the growing of tobacco and manufacturing of cigarettes may result in a variety of pesticides, herbicides, insecticides, fungicides, and rodenticides being deposited into the environment, and 4,000 chemicals may be introduced to the environment via tobacco product waste, thirdhand, and secondhand smoke. One comment stated that the environmental impacts of tobacco product manufacture and disposal are best addressed by having FDA retain the lead role in preparing any necessary EISs or EAs.

(Response) FDA disagrees with comments stating that it did not adequately consider the environmental impact of tobacco product waste. FDA reviewed the 2011 Toxics Release Inventory National Analysis to determine that the amount of waste released, recycled, and treated due to the manufacturer of all tobacco products currently on the market is a fraction of the total toxic waste released from and managed by industrial facilities in the United States. The classes of actions that FDA proposed for categorical exclusions do not result in additional tobacco products being marketed because those exclusions represent either the marketing authorization of tobacco products already on the market (provisional SE reports), or the rescission, suspension, or denial of authorization for a new tobacco product. As mentioned in the proposed rule, FDA also reviewed the effect on the environment due to the use (including secondhand and thirdhand smoke) and disposal of tobacco products (including cigarette butts) currently on the market. FDA acknowledged that currently marketed tobacco products contribute to pollution on beaches and streets and affect wildlife and marine and freshwater fish. FDA concluded from its review that the effects of keeping tobacco products on the market are individually and cumulatively trivial compared to the existing environmental effects due to toxic waste released from and managed in industrial facilities in the United States and the existing environmental effects due to the use and disposal from use of the tobacco products in the country (79 FR 3742 at 3745). FDA has carefully considered the information available in order to conclude that these tobacco product actions qualify for categorical exclusion under NEPA.

V. Environmental Impact

The amendment of FDA's NEPA regulations (part 25) concerns NEPA documentation for certain actions on tobacco product submission. CEQ does not direct Federal Agencies to prepare a NEPA analysis or document before establishing Agency procedures that supplement CEQ regulations for implementing NEPA. Agencies are required to adopt NEPA procedures that establish specific criteria for, and identification of, three classes of actions: (1) Those that require preparation of an EIS; (2) those that require preparation of an EA; (3) and those that are categorically excluded from further NEPA review (40 CFR 1507.3(b)). Categorical exclusions are one part of those Agency procedures; therefore, establishing categorical exclusions does not require preparation of a NEPA analysis or document. Agency NEPA procedures, such as FDA's EPA regulations, assist FDA in the fulfillment of Agency responsibilities under NEPA, but are not FDA's final determination of what level of NEPA analysis is required for a particular proposed action on a tobacco product submission. The requirements for establishing Agency NEPA procedures are set forth at 40 CFR 1505.1 and 1507.3. Furthermore, the Agency has also determined under § 25.30(h) that this rulemaking does not individually or cumulatively have a significant effect on the quality of the human environment.

VI. Analysis of Impacts

The final regulatory impact analysis is available as Reference 2 in Docket No. FDA–2013–N–1282 (Ref. 2) and at *http://www.fda.gov/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/default.htm*.

VII. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 is not required.

VIII. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the final rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the Agency has concluded that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

IX. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m. Monday through Friday, and are available electronically at *http://www.regulations.gov*.

1. Council on Environmental Quality, ''Final Guidance for Federal Departments and Agencies on Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act,'' 76 FR 3843, January 21, 2011.
2. Statement of RADM David Ashley, Ph.D. and Hoshing Chang, Ph.D., ''Impact of Tobacco Products on the Environment.''

List of Subjects in 21 CFR Part 25

Environmental impact statements, Foreign relations, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and authority delegated to the Commissioner of Food and Drugs, 21 CFR part 25 is amended as follows:

PART 25—ENVIRONMENTAL IMPACT CONSIDERATIONS

■ 1. The authority citation for 21 CFR part 25 continues to read as follows:

Authority: 21 U.S.C. 321–393; 42 U.S.C. 262, 263b–264; 42 U.S.C. 4321, 4332; 40 CFR parts 1500–1508; E.O. 11514, 35 FR 4247, 3 CFR, 1971 Comp., p. 531–533 as amended by E.O. 11991, 42 FR 26967, 3 CFR, 1978 Comp., p. 123–124 and E.O. 12114, 44 FR 1957, 3 CFR, 1980 Comp., p. 356–360.

§ 25.15 [Amended]

■ 2. Amend § 25.15 as follows:

■ a. In paragraph (a), remove ''or 25.34,'' and add in its place ''25.34, or 25.35,'';

■ b. In paragraph (c), remove ''or 25.34'' and add in its place ''25.34, or 25.35''; and

■ c. In paragraph (d), remove ''or 25.34,'' and add in its place ''25.34, or 25.35,''.

■ 3. Amend § 25.20 by revising the introductory text and by adding paragraphs (o) and (p) to read as follows:

§ 25.20 Actions requiring preparation of an environmental assessment.

Any proposed action of a type specified in this section normally requires at least the preparation of an EA, unless it is an action in a specific class that qualifies for exclusion under §§ 25.30, 25.31, 25.32, 25.33, 25.34, or 25.35:

* * * * *

(o) Issuance of an order finding a tobacco product substantially equivalent under the Federal Food, Drug, and Cosmetic Act, or granting of a request for an exemption under 21 CFR part 1107 from the requirement of demonstrating substantial equivalence, unless categorically excluded under § 25.35.

(p) Issuance of an order authorizing marketing of a new tobacco product under section 910 of the Federal Food, Drug, and Cosmetic Act or an order authorizing marketing of a modified risk tobacco product under section 911 of the Federal Food, Drug, and Cosmetic Act, unless categorically excluded under § 25.35.

§ 25.30 [Amended]

■ 4. Amend the introductory text of § 25.30 by removing ''25.34'' and adding in its place ''25.35''.

■ 5. Add § 25.35 to subpart C to read as follows:

§ 25.35 Tobacco product applications.

The classes of actions listed in this section are categorically excluded and, therefore, normally do not require the preparation of an EA or an EIS:

(a) Issuance of an order finding a tobacco product substantially equivalent under section 910(a)(2)(B) of the Federal Food, Drug, and Cosmetic Act;

(b) Issuance of an order finding a tobacco product not substantially equivalent under section 910(a) of the Federal Food, Drug, and Cosmetic Act, denial of a request for an exemption under 21 CFR part 1107 from the requirement of demonstrating substantial equivalence, issuance of an order under section 910(c) of the Federal Food, Drug, and Cosmetic Act that a new tobacco product may not be introduced or delivered for introduction into interstate commerce, or issuance of an order under section 911 of the Federal Food, Drug, and Cosmetic Act that a modified risk tobacco product may not be introduced or delivered for introduction into interstate commerce;

(c) Rescission or temporary suspension of an order authorizing the marketing of a new tobacco product under section 910 of the Federal Food, Drug, and Cosmetic Act;

(d) Rescission of an order authorizing the marketing of a modified risk tobacco product under section 911 of the Federal Food, Drug, and Cosmetic Act; and

(e) Rescission of an order granting an exemption request under § 1107.1 of this chapter.

§ 25.40 [Amended]

■ 6. Amend § 25.40 by removing from paragraph (a) ''or § 25.34'' and adding in its place, ''§ 25.34, or § 25.35.''

■ 7. Amend § 25.50 by revising the first, third, fourth, and fifth sentences of paragraph (b) to read as follows:

§ 25.50 General information.

* * * * *

(b) Many FDA actions involving investigations, review, and approval or market authorization of applications, and premarket notifications for human drugs, animal drugs, biologic products, devices, and tobacco products are protected from disclosure under the Trade Secret Act, 18 U.S.C. 1905, and section 301(j) of the Federal Food, Drug, and Cosmetic Act. * * * Even the existence of applications for human drugs, animal drugs, biologic products, devices, and tobacco products is protected from disclosure under these regulations. Therefore, unless the existence of applications for human drugs, animal drugs, biologic products, tobacco products, or premarket notification for devices has been made publicly available, the release of the environmental document before approval or authorization of human drugs, animal drugs, biologic products, devices and tobacco products is inconsistent with statutory requirements imposed on FDA. Appropriate environmental documents, comments, and responses will be included in the administrative record to the extent allowed by applicable laws.

■ 8. Amend § 25.52 by revising the first sentence of paragraph (a) and paragraphs (b) and (c) to read as follows:

§ 25.52 Environmental impact statements.

(a) If FDA determines that an EIS is necessary for an action involving investigations, approvals, or market authorizations for drugs, animal drugs, biologic products, devices, or tobacco products, an EIS will be prepared but will become available only at the time

of the approval or market authorization of the product. * * *

(b) Comments on the EIS may be submitted after the approval or market authorization of the drug, animal drug, biologic product, device, or tobacco product. Those comments can form the basis for the Agency to consider beginning an action to withdraw the approval or market authorization of applications for a drug, animal drug, biologic product, or tobacco product, or to withdraw premarket notifications or premarket approval applications for devices.

(c) In those cases where the existence of applications and premarket notifications for drugs, animal drugs, biologic products, devices, or tobacco products has already been disclosed before the Agency approves the action, the Agency will ensure appropriate public involvement consistent with 40 CFR 1506.6 and part 1503 in preparing and implementing the NEPA procedures related to preparing EISs while following its own disclosure requirements including those listed in part 20 and §§ 312.130(b), 314.430(d), 514.11(d), 514.12(b), 601.51(d), 807.95(e), 812.38(b), and 814.9(d) of this chapter.

* * * * *

Dated: September 16, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–24219 Filed 9–23–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0888]

Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Montlake Bridge across the Lake Washington Ship Canal, mile 5.2, at Seattle, WA. The Montlake Bridge is a double leaf bascule bridge. The deviation is necessary to allow the bridge to operate in single leaf mode during day light hours, and a full closure (both bascule leafs in the closed-to-navigation position) during night time hours while work crews replace bridge decking. This deviation allows a single leaf opening with a one hour advance notice during the day, and remains in the closed-to-navigation position at night.

DATES: This deviation is effective from 7 a.m. on October 3, 2015 to 7 a.m. on October 26, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0888] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. 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 temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: Washington Department of Transportation has requested a temporary deviation from the operating schedule for the Montlake Bridge across the Lake Washington Ship Canal, at mile 5.2, at Seattle, WA. The deviation is necessary to accommodate work crews to conduct timely bridge deck repairs.

The Montlake Bridge in the closed position provides 30 feet of vertical clearance throughout the navigation channel, and 46 feet of vertical clearance throughout the center 60 feet of the bridge; vertical clearance references to the Mean Water Level of Lake Washington. When half the span is open, single leaf, 46 feet of vertical clearance will be reduced throughout the center to 30 feet of the bridge.

To facilitate this event, the south half of the bridge span, or single leaf, will open with at least a one hour advance notice provided to the bridge operator from 7 a.m. to 7 p.m. From 7 p.m. to 7 a.m., the Montlake Bridge span will remain in the closed-to-navigation position, or full closure.

The normal operating schedule for the Montlake Bridge operates in accordance with 33 CFR 117.1051(e) which requires the bridge to open on signal, except that the bridge need not open for vessels less than 1,000 gross tons between 7 a.m. and 9 a.m. and 3:30 p.m. and 6:30 p.m. Monday through Friday, except Federal Holidays from April 30 to September 1, and from 7 a.m. to 10 a.m. and from 3:30 p.m. to 7 p.m. from September 1 to April 30. The draw need open only on the hour and half hour from 12:30 p.m. to 3:30 p.m. and from 6 p.m. to 6:30 p.m.

The deviation period is from 7 a.m. on October 3, 2015 until 7 p.m. on October 3, 2015 (south single leaf opening if a one hour notice is given); from 7 p.m. on October 3, 2015 until 7 a.m. on October 4, 2015 (remain in the closed-to-navigation position); from 7 a.m. on October 4, 2015 until 7 p.m. on October 4, 2015 (south single leaf opening if a one hour notice is given); from 7 p.m. on October 4, 2015 until 7 a.m. on October 5, 2015 (remain in the closed-to-navigation position); from 7 a.m. on October 24, 2015 until 7 p.m. on October 24, 2015 (south single leaf opening if a one hour notice is given); from 7 p.m. on October 24, 2015 until 7 a.m. on October 25, 2015 (remain in the closed-to-navigation position); from 7 a.m. on October 25, 2015 until 7 p.m. on October 25, 2015 (south single leaf opening if a one hour notice is given); from 7 p.m. on October 25, 2015 until 7 a.m. on October 26, 2015 (remain in the closed-to-navigation position).

Waterway usage on the Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft. Vessels able to pass through the bridge in the closed-to-navigation position may do so at anytime. The bridge will be able to open for emergency vessels in route to a call when an hour notice is given to the bridge operator, and a single leaf opening will be provided. The Lake Washington Ship Canal has no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: September 18, 2015.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2015–24289 Filed 9–23–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0114; FRL–9934–52–Region 4]

Approval and Promulgation of Implementation Plans; Georgia; Removal of Clean Fuel Fleet Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving changes to the Georgia State Implementation Plan (SIP) that were submitted by the State of Georgia, through the Georgia Environmental Protection Division (GA EPD), on January 22, 2015, for the purpose of moving the Clean Fuel Fleet Program (CFFP) from the active portion of the Georgia SIP to the contingency measures portion of the maintenance plan for the Atlanta Area for the 1997 8-hour ozone national ambient air quality standards (NAAQS). EPA has determined that Georgia's January 22, 2015, SIP revision regarding the CFFP is approvable because it is consistent with the Clean Air Act (CAA or Act).

DATES: This rule will be effective October 26, 2015.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2015–0114. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section (formerly Regulatory Development Section), Air Planning and Implementation Branch (formerly Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Sheckler's phone number is (404) 562–9222. She can also be reached via electronic mail at *sheckler.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On January 22, 2015, GA EPD submitted a SIP revision to EPA with a request to move Georgia's CFFP rules (Georgia Rules 391–3–22–.01 through .11) [1] From the active portion of the Georgia SIP to the contingency measures portion of the ozone maintenance plan for the Atlanta Area for the 1997 8-hour ozone NAAQS.[2] EPA incorporated this maintenance plan into the SIP in a final action published on December 2, 2013. *See* 78 FR 72040.

On July 24, 2015, EPA published a proposed rulemaking to approve Georgia's January 22, 2015, SIP revision related to the CFFP based, in part, on EPA's preliminary finding that the SIP revision satisfies the anti-backsliding requirements of EPA's ozone implementation rules and the CAA section 110(l) requirements. The details of Georgia's submittal and the rationale for EPA's action are explained in that notice of proposed rulemaking. *See* 80 FR 44014. The comment period for the proposed rulemaking closed on August 24, 2015. EPA did not receive any comments, adverse or otherwise, during the public comment period.

II. Final Action

EPA is taking final action to approve the SIP revision submitted by Georgia on January 22, 2015, to move Georgia's CFFP rules (Georgia Rules 391–3–22–.01 through .11) from the active portion of Georgia SIP to the contingency measures portion of Georgia's maintenance plan in the SIP for the 1997 Atlanta 8-hour ozone area. EPA has determined that Georgia's January 22, 2015, SIP revision related to the State's CFFP is consistent with the CAA and EPA's regulations and guidance.

III. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National

[1] The CFFP is addressed in Title II, part C of the CAA. *See* CAA sections 241–250. Congress added Part C, entitled ''Clean Fuel Vehicles,'' to the CAA to establish two programs: a clean-fuel vehicle pilot program in the State of California (the California Pilot Test Program), and a CFFP in certain ozone and carbon monoxide nonattainment areas. Under section 246 of the CAA, certain states were required to adopt and submit to EPA a SIP revision containing a CFFP for ozone nonattainment areas with a 1980 population greater than 250,000 that were classified as serious, severe, or extreme. On May 2, 1994, the State of Georgia submitted a SIP revision to address the CFFP requirements for the Atlanta 1-Hour Ozone Area. EPA approved that SIP revision, containing Georgia's CFFP rules, in a notice published on May 2, 1994. *See* 60 FR 66149.

[2] On April 30, 2004, EPA designated the following 20 counties in and around metropolitan Atlanta as a marginal nonattainment area for the 1997 8-hour ozone NAAQS (referred to as the ''Atlanta 1997 8-Hour Ozone Area''): Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton. *See* 69 FR 23858. EPA reclassified this same area as a moderate nonattainment area on March 6, 2008, because the Area failed to attain the 1997 8-hour ozone NAAQS by the required attainment date of June 15, 2007. *See* 73 FR 12013. Subsequently, the area attained the 1997 8-hour ozone standard, and on December 2, 2013, EPA redesignated the area to attainment for the 1997 8-hour ozone NAAQS and approved the associated maintenance plan into the SIP. *See* 78 FR 72040.

Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: September 10, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart L—Georgia

■ 2. Section 52.570(c) is amended by revising the entry for ''391–3–22'' to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
391–3–22	Clean Fueled Fleets	5/11/14	9/24/15 [Insert citation of publication].	Clean Fueled Fleets rules moved to the contingency measures portion of the SIP-approved 1997 8-hour ozone Maintenance Plan for the Atlanta Area.

* * * * *

[FR Doc. 2015–24094 Filed 9–23–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2013–0040; FRL–9934–41–Region 4]

Approval and Promulgation of Implementation Plans; Florida Infrastructure Requirements for the 2008 Lead NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve portions of the October 14, 2011, State Implementation Plan (SIP) submission, provided by the State of Florida, through the Department of Environmental Protection (FL DEP) for inclusion into the Florida SIP. This final submission pertains to the Clean Air Act (CAA or the Act) infrastructure requirements for the 2008 Lead national ambient air quality standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an ''infrastructure'' SIP. FL DEP certified that the Florida SIP contains provisions that ensure the 2008 Lead NAAQS is implemented, enforced, and maintained in Florida. With the exception of provisions pertaining to prevention of significant deterioration (PSD) permitting which EPA has already approved, EPA is taking final action to approve Florida's infrastructure submission, provided to EPA on October 14, 2011, as satisfying the required infrastructure elements for the 2008 Lead NAAQS.

DATES: This rule will be effective October 26, 2015

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2013–0040. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S.

Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Zuri Farngalo, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9152. Mr. Farngalo can be reached via electronic mail at *farngalo.zuri@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon promulgation of a new or revised NAAQS, sections 110(a)(1) and (2) of the CAA require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance for that new NAAQS. Section 110(a) of the CAA generally requires states to make a SIP submission to meet applicable requirements in order to provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years following the promulgation of such NAAQS, or within such shorter period as EPA may prescribe. For additional information on the infrastructure SIP requirements, see the proposed rulemaking published on May 22, 2015 (80 FR 29592).

On May 22, 2015, EPA proposed to approve portions of Florida's October 14, 2011, 2008 Lead NAAQS infrastructure SIP submission with the exception of provisions pertaining to PSD permitting in sections 110(a)(2)(C), prong 3 of D(i) and (J). EPA did not receive any comments, adverse or otherwise, on the May 22, 2015, proposed rule. EPA took final action to approve the PSD permitting requirements in sections 110(a)(2)(C), prong 3 of D(i) and (J) on March 18, 2015 (80 FR 14019). EPA is taking final action to approve the remaining portions of Florida's infrastructure submission as demonstrating that the State meets the applicable requirements of sections 110(a)(1) and (2) of the CAA for the 2008 Lead NAAQS.

II. Final Action

With the exception of provisions pertaining to PSD permitting requirements, EPA is taking final action to approve Florida's October 14, 2011, infrastructure submission because it addresses the required infrastructure elements for the 2008 Lead NAAQS. FL DEP has addressed the elements of the CAA 110(a)(1) and (2) SIP requirements pursuant to section 110 of the CAA to ensure that the 2008 Lead NAAQS is implemented, enforced, and maintained in Florida.

III. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 10, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart K—Florida

■ 2. Section 52.520(e), is amended by adding entry ''110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards'' at the end of the table to read as follows:

§ 52.520 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED FLORIDA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	**Federal Register** notice	Explanation
* *	*	*	* *	* *
110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards.	10/14/2011	9/24/2015	[Insert citation of publication]	With the exception of provisions pertaining to PSD permitting requirements in sections 110(a)(2)(C), prong 3 of D(i) and (J).

[FR Doc. 2015–24088 Filed 9–23–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2012–0852; FRL– 9934–40–Region 4]

Approval and Promulgation of Implementation Plans; South Carolina; Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve the September 20, 2011, State Implementation Plan (SIP) submission, provided by the South Carolina Department of Health and Environmental Control (SC DHEC) for inclusion into the South Carolina SIP. This final action pertains to the Clean Air Act (CAA or the Act) infrastructure requirements for the 2008 Lead national ambient air quality standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an ''infrastructure'' SIP. SC DHEC certified that the South Carolina SIP contains provisions to ensure the 2008 Lead NAAQS is implemented, enforced, and maintained in South Carolina. With the exception of provisions pertaining to prevention of significant deterioration (PSD) permitting which EPA has already approved, EPA is taking final action to approve South Carolina's infrastructure SIP submission, provided to EPA on September 20, 2011.

DATES: This rule will be effective October 26, 2015.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2012–0852. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Zuri Farngalo, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9152. Mr. Farngalo can be reached via electronic mail at *farngalo.zuri@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon promulgation of a new or revised NAAQS, sections 110(a)(1) and (2) of the CAA require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance for that new NAAQS. Section 110(a) of the CAA generally requires states to make a SIP submission to meet applicable requirements in order to provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years following the promulgation of such NAAQS, or within such shorter period as EPA may prescribe. For additional information on the infrastructure SIP requirements, see the proposed rulemaking published on June 8, 2015. (80 FR 32324)

On June 8, 2015, EPA proposed to approve portions of South Carolina's September 20, 2011, 2008 Lead NAAQS infrastructure SIP submission with the exception of provisions pertaining to PSD permitting in sections 110(a)(2)(C), prong 3 of D(i) and (J). *See* 80 FR 32324. EPA did not receive any comments, adverse or otherwise, on the June 8, 2015, proposed rule. EPA took final action to approve the PSD permitting requirements in sections 110(a)(2)(C), prong 3 of D(i) and (J) on March 18, 2015. *See* 80 FR 14019.

II. This Action

In this rulemaking, EPA is taking final action to approve the remaining portions of South Carolina's infrastructure submission as demonstrating that the State meets the applicable requirements of sections 110(a)(1) and (2) of the CAA for the

2008 Lead NAAQS. As mentioned above, EPA took final action on the elements pertaining to PSD permitting in a separate action on March 18, 2015. *See* 80 FR 14019.

III. Final Action

With the exception of provisions pertaining to PSD permitting requirements in sections 110(a)(2)(C), prong 3 of D(i), and (J), EPA is taking final action to approve South Carolina's September 20, 2011, infrastructure submission because it addresses the required infrastructure elements for the 2008 Lead NAAQS. SC DHEC has addressed the elements of the CAA 110(a)(1) and (2) SIP requirements pursuant to section 110 of the CAA to ensure that the 2008 Lead NAAQS is implemented, enforced, and maintained in South Carolina.

IV. Statutory and Executive Order Reviews

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

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

In addition, this action for the state of South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). The Catawba Indian Nation Reservation is located within the State of South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120, ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' However, EPA has determined that because this rule does not have substantial direct effects on an Indian Tribe because, as noted above, this action is not approving any specific rule, but rather proposing that South Carolina's already approved SIP meets certain CAA requirements. EPA notes this action will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations Lead, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 10, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart PP—South Carolina

■ 2. Section 52.2120(e) is amended by adding entry ''110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards'' at the end of the table to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(e) * * *

Provision	State effective date	EPA approval date	Explanation
* * *		* *	* *
110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards.	9/20/2011	9/24/2015 [Insert **Federal Register** citation].	With the exception of provisions pertaining to PSD permitting requirements in sections 110(a)(2)(C), prong 3 of D(i) and (J).

[FR Doc. 2015–24096 Filed 9–23–15; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register

Vol. 80, No. 185

Thursday, September 24, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3634; Directorate Identifier 2014–NM–203–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2014–20–01, for certain Bombardier, Inc. Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. AD 2014–20–01 currently requires repetitive inspections for any fuel leak in the right-hand landing lights compartment, and related investigative and corrective actions if necessary. AD 2014–20–01 also provides for an optional replacement of the connector of the fuel boost pump canister of the auxiliary power unit (APU), which terminates the repetitive inspections. Since we issued AD 2014–20–01, we have determined that a terminating action for the repetitive inspections is necessary. This proposed AD would retain the repetitive inspections for any fuel leak in the right-hand landing lights compartment and the related investigative and corrective actions, and would require replacing the connector of the fuel boost pump canister of the APU. We are proposing this AD to detect and correct fuel leaks in the right-hand landing lights compartment, which, in combination with the heat generated by the taxi lights and landing lights on the ground reaching the auto-ignition temperature of the fuel, could result in ignition of any fuel or fumes present in the right-hand landing lights compartment.

DATES: We must receive comments on this proposed AD by November 9, 2015.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3634; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Assata Dessaline, Aerospace Engineer, Avionics and Services Branch, ANE–172, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7301; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–3634; Directorate Identifier 2014–NM–203–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On September 19, 2014, we issued AD 2014–20–01, Amendment 39–17974 (79 FR 59640, October 3, 2014). AD 2014–20–01 requires actions intended to address an unsafe condition on certain Bombardier, Inc. Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. The preamble of AD 2014–20–01 specified that we considered the actions an interim action and that we were considering requiring ''a replacement of the connector of the fuel boost pump canister of the APU, and applicable corrective actions, which would constitute terminating action for the repetitive inspections required by this AD action.''

Since we issued AD 2014–20–01, Amendment 39–17974 (79 FR 59640, October 3, 2014), we have determined that further rulemaking is indeed necessary; this proposed AD follows from that determination.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2014–21, dated July 10, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc. Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. The MCAI states:

> Bombardier, Inc. has discovered fuel leakage in the auxiliary power unit (APU) fuel Boost Pump (BP) canister connector cavity. On some of those aeroplanes, leakage was also noticed at the APU fuel BP electrical conduit connection in the right hand landing light compartment. The root cause of the subject fuel leak is identified to be the

improper length of the female connector keyway located in the fuel BP canister, causing a shift of the electrical harness and its seals.

Available data indicates that on a hot day, due to the heat generated by the taxi light and/or landing lights on the ground, temperature in the landing light compartment can reach the fuel auto ignition temperature. Therefore, presence of any fuel in the right hand landing light compartment is considered to be a safety hazard [fuel or fumes present in the right-side landing lights compartment might ignite] that warrants mitigating action.

In order to help mitigate the potential safety hazard precipitated by any fuel leakage in the right hand landing light compartment, Bombardier, Inc., has revised the Aircraft Flight Manual (AFM) through Temporary Revisions (TRs) 604/38 and 605/20 dated 16 June 2014 to restrict the operation of Taxi and Landing lights on the ground. Transport Canada issued Emergency [Canadian] AD CF–2014–17 [(*http://ad.easa.europa.eu/ad/CF-2014-17*) which corresponds to FAA AD 2014–15–17, Amendment 39–17919 (79 FR 44268, July 31, 2014] to mandate incorporation of the above AFM TRs.

To address the root cause of the subject fuel leakage from the APU fuel boost pump canister wiring conduit, Bombardier, Inc. issued Alert Service Bulletin (ASB) A605–28–008 that requires periodic [repetitive general visual] inspection[s] for fuel leaks and [applicable related investigative and corrective actions and] eventual the replacement of the discrepant fuel BP canister connectors [including related investigative and corrective actions] on affected aeroplanes. The ASB has been revised to include an additional inspection of the new connector wiring for damage and this [Canadian] AD is issued to mandate the compliance with ASB A605–28–008 Revision 2 requirements.

We also included compliance times for the terminating action. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3634.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 92 airplanes of U.S. registry.

The actions required by AD 2014–20–01, Amendment 39–17974 (79 FR 59640, October 3, 2014), and retained in this proposed AD take about 2 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost $0 per product. Based on these figures, the estimated cost of the actions that are required by AD 2014–20–01 is $170 per product.

We also estimate that it would take about 22 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $172,040, or $1,870 per product.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–20–01, Amendment 39–17974 (79 FR 59640, October 3, 2014), and adding the following new AD:

Bombardier, Inc.: Docket No. FAA–2015–3634; Directorate Identifier 2014–NM–203–AD.

(a) Comments Due Date

We must receive comments by November 9, 2015.

(b) Affected ADs

This AD replaces AD 2014–20–01, Amendment 39–17974 (79 FR 59640, October 3, 2014).

(c) Applicability

This AD applies to Bombardier, Inc. Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes, certificated in any category, serial numbers 5906, 5910, 5912, 5917, 5919 through 5932 inclusive, 5934, 5935, 5939, 5940, 5942, and 5948.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by a report of fuel leaks in the auxiliary power unit (APU) fuel boost pump canister connector cavity and in the right-hand landing lights compartment from the APU fuel boost pump electrical conduit connection and by a determination that terminating action for the repetitive inspections is necessary. We are issuing this AD to detect and correct fuel leaks in the right-hand landing lights compartment,

which, in combination with the heat generated by the taxi lights and landing lights on the ground reaching the auto-ignition temperature of the fuel, could result in ignition of any fuel or fumes present in the right-hand landing lights compartment.

(f) Compliance

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

(g) Retained Repetitive Inspections for Fuel Leaks With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2014–20–01, Amendment 39–17974 (79 FR 59640, October 3, 2014) with no changes. Within 25 flight hours after October 20, 2014, (the effective date of AD 2014–20–01): Do a general visual inspection for any fuel leak in the right-hand landing lights compartment, and do all applicable related investigative and corrective actions, in accordance with Part A of the Accomplishment Instructions of Bombardier Alert Service Bulletin A605–28–008, Revision 02, dated July 9, 2014, except as required by paragraph (h) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspection thereafter at intervals not to exceed 8 flight hours until the replacement specified in paragraph (j) of this AD has been accomplished.

(h) Retained Corrective Action if Fuel Leak Is Found During Related Investigative Actions With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2014–20–01, Amendment 39–17974 (79 FR 59640, October 3, 2014) with no changes. If any fuel leak is found during the related investigative actions required by paragraph (g) of this AD: Before further flight, do the terminating action specified in paragraph (j) of this AD, or do corrective actions using a method approved by the Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Retained Inspection of Connector Wiring With No Changes

This paragraph restates the requirements of paragraph (j) of AD 2014–20–01, Amendment 39–17974 (79 FR 59640, October 3, 2014) with no changes. For airplanes having new connectors installed, in accordance with Part B of the Accomplishment Instructions of Bombardier Alert Service Bulletin A605–28–008, dated April 21, 2014: Within 6 months or 150 flight hours after October 20, 2014, (the effective date of AD 2014–20–01), whichever occurs first, do a detailed inspection for damage (cuts) of the connector wiring, in accordance with Part B of the Accomplishment Instructions of Bombardier Alert Service Bulletin A605–28–008, Revision 02, dated July 9, 2014. If any damage (cuts) is found on the wires, before further flight, replace the wire with a new wire identified in kit 605K28–008A, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A605–28–008, Revision 02, dated July 9, 2014.

(j) New Requirement: Terminating Action—Replacement of Connector

Within 5 months, or 150 flight hours after the effective date of this AD, replace the connector of the fuel boost pump canister of the APU and do all applicable related investigative actions, in accordance with Part B of the Accomplishment Instructions of Bombardier Alert Service Bulletin A605–28–008, Revision 02, dated July 9, 2014. Accomplishing this replacement terminates the repetitive actions required by paragraph (g) of this AD provided that the following actions are done, as applicable.

(1) If any damage (cuts) is found on the wires, before further flight, replace the wire with a new wire identified in kit 605K28–008A, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A605–28–008, Revision 02, dated July 9, 2014.

(2) If any damage is found on an O-ring, before further flight, replace the O-ring with a new O-ring, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A605–28–008, Revision 02, dated July 9, 2014.

(3) If any fuel leak is found, before further flight, do corrective actions using a method approved by the Manager, New York ACO, ANE–170, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Retained Credit for Previous Actions With a Redesignated Paragraph

This paragraph restates paragraph (k) of AD 2014–20–01, Amendment 39–17974 (79 FR 59640, October 3, 2014) with a redesignated paragraph. This paragraph provides credit for actions required by paragraph (j) of this AD, if those actions were performed before October 20, 2014, (the effective date of AD 2014–20–01, Amendment 39–17974 (79 FR 59640, October 3, 2014) using Bombardier Alert Service Bulletin A605–28–008, Revision 01, dated May 28, 2014, which is not incorporated by reference in this AD.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York ACO, ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) Contacting the Manufacturer: As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2014–21, dated July 10, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3634.

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on September 15, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–24020 Filed 9–23–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3629; Directorate Identifier 2015–NM–011–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Dassault Aviation Model MYSTERE–FALCON 50, MYSTERE–FALCON 900, FALCON 900EX, FALCON 2000, and FALCON 2000EX airplanes. This proposed AD was prompted by a report of an in-flight lightning strike to the WHELEN anti-collision light located on the top of the vertical fin tip that caused severe damage and induced the loss of some airplane functions. This proposed AD would require modification of the anti-collision light bonding. We are

proposing this AD to prevent loss of electrical power and essential functions, and possible reduced control of the airplane.

DATES: We must receive comments on this proposed AD by November 9, 2015.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

Fax: 202–493–2251.

Mail: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

Hand Delivery: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3629; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, ANM 116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1139.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–3629; Directorate Identifier 2015–NM–011–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0006, dated January 15, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Dassault Aviation Model MYSTERE–FALCON 50, MYSTERE–FALCON 900, FALCON 900EX, FALCON 2000, and FALCON 2000EX airplanes. The MCAI states:

> An occurrence was reported where a Falcon 2000 aeroplane experienced an in-flight lightning strike, which caused severe damage and induced the loss of some aeroplane functions. The investigation results revealed that the entering point of the lightning was at the WHELEN anti-collision light located on the top of the vertical fin tip.
>
> When the lightning strike hit the anti-collision light, an electric arc occurred between the aeroplane structure and the anti-collision light and created a conductive path by which the lightning current entered inside the aeroplane. Further analysis has determined that the electrical bonding between the WHELEN anti-collision light, Part Number (P/N) 01–0790044–09, and the fin tip fairing or the No. 2 engine air intake cover is insufficient to withstand a lightning strike.
>
> In case of severe lightning, this condition, if not corrected, could lead to an unsafe condition (loss of electrical power and/or of essential functions) possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Dassault Aviation developed a modification (mod) to improve the WHELEN anti-collision light bonding when the anti-collision light is located on top of the vertical fin tip or on No. 2 engine air intake cover, and issued several Service Bulletins (SB) to modify all affected aeroplanes in service.
>
> For the reasons described above, this [EASA] AD requires modification of the anti-collision light bonding.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3629.

Related Service Information Under 1 CFR Part 51

We reviewed the following Dassault Aviation service information:

- Dassault Service Bulletin F50–481, dated August 22, 2007.
- Dassault Service Bulletin F900–372, dated August 22, 2007.
- Dassault Service Bulletin F900–378, dated September 19, 2007.
- Dassault Service Bulletin F900EX–285, dated July 18, 2007.
- Dassault Service Bulletin F900EX–305, dated September 19, 2007.
- Dassault Service Bulletin F2000–337, dated July 25, 2007.
- Dassault Service Bulletin F2000EX–108, dated July 25, 2007.

The service information describes procedures to correct the electrical bonding of the WHELEN anti-collision light located at the vertical fin tip of the airplane. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type designs.

Costs of Compliance

We estimate that this proposed AD affects 778 airplanes of U.S. registry.

We also estimate that it would take about 12 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $801 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $1,416,738, or $1,821 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII:

Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Dassault Aviation: Docket No. FAA–2015–3629; Directorate Identifier 2015–NM–011–AD.

(a) Comments Due Date

We must receive comments by November 9, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation airplanes, certificated in any category, identified in table 1 to paragraph (c) of this AD.

TABLE 1 TO PARAGRAPH (c) OF THIS AD—APPLICABILITY

Airplanes	Configuration	Except airplanes modified through [1]	
		Dassault Mod embodied in production	Service Bulletin in service
Dassault Aviation Model MYSTERE–FALCON 50 airplanes.	M1853 is embodied in production or in service through Dassault Service Bulletin F50–241–R2, dated February 9, 2000.	M2083 or M3094 [2].	Dassault Service Bulletin F50–257–R1, dated July 11, 2001.
Dassault Aviation Model MYSTERE–FALCON 900 airplanes.	Group 1: M1682 is embodied in production or in service through Dassault Service Bulletin F900–182, dated November 5, 1997 [3].	M5381	Not Applicable.
Dassault Aviation Model MYSTERE–FALCON 900 airplanes.	Group 2: M1682 is embodied in production or in service through Dassault Service Bulletin F900–182, dated November 5, 1997, and Mod M1947 is embodied in production or in service through Dassault Service Bulletin F900–176–R1, dated November 14, 2001 [4].	M5386	Not Applicable.
Dassault Aviation Model FALCON 900EX airplanes.	Group 1: M1682 is embodied in production or in service through Dassault Service Bulletin F900EX–025, dated May 27, 1998.	M5381	Not Applicable.
Dassault Aviation Model FALCON 900EX airplanes.	Group 2: M1682 is embodied in production or in service through Dassault Service Bulletin F900EX–025, dated May 27, 1998, and Mod M1947 is embodied in production or in service through Dassault Service Bulletin F900EX–19–R1, dated November 14, 2001.	M5103 or M5386.	Not Applicable.
Dassault Aviation Model FALCON 2000 airplanes.	M331 is embodied in production or in service through Dassault Service Bulletin F2000–44, dated December 9, 1998.	M810 or M1061 or M2778.	Dassault Service Bulletin F2000–111, dated October 28, 1998.
Dassault Aviation Model FALCON 2000EX airplanes.	M1802 is embodied in production	M810 or M1061 or M2778.	Not Applicable.

[1] The excluded airplanes as specified in the Table 1 to Paragraph (c) of this AD—Applicability, embody either one Mod in production or one service bulletin in service, as applicable.
[2] Mod M2083, Service Bulletin F50–257, Mod M1947, Service Bulletin F900–176, Service Bulletin F900EX–19, Mod M5103, as applicable, introduce fin tip SATCOM fairing, in production or in service.
[3] Group 1: Airplanes with WHELEN anti-collision light located on top of vertical fin tip.
[4] Group 2: Airplanes with WHELEN anti-collision light located on top of air intake engine No. 2.

(d) Subject

Air Transport Association (ATA) of America Code 33, Lights.

(e) Reason

This AD was prompted by a report of an in-flight lightning strike to the WHELEN anti-collision light located on the top of the vertical fin tip of a Falcon 2000 airplane that caused severe damage and induced the loss of some airplane functions. We are issuing this AD to prevent loss of electrical power

and/or of essential functions, and possible reduced control of the airplane.

(f) Compliance

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

(g) Modification

Within 24 months after the effective date of this AD, modify the anti-collision light bonding, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraphs (g)(1) through (g)(7) of this AD.

(1) For Model MYSTERE–FALCON 50 airplanes: Dassault Service Bulletin F50–481, dated August 22, 2007.

(2) For Model MYSTERE–FALCON 900 airplanes with the WHELEN system installed on the fin tip: Dassault Service Bulletin F900–372, dated August 22, 2007.

(3) For Model MYSTERE–FALCON 900 airplanes with the WHELEN system installed on the S-duct cowl: Dassault Service Bulletin F900–378, dated September 19, 2007.

(4) For Model FALCON 900EX airplanes with the WHELEN system installed on the fin tip: Dassault Service Bulletin F900EX–285, dated July 18, 2007.

(5) For Model FALCON 900EX airplanes with the WHELEN system installed on the S-duct cowl: Dassault Service Bulletin F900EX–305, dated September 19, 2007.

(6) For Model FALCON 2000 airplanes: Dassault Service Bulletin F2000–337, dated July 25, 2007.

(7) For Model FALCON 2000EX airplanes: Dassault Service Bulletin F2000EX–108, dated July 25, 2007.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1139. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2015–0006, dated January 15, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3629.

(2) For service information identified in this AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on September 2, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–22803 Filed 9–23–15; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1028

Protection of Human Subjects

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: On September 8, 2015, the federal departments and agencies that are subject to the Federal Policy for the Protection of Human Subjects (referred to as the ''Common Rule'') published a notice of proposed rulemaking (''NPR'') amending the Common Rule. Through this proposed rule, the Consumer Product Safety Commission (''CPSC'' or ''Commission'') proposes to adopt the Common Rule NPR and solicits public comment on the proposal.

DATES: Comments must be received no later than 5 p.m. on December 7, 2015.

ADDRESSES: You may submit comments, identified by docket ID number HHS–OPHS–2015–0008, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Enter the above docket ID number in the ''Enter Keyword or ID'' field and click on ''Search.'' On the next Web page, click on ''Submit a Comment'' action and follow the instructions.
- *Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions] to:* Jerry Menikoff, M.D., J.D., OHRP, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852. Comments received, including any personal information, will be posted without change to *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Hope E.J. Nesteruk, Human Factors Engineer, Division of Human Factors, Directorate for Engineering Sciences, Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: 301–987–2579; email: *hnesteruk@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 18, 1991, the Department of Health and Human Services (''HHS'') issued a rule setting forth the Common Rule requirements for the protection of human subjects. (56 FR 28003). The HHS regulations are codified at 45 CFR part 46. At that time, 14 other agencies, including the CPSC, joined HHS in adopting a uniform set of rules for the protection of human subjects identical to subpart A of 45 CFR part 46. The Common Rule is codified in the CPSC's regulations at 16 CFR part 1028. The basic provisions of the Common Rule include, among other things, requirements related to the review of human subjects research by an institutional review board, obtaining and documenting informed consent of human subjects, and submitting a written assurance of institutional compliance with the Common Rule.

On September 8, 2015, (80 FR 53933), HHS, on behalf of many of the same agencies that were signatories to the original Common Rule, proposed revisions to modernize, strengthen, and make more effective the Federal Policy for the Protection of Human Subjects that was promulgated as a Common Rule in 1991. The Common Rule NPR seeks comment on proposals to better protect human subjects involved in research, while facilitating valuable research and reducing burden, delay, and ambiguity for investigators. The participating departments and agencies proposed these revisions to the regulations because they believe these changes would strengthen protections for research subjects while facilitating important research.

The full description of the proposed revisions to the Common Rule is provided in the Common Rule NPR at 80 FR 53933. Although the CPSC is a signatory to the original Common Rule, the CPSC's procedural requirements require Commission deliberation and vote on new rulemaking matters. Due to HHS's expedited schedule regarding publication of the Common Rule NPR in the **Federal Register**, the CPSC was not

a signatory of the Common Rule NPR. However, through this proposed rule, the Commission proposes to adopt the Common Rule NPR and solicits comment on the proposal.

II. CPSC's Proposed Regulatory Text

CPSC's current regulations on the protection of human subjects are the regulations promulgated by all of the departments and agencies subject to the Common Rule, as codified under the CPSC's regulations at 16 CFR part 1028. For the reasons provided in the Common Rule NPR (80 FR 53933), the CPSC would adopt the amended regulatory text provided in the Common Rule NPR. Because the CPSC follows the HHS regulations in 45 CFR part 46, subpart A, the CPSC proposes to amend the Commission regulations at 16 CFR part 1028 to cross-reference the HHS regulations in 45 CFR part 46, subpart A.

List of Subjects in 16 CFR Part 1028

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, the Consumer Product Safety Commission proposes to revise 16 CFR part 1028 to read as follows:

PART 1028—PROTECTION OF HUMAN SUBJECTS

Sec.
1028.101 Cross-Reference.

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

PART 1028—PROTECTION OF HUMAN SUBJECTS

§ 1028.101 Cross-Reference.

The provisions set forth at 45 CFR part 46, subpart A, concerning the protection of human research subjects, apply to all research conducted, supported, or otherwise subject to regulation by the CPSC.

Dated: September 21, 2015.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2015–24247 Filed 9–23–15; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 40

[Docket No. RM15–8–000]

Relay Performance During Stable Power Swings Reliability Standard

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission proposes to approve Reliability Standard PRC–026–1 (Relay Performance During Stable Power Swings), submitted by the North American Electric Reliability Corporation. The proposed Reliability Standard is designed to ensure that applicable entities use protective relay systems that can differentiate between faults and stable power swings. In addition, the Commission requests comment regarding the potential burden of modifying the applicability of proposed Reliability Standard PRC–026–1 to include relays with a time delay of 15 cycles or greater in instances where either (1) an element has been identified by a Planning Coordinator as potentially susceptible to power swings or (2) an entity becomes aware of a bulk electric system element that tripped in response to a stable or unstable power swing due to the operation of its protective relay(s), even if the element was not previously identified by the planning coordinator.

DATES: Comments are due November 23, 2015.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

• *Electronic Filing through http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.

• *Mail/Hand Delivery:* Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT:

Kenneth Hubona (Technical Information), Office of Electric Reliability, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (301) 665–1608, *kenneth.hubona@ferc.gov.*

Kevin Ryan (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6840, *kevin.ryan@ferc.gov.*

SUPPLEMENTARY INFORMATION:

1. Pursuant to section 215 of the Federal Power Act (FPA),[1] the Commission proposes to approve Reliability Standard PRC–026–1 (Relay Performance During Stable Power Swings), submitted by the North American Electric Reliability Corporation (NERC), the Commission-approved Electric Reliability Organization (ERO). The proposed Reliability Standard applies to planning coordinators, as well as generator owners and transmission owners that apply certain load-responsive protective relays in specific, identified circumstances, and is designed to ensure the use of protective relay systems that can differentiate between faults and stable power swings. In addition, the Commission proposes to approve NERC's proposed implementation plan, and the assigned violation risk factors and violation severity levels.

2. Consistent with directives issued in Order No. 733,[2] the Commission proposes to find that the proposed Reliability Standard addresses undesirable relay operation due to power swings,[3] and provides an equally effective and efficient alternative to the Order No. 733 directive requiring the use of protective relay systems that can differentiate between faults and stable power swings and, when necessary, retirement of protective relay systems that cannot meet this requirement.[4] Further, as discussed below, the Commission seeks comment regarding the potential burden of modifying the applicability of proposed Reliability Standard PRC–026–1 to include relays with a time delay of 15 cycles or greater in instances where either (1) an element has been identified by a Planning Coordinator as potentially susceptible to power swings or (2) an entity becomes aware of a bulk electric system element that tripped in response to a stable or

[1] 16 U.S.C. 824o (2012).

[2] *Transmission Relay Loadability Reliability Standard,* Order No. 733, 130 FERC ¶ 61,221 (2010), *order on reh'g and clarification,* Order No. 733–A, 134 FERC ¶ 61,127, *order on reh'g and clarification,* Order No. 733–B, 136 FERC ¶ 61,185 (2011).

[3] Order No. 733, 130 FERC ¶ 61,221 at P 153.

[4] *Id.* P 150.

unstable power swing due to the operation of its protective relay(s), even if the element was not previously identified by the planning coordinator. Depending on the response, the Commission may direct that NERC develop modifications to the proposed Reliability Standard.

I. Background

A. Mandatory Reliability Standards and Order No. 733 Directives

3. Section 215 of the FPA requires a Commission-certified ERO to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval.[5] Pursuant to section 215 of the FPA, the Commission established a process to select and certify an ERO,[6] and subsequently certified NERC.[7]

4. On March 18, 2010, in Order No. 733, the Commission approved Reliability Standard PRC–023–1 (Transmission Relay Loadability) and directed NERC to develop a new Reliability Standard that requires the use of protective relay systems that can differentiate between faults and stable power swings and, when necessary, retirement of protective relay systems that cannot meet this requirement.[8] In Order No. 733, the Commission cited the findings of both NERC and the U.S.-Canada Power System Outage Task Force on the causes of the 2003 Northeast Blackout, explaining that the cascade during this event was accelerated by zone 2 and zone 3 relays that continued to operate because these devices could not distinguish between a dynamic, but stable, power swing and an actual fault.[9] The Commission recognized that addressing stable power swings is a complex issue which impacted the 2003 Blackout, and yet there was no Reliability Standard that addresses the issue; therefore, the Commission directed NERC to develop a Reliability Standard to address undesirable relay operation due to stable power swings.[10]

5. On February 17, 2011, in Order No. 733–A, the Commission denied rehearing of Order No. 733 and clarified that ''[w]e continue to believe that not addressing stable power swings constitutes a gap in the current Reliability Standards and must be addressed.'' [11] Therefore, the Commission affirmed the directive that NERC develop a Reliability Standard addressing stable power swings.[12] The Commission also clarified that it did not require a Reliability Standard containing an absolute obligation to prevent protection relays from operating unnecessarily during stable power swings or an across-the-board elimination of all zone 3 relays, but only the development of a standard that addresses protection systems that are vulnerable to stable power swings (resulting from Category B and Category C contingencies from the NERC Planning Standards in place at that time) that will result in inappropriate tripping.[13] In Order No. 733–B, the Commission denied further clarification regarding the issue.

B. NERC Petition and Proposed Standard PRC–026–1

6. On December 31, 2014, NERC submitted a petition seeking approval of proposed Reliability Standard PRC–026–1, as well as the associated implementation plan, and violation risk factors and violation severity levels.[14] NERC avers that proposed Reliability Standard PRC–026–1 satisfies the Order No. 733 directive to develop a new standard that requires the use of protective relay systems that can differentiate between faults and stable power swings. According to NERC, the proposed Reliability Standard sets forth requirements that prevent the unnecessary tripping of bulk electric system elements in response to stable power swings.[15] NERC further explains that the identification of bulk electric system elements with protection systems at-risk of operating as a result of a stable or unstable power swing and subsequent review by the applicable generator owner or transmission owner ''provides assurance that relays will continue to be secure for stable power swings if any changes in system impedance occur.'' [16]

7. According to NERC, the proposed Reliability Standard is ''directly responsive'' to the Order No. 733 directive that NERC develop a standard addressing undesirable relay operation due to stable power swings.[17] NERC explains, however, that the proposed Reliability Standard ''includes an alternative to the Commission's approach to require 'the use of protective relay systems that can differentiate between faults and stable power swings and, when necessary, phases out protective relay systems that cannot meet this requirement.' '' [18] NERC notes that in Order No. 733–A, the Commission clarified that it had not intended ''to prohibit NERC from exercising its technical expertise to develop a solution to an identified reliability concern that is equally effective and efficient as the one proposed in Order No. 733.'' [19] In support of its alternative solution, NERC states that ''it is generally preferable to emphasize dependability over security when it is not possible to ensure both for all possible system conditions'' and avers that ''[p]rohibiting use of certain types of relays, such as those protective relay systems that cannot differentiate between faults and stable power swings, may have unintended negative outcomes for Bulk-Power System reliability.'' [20]

8. Proposed Reliability Standard PRC–026–1 has four requirements and two attachments. NERC explains that Attachment A ''provides clarity on which load-responsive protective relay functions are applicable'' under the standard.[21] Specifically, Attachment A provides that proposed Reliability Standard PRC–026–1 applies to:

> any protective functions which could trip instantaneously or with a time delay of less than 15 cycles on load current (*i.e.,* ''load-responsive'') . . . .

According to NERC, the 15 cycle time delay ''is representative of an expected power swing having a slow slip rate of 0.67 Hertz (Hz) and is the average time that a stable power swing with that slip rate would enter the relays' characteristic, reverse direction, and then exit the characteristic before the time delay expired.'' [22] NERC states that

[5] 16 U.S.C. 824(d) and (e).

[6] *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards,* Order No. 672, FERC Stats. & Regs. ¶ 31,204, *order on reh'g,* Order No. 672–A, FERC Stats. & Regs. ¶ 31,212 (2006).

[7] *North American Electric Reliability Corp.,* 116 FERC ¶ 61,062, *order on reh'g and compliance,* 117 FERC ¶ 61,126 (2006), *aff'd sub nom. Alcoa, Inc.* v. *FERC,* 564 F.3d 1342 (D.C. Cir. 2009).

[8] Order No. 733, 130 FERC ¶ 61,221 at P 150.

[9] *Id.* PP 3–4, 130 (citing U.S.-Canada Power System Outage Task Force, Final Report on the August 14, 2003 Blackout in the United States and Canada: Causes and Recommendations, at 80 (2004); and August 14, 2003 Blackout: NERC Actions to Prevent and Mitigate the Impacts of Future Cascading Blackouts, at 13 (2004)).

[10] *Id.* P 153.

[11] Order No. 733–A, 134 FERC ¶ 61,127 at P 104.

[12] *Id.*

[13] *Id.* P 107.

[14] Proposed Reliability Standard PRC–026–1 is available on the Commission's eLibrary document retrieval system in Docket No. RM15–8–000 and on the NERC Web site, *www.nerc.com.*

[15] *See* NERC Petition at 4.

[16] *Id.*

[17] *Id.* at 23 (citing Order No. 733, 130 FERC ¶ 61,221 at P 153).

[18] *Id.* (quoting Order No. 733, 130 FERC ¶ 61,221 at P 162).

[19] *Id.* at 11 (citing Order No. 733–A, 134 FERC ¶ 61,127 at P 11).

[20] *Id.* at 24.

[21] *Id.* at 31.

[22] *Id.* at 30.

the proposed standard does not apply to ''functions that are either immune to power swings, block power swings, or prevent non-immune protection function operation due to supervision of the function.'' [23] Attachment B contains the criteria for the evaluation of load-responsive protective relays that are within the scope of proposed Reliability Standard PRC–026–1.[24] According to NERC, Attachment B ''will reduce the need for simulation by comparing the load-responsive protective relay to specific criteria'' set forth in Attachment B.[25]

9. According to NERC, Requirement R1 of the proposed Reliability Standard requires the planning coordinator to identify bulk electric system elements that meet one or more of four criteria and subsequently notify, at least once each calendar year, the respective generator owners and transmission owners of the identified at-risk elements.[26]

10. NERC states that, upon such notification, Requirement R2 obligates the generator owners and transmission owners to determine whether the relays applied to the identified bulk electric system elements meet the two criteria outlined in Attachment B to proposed Reliability Standard PRC–026–1. NERC notes that Requirement R2 requires a generator owner or transmission owner to conduct the same analysis where the entity becomes aware of a bulk electric system element that tripped in response to a stable or unstable power swing due to the operations of its protective relay(s), even if the element was not previously identified by the planning coordinator.[27] NERC concludes that, based on the ''expected infrequency of Elements tripping in response to a stable power swing,'' the evaluation of elements identified under Requirement R1 combined with the evaluation of elements identified following a known power swing trip ''meet[s] the reliability purpose of the proposed Reliability Standard and directive in an efficient manner without significant burden to applicable entities.'' [28]

11. NERC explains that Requirement R3 requires an applicable generator owner or transmission owner to develop a corrective action plan for any protective system that does not meet the Attachment B criteria. Under the corrective action plan, a generator owner or transmission owner is required to modify the relevant protection system to meet the Attachment B criteria. Requirement R4 obligates a generator owner or transmission owner to implement a corrective action plan developed under Requirement R3 and to update the plan when either the content of the plan or associated timetables change until the plan has been fully executed.

12. NERC proposes an implementation plan for PRC–026–1 under which Requirement R1 is to become effective 12 months after Commission approval, and Requirements R2, R3, and R4 become effective 36 months after Commission approval.

II. Discussion

13. Pursuant to section 215(d)(2) of the FPA, we propose to approve Reliability Standard PRC–026–1 as just, reasonable, not unduly discriminatory or preferential, and in the public interest. We also propose to approve NERC's proposed implementation plan, and the proposed violation risk factors and violation severity levels. Generally, the proposed Reliability Standard appears to adequately address the Commission's directive from Order No. 733 by helping to prevent the unnecessary tripping of bulk electric system elements in response to stable power swings. We propose to accept NERC's approach as an equally effective and efficient method to achieve the reliability goal underlying the Commission's Order No. 733 directive.

14. However, we are concerned that NERC's proposed exclusion of load responsive relays with a time delay of 15 cycles or greater as proposed in Attachment A could result in a gap in reliability. As mentioned above, pursuant to Attachment A, the Reliability Standard applies to ''any protective functions which could trip instantaneously or with a time delay of less than 15 cycles on load current (*i.e.,* ''load-responsive''). . . .'' NERC provides technical rationale for the less than 15 cycle threshold, explaining that load-responsive relays set to trip instantaneously or with a ''slight time delay'' are most susceptible to power swings.[29] Nevertheless, while NERC states that its proposal meets the Commission's directive in an efficient manner without significant burden to applicable entities, NERC has not provided any information on the burden of including relays with a time delay of 15 cycles or greater under proposed Reliability Standard PRC–026–1. We believe that the lack of this information is significant in light of the fact that an entity would not be required under the proposed Reliability Standard to investigate an element identified by a Planning Coordinator as potentially susceptible to power swings or investigate an element following a known power swing trip if the relay(s) involved have a time delay of 15 cycles or greater.

15. Therefore, we seek comment on the potential burden of modifying the applicability of proposed Reliability Standard PRC–026–1 to include relays with a time delay of 15 cycles or greater in instances where either (1) an element has been identified by a Planning Coordinator as potentially susceptible to power swings or (2) an entity becomes aware of a bulk electric system element that tripped in response to a stable or unstable power swing due to the operation of its protective relay(s), even if the element was not previously identified by the planning coordinator. Depending on the response, the Commission may direct that NERC develop modifications to the proposed Reliability Standard.

III. Information Collection Statement

16. The collection of information contained in this Notice of Proposed Rulemaking is subject to review by the Office of Management and Budget (OMB) regulations under section 3507(d) of the Paperwork Reduction Act of 1995 (PRA).[30] OMB's regulations require approval of certain informational collection requirements imposed by agency rules.[31]

17. Upon approval of a collection(s) of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of a rule will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number.

18. We solicit comments on the need for this information, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques. Specifically, the Commission asks that any revised

[23] *Id.* at 31.

[24] *See id.* at 35–38.

[25] Proposed Reliability Standard PRC–026–1 (Application Guidelines) at 15.

[26] *Id.* at 32–33.

[27] NERC Petition at 38. NERC explains that the phrase ''becoming aware'' is used in Requirement R2 to ''not overburden entities by requiring a determination of whether a power swing was present for every Element trip'' due to relay operation. *Id.*

[28] *Id.* at 38–39.

[29] *See* NERC Petition at 29–30.

[30] 44 U.S.C. 3507(d) (2012).

[31] 5 CFR 1320.11.

burden or cost estimates submitted by commenters be supported by sufficient detail to understand how the estimates are generated.

Public Reporting Burden: The Commission proposes to approve Reliability Standard PRC–026–1. Proposed Reliability Standard PRC–026–1 will impose new requirements for the notification of particular bulk electric system elements from planning coordinator to generator owners and transmissions owners based on given criteria. Generator owners and transmissions owner will evaluate those bulk electric system elements and load-responsive protective relay(s) according to Attachment B criteria and, if a load-responsive protective relay does not meet the Attachment B criteria, the generator owner/transmission owner must develop a corrective action plan. Our estimate below regarding the number of respondents is based on the NERC Compliance Registry as of June 26, 2015. According to the NERC Compliance Registry, NERC has registered 318 transmission owners, 884 generator owners, and 68 planning coordinators. However, under NERC's compliance registration program, entities may be registered for multiple functions, so these numbers incorporate some double counting. The total number of unique entities that may be identified as a notification provider (*e.g.* applicable entity) in accordance with proposed Reliability Standard PRC–026–1 will be approximately 1,074 entities registered in the United States as a transmission owner and/or generator owner. The total number of unique entities that may be identified as evidence retention entities (*e.g.* applicable entity) in accordance with proposed Reliability Standard PRC–026–1 will be approximately 1,092 entities registered in the United States as a transmission owner, generator owner and/or planning coordinator. The Commission estimates the annual reporting burden and cost as follows:

RM15–8–000

[Mandatory reliability standards: reliability standard PRC–026–1]

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden & cost per response (4)	Total annual burden hours & total annual cost (3)*(4)=(5)	Cost per respondent ($) (5)÷(1)
Notifications to GO/TO per Requirement R1	1,074	1	1,074	8 [32] $485.28	8,592 $521,191	$845.28
Evidence Retention GO/TO/PC	1,092	1	1,092	12 [33] $450.00	13,104 $491,400	$450.00
Total			2,166		21,696 $1,012,591	

Title: FERC–725G3, Mandatory Reliability Standards: Reliability Standard PRC–026–1.

Action: Proposed Collection of Information.

OMB Control No: To Be Determined.

Respondents: Business or other for-profit and not-for-profit institutions.

Frequency of Responses: One time and on-going.

Necessity of the Information: The proposed Reliability Standard PRC–026–1, if adopted, would implement the Congressional mandate of the Energy Policy Act of 2005 to develop mandatory and enforceable Reliability Standards to better ensure the reliability of the nation's Bulk-Power System. Specifically, the proposal would address undesirable relay operation due to power swings.

19. *Internal review:* The Commission has reviewed the requirements pertaining to the proposed Reliability Standard PRC–026–1 and made a determination that the proposed requirements of this standard are necessary to implement section 215 of the FPA. These requirements conform to the Commission's plan for efficient information collection, communication and management within the energy industry. The Commission has assured itself, by means of its internal review, that there is specific, objective support for the burden estimates associated with the information requirements.

20. Interested persons may obtain information on the reporting requirements by contacting the Federal Energy Regulatory Commission, Office of the Executive Director, 888 First Street NE., Washington, DC 20426 [Attention: Ellen Brown, email: *DataClearance@ferc.gov,* phone: (202) 502–8663, fax: (202) 273–0873].

21. Comments concerning the information collections proposed in this NOPR and the associated burden estimates, should be sent to the Commission in this docket and may also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs [Attention: Desk Officer for the Federal Energy Regulatory Commission]. For security reasons, comments should be sent by email to OMB at the following email address: *oira_submission@omb.eop.gov.* Please reference the docket number of this Notice of Proposed Rulemaking (Docket No. RM15–8–000) in your submission.

IV. Regulatory Flexibility Act Analysis

22. The Regulatory Flexibility Act of 1980 (RFA) [34] generally requires a description and analysis of this NOPR that will have significant economic impact on a substantial number of small entities. Proposed Reliability Standard PRC–026–1 sets forth requirements that prevent the unnecessary tripping of bulk

[32] The estimates for cost per response are derived using the following formula:

Average Burden Hours per Response * $60.66 per Hour = Average Cost per Response. The hourly average of $60.66 assumes equal time is spent by the manager, electrical engineer, and information and record clerk. The average hourly cost (salary plus benefits) is: $37.50 for information and record clerks (occupation code 43–4199), $78.04 for a manager (occupation code 11–0000), and $66.45 for an electrical engineer (occupation code 17–2071). (The figures are taken from the Bureau of Labor Statistics, May 2014 figures at *http://www.bls.gov/oes/current/naics2_22.htm).*

[33] The average hourly cost (salary plus benefits) is $37.50. The BLS wage category code is 34–4199. This figure is also taken from the Bureau of Labor Statistics, May 2014 figures at *http://www.bls.gov/oes/current/naics2_22.htm.*

[34] 5 U.S.C. 601–12.

electric system elements in response to stable power swings. As shown in the information collection section, an estimated 1,092 entities are expected to evaluate bulk electric system elements and load-responsive protective relay(s) according to Attachment B criteria of proposed PRC–026–1. Comparison of the applicable entities with the Commission's small business data indicates that approximately 661 are small entities [35] or 60.53 percent of the respondents affected by proposed Reliability Standard PRC–026–1.

23. As discussed above, proposed Reliability Standard PRC–026–1 will serve to enhance reliability by imposing mandatory requirements governing generator relay loadability, thereby reducing the likelihood of premature or unnecessary tripping of generators during system disturbances. The Commission estimates that each of the small entities to whom the proposed Reliability Standard PRC–026–1 applies will incur paperwork and record retention costs of $935.28 per entity (annual ongoing).

24. The Commission does not consider the estimated costs per small entity to have a significant economic impact on a substantial number of small entities. Accordingly, the Commission certifies that proposed Reliability Standard PRC–026–1 will not have a significant economic impact on a substantial number of small entities. The Commission seeks comment on this certification.

V. Environmental Analysis

25. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[36] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion are rules that are clarifying, corrective, or procedural or that do not substantially change the effect of the regulations being amended.[37] The actions proposed herein fall within this categorical exclusion in the Commission's regulations.

VI. Comment Procedures

26. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due November 23, 2015. Comments must refer to Docket No. RM15–8–000, and must include the commenter's name, the organization they represent, if applicable, and address.

27. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

28. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

29. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

VII. Document Availability

30. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

31. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number of this document, excluding the last three digits, in the docket number field.

32. User assistance is available for eLibrary and the Commission's Web site during normal business hours from the Commission's Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Issued: September 17, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–24279 Filed 9–23–15; 8:45 am]

BILLING CODE 6717–01–P

[35] The Small Business Administration sets the threshold for what constitutes a small business. Public utilities may fall under one of several different categories, each with a size threshold based on the company's number of employees, including affiliates, the parent company, and subsidiaries. For the analysis in this NOPR, we apply a 500 employee threshold for each affected entity. Each entity is classified as Electric Bulk Power Transmission and Control (NAICS code 221121).

[36] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, FERC Stats. & Regs., Regulations Preambles 1986–1990 ¶ 30,783 (1987).

[37] 18 CFR 380.4(a)(2)(ii) (2015).

INTERNATIONAL TRADE COMMISSION

19 CFR Parts 201 and 210

Rules of General Application, Adjudication and Enforcement

AGENCY: International Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States International Trade Commission (''Commission'') proposes to amend its Rules of Practice and Procedure concerning rules of general application, adjudication, and enforcement. The amendments are necessary to make certain technical corrections, to clarify certain provisions, to harmonize different parts of the Commission's rules, and to address concerns that have arisen in Commission practice. The intended effect of the proposed amendments is to facilitate compliance with the Commission's Rules and improve the administration of agency proceedings.

DATES: To be assured of consideration, written comments must be received by 5:15 p.m. *November 23, 2015.*

ADDRESSES: You may submit comments, identified by docket number MISC–045, by any of the following methods:

—*Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

—*Agency Web site: http://www.usitc.gov.* Follow the instructions for submitting comments on the Web site at *http://www.usitc.gov/secretary/edis.htm.*

—*Email: megan.valentine@usitc.gov.* Include docket number MISC–045 in the subject line of the message.

—*Mail:* For paper submission. U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436.

—*Hand Delivery/Courier:* U.S. International Trade Commission, 500

E Street SW., Room 112, Washington, DC 20436, from the hours of 8:45 a.m. to 5:15 p.m.

Instructions: All submissions received must include the agency name and docket number (MISC–045), along with a cover letter stating the nature of the commenter's interest in the proposed rulemaking. All comments received will be posted without change to *http://www.usitc.gov,* including any personal information provided. For paper copies, a signed original and 14 copies of each set of comments should be submitted to Lisa R. Barton, Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436.

Docket: For access to the docket to read background documents or comments received, go to *http://www.usitc.gov* and/or the U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, telephone 202–708–2301, Office of the General Counsel, United States International Trade Commission. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.*

SUPPLEMENTARY INFORMATION: The preamble below is designed to assist readers in understanding these proposed amendments to the Commission Rules. This preamble provides background information, a regulatory analysis of the proposed amendments, a section-by-section explanation of the proposed amendments to parts 201 and 210, and a description of the proposed amendments to the rules. The Commission encourages members of the public to comment on whether the language of the proposed amendments is sufficiently clear for users to understand, in addition to any other comments they wish to make on the proposed amendments.

If the Commission decides to proceed with this rulemaking after reviewing the comments filed in response to this notice, the proposed rule revisions will be promulgated in accordance with the applicable requirements of the Administrative Procedure Act (''APA'') (5 U.S.C. 553), and will be codified in 19 CFR parts 201 and 210.

Background

Section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) authorizes the Commission to adopt such reasonable procedures, rules, and regulations as it deems necessary to carry out its functions and duties. This rulemaking seeks to improve provisions of the Commission's existing Rules of Practice and Procedure. The Commission proposes amendments to its rules covering investigations under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), as amended (''section 337''), in order to increase the efficiency of its section 337 investigations.

This rulemaking was undertaken to make certain technical corrections, to clarify certain provisions, to harmonize different parts of the Commission's rules, and to address concerns that have arisen in Commission practice. The intended effect of the proposed amendments is to facilitate compliance with the Commission's Rules and improve the administration of agency proceedings.

On February 14, 2012, at 77 FR 8114, the Commission published a Plan for Retrospective Analysis of Existing Rules. This plan was issued in response to Executive Order 13579 of July 11, 2011, and established a process under which the Commission will periodically review its significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving regulatory objectives. This process will include a general review of existing regulations in 19 CFR parts 201, 207, and 210. The current notice of proposed rulemaking is consistent with the plan to ensure that the Commission's rules are effective.

The Commission invites the public to comment on all of these proposed rules amendments. In any comments, please consider addressing whether the language of the proposed amendments is sufficiently clear for users to understand. In addition please consider addressing how the proposed rules amendments could be improved, and offering specific constructive alternatives where appropriate.

Consistent with its ordinary practice, the Commission is issuing these proposed amendments in accordance with the applicable requirements of section 553 of the APA. This procedure entails the following steps: (1) Publication of a notice of proposed rulemaking; (2) solicitation of public comments on the proposed amendments; (3) Commission review of public comments on the proposed amendments; and (4) publication of final amendments at least thirty days prior to their effective date.

Regulatory Analysis of Proposed Amendments to the Commission's Rules

The Commission has determined that the proposed rules do not meet the criteria described in section 3(f) of Executive Order 12866 (58 FR 51735, Oct. 4, 1993) and thus do not constitute a significant regulatory action for purposes of the Executive Order.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is inapplicable to this rulemaking because it is not one for which a notice of final rulemaking is required under 5 U.S.C. 553(b) or any other statute. Although the Commission has chosen to publish a notice of proposed rulemaking, these proposed regulations are ''agency rules of procedure and practice,'' and thus are exempt from the notice requirement imposed by 5 U.S.C. 553(b).

These proposed rules do not contain federalism implications warranting the preparation of a federalism summary impact statement pursuant to Executive Order 13132 (64 FR 43255, Aug. 4, 1999).

No actions are necessary under the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*) because the proposed rules will not result in expenditure in the aggregate by State, local, and tribal governments, or by the private sector, of $100,000,000 or more in any one year, and will not significantly or uniquely affect small governments, as defined in 5 U.S.C. 601(5).

The proposed rules are not major rules as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*). Moreover, they are exempt from the reporting requirements of the Contract With America Advancement Act of 1996 (Pub. L. 104–121) because they concern rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.

The amendments are not subject to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3504(h)).

Part 201

Subpart B—Initiation and Conduct of Investigations

Section 201.16

Section 201.16 provides the general provisions for service of process and other documents. In particular, section 201.16(a)(1) provides that the Commission may effect service by mailing or delivering a copy of the document to be served to the person to be served or to certain persons affiliated with the organization to be served or to

the person's or organization's attorney representative. Subsection 201.16(a)(4) explains that service by mail, as provided in subsection 201.16(a)(1) is complete upon mailing of the document. The Commission is currently developing the capability to perfect electronic service. The proposed rule would accordingly amend subsections 201.16(a)(1) and (4) to provide that the Commission may effect service through electronic means. Electronic service is complete upon transmission of a notification from the Commission that the document has been placed in an appropriate secure repository for retrieval by the person, organization representative, or attorney being served, unless the Commission is notified that the notification was not received by the party served.

In addition, subsection 201.16(f) authorizes parties to serve documents by electronic means. The proposed rule would amend subsection 201.16(f) to require parties serving documents by electronic means to ensure that any such document containing confidential business information subject to an administrative protective order be securely transmitted, in addition to being securely stored, to prevent unauthorized access and/or receipt by individuals or organizations not authorized to view the specified confidential business information.

Part 210

Subpart B—Commencement of Preinstitution Proceedings and Investigations

Section 210.10

Section 337(b)(1) states that the ''Commission shall investigate any alleged violation of this section on complaint under oath or upon its initiative.'' 19 U.S.C. 1337(b)(1). Accordingly, section 210.10 provides for institution of section 337 investigations by the Commission based upon a properly filed complaint. *See* 19 CFR 210.10(a). The Commission, however, is concerned about complaints that assert multiple unrelated patents and/or multiple technologies because the resulting investigation is often unwieldy and lengthy. The proposed rule would amend section 210.10(a) to clarify that the Commission may institute multiple investigations based on a single complaint where necessary to limit the number of technologies and/or unrelated patents asserted in a single investigation.

In addition, subsection 210.10(b) provides that, when instituting an investigation, the Commission shall issue a notice defining the scope of the investigation, including whether the Commission has ordered the presiding administrative law judge to take evidence and to issue an initial determination concerning the public interest. The proposed rule would add subsection 210.10(b)(1) to provide that the notice of institution will specify in plain language the accused products that will be within the scope of the investigation in order to avoid disputes between the parties concerning the scope of the investigation at the outset. Comments regarding this proposed rule should address, in particular, whether the proposed rule would be useful in clarifying the scope of the investigation. The Commission welcomes alternate language that captures the Commission's intent with respect to the proposed rule. New subsection 210.10(b)(2) contains the existing language in subsection 210.10(b), which provides that the Commission may order the presiding administrative law judge to take evidence concerning the public interest.

The Commission has established a ''100-Day'' proceeding to provide for the disposition of potentially dispositive issues within a specified time frame following institution of an investigation. The proposed rule would accordingly add subsection 210.10(b)(3) to authorize the Commission to direct the presiding administrative law judge to issue an initial determination pursuant to new subsection 210.42(a)(3), as described below, on a potentially dispositive issue as set forth in the notice of investigation. The specified time frame for issuance of the initial determination is subject to an extension of time for good cause shown. As set forth in the pilot program, the presiding administrative law judge will have discretion to stay discovery during the pendency of the 100-Day proceeding.

Section 210.11

Section 210.11—in particular, subsection 210.11(a)—provides that the Commission will, upon institution of an investigation, serve copies of the nonconfidential version of the complaint and the notice of investigation upon the respondent(s), the embassy in Washington, DC of the country in which each respondent is located, and various government agencies. Subsection 210.11(a)(2) concerns service by the Commission when it has instituted temporary relief proceedings. The proposed rule would amend subsection 210.11(a)(2)(i) to clarify that the Commission will serve on each respondent a copy of the nonconfidential version of the motion for temporary relief, in addition to the nonconfidential version of the complaint and the notice of investigation.

Subpart C—Pleadings

Section 210.12

Section 210.12 specifies the information that a complainant must include in a complaint requesting institution of an investigation under Part 210. In particular, subsection 210.12(a)(9) details the information a complainant is required to include when alleging a violation of section 337 with respect to the infringement of a valid and enforceable U.S. patent. The proposed rule would amend subsection 210.12(a)(9) by adding the requirement that complaints include the expiration date of each asserted patent.

Section 210.14

Section 210.14 provides for various pre- and post-institution actions, including amending the complaint and notice of investigation, making supplemental submissions, introducing counterclaims, providing submissions on the public interest, and consolidating investigations. The proposed rule would amend section 210.14 to add subsection 210.14(h), allowing the administrative law judge to sever an investigation into two or more investigations at any time prior to or upon issuance of the procedural schedule, based upon either a motion or upon the administrative law judge's judgment that severance is necessary to allow efficient adjudication. The Commission is seeking in particular comments regarding whether the administrative law judge's decision to sever should be in the form of an initial determination pursuant to new subsection 210.42(c)(3) or an order.

The proposed rule would also add subsection 210.14(i), authorizing the administrative law judge to issue an order designating a potentially dispositive issue for an early ruling. The proposed rule would also provide authority for the presiding administrative law judge to hold expedited hearings on such dispositive issues in accordance with section 210.36.

Subpart D—Motions

Section 210.15

Section 210.15 provides the procedure and requirements for motions during the pendency of an investigation and related proceedings, whether before an administrative law judge or before the Commission. The proposed rule would amend subsection 210.15(a)(2) to clarify that this provision does not allow

for motions, other than motions for temporary relief, to be filed with the Commission prior to institution of an investigation. Subsection 210.15(a)(1) is not amended because matters are not delegated to an administrative law judge until after an investigation has been instituted.

Section 210.19

Section 210.19 provides for intervention in an investigation or related proceeding. The proposed rule would amend section 210.19 to clarify that motions to intervene may be filed only after institution of an investigation or a related proceeding.

Section 210.21

Subsections 210.21(b)(2) and (c)(2) authorize the presiding administrative law judge to grant by initial determination motions to terminate an investigation due to settlement or consent order, respectively. The subsections further provide that the Commission shall notify certain agencies of the initial determination and the settlement agreement or consent order. Those agencies include the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service (now U.S. Customs and Border Protection), and such other departments and agencies as the Commission deems appropriate.

Currently, the Commission effects such notice through various electronic means, including posting a public version of the initial determination and public versions of any related settlement agreements or consent orders on its Web site. The proposed rule would amend subsections 210.21(b)(2) and (c)(2) to clarify that the Commission need not specifically notify the listed agencies regarding any such initial determination and related settlement agreements or consent orders. This change is intended to conserve Commission resources and does not relieve the Commission of its obligation under section 337(b)(2) to consult with and seek advice and information from the indicated agencies as the Commission considers appropriate during the course of a section 337 investigation.

In addition, subsection 210.21(c)(3) sets out the required contents of a consent order stipulation while subsection 210.21(c)(4) sets out the required contents of the consent order. The proposed rule would amend subsection 210.21(c)(3)(ii)(A) to conform to subsection 210.21(c)(4)(x), which requires that the consent order stipulation and consent order contain a statement that a consent order shall not apply to any intellectual property right that has been held invalid or unenforceable or to any adjudicated article found not to infringe the asserted right or no longer in violation by the Commission or a court or agency of competent jurisdiction in a final, nonreviewable decision. The proposed rule would also amend subsection 210.21(c)(4)(viii) to add ''any asserted patent claims,'' delete ''the claims of the asserted patent,'' delete the second occurrence of the word ''claims,'' and add the word ''claim'' after ''unfair trade practice'' in the phrase ''validity or enforceability of the claims of the asserted patent claims . . . unfair trade practice in any administrative or judicial proceeding to enforce the Consent Order[.]'' The proposed rule would further amend subsection 210.21(c)(4)(x) to add ''asserted'' before ''claim of the patent. . . .'' and to add ''claim'' after ''or unfair trade practice. . . .'' The proposed rule also would add new subsection 210.21(c)(4)(xi) to require in the consent order an admission of all jurisdictional facts, similar to the provision requiring such a statement in the consent order stipulation (210.21(c)(3)(i)(A)).

Section 210.22

The proposed rule would add new section 210.22 to allow parties to file a motion within 30 days of institution of the investigation requesting the presiding administrative law judge to issue an order designating a potentially dispositive issue for an early ruling. The proposed rule would also provide authority for the presiding administrative law judge to hold expedited hearings on such issues in accordance with section 210.36.

Section 210.25

Section 210.25 provides for the process by which a party may request and the presiding administrative law judge or the Commission may grant sanctions. In particular, subsection 210.25(a)(1) states the grounds for which a party may file a motion for sanctions. The proposed rule would amend subsection 210.25(a)(1) to clarify that a motion for sanctions may be filed for abuse of discovery under subsection 210.27(g)(3).

In addition, subsection 210.25(a)(2) provides that a presiding administrative law judge or the Commission may raise sanctions issues as appropriate. The proposed rule would amend subsection 210.25(a)(2) to clarify that the subsection regarding sanctions for abuse of discovery is subsection 210.27(g)(3).

Subpart E—Discovery and Compulsory Process

Section 210.27

Section 210.27 contains the general provisions governing discovery during a section 337 investigation or related proceeding. The proposed rule would add section 210.27(e)(5) to add language consistent with Federal Rule of Civil Procedure 26 concerning the preservation of privilege between counsel and expert witnesses. In particular, the proposed rule specifies that privilege applies to communications between a party's counsel and any expert witness retained on behalf of that party and to any draft reports or disclosures that the expert prepares at counsel's behest.

Subsection 210.27(g) details the requirements of providing appropriate signatures with every discovery request, response, and objection, and the consequences for failing to do so. The proposed rule would amend subsection 210.27(g)(3) to clarify that a presiding administrative law judge or the Commission may impose sanctions if, without substantial justification, a party certifies a discovery request, response, or objection in violation of subsection 210.27(g)(2).

Section 210.28

Section 210.28 provides for the taking, admissibility, and use of party and witness depositions. In particular, subsection 210.28(h)(3) provides that the deposition of a witness, whether or not a party, may be used for any purpose if the presiding administrative law judge finds certain circumstances exist. The proposed rule would add subsection 210.28(h)(3)(vi) to allow, within the discretion of the presiding administrative law judge, the use of agreed-upon designated deposition testimony in lieu of live witness testimony absent the circumstances enumerated in subsection 210.28(h)(3).

Section 210.32

Section 210.32 provides for the use of subpoenas during the discovery phase of a section 337 investigation. In particular, subsection 210.32(d) provides for the filing of motions to quash a subpoena that the presiding administrative law judge has issued. The proposed rule would amend subsection 210.32(d) to clarify that a party upon which a subpoena has been served may file an objection to the subpoena within ten days of receipt of the subpoena, with the possibility of requesting an extension of time for filing objections for good cause shown. The proposed rule would also amend

subsection 210.32(d) to clarify that any motion to quash must be filed within ten days of receipt of the subpoena, with the possibility of requesting an extension of time for good cause shown. The proposed amendment is intended to bring the Commission's subpoena practice into closer conformity with the Federal Rules of Civil Procedure. The Commission requests that any comments concerning this amendment address any potential conflicts that may arise from copending objections and motions to quash.

In addition, subsection 210.32(f) authorizes the payment of fees to deponents or witnesses that are subpoenaed. The proposed rule would amend subsection 210.32(f)(1) to clarify that such deponents and witnesses are entitled to receive both fees and mileage in conformance with Federal Rule of Civil Procedure 45(b)(1) and to correct the antecedent basis for ''fees and mileage'' as recited in subsection 210.32(f)(2).

Section 210.34

Section 210.34 provides for the issuance of protective orders and for the remedies and sanctions the Commission may impose in the event of a breach of a Commission-issued administrative protective order. Subsection 210.34(c)(1) provides that the Commission shall treat the identity of any alleged breacher as confidential business information unless the Commission determines to issue a public sanction. Subsection 210.34(c)(1) also requires the Commission and the administrative law judge to allow parties to make submissions concerning these matters. The proposed rule would amend subsection 210.34(c)(1) to remove the mandatory provision requiring the Commission or the administrative law judge to allow the parties to make written submissions or present oral arguments bearing on the issue of violation of a protective order and the appropriate sanctions therefor. The Commission and the administrative law judge continue to have discretion to permit written submissions or oral argument bearing on administrative protective order violations and sanctions therefor. In the interest of preserving the confidentiality of the process, the Commission has decided that notification of all parties in an investigation regarding breach of a protective order may be inappropriate in many cases. Submissions from relevant persons will be requested as necessary and appropriate.

Subpart G—Determinations and Actions Taken

Section 210.42

Section 210.42 provides for the issuance of initial determinations by the presiding administrative law judge concerning specific issues, including violation of section 337 under subsection 210.42(a)(1)(i), on motions to declassify information under subsection 210.42(a)(2), on issues concerning temporary relief or forfeiture of temporary relief bonds under subsection 210.42(b), or on other matters as specified in subsection 210.42(c).

The proposed rule would add subsection 210.42(a)(3) authorizing the presiding administrative law judge to issue an initial determination ruling on a potentially dispositive issue in accordance with a Commission order under new subsection 210.10(b)(3) or the administrative law judge's order issued pursuant to new section 210.22. In addition, the proposed rule would require the administrative law judge to certify the record to the Commission and issue the initial determination within 100 days of when the issue is designated by the Commission pursuant to 210.10(b)(3) or by the administrative law judge pursuant to 210.14(i) or 210.22. The 100-day period for certification may be extended for good cause shown. This procedure differs from a summary determination proceeding in that the administrative law judge's ruling pursuant to this section is made following an evidentiary hearing. These changes are intended to provide a procedure for the early disposition of potentially dispositive issues identified by the Commission at institution of an investigation or by the administrative law judge early in procedural schedule for the investigation. This procedure is not intended to affect summary determination practice under section 210.18 whereby the ALJ may dispose of one or more issues in the investigation when there is no genuine issue as to material facts and the moving party is entitled to summary determination as a matter of law.

The proposed rule would also add subsection 210.42(c)(3), authorizing the presiding administrative law judge to issue an initial determination severing an investigation into two or more investigations pursuant to new subsection 210.14(h).

In addition, subsection 210.42(e) provides that the Commission shall notify certain agencies of each initial determination granting a motion for termination of an investigation in whole or part on the basis of a consent order or settlement, licensing, or other agreement pursuant to section 210.21, and notice of such other initial determinations as the Commission may order. Those agencies include the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service (now U.S. Customs and Border Protection), and such other departments and agencies as the Commission deems appropriate. The rule further states that the indicated agencies have 10 days after service of any such initial determinations to submit comments. Currently, the Commission effects such notice through various electronic means, including posting a public version of the initial determination on its Web site so that paper service is unnecessary. The proposed rule would amend section 210.42(e) to remove the explicit requirement that the Commission provide any specific notice of or directly serve any initial determinations concerning terminations under section 210.21 on the listed agencies. This change is intended to conserve Commission resources and does not relieve the Commission of its obligation under section 337(b)(2) to consult with and seek advice and information from the indicated agencies as the Commission considers appropriate during the course of a section 337 investigation.

Section 210.43

Section 210.43 provides for the process by which a party may request and the Commission may consider petitions for review of initial determinations on matters other than temporary relief. In particular, subsection 210.43(a)(1) specifies when parties must file petitions for review based on the nature of the initial determination, and subsection 210.43(c) specifies when parties must file responses to any petitions for review. The proposed rule would amend subsection 210.43(a)(1) to specify when parties must file petitions for review of an initial determination ruling on a potentially dispositive issue pursuant to new subsection 210.42(a)(3). The proposed rule would further amend subsection 210.43(c) to specify when the parties must file responses to any such petitions for review. Under the proposed rule, parties are required to file a petition for review within five calendar days after service of the initial determination and any responses to the petitions within three business days after service of a petition.

Subsection 210.43(d)(1) provides for the length of time the Commission has

after service of an initial determination to determine whether to review the initial determination before it becomes the Commission's determination. The proposed rule would amend subsection 210.43(d)(1) to specify that the Commission determine whether to review initial determinations on early dispositive issues pursuant to new subsection 210.42(a)(3). Under the proposed rule, the Commission shall determine whether to review such initial determinations within 30 days of service of the initial determination.

In addition, subsection 210.43(d)(3) provides that, if the Commission determines to grant a petition for review, in whole or in part, and solicits written submissions on the issues of remedy, the public interest, and bonding, the Secretary of the Commission shall serve the notice of review on all parties, the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service (now U.S. Customs and Border Protection), and such other departments and agencies as the Commission deems appropriate. Currently, the Commission effects such notice through various electronic means, including posting a public version of the notice on its Web site such that paper service is unnecessary. The proposed rule would amend subsection 210.43(d)(3) to remove the explicit requirement that the Commission provide by way of direct service any such notice to the indicated agencies, thus conserving Commission resources. This proposed rule does not affect the Commission's obligation under section 337(b)(2) to consult with and seek advice and information from the indicated agencies as the Commission considers appropriate during the course of a section 337 investigation.

Section 210.47

Section 210.47 provides the procedure by which a party may petition the Commission for reconsideration of a Commission determination. The proposed rule would amend section 210.47 to make explicit the Commission's authority to reconsider a determination on its own initiative.

Section 210.50

Section 210.50, and in particular subsection 210.50(a)(4), requires the Commission to receive submissions from the parties to an investigation, interested persons, and other Government agencies and departments considering remedy, bonding, and the public interest. Subsection 210.50(a)(4) further requests the parties to submit comments concerning the public interest within 30 days of issuance of the presiding administrative law judge's recommended determination. It has come to our attention that members of the public are confused as to whether subsection 210.50(a)(4) applies to them since the post-recommended determination provision is stated immediately after the provision requesting comments from ''interested persons.'' The proposed rule would amend subsection 210.50(a)(4) to clarify that the rule concerns post-recommended determination submissions from the parties. Given the variability of the dates for issuance of the public version of the recommended determinations, post-recommended determination submissions from the public are solicited via a notice published in the **Federal Register** specifying the due date for such public comments.

Subpart I—Enforcement Procedures and Advisory Opinions

Section 210.75

Section 210.75 provides for the enforcement of remedial orders issued by the Commission, including exclusion orders, cease and desist orders, and consent orders. Subsection 210.75(a) provides for informal enforcement proceedings, which are not subject to the adjudication procedures described in subsection 210.75(b) for formal enforcement proceedings. In *Vastfame Camera, Ltd.* v. *Int'l Trade Comm'n,* 386 F.3d 1108, 1113 (Fed. Cir. 2004), the U.S. Court of Appeals for the Federal Circuit (''Federal Circuit'') stated that the Commission's authority to conduct enforcement proceedings stems from its original investigative authority under subsection 337(b) and its authority to issue temporary relief arises under subsection 337(e). Both subsections require that the Commission afford the parties the ''opportunity for a hearing in conformity with the provisions of subchapter II of chapter 5 of title 5.'' *Id.* at 1114–5. Subsection 210.75(a), which provides for informal enforcement proceedings, is therefore not in accordance with the Federal Circuit's holding in *Vastfame.* The proposed rule would, accordingly, delete subsection 210.75(a).

Subsection 210.75(b) currently provides that the Commission may institute a formal enforcement proceeding upon the filing of a complaint setting forth alleged violations of any exclusion order, cease and desist order, or consent order. The proposed rule would amend subsection 210.75(b)(1), redesignated as 210.75(a)(1), to provide that the Commission shall determine whether to institute the requested enforcement proceeding within 30 days of the filing of the enforcement complaint, similar to the provisions recited in section 210.10(a), barring exceptional circumstances, a request for postponement of institution, or withdrawal of the enforcement complaint.

Moreover, when the Commission has found a violation of an exclusion order, the Commission has issued cease and desist orders as appropriate. The proposed rule would amend subsection 210.75(b)(4), redesignated as 210.75(a)(4), to explicitly provide that the Commission may issue cease and desist orders pursuant to section 337(f) at the conclusion of a formal enforcement proceeding. The proposed rule would also amend subsection 210.75(b)(5), redesignated as 210.75(a)(5), to include issuance of new cease and desist orders pursuant to new subsection 210.75(a)(4).

Section 210.76

Section 210.76 provides the method by which a party to a section 337 investigation may seek modification or rescission of exclusion orders, cease and desist orders, and consent orders issued by the Commission. The proposed rule would modify section 210.76(a) to clarify that this section is in accordance with section 337(k)(1) and allows any person to request the Commission to make a determination that the conditions which led to the issuance of a remedial or consent order no longer exist. The proposed rule would also add subsection 210.76(a)(3) to require that, when the requested modification or rescission is due to a settlement agreement, the petition must include copies of the agreements, any supplemental agreements, any documents referenced in the petition or attached agreements, and a statement that there are no other agreements, consistent with rule 210.21(b)(1).

In addition, subsection 210.76(b) specifies that the Commission may institute such a modification or rescission proceeding by issuing a notice. The proposed rule would amend subsection 210.76(b) to provide that the Commission shall determine whether to institute the requested modification or rescission proceeding within 30 days of receiving the request, similar to the provisions recited in section 210.10(a), barring exceptional circumstances, a request for postponement of institution, or withdrawal of the petition for

modification or rescission. The proposed rule would further clarify that the notice of institution may be amended by leave of the Commission. Under some circumstances, such as when settlement between the parties is the basis for rescission or modification of issued remedial orders, institution and disposition of the rescission or modification proceeding may be in a single notice.

Section 210.77

Section 210.77 provides for the Commission to take temporary emergency action pending a formal enforcement proceeding under subsection 210.75(b) by immediately and without hearing or notice modify or revoke the remedial order under review and, if revoked, to replace the order with an appropriate exclusion order. As noted above, the Federal Circuit held in *Vastfame* that an enforcement proceeding requires that the parties be afforded an opportunity for a hearing. 386 F.3d at 1114–15. The procedure set forth in subsection 210.77 for temporary emergency action pending a formal enforcement proceeding, therefore, is not in accordance with the Federal Circuit's holding in *Vastfame.* The proposed rule would, accordingly, delete subsection 210.77.

Section 210.79

Section 210.79 provides that the Commission will, upon request, issue advisory opinions concerning whether any person's proposed course of action or conduct would violate a Commission remedial order, including an exclusion order, cease and desist order, or consent order. The proposed rule would amend subsection 210.79(a) to provide that any responses to requests for advisory opinions shall be filed within 10 days of service. The proposed rule would also amend subsection 210.79(a) to provide that the Commission shall institute the advisory proceeding by notice, which may be amended by leave of the Commission, and shall determine whether to institute within 30 days of receiving the request barring exceptional circumstances, a request for postponement of institution, or withdrawal of the request for an advisory opinion.

List of Subjects

19 CFR Part 201

Administration practice and procedure, Reporting and recordkeeping requirements.

19 CFR Part 210

Administration practice and procedure, Business and industry, Customs duties and inspection, Imports, Investigations.

For the reasons stated in the preamble, the United States International Trade Commission proposes to amend 19 CFR parts 201 and 210 as follows:

PART 201—RULES OF GENERAL APPLICATION

■ 1. The authority citation for part 201 is revised to read as follows:

Authority: Sec. 335 of the Tariff Act of 1930 (19 U.S.C. 1335), and sec. 603 of the Trade Act of 1974 (19 U.S.C. 2482), unless otherwise noted.

Subpart A—Miscellaneous

■ 2. Amend § 201.16 by revising paragraphs (a)(1), (a)(4), and (f) to read as follows:

§ 201.16 Service of process and other documents.

(a) * * *

(1) By mailing, delivering, or serving by electronic means a copy of the document to the person to be served, to a member of the partnership to be served, to the president, secretary, other executive officer, or member of the board of directors of the corporation, association, or other organization to be served, or, if an attorney represents any of the above before the Commission, by mailing, delivering, or serving by electronic means a copy to such attorney; or

* * * * *

(4) When service is by mail, it is complete upon mailing of the document. When service is by an express service, service is complete upon submitting the document to the express delivery service or depositing it in the appropriate container for pick-up by the express delivery service. When service is by electronic means, service is complete upon transmission of a notification that the document has been placed in an appropriate repository for retrieval by the person, organization, representative, or attorney being served, unless the Commission is notified that the notification was not received by the party served.

* * * * *

(f) *Electronic service by parties.* Parties may serve documents by electronic means in all matters before the Commission. Parties may effect such service on any party, unless that party has, upon notice to the Secretary and to all parties, stated that it does not consent to electronic service. If electronic service is used, no additional time is added to the prescribed period. However, any dispute that arises among parties regarding electronic service must be resolved by the parties themselves, without the Commission's involvement. When a document served by electronic means contains confidential business information subject to an administrative protective order, the document must be securely stored and transmitted by the serving party in a manner that prevents unauthorized access and/or receipt by individuals or organizations not authorized to view the specified confidential business information.

PART 210—ADJUDICATION AND ENFORCEMENT

■ 3. The authority citation for part 210 continues to read as follows:

Authority: 19 U.S.C. 1333, 1335, and 1337.

Subpart B—Commencement of Preinstitution Proceedings and Investigations

■ 4. Amend § 210.10 by adding paragraph (a)(6) and revising paragraph (b) to read as follows:

§ 210.10 Institution of investigation.

(a) * * *

(6) The Commission may determine to institute multiple investigations based on a single complaint where necessary to limit the number of technologies and/or unrelated patents asserted in a single investigation.

(b)(1) An investigation shall be instituted by the publication of a notice in the **Federal Register**. The notice will define the scope of the investigation in such plain language as to make explicit what accused products will be the subject of the investigation, and may be amended as provided in § 210.14(b) and (c).

(2) The Commission may order the administrative law judge to take evidence and to issue a recommended determination on the public interest based generally on the submissions of the parties and the public under § 210.8(b) and (c). If the Commission orders the administrative law judge to take evidence with respect to the public interest, the administrative law judge will limit public interest discovery appropriately, with particular consideration for third parties, and will ensure that such discovery will not delay the investigation or be used improperly. Public interest issues will not be within the scope of discovery unless the administrative law judge is specifically ordered by the Commission to take evidence on these issues.

(3) The Commission may order the administrative law judge to issue an initial determination as provided in

§ 210.42(a)(3)(i) and (ii) ruling on a potentially dispositive issue as set forth in the notice of investigation.

* * * * *

■ 5. Amend § 210.11 by revising paragraph (a)(2)(i) to read as follows:

§ 210.11 Service of complaint and notice of investigation.

(a) * * *

(2) * * *

(i) Copies of the nonconfidential version of motion for temporary relief, the nonconfidential version of the complaint, and the notice of investigation upon each respondent; and

* * * * *

Subpart C—Pleadings

■ 6. Amend § 210.12 by adding paragraph (a)(9)(xi) to read as follows:

§ 210.12 The complaint.

(a) * * *

(9) * * *

(xi) The expiration date of each patent asserted.

* * * * *

■ 7. Amend § 210.14 by revising the section heading and adding paragraphs (h) and (i) to read as follows:

§ 210.14 Amendments to pleadings and notice; supplemental submissions; counterclaims; consolidation of investigations; severance of investigations; designation of dispositive issue.

* * * * *

(h) *Severance of investigation.* The administrative law judge may determine to sever an investigation into two or more investigations at any time prior to or upon issuance of the procedural schedule, based upon either a motion or upon the administrative law judge's own judgment that severance is necessary to limit the number of technologies and/or unrelated patents asserted in a single investigation. The administrative law judge's decision will be in the form of an initial determination pursuant to § 210.42(c)(3).

(i) *Designation of dispositive issue.* Within 30 days of institution of the investigation, the administrative law judge may issue an order designating a potentially dispositive issue for an early ruling. The presiding administrative law judge is authorized, in accordance with section 210.36, to hold expedited hearings on this issue.

Subpart D—Motions

■ 8. Amend § 210.15 by revising paragraph (a)(2) to read as follows:

§ 210.15 Motions.

(a) * * *

(2) When an investigation or related proceeding, not including a preinstitution proceeding except as otherwise prescribed by § 210.52, is before the Commission, all motions shall be addressed to the Chairman of the Commission. All motions shall be filed with the Secretary and shall be served upon each party.

* * * * *

■ 9. Amend § 210.19 by revising the first sentence to read as follows:

§ 210.19 Intervention.

Any person desiring to intervene in an investigation or a related proceeding under this part shall make a written motion after institution of the investigation or related proceeding.

* * *

■ 10. Amend § 210.21 by:

■ a. Revising paragraph (b)(2);

■ b. Revising paragraph (c)(2);

■ c. Revising paragraph (c)(3)(ii)(A);

■ d. Revising paragraph (c)(4)(viii);

■ e. Revising paragraph (c)(4)(x);

■ f. Redesignating paragraph (c)(4)(xi) as (c)(4)(xii); and

■ g. Adding new paragraph (c)(4)(xi).

The revisions and addition read as follows:

§ 210.21 Termination of investigations.

* * * * *

(b) * * *

(2) The motion and agreement(s) shall be certified by the administrative law judge to the Commission with an initial determination if the motion for termination is granted. If the licensing or other agreement or the initial determination contains confidential business information, copies of the agreement and initial determination with confidential business information deleted shall be certified to the Commission simultaneously with the confidential versions of such documents. If the Commission's final disposition of the initial determination results in termination of the investigation in its entirety, a notice will be published in the **Federal Register**. Termination by settlement need not constitute a determination as to violation of section 337 of the Tariff Act of 1930.

(c) * * *

(2) *Commission disposition of consent order.* The Commission, after considering the effect of the settlement by consent order upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, shall dispose of the initial determination according to the procedures of §§ 210.42 through 210.45. If the Commission's final disposition of the initial determination results in termination of the investigation in its entirety, a notice will be published in the **Federal Register**. Termination by consent order need not constitute a determination as to violation of section 337. Should the Commission reverse the initial determination, the parties are in no way bound by their proposal in later actions before the Commission.

(3) * * *

(ii) * * *

(A) A statement that if any claim of the patent, copyright, trademark, mask work, boat hull design, or unfair trade practice claim that has expired or is held invalid or unenforceable by a court or agency of competent jurisdiction or if any article has been found or adjudicated not to infringe the asserted right in a final decision, no longer subject to appeal, this Consent Order shall become null and void as to such expired, invalid, or unenforceable claim or as to any adjudicated article;

* * * * *

(4) * * *

(viii) A statement that Respondent and its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority shall not seek to challenge the validity or enforceability of any asserted patent claims, copyright, trademark, mask work, boat hull design, or unfair trade practice claim in any administrative or judicial proceeding to enforce the Consent Order;

* * * * *

(x) A statement that if any asserted claim of the patent, copyright, trademark, mask work, boat hull design, or unfair trade practice claim is held invalid or unenforceable by a court or agency of competent jurisdiction or if any article has been found or adjudicated not to infringe the asserted right in a final decision, no longer subject to appeal, this Consent Order shall become null and void as to such invalid or unenforceable claim or adjudicated article;

(xi) An admission of all jurisdictional facts; and

* * * * *

■ 11. Add § 210.22 to read as follows:

§ 210.22 Designation of dispositive issue.

Any party may move within 30 days of institution of the investigation to request that the presiding administrative law judge issue an order designating a potentially dispositive issue for an early ruling. The presiding administrative law judge is authorized, in accordance with

§ 210.36, to hold expedited hearings on any such designated issue.

■ 12. Amend § 210.25 by revising the first sentence of paragraph (a)(1), and revising paragraph (a)(2) to read as follows:

§ 210.25 Sanctions.

(a)(1) Any party may file a motion for sanctions for abuse of process under § 210.4(d)(1), abuse of discovery under § 210.27(g)(3), failure to make or cooperate in discovery under § 210.33 (b) or (c), or violation of a protective order under § 210.34(c). * * *

(2) The administrative law judge (when the investigation or related proceeding is before the administrative law judge) or the Commission (when the investigation or related proceeding is before it) also may raise the sanctions issue *sua sponte.* (See also §§ 210.4(d)(1)(ii), 210.27(g)(3), 210.33(c), and 210.34(c).)

* * * * *

Subpart E—Discovery and Compulsory Process

■ 13. Amend § 210.27 by adding paragraph (e)(5) and revising paragraph (g)(3) to read as follows:

§ 210.27 General provisions governing discovery.

* * * * *

(e) * * *

(5)(i) The provisions of paragraphs (e)(1) through (4) of this section protect drafts of expert reports, regardless of the form in which the draft is recorded.

(ii) The provisions of paragraphs (e)(1) through (4) of this section protect communications between the party's attorney and expert witnesses concerning trial preparation, regardless of the form of the communications, except to the extent that the communications:

(A) Relate to compensation for the expert's study or testimony;

(B) Identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or

(iii) Identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

(g) * * *

(3) If without substantial justification a request, response, or objection is certified in violation of paragraph (g)(2) of this section, the administrative law judge or the Commission, upon motion or sua sponte under § 210.25 of this part, may impose an appropriate sanction upon the person who made the certification, the party on whose behalf the request, response, or objection was made, or both.

* * * * *

■ 14. Amend § 210.28 by revising paragraph (h)(3)(v) and adding paragraph (h)(3)(vi) to read as follows:

§ 210.28 Depositions.

* * * * *

(h) * * *

(3) * * *

(v) Upon application and notice, that such exceptional circumstances exist as to make it desirable in the interest of justice and with due regard to the importance of presenting the oral testimony of witnesses at a hearing, to allow the deposition to be used; or

(vi) Upon agreement of the parties and within the administrative law judge's discretion, the use of designated deposition testimony in lieu of live witness testimony absent the circumstances otherwise enumerated in this paragraph is permitted.

* * * * *

■ 15. Amend § 210.32 by revising paragraphs (d) and (f)(1) to read as follows:

§ 210.32 Subpoenas.

* * * * *

(d) *Objections and motions to quash.* (1) Any objection to a subpoena shall be served in writing on the party or attorney designated in the subpoena within 10 days after receipt of the subpoena. The administrative law judge may, for good cause shown, extend the time in which objections may be filed.

(2) Any motion to quash a subpoena shall be filed within 10 days after receipt of the subpoena. The administrative law judge may, for good cause shown, extend the time in which motions to quash may be filed.

* * * * *

(f) * * *

(1) *Deponents and witnesses.* Any person compelled to appear in person to depose or testify in response to a subpoena shall be paid the same fees and mileage as are paid witnesses with respect to proceedings in the courts of the United States; provided, that salaried employees of the United States summoned to depose or testify as to matters related to their public employment, irrespective of the party at whose instance they are summoned, shall be paid in accordance with the applicable Federal regulations.

* * * * *

■ 16. Amend § 210.34 by revising paragraph (c)(1) to read as follows:

§ 210.34 Protective orders; reporting requirement; sanctions and other actions.

* * * * *

(c) *Violation of protective order.* (1) The issue of whether sanctions should be imposed may be raised on a motion by a party, the administrative law judge's own motion, or the Commission's own initiative in accordance with § 210.25(a)(2). Parties, including the party that identifies an alleged breach or makes a motion for sanctions, and the Commission shall treat the identity of the alleged breacher as confidential business information unless the Commission issues a public sanction. The identity of the alleged breacher means the name of any individual against whom allegations are made. The Commission and the administrative law judge may permit the parties to file written submissions or present oral argument on the issues of the alleged violation of the protective order and sanctions.

* * * * *

Subpart G—Determinations and Actions Taken

■ 17. Amend § 210.42 by:

■ a. Adding paragraph (a)(3);

■ b. Adding paragraph (c)(3); and

■ c. Revising the first sentence of paragraph (e).

The additions and revision read as follows:

§ 210.42 Initial determinations.

(a) * * *

(3) *On potentially dispositive issues.* The administrative law judge shall issue an initial determination ruling on a potentially dispositive issue in accordance with a Commission order pursuant to section § 210.10(b)(3) or an administrative law judge's order issued pursuant to section § 210.14(i) or section § 210.22. The administrative law judge shall certify the record to the Commission and shall file an initial determination ruling on the potentially dispositive issue designated pursuant to § 210.42(a)(3)(i) within 100 days, or as extended for good cause shown, of when the issue is designated by the Commission pursuant to § 210.10(b)(3) or by the administrative law judge pursuant to § 210.14(i) or § 210.22.

* * * * *

(c) * * *

(3) A determination pursuant to § 210.14(h) severing an investigation into two or more investigation shall be in the form of an initial determination.

* * * * *

(e) *Notice to and advice from other departments and agencies.* Notice of such initial determinations as the Commission may order shall be provided to the U.S. Department of Health and Human Services, the U.S.

Department of Justice, the Federal Trade Commission, the U.S. Customs and Border Protection, and such other departments and agencies as the Commission deems appropriate by posting of such notice on the Commission's Web site. * * *

* * * * *

■ 18. Amend § 210.43 by:
■ a. Adding a new third sentence to paragraph (a)(1);
■ b. Revising the first sentence of paragraph (c);
■ c. Revising paragraph (d)(1); and
■ d. Revising paragraph (d)(3).

The revisions read as follows:

§ 210.43 Petitions for review of initial determinations on matters other than temporary relief.

(a) * * *

(1) * * * A petition for review of an initial determination issued under § 210.42(a)(3) must be filed within five (5) calendar days after service of the initial determination. * * *

* * * * *

(c) *Responses to the petition.* Any party may file a response within eight (8) days after service of a petition for review of a final initial determination under § 210.42(a)(1), within three (3) business days after service of a petition for review of an initial determination under § 210.42(a)(3), and within five (5) business days after service of all other types of petitions, except that a party who has been found to be in default may not file a response to any issue as to which the party has defaulted. * * *

(d) * * *

(1) The Commission shall decide whether to grant, in whole or in part, a petition for review of an initial determination filed pursuant to § 210.42(a)(2) or § 210.42(c), which grants a motion for summary determination that would terminate the investigation in its entirety if it becomes the final determination of the Commission, § 210.50(d)(3), or § 210.70(c) within 45 days after the service of the initial determination on the parties, or by such other time as the Commission may order. The Commission shall decide whether to grant, in whole or in part, a petition for review of an initial determination filed pursuant to § 210.42(a)(3) within 30 days after the service of the initial determination on the parties, or by such other time as the Commission may order. The Commission shall decide whether to grant, in whole or in part, a petition for review of an initial determination filed pursuant to § 210.42(c), except as noted above, within 30 days after the service of the initial determination on the parties, or by such other time as the Commission may order.

* * * * *

(3) The Commission shall grant a petition for review and order review of an initial determination or certain issues therein when at least one of the participating Commissioners votes for ordering review. In its notice, the Commission shall establish the scope of the review and the issues that will be considered and make provisions for filing of briefs and oral argument if deemed appropriate by the Commission.

■ 19. Revise § 210.47 to read as follows:

§ 210.47 Petitions for reconsideration.

Within 14 days after service of a Commission determination, any party may file with the Commission a petition for reconsideration of such determination or any action ordered to be taken thereunder, setting forth the relief desired and the grounds in support thereof. Any petition filed under this section must be confined to new questions raised by the determination or action ordered to be taken thereunder and upon which the petitioner had no opportunity to submit arguments. Any party desiring to oppose such a petition shall file an answer thereto within five days after service of the petition upon such party. The Commission on its own initiative may order reconsideration of a Commission determination or any action ordered to be taken thereunder. The filing of a petition for reconsideration shall not stay the effective date of the determination or action ordered to be taken thereunder or toll the running of any statutory time period affecting such determination or action ordered to be taken thereunder unless specifically so ordered by the Commission.

■ 20. Amend § 210.50 by:
■ a. Revising paragraph (a)(4) introductory text;
■ b. Redesignating paragraphs (a)(4)(i) through(iv) as paragraphs (a)(4)(ii) through (v); and
■ c. Adding new paragraph (a)(4)(i).

The revision and additions read as follows:

§ 210.50 Commission action, the public interest, and bonding by respondents.

* * * * *

(a) * * *

(4) Receive submissions from the parties, interested persons, and other Government agencies and departments with respect to the subject matter of paragraphs (a)(1), (a)(2), and (a)(3) of this section.

(i) After a recommended determination on remedy is issued by the presiding administrative law judge, the parties may submit to the Commission, within 30 days from service of the recommended determination, information relating to the public interest, including any updates to the information supplied under §§ 210.8(b) and (c) and 210.14(f). Submissions by the parties in response to the recommended determination are limited to 5 pages, inclusive of attachments. This provision does not apply to the public. Dates for submissions from the public are announced in the **Federal Register**.

* * * * *

Subpart I—Enforcement Procedures and Advisory Opinions

■ 21. Amend § 210.75 by:
■ a. Removing paragraph (a);
■ b. Redesignating paragraph (b) as paragraph (a);
■ c. Adding paragraphs (a)(1)(i) through (iv);
■ d. Adding paragraph (a)(4)(iv);
■ e. Revising newly redesignated paragraph (a)(5); and
■ f. Redesignating paragraph (c) as paragraph (b).

The additions and revision read as follows:

§ 210.75 Proceedings to enforce exclusion orders, cease and desist orders, consent orders, and other Commission orders.

(a) * * *

(1) * * *

(i) The determination of whether to institute shall be made within 30 days after the complaint is filed, unless—

(A) Exceptional circumstances preclude adherence to a 30-day deadline;

(B) The filing party requests that the Commission postpone the determination on whether to institute an investigation; or

(C) The filing party withdraws the complaint.

(ii) If exceptional circumstances preclude Commission adherence to the 30-day deadline for determining whether to institute an investigation on the basis of the complaint, the determination will be made as soon after that deadline as possible.

(iii) If the filing party desires to have the Commission postpone making a determination on whether to institute an investigation in response to the complaint, the filing party must file a written request with the Secretary. If the request is granted, the determination will be rescheduled for whatever date is appropriate in light of the facts.

(iv) The filing party may withdraw the complaint as a matter of right at any time before the Commission votes on

whether to institute an enforcement proceeding. To effect such withdrawal, the filing party must file a written notice with the Commission.

* * * * *

(4) * * *

(iv) Issue a new cease and desist order as necessary to prevent the unfair practices that were the basis for originally issuing the cease and desist order, consent order, and/or exclusion order subject to the enforcement proceeding.

(5) Prior to effecting any issuance, modification, revocation, or exclusion under this section, the Commission shall consider the effect of such action upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers.

* * * * *

■ 22. Amend § 210.76 by:

■ a. Revising the heading of paragraph (a);

■ b. Revising paragraph (a)(1);

■ c. Adding paragraph (a)(3); and

■ d. Adding paragraphs (b)(1) through (5).

The revisions and additions read as follows:

§ 210.76 Modification or rescission of exclusion orders, cease and desist orders, consent orders, and seizure and forfeiture orders.

(a) *Petitions for modification or rescission of exclusion orders, cease and desist orders, and consent orders.* (1) Whenever any person believes that changed conditions of fact or law, or the public interest, require that an exclusion order, cease and desist order, or consent order be modified or set aside, in whole or in part, such person may request, pursuant to section 337(k)(1), that the Commission make a determination that the conditions which led to the issuance of a exclusion, cease and desist, or consent order no longer exist. The Commission may also on its own initiative consider such action. The request shall state the changes desired and the changed circumstances or public interest warranting such action, shall include materials and argument in support thereof, and shall be served on all parties to the investigation in which the exclusion order, cease and desist order, or consent order was issued. Any person may file an opposition to the petition within 10 days of service of the petition. If the Commission makes such a determination, it shall notify the Secretary of the Treasury and U.S. Custom and Border Protection.

* * * * *

(3) If the petition requests modification or rescission of an order issued pursuant to section 337 (d), (e), (f), (g), or (i) of the Tariff Act of 1930 on the basis of a licensing or other settlement agreement, the petition shall contain copies of the licensing or other settlement agreements, any supplemental agreements, any documents referenced in the petition or attached agreements, and a statement that there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation. If the licensing or other settlement agreement contains confidential business information within the meaning of § 201.6(a) of this chapter, a copy of the agreement with such information deleted shall accompany the motion. On motion for good cause shown, the administrative law judge or the Commission may limit the service of the agreements to the settling parties and the Commission investigative attorney.

(b) * * *

(1) The determination of whether to institute shall be made within 30 days after the petition is filed, unless—

(i) Exceptional circumstances preclude adherence to a 30-day deadline;

(ii) The petitioner requests that the Commission postpone the determination on whether to institute a modification or rescission proceeding;

(iii) The petitioner withdraws the petition; or

(2) If exceptional circumstances preclude Commission adherence to the 30-day deadline for determining whether to institute a modification or rescission proceeding on the basis of the petition, the determination will be made as soon after that deadline as possible.

(3) If the petitioner desires to have the Commission postpone making a determination on whether to institute a modification or rescission proceeding in response to the petition, the petitioner must file a written request with the Secretary. If the request is granted, the determination will be rescheduled for a date that is appropriate in light of the facts.

(4) The petitioner may withdraw the complaint as a matter of right at any time before the Commission votes on whether to institute a modification or rescission proceeding. To effect such withdrawal, the petitioner must file a written notice with the Commission.

(5) The Commission shall institute a modification or rescission proceeding by publication of a notice in the **Federal Register**. The notice will define the scope of the modification or rescission proceeding and may be amended by leave of the Commission.

* * * * *

§ 210.77 [Removed and Reserved]

■ 23. Remove and reserve § 210.77.

■ 24. Amend § 210.79 by revising paragraph (a) to read as follows:

§ 210.79 Advisory opinions.

(a) *Advisory opinions.* Upon request of any person, the Commission may, upon such investigation as it deems necessary, issue an advisory opinion as to whether any person's proposed course of action or conduct would violate a Commission exclusion order, cease and desist order, or consent order. Any responses to a request for an advisory opinion shall be filed within 10 days of service of the request. The Commission will consider whether the issuance of such an advisory opinion would facilitate the enforcement of section 337 of the Tariff Act of 1930, would be in the public interest, and would benefit consumers and competitive conditions in the United States, and whether the person has a compelling business need for the advice and has framed his request as fully and accurately as possible. Advisory opinion proceedings are not subject to sections 554, 555, 556, 557, and 702 of title 5 of the United States Code.

(1) The determination of whether to issue and advisory opinion shall be made within 30 days after the petition is filed, unless—

(i) Exceptional circumstances preclude adherence to a 30-day deadline;

(ii) The requester asks the Commission to postpone the determination on whether to institute an advisory proceeding; or

(iii) The petitioner withdraws the request.

(2) If exceptional circumstances preclude Commission adherence to the 30-day deadline for determining whether to institute an advisory proceeding on the basis of the request, the determination will be made as soon after that deadline as possible.

(3) If the requester desires that the Commission postpone making a determination on whether to institute an advisory proceeding in response to its request, the requester must file a written request with the Secretary. If the request is granted, the determination will be rescheduled for whatever date is appropriate in light of the facts.

(4) The requester may withdraw the request as a matter of right at any time before the Commission votes on whether to institute an advisory proceeding. To effect such withdrawal,

the requester must file a written notice with the Commission.

(5) The Commission shall institute an advisory proceeding by publication of a notice in the **Federal Register**. The notice will define the scope of the advisory opinion and may be amended by leave of the Commission.

* * * * *

Issued: September 16, 2015.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–23597 Filed 9–23–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 924

National Highway Traffic Safety Administration

23 CFR Part 1200

[FHWA Docket No. FHWA–2014–0032]

Retrospective Regulatory Review—State Safety Plan Development and Reporting

AGENCY: Federal Highway Administration (FHWA), National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of regulatory review.

SUMMARY: Consistent with Executive Order 13563, Improving Regulation and Regulatory Review, and in particular its emphasis on burden-reduction and on retrospective analysis of existing rules, a Request for Comments was published on November 28, 2014, to solicit input on State highway safety plan development and reporting requirements, which specifically refers to the development of the State Highway Safety Plan (HSP) and Strategic Highway Safety Plan (SHSP), and the reporting requirements of the Highway Safety Improvement Program (HSIP) and HSP. Thirty-eight unique letters were received and this document provides a summary of the input from these letters. Given the lack of support for any significant changes in the highway safety plan development and reporting requirements, neither the FHWA nor NHTSA will change the HSP or SHSP development requirements nor change the HSIP or HSP reporting requirements at this time. However, the FHWA and NHTSA will consider the valuable information offered in the responses to inform the agencies' decisions on their respective highway safety programs.

DATES: September 24, 2015.

FOR FURTHER INFORMATION CONTACT: For questions about the program discussed herein, contact Melonie Barrington, FHWA Office of Safety, (202) 366–8029, or via email at *Melonie.Barrington@dot.gov;* or Barbara Sauers, NHTSA Office of Regional Operations and Program Delivery, (202) 366–0144, or via email at *Barbara.Sauers@dot.gov.* For legal questions, please contact Mr. William Winne, Attorney-Advisor, FHWA Office of the Chief Counsel, (202) 366–1397, or via email at *william.winne@dot.gov;* or Jin H. Kim, Attorney-Advisor, NHTSA Office of the Chief Counsel, (202) 366–1834, or via email at *Jin.Kim@dot.gov.* Office hours are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document, all comments, and the request for comments notice may be viewed on line through the Federal eRulemaking portal at: *http://www.regulations.gov.* The docket identification number is FHWA–2014–0032. The Web site is available 24 hours each day, 365 days each year. Anyone is able to search the electronic form of all comments in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, or labor union). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476), or you may visit *http://DocketsInfo.dot.gov.*

Request for Comments

On November 28, 2014, FHWA and NHTSA published a Request for Comments at 79 FR 70914 soliciting input on actions FHWA and NHTSA could take to address potentially duplicative State highway safety planning and reporting requirements in order to streamline and harmonize these programs, to the extent possible, in view of the separate statutory authority and focus of the two programs.

The FHWA's HSIP and NHTSA's State Highway Safety Grant Programs share a common goal—to save lives on our Nation's roadways—and have three common performance measures. These programs have complementary but distinctly different focus areas and administrative and operational procedures and requirements. The FHWA's HSIP primarily addresses infrastructure-related projects and strategies. The NHTSA's State Highway Safety Grant Programs primarily focus on driver behavior projects and strategies. One notable distinction is that the statute governing the NHTSA grant program requires State highway safety activities to be under the direct auspices of the Governor. In contrast to the NHTSA grant program, the HSIP is administered by the State Department of Transportation.

Both the HSIP projects and the HSP must be coordinated with the SHSP and both programs contribute to the goals and objectives of the SHSP, but they do so in different ways based on different statutory authority.

The funding for individual project and strategy implementation is contained in the Statewide Transportation Improvement Program for the HSIP and the annual HSP for NHTSA's State Highway Safety Grant Programs. Following the implementation period, the State then reports on progress to implement the projects and strategies and the extent to which they contribute to achieving the State's safety goals and targets. The HSIP report is submitted to FHWA by August 31st each year, while the HSP report is submitted to NHTSA by the end of each calendar year.

Summary of Responses

The FHWA received comments from 28 State DOT representatives, 7 State Offices of Highway Safety (or similar-named agencies), and 5 associations. The following sections indicate the specific question as stated in the Request for Comments and provide a summary of the associated docket comments.

How do State offices currently collect and report data to FHWA and NHTSA? Are any elements of those information collections or reports duplicative? If yes, what are those duplicative requirements and are there ways to streamline them?

The responses indicated that the means for collecting and reporting data are unique and often tailored by each State. Several States use a combination of national reporting databases, such as the Fatality Analysis Reporting System (FARS), and their own database(s) specifically developed for their State. According to the Governor's Highway Safety Association (GHSA), most States have created comprehensive, tailored, complex programs that capture the most reliable, relevant data for their own requirements. Many States indicated that data was collected by various departments, yet was available to other

State agencies as part of the coordination efforts to use the same data for reporting efforts. Michigan DOT, for example, stated that the departments responsible for data collection and reporting have structured themselves so efforts for FHWA and NHTSA are not duplicative. Ten State DOTs (Arizona, Delaware, Kentucky, Missouri, New Hampshire, North Dakota, Oregon, Tennessee, Vermont, and Wisconsin) and the GHSA acknowledged that there is some duplication between the base data and crash trend analysis requirements for HSIP and HSP reporting purposes, yet they indicated that it was not significant and therefore was not a reason to change the reporting requirements.

Connecticut, Maine, Pennsylvania, and Rhode Island DOTs, as well as the Minnesota and Washington State Highway Safety Offices stated that reporting on three safety performance measures (number and rate of fatalities, number of severe injuries) was potentially duplicative. Those three performance measures are currently part of the HSP and are proposed for inclusion in the HSIP as noted in NPRM RIN 2125–AF56. Though there is some duplication in reporting, several States, including Missouri and Oregon DOTs, the Arizona Governor's Office of Highway Safety, the California Office of Traffic Safety, and the American Association of State Highway and Transportation Officials (AASHTO) indicated that each report serves a different purpose, and therefore should remain separate. While each report focuses on the efforts of its program, these reports support the overall safety efforts described in the SHSP.

Alaska and Washington State DOTs indicated that behavioral questions on the HSIP online reporting tool are duplicative of HSP reporting requirements. The FHWA would like to clarify that only funds programed and obligated for HSIP projects should be reported in the HSIP online reporting tool.

Regarding streamlining, Delaware, Kentucky, Montana, Oregon, Pennsylvania, and Wisconsin DOT as well as the GHSA specifically stated that streamlining efforts should not be pursued, because duplication is minimal and efforts to change the reporting process would likely increase costs and administrative burden. Some States did offer suggestions for streamlining; the AASHTO, Maine, New Jersey, Rhode Island, and Texas DOTs suggested aligning the reporting periods and submission deadlines for HSIP and HSP reports. The HSP is by statute due to NHTSA by July 1 of each year and a report due December 31. The HSIP annual report is, by regulation, due August 31. The Connecticut DOT, Utah Highway Safety Office, and Washington Traffic Safety Commission suggested that there be a common performance measure reporting tool for both agencies.

As indicated by the responses, data collection is unique to each State. States have developed partnerships and working agreements that allow the collection of data necessary for State highway safety planning. Although a few States indicate there is some repetition in reporting, the majority believe the reports should remain separate. Changes to this process would not provide efficiencies or improve the current practices.

Are there any changes FHWA and NHTSA should make to the HSIP and the HSP reporting processes to reduce burdens from duplicative reporting requirements, improve safety outcomes, and promote greater coordination among State agencies responsible for highway safety, consistent with the underlying statutory authority of these two grant programs?

Fourteen State DOTs, four State Offices of Highway Safety, and one association suggested that the existing processes remain unchanged. Only Vermont DOT supported consolidating the HSP for NHTSA and the HSIP for FHWA into a single report. Although Vermont DOT's comment does not specify, FHWA and NHTSA assume that Vermont is referring to the HSP report and the HSIP report. The remainder of the comments on this question suggested minor modifications to the existing processes. New York's State DOT and Governor's Traffic Safety Committee suggested that the plans be combined, yet the reporting remains separate. Eight commenters, including AASHTO, GHSA, Connecticut, Montana, New Jersey, North Dakota, Oregon, and Pennsylvania DOTs suggested that the reports be submitted biannually (every 2 years) rather than annually. Alaska, Rhode Island, Tennessee, and Texas DOTs suggested that the reporting periods and deadlines be aligned between the two reports to reduce burdens and conserve resources.

Rhode Island DOT further suggested that the submission requirements for the HSIP report, HSP and HSP report be the same and that the HSP and HSP report be consolidated. Wisconsin DOT also suggested eliminating duplicate information between the previous fiscal year report and the upcoming fiscal year application for the HSP and HSP report. Rhode Island and Texas DOT suggested improvements related to the HSIP online reporting tools, and creating an online reporting tool for the HSP. Pennsylvania recommended a uniform online reporting format for common performance measures.

To ensure that the HSIP and HSP are being implemented as intended and their programs are achieving their purpose, FHWA and NHTSA will continue to require yearly reporting. However, due to the limited interest in aligning the deadlines of these two reports, the FHWA and NHTSA will not pursue that action. The FHWA and NHTSA will continue to identify opportunities to streamline the reporting and planning process and explore providing additional guidance to assist States in coordinating their safety plans. The FHWA realizes the importance of the online reporting tool and will continue to solicit input on system enhancements from users. The NHTSA is considering developing an online tool for the HSP and HSP report in the future.

Would States prefer to combine plans and reports for the HSIP and HSP into a single report for FHWA and NHTSA? Would States find a single report useful for these complementary but distinctly different programs?

Only Vermont suggested combining the HSIP and HSP reports. Twenty-five State DOTs, five State offices of Highway Safety, and three associations (92 percent of the responders) expressed disagreement with combining the plans and reports for HSIP and HSP into a single report. Commenters indicated that combining the reports would lead to increasing the burdens on the States due to more layers of review and approval, thus increasing cost and additional time requirements for coordination above and beyond what is needed. Some States indicated that a combined document would be more difficult to interpret by the intended audiences and that it would also likely increase the review time by FHWA and NHTSA thus potentially delaying program funding and implementation. Based on the overwhelming response against combining the plans and reports, the current planning and reporting structure will be maintained.

Are there any State legal or organizational barriers to combining plans and reports for the HSIP and HSP to FHWA and NHTSA? To what extent does the location of the State recipient of the Federal funds from FHWA and NHTSA, within the State's organizational structure, add to or reduce the burdens of consolidated plan development or reporting?

While there was quite strong opposition to combining the HSIP and HSP reports, only eight commenters (Michigan, Minnesota, and Washington State DOTs and California, Minnesota, and Washington Offices of Highway Safety, AASHTO and GHSA) indicated that there were organizational barriers to combining the plans and reports. Washington Traffic Safety Commission indicated that combining more reports with Washington State DOT would be an additional burden due to the differences in organizational structure between the two independent agencies. California Office of Traffic Safety indicated that California's organizational structure would make it difficult to combine the plans. Five State DOTs and three State offices of Highway Safety did not specifically state that there were legal or organizational barriers, yet some provided comments indicating how the agencies within the State already work together or comments against combining the plans due to the additional coordination/approval process that would be required beyond what is already being done. Wisconsin DOT stated that ''efforts to combine reporting would be cumbersome, time-consuming, disruptive, and costly.'' Fourteen State DOTs and one State Office of Highway Safety specifically indicated that there were no legal or organizational barriers to combining the plans and reports. However, several commenters, including Alaska, New Hampshire, North Dakota, and Missouri DOTs acknowledged combining plans or reports would be burdensome and not add any efficiencies or improvements to the process. Furthermore, combining plans would also be unproductive as the SHSP is the State's comprehensive highway safety plan and already coordinates highway safety efforts and builds consensus on safety goals and strategies. These efforts are then implemented though the HSIP and HSP. The responses on organizational or State legal barriers to combining plans or reports further indicates there is not support or a strong desire for a change to the current processes.

Are there SHSP requirements with higher costs than benefits? If so, what are those requirements and are there ways to improve them or should they be eliminated?

Nineteen State DOTs and 4 State Offices of Highway Safety indicated that the SHSP costs do not outweigh the benefits. Responding to ways to improve or eliminate requirements, the Arizona Governor's Office of Highway Safety indicated that requirements related to data collection in general have higher costs than benefits which can essentially reduce the State's ability to satisfy other requirements under MAP–21.

Oregon DOT suggested that FHWA consider eliminating the individual strategy evaluation requirement, and instead focus on data collection to evaluate overall performance on key transportation safety metrics such as fatal and injury crashes over an extended period. The FHWA would like to clarify that evaluation of individual SHSP strategies is not an SHSP requirement; rather State's should assess whether the strategies are being implemented as planned, and review their progress in meeting SHSP goals and objectives, such as reductions in the number of fatalities and serious injuries. Both AASHTO, through its discussions with member States, and GHSA indicated that over time the SHSP principles and process have been embraced and integrated by the State DOTs and Highway Safety Offices, resulting in a safety culture through the planning and programming processes. The AASHTO cautioned against the promulgation of additional guidance on reporting that could disrupt the existing working arrangements and reporting systems currently in place. Similarly, GHSA indicated that because the SHSP process has been incorporated into the planning process already, there were not likely to be improvements that would greatly reduce costs.

Are there changes FHWA should make to the SHSP guidance to promote coordination among State agencies responsible for highway safety?

Very few commenters provided input related to changes that FHWA should make to the SHSP guidance to promote coordination among State agencies responsible for highway safety. The AASHTO indicated that it would not object to guidance that may encourage State agencies to collaborate and coordinate in the further development of their safety plans, but that any additional mandates to require the collaboration and coordination is unwarranted. Iowa DOT suggested FHWA provide a template for a memorandum of understanding or other type of agreement to institutionalize the collaborative process which outlines the shared and separate responsibilities included in the development of a State's SHSP. Oregon DOT indicated that the current requirements are sufficient, yet there is no enforcement mechanism in place requiring all parties to participate with the FHWA and NHTSA funded State agencies, which are compelled by financing to work together. Rhode Island DOT suggested that FHWA mandate States to designate a full-time employee as the State's SHSP Program Coordinator. The FHWA in coordination with NHTSA will promote noteworthy practices on collaboration and coordination of safety stakeholders in the development and implementation of the SHSP. The FHWA will continue to endorse flexibility in how the States choose to develop their SHSP and HSIP in accordance with MAP–21.

Conclusion

Given the lack of support from State DOTs and Offices of Highway Safety for significant change in the highway safety plan development and reporting requirements process, FHWA and NHTSA will retain the current State highway safety plan development and reporting requirements. The DOT will use the valuable information offered in the responses to streamline and harmonize FHWA and NHTSA highway safety programs.

Issued on: September 8, 2015.

Gregory G. Nadeau,

Administrator, Federal Highway Administration.

Mark R. Rosekind,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 2015–24154 Filed 9–23–15; 8:45 am]

BILLING CODE 4910–22–P

Notices

Federal Register

Vol. 80, No. 185

Thursday, September 24, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Oregon State University of Corvallis, Oregon, an exclusive license to the variety of blueberry described in U.S. Plant Patent Application Serial No. 14/545,561, ''BLUEBERRY PLANT NAMED 'BABY BLUES','' filed on May 21, 2015.

DATES: Comments must be received on or before October 26, 2015.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: Mojdeh Bahar of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this plant variety are assigned to the United States of America, as represented by the Secretary of Agriculture. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Mojdeh Bahar,

Assistant Administrator.

[FR Doc. 2015–24259 Filed 9–23–15; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Salmon-Challis National Forest; Idaho; Big Creek Geothermal Leasing Proposal

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Salmon-Challis National Forest will prepare an environmental impact statement to analyze the potential effects of geothermal development on approximately 5,600 acres. The decision will be whether to proceed with geothermal leasing and, if so, under what stipulations.

DATES: Comments concerning the scope of the analysis must be received by October 26, 2015. The draft environmental impact statement is expected in May, 2016 and the final environmental impact statement is expected in September, 2016.

ADDRESSES: Send written comments to Big Creek Geothermal EIS Project, Salmon-Challis National Forest, 1206 South Challis Street, Salmon, ID 83467. Comments may also be sent via email to *comments-intermtn-salmon-challis@fs.fed.us,* or via facsimile to 208–756–5151.

FOR FURTHER INFORMATION CONTACT: Julie Hopkins, Minerals Program Manager, via email at *juliehopkins@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The Bureau of Land Management (BLM) received applications for leasing approximately 5,600 acres of Salmon-Challis National Forest (SCNF) lands for exploration and development for geothermal energy production. The SCNF must decide whether these lands are available for leasing by the BLM and, if so, under what stipulations for protection of surface resources. The entire area plus an additional approximately 100 acres for power transmission will be considered in the analysis in the event of future similar interest.

Proposed Action

Approximately 5,600 acres of the SCNF lands within the project area would be allocated as open to geothermal leasing subject to existing laws, regulations, formal orders and stipulations attached to the lease form, and the terms and conditions of the standard lease form. Stipulations proposed include: No surface occupancy; controlled surface use; and timing limitations.

Lead and Cooperating Agencies

The Forest Service, Salmon-Challis National Forest, is the lead agency in this analysis.

Responsible Official

The responsible official is the Forest Supervisor of the Salmon-Challis National Forest.

Nature of Decision To Be Made

The decision will be whether to implement the action as proposed, implement an alternative which allows leasing under different stipulations or conditions, or not to implement the action. If the decision is to authorize leasing, that decision with associated stipulations and conditions will become an amendment to the Salmon-Challis National Forest Plan or will become a part of the Revised Forest Plan.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. The complete Proposed Action, with accompanying maps and descriptions of proposed stipulations, will be posted at: *http://www.fs.usda.gov/projects/scnf/landmanagement/projects.*

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 be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Dated: September 17, 2015.

Charles A. Mark,

Forest Supervisor.

[FR Doc. 2015–24246 Filed 9–23–15; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

National Agricultural Library

Notice of Intent To Seek Approval To Collect Information

AGENCY: Agricultural Research Service, National Agricultural Library, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the National Agricultural Library's intent to request renewal of an approved electronic mailing list subscription form from those whose who work in the field of nutrition.

DATES: Comments on this notice must be received by November 23, 2015 to be assured of consideration.

ADDRESSES: Address all comments concerning this notice to Wendy Davis, Program Leader, Nutrition and Food Safety, U.S. Department of Agriculture National Agricultural Library, 10301 Baltimore Avenue, Beltsville, Maryland 20705. Comments may be sent by fax to (301) 504–6409, or email to *wendy.davis@ars.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Wendy Davis, telephone (301) 504–6369.

SUPPLEMENTARY INFORMATION:

Title: Electronic Mailing List Subscription Form.

OMB Number: 0518–0036.

Expiration Date: 2/29/2016.

Type of Request: Approval for data collection from individuals working in the area of nutrition.

Abstract: This form contains seven items and is used to collect information about participants who are interested in joining an electronic discussion group. The form collects data to see if a person is eligible to join the discussion group. Because these electronic discussion groups are only available to people who work in the area of nutrition, it is necessary to gather this information. The questionnaire asks for the person's name, email address, job affiliation, telephone number, and address.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average one minute per response.

Respondents: Individuals who are interested in joining an electronic discussion group.

Estimated Number of Respondents: 1,000 per year.

Estimated Total Annual Burden on Respondents: 1,000 minutes or 16.66 hours.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who respond, including the use of appropriate automated, electronic, mechanical, or other technology. Comments should be sent to the address in the preamble. All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Dated: September 10, 2015.

Simon Y. Liu,

Associate Administrator, ARS.

[FR Doc. 2015–24258 Filed 9–23–15; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the United States Department of Agriculture (USDA) Rural Utilities Service (RUS) invites comments on this information collection for which approval from the Office of Management and Budget (OMB) will be requested.

DATES: Comments on this notice must be received by November 23, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, 1400 Independence Avenue SW., STOP 1522, Room 5164, South Building, Washington, DC 20250–1522. Telephone: (202) 690–4492. Fax: (202) 720–8435 or email *Thomas.Dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, 1400 Independence Avenue SW., STOP 1522, Washington, DC 20250–1522. Telephone: (202) 690–4492. FAX: (202)720–8435 or email: *Thomas.Dickson@wdc.usda.gov.*

Title: 7 CFR part 1717, subpart Y, Settlement of Debt Owed by Electric Borrowers.

OMB Control Number: 0572–0116.

Type of Request: Extension of a currently approved information collection package.

Abstract: The Rural Utilities Service makes mortgage loans and loan guarantees to electric systems to provide and improve electric service in rural areas pursuant to the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*) (RE Act). This

information collection requirement stems from passage of Public Law 104–127, on April 4, 1996, which amended section 331(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 *et seq.*) to extend to RUS the Secretary of Agriculture's authority to settle debts with respect to loans made or guaranteed by RUS. Only those electric borrowers that are unable to fully repay their debts to the Government and who apply to RUS for relief will be affected by this information collection.

The collection will require only that information which is essential for determining: The need for debt settlement; the amount of relief that is needed; the amount of debt that can be repaid; the scheduling of debt repayment; and, the range of opportunities for enhancing the amount of debt that can be recovered. The information to be collected will be similar to that which any prudent lender would require to determine whether debt settlement is required and the amount of relief that is needed. Since the need for relief is expected to vary substantially from case to case, so will the required information collection.

Estimate of Burden: Public reporting for this collection of information is estimated to average 1,000 hours per response.

Respondents: Not-for-profit institutions and other businesses.

Estimated Number of Respondents: 1.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1,000 hours.

Copies of this information collection can be obtained from Rebecca Hunt, Program Development and Regulatory Analysis at (202) 205–3660. FAX: (202) 720–8435.

All responses to this notice will be summarized and included in the request for OMB approval.

All comments will also become a matter of public record.

Dated: September 18, 2015.

Brandon McBride,

Administrator, Rural Utilities Service.

[FR Doc. 2015–24225 Filed 9–23–15; 8:45 am]

BILLING CODE P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: September 30, 2015, 6:00 p.m. CDT.

PLACE: Hilton Americas—Houston, 1600 Lamar Street, Houston, Texas 77010

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on September 30, 2015, starting at 6:00 p.m. CDT at the Hilton Americas—Houston, 1600 Lamar Street, Houston, Texas 77010. The Board will discuss its investigation of the incident at the DuPont LaPorte facility that claimed four lives. CSB Staff will present interim findings and proposed recommendations for the Board's review and approval.

Additional Information

The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the ''Contact Person for Further Information,'' at least three business days prior to the meeting.

This meeting will be webcast for those who cannot attend in person. Please visit *www.csb.gov* for access to the live webcast.

The CSB is an independent federal agency charged with investigating accidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

Public Comment

The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to five minutes or less, but commenters may submit written statements for the record.

Contact Person for Further Information

Shauna Lawhorne, Public Affairs Specialist, *public@csb.gov* or (202) 384–2839. Further information about this public meeting can be found on the CSB Web site at: *www.csb.gov*.

Dated: September 21, 2015.

Kara Wenzel,

Acting General Counsel, Chemical Safety and Hazard Investigation Board.

[FR Doc. 2015–24386 Filed 9–22–15; 11:15 am]

BILLING CODE 6350–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Service Annual Survey (SAS).

OMB Control Number: 0607–0422.

Form Number(s): There are 162 individual collection instruments in the SAS, each having its own form number.

Type of Request: Revision of a currently approved collection.

Number of Respondents: 82,240.

Average Hours per Response: 3.73063 hours.

Burden Hours: 306,807.

Needs and Uses: Over 50 percent of all economic activity is accounted for by ''services'' defined to exclude retail and wholesale trade. The U.S. Census Bureau currently measures the total output of most of these service industries annually in the Service Annual Survey (SAS). This survey currently covers all or some of: Utilities; Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing; Professional, Scientific, and Technical Services; Administration and Support and Waste Management and Remediation Services; Educational Services; Health Care and Social Assistance; Arts, Entertainment, and Recreation; and Other Services as defined by the North American Industry Classification System (NAICS). Beginning with survey year 2016, which will be mailed in January 2017, Accommodation and Food Services will also be collected as part of the SAS. Previously the accommodation and food services industry was collected as part of the Annual Retail Trade Survey (ARTS), OMB number 0607–0013. The reason is that under the NAICS structure, the Accommodation and Food Services sector is classified under services rather than retail.

Estimates from the SAS are essential to a better understanding and higher quality estimates of economic growth, real output, prices, and productivity for our nation's economy. A broad spectrum of government and private stakeholders use these estimates in analyzing business and economic sectors; developing statistics on services; forecasting economic growth; and compiling data on productivity, prices, and the gross domestic product

(GDP). In addition, trade and professional organizations use these estimates to analyze industry trends, benchmark their own statistical programs, and develop forecasts. Private businesses use these estimates to measure market share, analyze business potential, and plan investments. Comprehensive, comparative annual data on the services sector are not available from any other source.

Annual Services Report is the collection instrument for the SAS. The key inquiries for the SAS are total revenue, total expenses, and general expense detail items. For some sectors, we also collect revenue detail items that are specific to a particular industry. The availability of these data greatly improves the quality of the intermediate-inputs and value-added estimates in BEA's annual input-output and GDP by industry accounts.

A new sample will be introduced with the 2016 SAS survey year. In order to link estimates from the new and prior samples, we will be asking companies to provide data for 2016 and 2015. The 2017 SAS and subsequent years will request one year of data until a new sample is once again introduced.

The estimates produced in the SAS are critical to the accurate measurement of total economic activity.

- The Bureau of Economic Analysis (BEA), the primary Federal user, uses the estimates to develop the national income and product accounts, compile benchmark and annual input-output tables, and compute GDP by industry.
- The Bureau of Labor Statistics (BLS) uses the estimates as inputs to its Producer Price Indexes and in developing productivity measurements.
- The Centers for Medicare and Medicaid Services (CMS) use the estimates for program planning and development of the National Health Expenditure Accounts.
- The Federal Communications Commission (FCC) uses the estimates to assess the impact of regulatory policies.
- International agencies use the estimates to compare total domestic output to changing international activity.
- Private industry also uses the estimates as a tool for marketing analysis.

Affected Public: Business or other for-profit, Not-for-profit institutions, Federal Government.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 131 and 182 authorize the collection. Sections 224 and 225 make reporting mandatory.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2015–24214 Filed 9–23–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2015 Management and Organizational Practices Survey.

OMB Control Number: 0607–0963.

Form Number(s): MP–10002.

Type of Request: Reinstatement, with change, of an expired collection.

Number of Respondents: 50,000.

Average Hours per Response: 45 minutes.

Burden Hours: 37,500.

Needs and Uses: The Census Bureau is requesting clearance for the 2015 Management and Organizational Practices Survey (MOPS). This survey will utilize the Annual Survey of Manufactures (ASM) survey panel collecting information on management and organizational practices at the establishment level. Data obtained from the survey will allow us to estimate a firm's stock of management and organizational assets, specifically the use of establishment performance data, such as production targets in decision-making and the prevalence of decentralized decision rights. The results will provide information on investments in management and organizational practices thus providing a better understanding of the benefits from these investments when measured in terms of firm productivity or firm market value.

The MOPS was first collected in 2010, and no subsequent MOPS have been collected. The 2010 MOPS results had the significant benefit of being linked to the Census Bureau's data sets on plant level outcomes. Since every establishment in the MOPS sample is also in the ASM, the results of MOPS 2010 were linked with certainty to annual performance data at the plant level, including outcomes on sales, shipments, payroll, employment, inventories, capital expenditure, and more for the period 2009–2013. Furthermore, the existence of the Longitudinal Business Dataset (LBD) enables future longitudinal research on establishment-level management practices and allows researchers to link MOPS data to the Manufacturing component of the quinquennial Economic Census (sent to all manufacturers with paid employees for years ending in '2' or '7').

Understanding the determinants of productivity growth is essential to understanding the dynamics of the U.S. economy. The MOPS provides information on whether the large and persistent differences in productivity across establishments (even within the same industry) are partly driven by differences in management and organizational practices. In addition to increasing our understanding of the dynamics of the economy, MOPS data provides policymakers with some guidance while they attempt to raise aggregate productivity levels. Policymakers, such as the Federal Reserve Board and the Department of Commerce can use MOPS data to gain a greater understanding of the current state and evolution of management and organizational practices, which can in turn aid the policymakers in forecasting future productivity growth.

The MOPS provides information on differences in manufacturing management and organizational practices by region, industry, and firm size. Since the MOPS data are also connected with annual performance data, the MOPS results directly aid policy discussion about the potential impact of programs. As a result, the MOPS data are also particularly important for understanding what policymakers can do to assist U.S. manufacturing companies as they react to a changing economy.

Further, the 2015 MOPS include two new modules that were not included in the 2010 MOPS. Reflecting the increasing use of data to make production decisions, the MOPS expanded the information collected on this subject (relative to 2010) into a module on ''Data and Decisions Making''. Understanding the characteristics of businesses that rely upon data in making decisions helps businesses and policymakers understand the decision-making process

of businesses. In addition, if the Census Bureau better understands how businesses retain and analyze their own data, the Census Bureau can better plan future collections and reduce respondent burden.

Policymakers and businesses are also increasingly aware of the impact of uncertainty on decisions such as hiring and investing in capital. The 2015 MOPS also has a new module on ''Uncertainty'' that will help researchers better understand the effects of uncertainty on management decisions.

A notice published in the **Federal Register** on April 21, 2015, announcing our intention to submit this request did not mention the inclusion of these two new modules. The decision to include the modules was made subsequent to the publication of that notice.

From the 2010 MOPS, the Census Bureau created a press release, ''Census Bureau Offers First-Ever Large Scale Look at American Management Practices''. Pending an Internal Revenue Service review of the file, the Census Bureau intends to release a Public Use Microdata File from the 2010 collected responses.

Affected Public: Business or other for-profit.

Frequency: One time.

Respondent's Obligation: Mandatory.

Legal Authority: The 2015 MOPS will be conducted under authority of title 13, United States Code, sections 131, and 182. The collection is mandatory under the provisions of title 13, United Sates Code, sections 224, and 225.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

PRA Lead,Office of the Chief Information Officer.

[FR Doc. 2015–24233 Filed 9–23–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Commodity Flow Survey Advance Questionnaire; a Component of the 2017 Economic Census.

OMB Control Number: 0607–0921.

Form Number(s): None.

Type of Request: Reinstatement, with change, of an expired collection.

Number of Respondents: 150,000.

Average Hours per Response: 5 minutes.

Burden Hours: 12,500.

Needs and Uses: The U.S. Census Bureau plans to conduct the 2017 Commodity Flow Survey (CFS) as a part of the quinquennial Economic Census. In advance of the 2017 CFS, we will conduct the 2017 CFS Advance Questionnaire, which is the subject of this request. The 2017 CFS will be the subject of a separate Office of Management and Budget (OMB) clearance submission in the spring of 2016.

The information collected in the 2017 CFS Advance Questionnaire will be used to: Improve the quality of the information the Census Bureau has on the 2017 CFS universe with associated improvements in sampling efficiency, and to provide contact information for the selected establishments, reducing the cost and improving the timeliness of data collection for the 2017 CFS.

The CFS, a component of the Economic Census, is the only comprehensive source of multi-modal, system-wide data on the volume and pattern of goods movement in the United States. The CFS is conducted in partnership with the Bureau of Transportation Statistics (BTS), Office of the Assistant Secretary for Research and Technology, U.S. Department of Transportation.

An advance letter will be mailed to a sample from U.S. manufacturing, mining, and wholesale establishments, enterprise support establishments, electronic shopping, mail-order houses, and publishing establishments, and establishments expected to be selected with certainty in the 2017 CFS. Selected small establishments from industries with a high incidence of non-shipping activity will also receive the letter. The Census Bureau is streamlining operations to conserve taxpayer time and money. This includes moving from paper-based data collection operations to on-line-based data collection operations. The letter will direct the selected establishments to complete the on-line 2017 CFS Advance Questionnaire. No paper questionnaires were created for mailing. Respondents will have the opportunity to print what they report on the on-line questionnaire at the time of data submission for their records.

The six items on the on-line questionnaire attempt the following for each establishment/location:

(1) Verify shipping status
(2) Verify and update physical shipping address
(3) Determine the amount of annual shipping activity
(4) Verify and update mailing address/contact information

All information collected in the 2017 CFS Advance Questionnaire will be used internally to improve the 2017 CFS universe and mail-out processing.

Affected Public: Business or other for-profit.

Frequency: Every 5 years.

Respondent's Obligation: Mandatory.

Legal Authority: The Census Bureau will conduct the 2017 CFS Advance Questionnaire under authority of title 13, U.S.C., sections 8(b), 131 and, 193. Title 13, U.S.C., sections 224 and 225 require response. The BTS also has authority to collect these data based on its enabling legislation at 49 U.S.C., section 6302.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2015–24232 Filed 9–23–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Commerce Data Advisory Council; Public Meeting

AGENCY: Economic and Statistics Administration, Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Economic and Statistics Administration (ESA) is giving notice of the third meeting of the Commerce Data Advisory Council (CDAC). The CDAC will discuss environmental data, workforce capabilities to improve data operations, data protection, and other Council matters. The CDAC will meet in a plenary session on October 29–30,

2015. Last-minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: October 29–30, 2015. On October 29th, the meeting will begin at approximately 9 a.m. and end at approximately 5 p.m. (MT). On October 30th, the meeting will begin at approximately 9 a.m. and end at approximately 1 p.m. (MT).

ADDRESSES: The meeting will be held at National Oceanic and Atmospheric Administration's David Skaggs Research Center, 325 Broadway, Boulder, CO 80305.

The meeting is open to the public (See ''ENTRY REQUIRMENTS''). Members of the public are welcome to observe the business of the meeting in person or via webcast on the CDAC Web site linked to *http://www.esa.gov*. A public comment session is scheduled on Friday, October 30, 2015. The public may submit statements or questions in person or via the CDAC Twitter handle: #CDACMTG. If you plan to make oral statements regarding any of the items on the agenda, you must may sign-up on site prior to the Public Comment session. However, individuals with extensive questions or statements must submit them in writing to: *DataAdvisoryCouncil@doc.gov* (subject line ''OCTOBER 2015 CDAC Meeting Public Comment''), or by letter to the Director of External Communication and DFO, CDAC, Department of Commerce, Economics and Statistics Administration, 1401 Constitution Ave. NW., Washington, DC 20230. Such submissions will be included in the record for the meeting if received by Tuesday, October 20, 2015.

Entry Requirements: If you plan to attend the meeting in person, you must complete registration no later than *Tuesday, October 20, 2015*. To register, please send an email to *DataAdvisoryCouncil@doc.gov* with the following information:

1. First and Last name;
2. Organization (if applicable);
3. Email address;
4. State of ID (if applicable),
5. Indicate if you are a U.S. Citizen or a Foreign National; and
6. If you are a not a citizen, please indicate your country of citizenship.

On-Site Security Requirements: Due to the required security screening upon entry, individuals attending should arrive early to allow for the extra time to clear the security process. Each visitor to the David Skaggs Research Center is required to sign in and receive a visitor badge from the Visitors Center. Each person attending the meeting is required to present a government photo identification, such as a passport, driver's license, or government identification. U.S. citizens must present a U.S. photo ID, such as a current state driver's license. Foreign Nationals must present a valid passport or a permanent resident ID (''green card''). All IDs must be originals only—no photocopies accepted. Foreign nationals participating in the public meeting are subject to advance security screening procedures.

Forms of ID: Department of Homeland Security has determined that regular driver's licenses (and ID cards) from the following jurisdictions are not acceptable for entry into the facilities: American Samoa, Arizona, Louisiana, Maine, Minnesota, and New York. Driver's licenses from these states or territory *will not* be accepted for building entry.

Alternatively, forms of acceptable ID are:

—Enhanced IDs from New York;
—U.S. Passport or Passport card;
—DOD CAC card;
—Federal Agency HSPD–12 IDs;
—Veterans ID;
—Military ID;
—Military Dependents ID;
—Trusted Traveler card—Global Entry, SENTRI, or NEXUS; and
—Transportation Workers Identification Credential (TWIC).

Please visit the ''Security Procedure for Visitors'' on the Boulder Labs Web site *http://www.boulder.noaa.gov/?q=node/3* for the complete list of entry requirements for the David Skaggs Research Center.

The meeting is physically accessible to persons with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Director of External Communication as soon as possible, preferably two weeks prior to the meeting.

Seating is available to the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Burton Reist, *BReist@doc.gov* Director of External Communication and DFO, CDAC, Department of Commerce, Economics and Statistics Administration, 1401 Constitution Ave. NW., Washington, DC 20230, telephone (202) 482–3331.

SUPPLEMENTARY INFORMATION: The CDAC is comprised of 19 members, the Commerce Chief Data Officer, and the Economic and Statistics Administration. The Council provides an organized and continuing channel of communication between recognized experts in the data industry (collection, compilation, analysis, dissemination and privacy protection) and the Department of Commerce. The CDAC provides advice and recommendations, to include process and infrastructure improvements, to the Secretary, DOC and the DOC data-bureau leadership on ways to make Commerce data easier to find, access, use, combine and disseminate. The aim of this advice shall be to maximize the value of Commerce data to all users including governments, businesses, communities, academia, and individuals.

The Committee is established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10(a)(b)).

Dated: September 19, 2015.

Austin Durrer,

Chief of Staff for Under Secretary for Economic Affairs, Economics and Statistics Administration.

[FR Doc. 2015–24334 Filed 9–23–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Relating to Aiman Ammar, Rashid Albuni, Engineering Construction & Contracting Co., Advanced Tech Solutions, and iT Wave FZCO

Washington, DC 20230

In the Matter of: *Aiman Ammar, a/k/a Ayman Ammar, with last known addresses of: Princess Tower, Apartment 3803, Al Sufouh Street, Dubai Marina, Dubai, UAE* and *1265 Camden Way, Yuba City, CA 95991; Rashid Albuni, with last known addresses of: Dubai Silicon Oasis, Office # AG 05–2, Dubai, UAE* and *The Gardens Building 65, Apartment 12, Dubai, UAE; Engineering Construction & Contracting Co., with last known addresses of: P.O. Box 25858, Damascus, Syria* and *Abu Romana Area, Shahin Building, Ground Floor, Damascus, Syria; Advanced Tech Solutions, a/k/a Advanced Technology Solutions, with last known addresses of: P.O. Box 25858, Damascus, Syria* and *Moasa Square, Takriti Building, Fourth Floor, Damascus, Syria; iT Wave FZCO, a/k/a iT-Wave, a/k/a ITEX-Wave FZCO, with last known addresses of: Dubai Silicon Oasis, Office # AG 05–2, Dubai, UAE* and *The Gardens Building 65, Apartment 12, Dubai, UAE,* Respondents

14–BIS–0006

The Bureau of Industry and Security, U.S. Department of Commerce (''BIS''), has notified Aiman Ammar a/k/a Ayman Ammar (''Ammar''), of Dubai, United Arab Emirates (''U.A.E.''), Rashid Albuni (''Albuni''), of Dubai, U.A.E., Engineering Construction & Contracting Co. (''ECC''), of Damascus, Syria, Advanced Technology Solutions a/k/a Advanced Tech Solutions (''ATS''), of Damascus, Syria, and iT

Wave FZCO a/k/a iT-Wave a/k/a ITEX-Wave FZCO (''iT-Wave''), of Dubai, U.A.E. (collectively, ''Respondents''), that it has initiated an administrative proceeding against the Respondents pursuant to Section 766.3 of the Export Administration Regulations (the ''Regulations''),[1] and Section 13(c) of the Export Administration Act of 1979, as amended (the ''Act''),[2] through the issuance of a Charging Letter to Respondents that alleges that Respondents violated the Regulations. Specifically, the charges are:

As to all Respondents:

Charge 1 15 CFR 764.2(d)—Conspiracy To Export or Reexport to Syria Computer Equipment and Software Designed for Use in Monitoring and Controlling Web Traffic

1. Ammar, Albuni, ECC, ATS, and iT-Wave conspired and acted in concert with others, known and unknown, to bring about or do an act that constitutes a violation of the Regulations. The conspiracy was formed by and among Ammar, Albuni, ECC, and ATS in or about October 2010. iT-Wave joined the conspiracy by no later than in or about January 2013, and the conspiracy continued through at least in or about March 2013. The purpose of the conspiracy was to bring about exports and reexports without the required U.S. Government authorization to Syria, including the Syrian Telecommunications Establishment (''STE''), of computer equipment and software designed for use in monitoring and controlling Web traffic and of other associated equipment. All of these items were subject to the Regulations, and nearly all of them were classified under Export Control Classification Number (''ECCN'') 5A002 and controlled for National Security and Anti-Terrorism reasons and as Encryption Items.[3] The items exported or reexported to Syria pursuant to the conspiracy were valued in total at approximately $1.8 million.

2. The United States has a long-standing and widely-known trade embargo against Syria. With the exception of certain medicines and food, no item subject to the Regulations may be exported or reexported to Syria without a Department of Commerce license, as set forth at all times pertinent hereto in General Order No. 2, codified in Supplement No. 1 to part 736 of the Regulations.[4]

3. In furtherance of the conspiracy, Ammar and Albuni directed activities in and/or from the U.A.E. and Syria in a scheme to export or reexport U.S.-origin or U.S.-controlled equipment and software for use in Syria and in several instances to fulfill contracts with the state-run STE. As set forth in further detail below, Albuni negotiated sales, submitted purchase orders, and served as the end user contact for shipments of controlled items while identifying himself as General Manager of ATS, a Syrian company that has been in operations in the U.A.E., and as Manager of iT-Wave, which identifies itself as an internet computer technology company based in the U.A.E. with operations in Syria. Ammar directed payments for the unlawful exports and reexports to Syria from personal and business bank accounts, including payments from the accounts of ECC, a company based in Damascus, Syria. ECC and ATS share the same P.O. Box address in Damascus, Syria, and upon information and belief are related companies. Ammar also identified himself as the Chief Executive Officer of iT-Wave.

4. Both directly and through regional resellers, Ammar, Albuni, ECC, ATS, and iT-Wave arranged for the procurement of U.S.-origin or U.S.-controlled items for use in Syria. Through various entities, these individuals falsely represented, directly and indirectly, to U.S. companies or their authorized distributors or resellers that the items were intended for end users in such locations as Iraq, Afghanistan, Turkey, Egypt and U.A.E, when they actually were intended for Syria, primarily STE.

A. Equipment and Software Unlawfully Procured by Respondents in 2010–2011 for Use in Monitoring and Controlling Web Traffic, including by the Syrian Telecommunications Establishment (''STE'')

5. In or about August 2010, Albuni, holding himself out as General Manager of ATS of Damascus, Syria, requested pricing information from a regional reseller for products produced by Blue Coat Systems, Inc., of Sunnyvale, California (''Blue Coat''). The regional reseller provided the order to Computerlinks FZCO, the authorized distributor in the Middle East for Blue Coat. On or about October 29, 2010, Computerlinks FZCO placed with Blue Coat an order for eight devices used to monitor and control web traffic along with accompanying equipment and software. In order to evade the Regulations, Albuni concealed the fact that the items were destined for Syria, by falsely representing to Blue Coat, through Computerlinks FZCO and the regional reseller, that the items were intended for the Iraq Ministry of Telecom, and provided his personal email address as the end user contact, which also did not indicate a Syrian location. Upon receiving the order, Blue Coat reexported the items from its facility in the Netherlands to Computerlinks FZCO in the U.A.E. On or about December 15, 2010, Computerlinks FZCO directed the items' transfer within the U.A.E. for their subsequent shipment to ECC in Damascus, Syria, for use by the state-run STE. A shipping request notice identified Ammar as the point of contact at ECC for the shipment.

6. On or about December 31, 2010, using the same reseller and distributor channel as for the October 29, 2010 order, a second order was placed for six of the same Blue Coat devices, again with false information being provided indicating that the items were intended for the Iraq Ministry of Telecom and listing the end user contact as Albuni, when the items were in fact destined for Syria. Upon receiving the order, Blue Coat shipped the items from the United States to Computerlinks FZCO in the U.A.E. On or about February 9, 2011, Computerlinks FZCO directed that three of the six devices be transferred within the U.A.E. for their subsequent shipment to ECC in Damascus, Syria. In an air waybill dated February 10, 2011, the freight forwarder identified Ammar as the point of contact for ECC in Damascus, Syria.

7. To satisfy outstanding bills to Computerlinks FZCO for the items for which they falsely stated were for use in

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730 through 774 (2015). The charged violations occurred in 2010–2013. The Regulations governing the violations at issue are found in the 2010–2013 versions of the Code of Federal Regulations (15 CFR parts 730 through 774). The 2015 Regulations set forth the procedures that apply to this matter.

[2] 50 U.S.C. app. sections 2401–2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 7, 2015 (80 FR 48233 (Aug. 11, 2015)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*) (2006 & Supp. IV 2010).

[3] A limited number of the items were designated as ''EAR99'' under the Regulations. EAR99 is a designation for items that are subject to the Regulations, but not listed on the Commerce Control List.

[4] General Order No. 2 was issued pursuant to the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003. On December 12, 2011, the controls on exports and reexports to Syria were moved to Section 746.9 of the Regulations. The licensing requirements continued unchanged. *See* 76 FR 77115 (Dec. 12, 2011).

Iraq, Albuni and Ammar arranged or directed four wire transfers to Computerlinks FZCO between February 2, 2011, and May 17, 2011, from both Ammar and ECC. Prompted by an email dated April 6, 2011, from an intermediary connected with these shipments, Albuni was asked to arrange a letter for Ammar to transfer the remaining balance owed to Computerlinks FZCO. Ammar had previously made a wire transfer as an initial deposit payment to Computerlinks FZCO on February 2, 2011. He directed a second payment from ECC on April 13, 2011, and made two additional wire transfer payments from an account in his name in Damascus, Syria, on May 12 and 17, 2011.

8. On or about May 15, 2011, using a similar reseller and distribution channel, an order was placed for five more devices, along with accompanying equipment and software, from Blue Coat, this time falsely stating that the items were intended for Liwalnet, an Internet service provider in Afghanistan, when in fact the items were again destined for Syria. After the items arrived in the U.A.E. from the Netherlands, on or about May 26, 2011, Computerlinks FZCO directed its freight forwarder to consolidate the remaining three of the six devices and software from the December 31, 2010 order, along with the five devices and software from the May 15, 2011 order, and transfer the ownership of all eight devices and the accompanying equipment within the U.A.E. After the transfer of ownership, Albuni, identifying himself as General Manager of ATS, directed the subsequent shipment of the items to Syria.

9. Finally, on or about June 5, 2011, an order was placed for three additional Blue Coat devices, along with accompanying equipment and software, this time falsely stating that the items were destined purportedly for Turkey for a company named Turkish Marine Services, when the items were in fact destined for Syria. After the items arrived in the U.A.E. from the Netherlands, on or about June 27, 2011, Computerlinks FZCO directed its freight forwarders to transfer ownership of the items within the U.A.E. Albuni in his capacity as General Manager of ATS directed the freight forwarder to ship to him at ATS, which has the same address as ECC in Syria.

10. ECC paid for the May and June orders by two wire transfers dated, respectively, July 12 and 14, 2011.

B. Additional Equipment Unlawfully Procured by Respondents in 2011 for Use by STE

11. On or about March 24, 2011, Albuni, through his ATS email account, notified a different regional reseller that ATS had received an STE contract and needed assistance in placing orders for the Brocade ServerIron ADX 1000 and related items. These items distribute network or application traffic (load balance) across a number of servers to increase capacity and reliability of applications for networks and large enterprise data centers. On March 27, 2011, an employee of this regional reseller responded that he was negotiating about the order with Mindware, Brocade's authorized reseller in the Middle East, and that he had requested that the reseller ask Brocade to start the manufacturing process so that the items could be delivered in six weeks. After receiving the regional reseller's invoice, Albuni secured payment for the items from Ammar, who, on or about May 10, 2011, directed payment to the regional reseller for the order from ECC's bank account.

12. When Brocade, the U.S. manufacturer, requested end user information in conjunction with its approval of the order on or about April 11, 2011, false information was provided indicating that the end user was a company in Egypt, when in fact the items were destined for STE in Syria. When the order arrived in the U.A.E. in early May 2011, a co-conspirator traveled from Damascus to Dubai to inspect the shipment and found the shipment to be acceptable. Emails received by Albuni indicate that the shipment was eventually delivered to Syria on or about May 17, 2011.

C. Hard Drives Unlawfully Procured by Respondents in 2013 for Use by STE

13. Subsequently, in emails and other correspondence among STE and Albuni at ATS and iT-Wave, STE identified hard drive issues relating to three products, some of which were items exported or reexported in 2010–2011 as part of the conspiracy. On or about January 29, 2013, Albuni, identifying himself as a representative of iT-Wave, placed orders with a U.S. company for three hard drives, falsely stating that the items were intended for iT-Wave in Dubai, U.A.E., when in fact the items were destined for STE in Syria. On or about January 30, 2013, the hard drives were shipped from the United States to the U.A.E. to a ship to and bill to address for iT-Wave in Dubai, U.A.E., and transshipped to Syria after their arrival in Dubai. Emails indicate that the hard drives arrived in Damascus, Syria, in early March 2013.

14. Following the failure of additional hard drives, STE sought to acquire more hard drives through Albuni. On or about March 6, 2013, Albuni, holding himself out as a representative of iT-Wave, placed another order with the same U.S. company for the same type of hard drives, again falsely stating that the items were intended for iT-Wave in Dubai, U.A.E., when in fact the items were destined for STE in Syria. On or about the same day, the hard drives were shipped from the United States to iT-Wave in Dubai and transshipped to Syria after their arrival in the U.A.E. Financial records maintained by Ammar, who served both as CEO of iT-Wave and Managing Director of ECC, indicate that ECC paid for the transport of the hard drives from Dubai to Damascus, Syria, for use by STE.

D. Knowledge

15. As set forth above, Respondents knew at all pertinent times hereto that the items were destined for end users in Syria, as evidenced by, inter alia, email discussions among and between Respondents, the resellers and the forwarders that indicated the final destination was Syria, shipping documents showing Syria as the ultimate destination, and wire transfer payment made from Syria for the items.

16. Respondents also knew at all times pertinent hereto that exports and reexports of the items to Syria were prohibited by the United States' trade embargo against Syria and related export control laws. For example, in an interview with BIS and the Department of Homeland Security special agents on or about August 6, 2013, Ammar admitted that he was ''one hundred percent'' aware of U.S. sanctions on Syria and stated that ''[b]efore the sanctions started, I worked for this American company . . . and when the sanctions started, they told me to Syria we cannot ship.'' During this interview, he had a business card that identified him as the managing director of ECC. Based on emails, Albuni, in turn, was aware of U.S. sanctions on Syria, which prevented U.S. companies from having registered partners in Syria, as early as in or about October 2009. Moreover, in correspondence dated November 29, 2010, Albuni indicated that he knew that there were problems shipping to Syria and suggested placing STE orders through a regional reseller, falsely stating that the items were for an Iraq project.

17. As also set forth above, Ammar and Albuni managed and/or controlled ECC, ATS, and iT-Wave, through which

they and their other co-conspirators, named and unnamed, acted in concert pursuant to a scheme involving a series of transactions to evade the Regulations.

18. In so doing, Ammar, Albuni, ECC, ATS, and iT-Wave each violated Section 764.2(d) of the Regulations.

As to all Respondents except iT-Wave:

Charges 2–5: 15 CFR 764.2(h)—Evasion

19. As set forth in Paragraphs 1–10 and 15–17, *supra,* which are realleged and incorporated herein, on four occasions from on or about October 29, 2010, through in or about July 2011, Albuni, Ammar, ECC, and ATS engaged in transactions or took actions with intent to evade the Regulations in connection with the unlawful export and reexport to Syria of items subject to the Regulations. The items included equipment and software designed for use in monitoring and controlling Web traffic that are classified under ECCN 5A002, controlled for National Security and Anti-Terrorism reasons and as Encryption Items, and valued at $1,548,959. Respondents knew at all pertinent times hereto that exports and reexports of the items to Syria were prohibited by the Regulations.

20. In so doing, Ammar, Albuni, ECC, and ATS committed four violations of Section 764.2(h) of the Regulations and are jointly and severally liable for those violations.

Charge 6: 15 CFR 764.2(h)—Evasion

21. As set forth in Paragraphs 1–4, 11–12, and 15–17, *supra,* which are realleged and incorporated herein, on one occasion between in or about March 2011, and in or about April 2011, Ammar, Albuni, ECC, and ATS engaged in a transaction or took actions with the intent to evade the Regulations in connection with the unlawful export or reexport to Syria of items subject to the Regulations for use by STE. The items included data servers and associated parts that are classified under ECCN 5A002, controlled as Encryption Items for National Security and Anti-Terrorism reasons, or designated EAR99, and valued at approximately $249,000. Ammar, Albuni, ECC, and ATS knew at all times pertinent hereto that exports or reexports of the items to Syria were prohibited by the Regulations.

22. In so doing, Ammar, Albuni, ECC, and ATS committed one violation of Section 764.2(h) of the Regulations and are jointly and severally liable for that violation.

As to all Respondents except ATS:

Charges 7–8: 15 CFR 764.2(h)—Evasion

23. As set forth in Paragraphs 1–4 and 13–17, *supra,* which are realleged and incorporated herein, between in or about January 2013, and in or about March 2013, Ammar, Albuni, ECC, and iT-Wave engaged in transactions or took actions with the intent to evade the Regulations in connection with the unlawful export or reexport to Syria of items subject to the Regulations for use by STE. The items were U.S.-origin hard drives designated as EAR99 and valued in total at approximately $884. Ammar, Albuni, ECC, and iT-Wave knew at all times pertinent hereto that exports or reexports of the items to Syria were prohibited by the Regulations.

24. In so doing, Ammar, Albuni, ECC, and iT-Wave committed two violations of Section 764.2(h) of the Regulations and are jointly and severally liable for those violations.

WHEREAS, BIS and Respondents have entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations, whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein; and

WHEREAS, I have approved of the terms of such Settlement Agreement; IT IS THEREFORE ORDERED:

FIRST, Respondents shall be assessed a civil penalty in the amount of $7,000,000. Respondents are jointly and severally liable for the payment of this civil penalty. Payment of $250,000 shall be made to the U.S. Department of Commerce in four installments as follows: $62,500 not later than March 1, 2016; $62,500 not later than September 1, 2016; $62,500 not later than March 1, 2017; and $62,500 not later than September 1, 2017. Payment shall be made in the manner specified in the attached instructions. Payment of the remaining $6,750,000 shall be suspended for a period of two years from the date of this Order, and thereafter shall be waived, provided that during this two-year payment probationary period under this Order, Respondent has committed no violation of the Act, or any regulation, order, license or authorization issued thereunder and has made full and timely payment of $250,000 as set forth above. If any of the four installment payments is not fully and timely made, any remaining scheduled installment payments and any suspended penalty may become due and owing immediately.

SECOND, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701–3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and if payment is not made by the due date specified herein, Respondents will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

THIRD, for the applicable time periods, starting from the date of this Order, that are set forth in Paragraph Sixth below, Aiman Ammar a/k/a Ayman Ammar, with last known addresses of Princess Tower, Apartment 3803, Al Sufouh Street, Dubai Marina, Dubai, U.A.E., and 1265 Camden Way, Yuba City, CA 95991; Rashid Albuni, with last known addresses of The Gardens Building 65, Apartment 12, Dubai, U.A.E., and Dubai Silicon Oasis, Office #AG 05–2, Dubai, U.A.E.; Engineering Construction & Contracting Co., with last known addresses of P.O. Box 25858, Damascus, Syria, and Abu Romana Area, Shahin Building, Ground Floor, Damascus, Syria; Advanced Tech Solutions a/k/a Advanced Technology Solutions, with last known addresses of P.O. Box 25858, Damascus, Syria, and Moasa Square, Takriti Building, Fourth Floor, Damascus, Syria; and iT Wave FZCO a/k/a iT-Wave a/k/a ITEX-Wave FZCO, with last known addresses of Dubai Silicon Oasis, Office #AG 05–2, Dubai, U.A.E., and The Gardens Building 65, Apartment 12, Dubai, U.A.E., and when acting for or on their behalf, their successors, assigns, directors, officers, employees, representatives, or agents (hereinafter each a ''Denied Person'' and collectively the ''Denied Persons''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in

any other activity subject to the Regulations.

FOURTH, for the applicable time periods, starting from the date of this Order, that are set forth in Paragraph Sixth below, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

FIFTH, after notice and opportunity for comment as provided in section 766.23 of the Regulations, any person, firm, corporation, or business organization related to a Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order for the applicable time periods, starting from the date of this Order, that are set forth in Paragraph Sixth, below.

SIXTH, that the provisions of Paragraphs Third, Fourth, and Fifth, above, shall apply for the following periods of time:

A. As to Engineering Construction & Contracting Co., and when acting for or on its behalf, its successors, assigns, directors, officers, employees, representatives, or agents, for a period of seven (7) years from the date of this Order;

B. As to Advanced Tech Solutions a/k/a Advanced Technology Solutions, and when acting for or on its behalf, its successors, assigns, directors, officers, employees, representatives, or agents, for a period of seven (7) years from the date of this Order;

C. As to Rashid Albuni, and when acting for or on his behalf, his successors, assigns, representatives, agents, or employees, for a period of six (6) years from the date of this Order;

D. As to Aiman Ammar a/k/a Ayman Ammar, and when acting for or on his behalf, his successors, assigns, representatives, agents, or employees, for a period of five (5) years from the date of this Order; and

E. As to iT Wave FZCO a/k/a iT-Wave a/k/a ITEX-Wave FZCO, and when acting for or on its behalf, its successors, assigns, directors, officers, employees, representatives, or agents, for a period of four (4) years from the date of this Order.

SEVENTH, Respondents shall not take any action or make or permit to be made any public statement, directly or indirectly, denying the allegations in the Charging Letter or this Order. The foregoing does not affect Respondents' testimonial obligations in any proceeding, nor does it affect its right to take legal or factual positions in civil litigation or other civil proceedings in which the U.S. Department of Commerce is not a party.

EIGHTH, that the Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

NINTH, that this Order shall be served on Respondents, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.[5]

Issued this 18th day of September, 2015.

Richard R. Majauskas,

Deputy Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2015–24248 Filed 9–23–15; 8:45 am]

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[5] Review and consideration of this matter have been delegated to the Deputy Assistant Secretary of Commerce for Export Enforcement.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970]

Multilayered Wood Flooring From the People's Republic of China: Preliminary Results of the Changed Circumstances Review of Sino-Maple (JiangSu) Co., Ltd.

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On March 13, 2015, the Department of Commerce (the ''Department'') initiated a changed circumstance review (''CCR'') of the antidumping duty (''AD'') order on multilayered wood flooring from the People's Republic of China (''PRC'') in response to a request from Sino-Maple (JiangSu) Co., Ltd. (''Sino-Maple''), an exporter of subject merchandise to the United States.[1] Pursuant to section 751(b) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.216, the Department preliminarily determines that Sino-Maple is the successor-in-interest to Jiafeng Wood (Suzhou) Co., Ltd. (''Jiafeng'') for purposes of the AD order on multilayered wood flooring from the PRC and, as such, is entitled to Jiafeng's cash deposit rate with respect to entries of subject merchandise. We invite interested parties to comment on these preliminary results.

DATES: *Effective:* September 24, 2015.

FOR FURTHER INFORMATION CONTACT: Krisha Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4037.

SUPPLEMENTARY INFORMATION:

Background

On December 23, 2014, Sino-Maple requested that the Department initiate an expedited CCR to confirm that Sino-Maple is the successor-in-interest to Jiafeng for purposes of determining AD liabilities.[2] For a complete description of events that followed the initiation of

[1] *See Initiation of Antidumping Duty Changed Circumstances Review: Multilayered Wood Flooring From the People's Republic of China,* 80 FR 13328 (March 13, 2015) (*Initiation Notice*).

[2] *See* Letter from Sino-Maple to the Department regarding, ''Multilayered Wood Flooring from the PRC: Request of Sino-Maple (Jiangsu) Co., Ltd. and Jiafeng Wood (Suzhou) Co., Ltd. for Changed Circumstances Review'' (December 23, 2014) (''CCR Request'').

this review, see the Preliminary Decision Memorandum.[3]

Based on this information, the Department initiated this CCR on March 13, 2015, explaining that, while there was sufficient evidence to initiate a CCR, the Department determined not to conduct its review on an expedited basis by publishing the preliminary results in conjunction with its notice of initiation. Specifically, we noted that the purported predecessor company, Jiafeng, was still in a 180-day liquidation period. We stated that we intended to issue additional questionnaires to Sino-Maple, as authorized by 19 CFR 351.221(b)(2), upon completion of the 180-day liquidation period, seeking evidence that Jiafeng has been terminated and that Jiafeng's liquidation was completed.[4] On June 22, 2015, Sino-Maple submitted this evidence.[5]

Scope of the Investigation

The merchandise covered by the order includes multilayered wood flooring, subject to certain exceptions. Imports of the subject merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States (''HTSUS''): 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.3175; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.2510; 4412.32.2520; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; 4418.72.9500; and 9801.00.2500.

While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

A complete description of the scope of the order is contained in the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and ACCESS is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Methodology

In accordance with section 751(b)(1) of the Act, we are conducting this CCR based upon the information contained in Sino-Maple's submissions. In making a successor-in-interest determination, the Department typically examines several factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base.[6] While no single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to the predecessor if the resulting operations of the successor are not materially dissimilar to that of its predecessor.[7] Thus, if the record demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor.[8] For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Preliminary Determination of the Changed Circumstances Review

Based on the record evidence, we preliminarily determine that Sino-Maple is the successor-in-interest to Jiafeng because Sino-Maple operates materially the same as Jiafeng with respect to the subject merchandise, albeit in a new location. Specifically, we find that any changes that may have occurred after Jiafeng became Sino-Maple did not constitute material changes to management, supplier relationships, customer relationships, or ownership/legal structure with respect to the production and sale of the subject merchandise. A list of topics discussed in the Preliminary Decision Memorandum appears in the Appendix to this notice.

If the Department upholds these preliminary results in the final results, Sino-Maple will be assigned the cash deposit rate currently assigned to Jiafeng with respect to the subject merchandise (*i.e.,* 13.74 percent). We will also instruct U.S. Customs and Border Protection to suspend liquidation of entries of multilayered wood flooring exported by Sino-Maple, effective on the publication date of the final results, at the AD cash deposit rate assigned to Jiafeng.

Public Comment

Interested parties may submit written comments by no later than 30 days after the date of publication of these preliminary results of review in the **Federal Register**.[9] Rebuttals, limited to issues raised in the written comments, may be filed by no later than five days after the written comments are due.[10] Parties that submit written comments

[3] *See* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Changed Circumstances Review of Multilayered Wood Flooring from the People's Republic of China: Sino-Maple (JiangSu) Co., Ltd.'' (''Preliminary Decision Memorandum''), dated concurrently with, and adopted by, this notice.

[4] *See Initiation Notice,* 80 FR 13329.

[5] *See* Letter from Sino-Maple to the Department, regarding ''Multilayered Wood Flooring from the PRC: Voluntary (Third) Supplemental Changed Circumstances Review Response of Sino-Maple (Jiangsu) Co., Ltd. and Jiafeng Wood (Suzhou) Co., Ltd.,'' dated June 22, 2015.

[6] *See, e.g., Certain Activated Carbon From the People's Republic of China: Notice of Initiation of Changed Circumstances Review,* 74 FR 19934, 19935 (April 30, 2009).

[7] *See, e.g., Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Forged Stainless Steel Flanges from India,* 71 FR 327, 327 (January 4, 2006).

[8] *See, e.g., Fresh and Chilled Atlantic Salmon From Norway; Final Results of Changed Circumstances Antidumping Duty Administrative Review,* 64 FR 9979, 9980 (March 1, 1999).

[9] *See* 19 CFR 351.309(c)(1)(ii).

[10] *See* 19 CFR 351.309(d)(1).

and rebuttals are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[11] All briefs are to be filed electronically using ACCESS.[12] An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.[13]

Any interested party may request a hearing to the Assistant Secretary of Enforcement and Compliance using ACCESS within 30 days of publication of this notice in the **Federal Register**.[14] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs.[15] If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.[16]

Final Results of the Review

In accordance with 19 CFR 351.216(e), the Department intends to issue the final results of this CCR not later than 270 days after the date on which this review was initiated.

Notification to Parties

The Department is issuing and publishing these preliminary results in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.221.

Dated: September 17, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Preliminary Results of the Changed Circumstances Review
V. Recommendation

[FR Doc. 2015–24191 Filed 9–23–15; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See* 19 CFR 351.309(c)(2) & (d)(2).

[12] *See* 19 CFR 351.303(b) & (f).

[13] *See* 19 CFR 351.303(b).

[14] *See* 19 CFR 351.310(c).

[15] *Id.*

[16] *See* 19 CFR 351.310(d).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–808]

Certain Cut-to-Length Carbon Steel Plate From the Russian Federation: Request for Comments

AGENCY: Enforcement & Compliance, International Trade Administration, Commerce.

ACTION: Invitation for Comment on Antidumping Suspension Agreement on Certain Cut-to-Length Carbon Steel Plate from the Russian Federation.

SUMMARY: On May 5, 2015, ArcelorMittal USA, Inc., Nucor Corporation, and SSAB North America Division (collectively, ''domestic interested parties''), filed with the U.S. Department of Commerce (''Department'') a request to terminate the 2003 Agreement Suspending the Antidumping Investigation of Certain Cut-to-Length Carbon Steel Plate from the Russian Federation (''Agreement'') (''request to terminate''). For the reasons stated in this notice, the Department is requesting comments on whether suspension of the investigation is no longer in the ''public interest'' under sections 734(d) and 734(i) of the Tariff Act of 1930, as amended (''Act'').

DATES: *Effective:* September 24, 2015.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon or Julie H. Santoboni, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–0162 or (202) 482–3063, respectively.

SUPPLEMENTARY INFORMATION:

Background

In January 2003, the non-market economy suspension agreement signed in October 1997 on cut-to-length carbon steel plate (''CTL plate'') from the Russian Federation was replaced with a market-economy agreement with Russian producers under section 734(b) of the Act. *See Suspension of Antidumping Duty Investigation of Certain Cut-to-Length Carbon Steel Plate from the Russian Federation,* 68 FR 3859 (Jan. 27, 2003).[1] In entering into the Agreement, the Department determined, under section 734(b) of the Act, that the Agreement would eliminate completely sales at less than fair value of the imported subject merchandise and, under section 734(d) of the Act, that suspension of the investigation was in the ''public interest'' and could be monitored effectively. Since implementation of the Agreement in 2003, the Department has been calculating semi-annual ''normal values'' (''NVs''), or minimum selling prices, for Joint Stock Company Severstal (''Severstal''), the one Russian signatory producer that has requested NVs.

On May 5, 2015, the domestic interested parties filed a request that the Department terminate the Agreement because it is no longer in the public interest and because Severstal may have violated the Agreement. On May 14, 2015, the Ministry of Economic Development of the Russian Federation (''Economy Ministry'') filed a letter in response to the domestic interested parties' request to terminate the Agreement. On May 18, 2015, Severstal filed a letter in response to the domestic interested parties' request to terminate the Agreement.

Scope of Review

The products covered by the Agreement are CTL plate from the Russian Federation. This merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of the Agreement is dispositive. For a full description of the scope of this Agreement, see Appendix B of the Agreement.

Invitation for Comment

As discussed above, the Department has received a request to terminate the Agreement from the domestic interested parties and is currently evaluating the request. The Agreement, at Section F, provides that ''{i}f the Department determines that the Agreement is being or has been violated or no longer meets

[1] The underlying antidumping duty investigation was continued in 1997, and the Department made an affirmative final determination of sales at less than fair value and the International Trade Commission made an affirmative injury determination. *See Notice of Final Determination of Sales at Less than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the Russian Federation,* 62 FR 61787 (Nov. 19, 1997); *Certain Carbon Steel Plate from China, Russia, South Africa and Ukraine,* 62 FR 66128 (Dec. 17, 1997).

the requirements of section 734(b) or (d) of the Act, the Department shall take action it determines appropriate under section 734(i) of the Act and the regulations.''

Section 734(i) of the Act provides that where, as here, the investigation was completed, the Department shall publish a determination suspending liquidation and issue an antidumping order under section 736(a) of the Act if the Department determines that there has been a violation of the Agreement, or the Agreement no longer meets certain statutory requirements, including the ''public interest'' requirement under section 734(d)(1) of the Act. The Department's regulations at 19 CFR 351.209(c)(1) state that if the Department has reason to believe that a suspension agreement no longer meets the requirements of section 734(d) of the Act, including if suspension of the investigation is no longer in the ''public interest,'' it will publish a notice inviting comment on the suspension agreement. Based on the request to terminate, we find that the requirements of 19 CFR 351.209(c)(1) have been met, and as such, are issuing this notice to seek comments to determine if suspension of the investigation is no longer in the ''public interest.'' Although the domestic interested parties alleged that Severstal may have violated the terms of the Agreement, we are not soliciting comments on the alleged violation.

The Department will make its determination and if appropriate, take necessary action, in accordance with section 734(i) of the Act and 19 CFR 351.209(c). Further, in making our determination, the Department will consider imports into the United States from all sources of the merchandise, as described in Section A of the Agreement. We also will consider factors including, but not limited to, the following: volume of trade, pattern of trade, whether or not the reseller is an original equipment manufacturer, and the reseller's export price. *See* Agreement, Section B.

Public Comment

Interested parties may submit comments on whether the Agreement is in the public interest via Enforcement & Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'') no later than 30 days after the date of publication of this notice by 5 p.m. Eastern Daylight Time.[2] Rebuttal comments, limited to issues raised in the affirmative comments, may be submitted via ACCESS no later than 45 days after the date of publication of this notice by 5 p.m. Eastern Daylight Time.

When submitting comments via ACCESS, interested parties must upload their submissions to the segment in ACCESS entitled ''Suspension Agreement.'' The Department intends to address any comments in its determination.

Dated: September 18, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement & Compliance.

[FR Doc. 2015–24329 Filed 9–23–15; 8:45 am]

BILLING CODE 3510–DS–P

[2] ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Final Results of the Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On June 30, 2015, the Department of Commerce (Department) published a notice of preliminary results of a changed circumstance review (CCR) of the antidumping duty (AD) order on fresh garlic from the People's Republic of China (PRC)[1] in response to a request from Jining Yongjia Trade Co., Ltd. (Yongjia), an exporter of fresh and peeled garlic from the PRC.[2] Yongjia requested that the Department determine that Jinxiang County Shanfu Frozen Co., Ltd. (Shanfu II), Yongjia's supplier of garlic, is the successor-in-interest to Yongjia's garlic supplier (Shanfu I) during its new shipper review (NSR). In the *Preliminary Results,* the Department found that Shanfu II is not the successor-in-interest to Shanfu I, and, as such, is subject to the PRC-wide entity cash deposit rate with respect to entries of subject merchandise. Based on our analysis of the comments from the parties, we continue to find that Shanfu II is not the successor-in-interest to Shanfu I for these final results.

DATES: Effective September 24, 2015.

FOR FURTHER INFORMATION CONTACT: Hilary E. Sadler, Esq., 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) 482–4340.

SUPPLEMENTARY INFORMATION:

Background

For a complete description of the events following the publication of the *Preliminary Results,* see the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's AD and Countervailing Duty (CVD) Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Scope of the Order

The products covered by the order are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The subject garlic is currently classifiable under subheadings: 0703.20.0000, 0703.20.0010, 0703.20.0015, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, 0711.90.6500, 2005.90.9500, 2005.90.9700, 2005.99.9700, and of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the

[1] *See Antidumping Duty Order: Fresh Garlic from the People's Republic of China,* 59 FR 59209 (November 16, 1994) (*Order*).

[2] *See Fresh Garlic from the People's Republic of China: Preliminary Results of the Changed Circumstances Review of Jining Yongjia Trade Co., Ltd. and Jinxiang County Shanfu Frozen Co., Ltd.,* 80 FR 37222 (June 30, 2015) (*Preliminary Results*).

[3] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, regarding ''Decision Memorandum for the Final Results of the Antidumping Duty Changed Circumstances Review of Fresh Garlic from the People's Republic of China: Jining Yongjia Trade Co., Ltd. and Jinxiang County Shanfu Frozen Co., Ltd.,'' dated concurrently with and adopted by this notice (Issues and Decision Memorandum).

order is dispositive. A full description of the scope of the order is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by the parties in the case briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is appended to this notice.

Final Results of Changed Circumstances Review

Upon review of the comments received, the Department has determined that Shanfu II operates in most material respects as a different business entity than Shanfu I, as discussed in the *Preliminary Results* and the Issues and Decision Memorandum. Furthermore, Shanfu I officially and effectively ceased to operate for two years, having dissolved and de-registered in 2012. Therefore, the Department adopts the *Preliminary Results* and finds that Shanfu II is not the successor-in-interest to Shanfu I.

Instructions to U.S. Customs and Border Protection

As a result of this determination, the Department finds that Yongjia and Shanfu II are subject to the cash deposit rate currently assigned to the PRC-wide entity with respect to the subject merchandise, *i.e.,* $4.71 per kilogram.[4] Consequently, the Department will instruct U.S. Customs and Border Protection to continue suspension of liquidation and to collect estimated antidumping duties for all shipments of subject merchandise produced by Shanfu II and exported by Yongjia at the current cash deposit rate assigned to the PRC-wide entity of $4.71 per kilogram.[5] This cash deposit requirement shall remain in effect until further notice.

Notification to Parties

This notice is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

[4] *See Fresh Garlic from the People's Republic of China: Final Results and Partial Rescission of the 19th Antidumping Administrative Review,* 80 FR 34141 (June 15, 2015).

[5] *Id.*

We are issuing and publishing these final results in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Act, and 19 CFR 351.216.

Dated: September 14, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Issues in Successor-in-Interest
  1. Changes in Ownership and Management
  2. Production Facilities and Equipment
  3. Supplier Relationships
  4. Customer Base
  5. Dissolution
  6. Change in Corporate Form
  7. Expansion of Business Scope
V. Summary of Findings
VI. Recommendation

[FR Doc. 2015–23646 Filed 9–23–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 150904821–5821–01]

Alternative Personnel Management System at the National Institute of Standards and Technology

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: This notice announces a modification to existing provisions of the National Institute of Standards and Technology's (NIST) Alternative Personnel Management System (APMS), changing the classification structure for the Administrative (ZA) career path, Pay Bands I through IV, based upon a classification review of the level of difficulty and responsibility associated with each Pay Band.

DATES: This notice is effective on September 24, 2015.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Janet Hoffman, by telephone at (301) 975–3185 or by email at *janet.hoffman@nist.gov.*

SUPPLEMENTARY INFORMATION:

Background

In accordance with Public Law 99–574, the National Bureau of Standards Authorization Act for Fiscal Year 1987, the Office of Personnel Management (OPM) approved a demonstration project plan, ''Alternative Personnel Management System (APMS) at the National Institute of Standards and Technology (NIST),'' and published the plan in the **Federal Register** on October 2, 1987 (52 FR 37082). The published demonstration project plan was modified twice, once to clarify certain NIST authorities (54 FR 21331, May 17, 1989) and once to revise the performance appraisal system and the pay administration system in order to better link pay with performance (55 FR 39220, September 25, 1990). The APMS was made permanent in Section 10 of the National Technology Transfer and Advancement Act of 1995, Public Law 104–113, 110 Stat. 775 (Mar. 7, 1996) (codified at 15 U.S.C. 275 note), and the project plan and subsequent amendments were consolidated in the final APMS plan, which was published in the **Federal Register** on October 21, 1997 (62 FR 54604). NIST published seven subsequent amendments to the final APMS plan: One on May 6, 2005 (70 FR 23996), which became effective upon publication in the **Federal Register**; one on July 15, 2008 (73 FR 40500), which became effective on October 1, 2008; one on July 21, 2009 (74 FR 35841), which became effective upon publication in the **Federal Register**; one on January 5, 2011 (76 FR 539), which became effective upon publication in the **Federal Register**; one on June 19, 2012 (77 FR 36485), which became effective upon publication in the **Federal Register**; one on August 13, 2012 (77 FR 48128), which became effective upon publication in the **Federal Register**; and one on August 24, 2012 (77 FR 51518), which became effective upon publication in the **Federal Register**. NIST published a correction to the final APMS plan on July 21, 2009 (74 FR 35843), which became effective upon publication in the **Federal Register**.

The plan provides for modifications to be made as experience is gained, results are analyzed, and conclusions are reached on how the system is working. This notice modifies the classification structure for the Administrative (ZA) career path, Pay Bands I through IV, based upon a classification review of the level of difficulty and responsibility associated with each Pay Band.

Richard Cavanagh,

Acting Associate Director for Laboratory Programs.

Table of Contents

I. Executive Summary
II. Basis for APMS Plan Modification
III. Changes to the APMS Plan

I. Executive Summary

The National Institute of Standards and Technology's (NIST) Alternative Personnel Management System (APMS) (62 FR 54604, October 21, 1997) is designed to (1) improve hiring and allow NIST to compete more effectively for high-quality researchers through direct hiring, selective use of higher entry salaries, and selective use of recruiting allowances; (2) motivate and retain staff through higher pay potential, pay-for-performance, more responsive personnel systems, and selective use of retention allowances; (3) strengthen the manager's role in personnel management through delegation of personnel authorities; and (4) increase the efficiency of personnel systems through installation of a simpler and more flexible classification system based on pay banding through reduction of guidelines, steps, and paperwork in classification, hiring, and other personnel systems, and through automation.

This amendment modifies the October 21, 1997 **Federal Register** notice. Specifically, it modifies the classification structure for the Administrative (ZA) career path, Pay Band I through IV. NIST will continually monitor the effectiveness of this modification.

II. Basis for APMS Plan Modification

Modification of the APMS is based upon a change in the classification structure of the ZA career path. This new structural change will enable NIST to meet the intended design and objectives of the plan and increase the future vitality of the NIST workforce. The NIST APMS allows the NIST Director to make minor procedural modifications within already existing waivers of law or regulation with appropriate notice. Accordingly, NIST modifies the APMS to change the classification structure for the Administrative (ZA) career path, Pay Bands I through IV (set forth below).

III. Changes in the APMS Plan

The APMS at NIST, published in the **Federal Register** on October 21, 1997 (62 FR 54604), as amended, is modified as follows:

1. The chart titled ''NIST Career Paths and Pay Bands'' under the subsection titled ''Position Classification'' is replaced with:

NIST Career Paths and Pay Bands

GS Grades	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
CAREER PATHS								BANDS							
Scientific and Engineering					I			II			III			IV	V
Scientific and Engineering Technician			I			II				III		IV	V		
Administrative (ZA)						I					II		III	IV	V
Support (ZS)	I		II		III		IV			V					

[FR Doc. 2015–24224 Filed 9–23–15; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Coastal Zone Management Program Administration

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 November 23, 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 should be directed to Allison Castellan, (301) 713–3155 ext. 125 or *Allison.Castellan@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for revision and extension of a currently approved information collection.

In 1972, in response to intense pressure on United States (U.S.) coastal resources, and because of the importance of U.S. coastal areas, the U.S. Congress passed the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.* The CZMA authorized a federal program to encourage coastal states and territories to develop comprehensive coastal management programs. The CZMA has been reauthorized on several occasions, most recently with the enactment of the Coastal Zone Protection Act of 1996. (CZMA as amended). The program is administered by the Secretary of Commerce, who in turn has delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Services (NOS).

The coastal zone management grants provide funds to states and territories to: Implement federally-approved coastal management programs; complete information for the Coastal Zone Management Program (CZMP) Performance Management System; develop program assessments multi-year strategies to enhance their programs within priority areas under Section 309 of the CZMA; submit documentation as described in the CZMA Section 306a on the approved coastal zone management programs; submit requests to update their federally-approved programs through amendments or program changes; and develop and submit state coastal nonpoint pollution control programs (CNP) as required under Section 6217 of the Coastal Zone Act Reauthorization Amendments.

Revision: The CZMP Performance Measurement System has been revised to reduce the number of measures on which state programs are required to report, resulting in an overall decrease in reporting burden for the performance measurement system. The assessment process under CZMA Section 309 has also been refined to rely more on readily

available existing data and allow states to more quickly focus their assessments on high-priority enhancement areas.

II. Method of Collection

Respondents have a choice of electronic or paper formats for submitting program documents, assessment and strategy documents, and other required materials. Grant applications are submitted electronically via Grants.gov and performance reports are submitted electronically through NOAA Grants Online. Performance measurement data is submitted through an online database. Methods of submittal for other program documents and required materials include electronic submittal via email, mail and facsimile transmission of paper forms, or submittal of electronic files on compact disc.

III. Data

OMB Control Number: 0648–0119.

Form Number: None.

Type of Review: Regular submission (revision and extension of a current information collection).

Affected Public: State. Local and Tribal Governments.

Estimated Number of Respondents: 34.

Estimated Time per Response: Performance reports, 27 hours; assessment and strategy documents, 240 hours; Section 306a documentation, 5 hours; amendments and routine program changes, 16 hours; CNP documentation, 320 hours; CZMA Performance Management System, 24 hours.

Estimated Total Annual Burden Hours: 6,133 hours.

Estimated Total Annual Cost to Public: $850 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: September 21, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–24287 Filed 9–23–15; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings and hearings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold meetings of its 121st Scientific and Statistical Committee (SSC), American Samoa Regional Ecosystem Advisory Committee (REAC), Fishing Industry Advisory Committee (FIAC), American Samoa Advisory Panel (AP) and its 164th Council meeting to take actions on fishery management issues in the Western Pacific Region. The Council will also convene meetings of the Pelagic and International Standing Committee, Program Planning and Research Standing Committee, and Executive and Budget Standing Committee.

DATES: The meetings will be held between October 13 and October 22, 2015. For specific times and agendas, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The 121st SSC will be held at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220. The REAC, FIAC, American Samoa AP, Pelagic and International Standing Committee and 164th Council meetings will be held at the Rex Lee Auditorium, Department of Commerce, Pago Pago, American Samoa; phone: (684) 633–5155. The Program Planning and Research Standing Committee and Executive and Budget Standing Committee will be held at the Sadies by the Sea conference room in Pago Pago, American Samoa; phone: (684) 633–5981. The Fishers Forum will be held at Fagatogo Marina, Fagatogo, American Samoa.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The 121st SSC meeting will be held between 8:30 a.m. and 5 p.m. on October 13–14, 2015. The Council's REAC will be held between 8:30 a.m. and 1 p.m., FIAC between 2 p.m. and 5 p.m. and AP between 6 p.m. and 9 p.m. on October 19, 2015. The Council's Pelagic and International Standing Committee will be held between 9 a.m. and 12 noon, Program Planning and Research Standing Committee between 1 p.m. and 3 p.m., and Executive and Budget Standing Committee between 3 p.m. and 5 p.m. on October 20, 2015. The 164th Council meeting will be held between 8:30 a.m. and 5 p.m. on October 21–22, 2015. In addition, the Council will host a Fishers Forum on October 17, 2015, between 10 a.m. and 3 p.m.

In addition to the agenda items listed here, the SSC and Council will hear recommendations from Council advisory groups. Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business. Background documents will be available from, and written comments should be sent to, Mr. Edwin Ebisui, Chair, Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220 or fax: (808) 522–8226.

Agenda for 121st SSC Meeting

8:30 a.m.–5 p.m., Tuesday, October 13, 2015

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 119th & 120th SSC Meeting Recommendations
4. Report from the Pacific Islands Fisheries Science Center Director
5. Program Planning
   - A. Integrated Stock Assessment Model for Data Poor Stocks
   - B. Territorial Bottomfish P* Working Group Report
   - C. Specification of Acceptable Biological Catch for the Territorial Bottomfish Fishery for Fishing Years 2016 and 2017 (Action Item)
   - D. Atlantis Model for Near-Shore Ecosystems in Guam
   - E. Implementing an Assessment Prioritization Process
   - F. Center for Independent Experts Review Reports
   - 1. Bycatch Estimation Model
   - 2. Length-based Assessment Model
   - G. Public Comment
   - H. SSC Discussion and Recommendations
6. Pelagic Fisheries
   - A. Hawaii & American Samoa Longline Fisheries Reports
   - B. National Bycatch Report (NBR) Longline Bycatch Reports 2011–13
   - C. International Fisheries

1. International Scientific Committee (ISC) Report
2. Western and Central Pacific Fisheries Commission (WCPFC) Science Committee Report
a. South Pacific Albacore Stock Assessment and Economic Performance
3. WCPFC Northern Committee Report
4. Majuro Purse Seine Bigeye Management Workshop
5. U.S. Proposals for WCPFC 12th Plenary Session
6. U.S. Bigeye Quota in the Eastern Pacific Ocean
D. Public Comment
E. SSC Discussion and Recommendations

8:30 a.m.–5 p.m., Wednesday, October 14, 2015

Guest Speaker: Judy Amesbury: Who Wears the Beads?
7. Protected Species
A. American Samoa Longline Fishery Biological Opinion
B. Development of a Tier System for Application to Potential Biological Removals
C. Update on Leatherback Turtle Interactions in the Hawaii Deep-set Longline Fishery
D. Public Comment
F. SSC Discussion and Recommendations
8. Other Business
A. 122nd SSC Meeting
9. Summary of SSC Recommendations to the Council

Fishers Forum Day on American Samoa Fisheries

10 a.m.–3 p.m., Saturday, October 17, 2015

1. Fishing vessel tours
2. Fishing gear displays
3. Fisheries-related demonstrations

Agenda for the REAC

8:30 a.m.–1 p.m., Monday, October 19, 2015

1. Welcome Remarks
2. Introductions
3. Report on Proposed New Ecosystem Information Requirements in the American Samoa Fishery Ecosystem Plan
4. Report on Changes to the Archipelagic Ecosystem Annual/Stock Assessment and Fisheries Evaluation (SAFE) Report
5. Identification of Relevant Data Holdings and Data Sharing Arrangements with Regard to Archipelagic Ecosystem Annual/SAFE Report Modules
A. General Fishery Information and Marine Planning Data
B. Ecosystem Information
i. Biophysical Elements
ii. Socioeconomic Elements
iii. Protected Resources and Bycatch Elements
iv. Climate Elements
v. Habitat Elements
C. Data Integration
6. REAC Role in Annual/SAFE Report
7. Public Comment
8. Discussions and Recommendations

Agenda for FIAC

2 p.m.–5 p.m., Monday, October 19, 2015

1. Introduction and Welcome
2. Round Table Discussion on Fishing and Seafood Industry Issues
3. Insular Fisheries
a. Status of the American Samoa Bottomfish Fishery
b. Hawaii Standards for Receiving Bottomfish Imports
4. Pelagic/International Management Issues
a. South Pacific Albacore
b. Tri Marine Petition
5. Seafood/Market Issues
a. Marine Stewardship Council for American Samoa Longline Fishery
b. IUU Fishing and Seafood Traceability
c. Impacts from 2015 WCPFC/Inter-American Tropical Tuan Commission (IATTC) closures
d. Proposed Rule on Fish and Fish Product Import Provisions of the Marine Mammal Protection Act
6. Fishery Funding—Saltonstall-Kennedy (S–K) Solicitation
7. Other Issues
8. Public Comment
9. Discussion and Recommendations

Agenda for American Samoa AP

6 p.m.–9 p.m., Monday, October 19, 2015

1. Welcome and Introductions
2. Review and Approval of the Agenda
3. Issues to be Discussed at 164th Council Meeting
A. Upcoming Council Action Items
i. 2016 Territorial Bigeye Tuna Catch Limit Specifications
ii. Territorial Bottomfish Annual Catch Limits
B. American Samoa Fishery Ecosystem Plan (FEP) Community Activities
i. NOAA Pacific Islands Regional Office (PIRO) S–K & Marine Education and Training (MET) Grant Writing Workshops in American Samoa
ii. Super Alia & New Multipurpose Fishing Vessel Design Updates
4. American Samoa Archipelago FEP Issues
A. American Samoa FEP Review
i. Advisory Panel Education & Outreach Strategic Plan Framework
B. Subpanel Groups Community Fishery Issues
i. Island Fisheries Subpanel
1. Catch & Size Limit Development for Territorial Waters (0–3 miles)
2. Shark Legislation Conflict for Fishermen
ii. Pelagic Fisheries Subpanel
1. Tri Marine Petition to NMFS
2. Support for Longline Fishery
iii. Ecosystems and Habitat Subpanel
1. Green Sea Turtle Proposed Rule
iv. Indigenous Fishing Rights Subpanel
1. ASG Plans for Manu'a Alia Fishing Boat Repairs (S–K proposal)
C. Other Issues
5. Public Comment
6. Discussion and Recommendations
7. Other Business

Agenda for Pelagic and International Standing Committee

9 a.m.–12 noon, Tuesday, October 20, 2015

A. Specification of 2016 Bigeye Tuna Territorial Catch and Allocation Limits (Action Item)
B. Hawaii & American Samoa Longline Fisheries Reports
C. International Fisheries
a. WCPFC Science Committee
b. South Pacific Albacore Stock Assessment and Economic Performance
c. Report on Majuro Purse Seine Big Eye Workshop
d. Tri Marine Petition
e. U.S. Proposals for WCPFC 12
f. Tokelau Arrangement
D. Advisory Group Report and Recommendations
a. Advisory Panel
b. Fishing Industry Advisory Committee
c. Regional Ecosystem Advisory Committee
d. Scientific & Statistical Committee
E. Public Comment
F. Committee Discussion and Recommendations

Agenda for Program Planning and Research Standing Committee

1 p.m.–3 p.m., Tuesday, October 20, 2015

1. Annual Catch Limit (ACL) Specification for Territorial Bottomfish (Action Item)
a. P* Working Group Report
b. Social, Economic, Ecological and Management Uncertainty (SEEM) Working Group Report
c. Options for Territorial Bottomfish ACL for Fishing Year 2016 and 2017
2. Fishery Ecosystem Plan Modifications (Action Item)
3. Integrated Stock Assessment Model for Data Poor Stocks
4. Territory Science Initiative Project
5. Other Issues
6. Public Comment
7. Committee Discussion and Recommendations

Agenda for Executive and Budget Standing Committee

3 p.m.–5 p.m., Tuesday, October 20, 2015

1. Administrative Report
2. Financial Report
3. Standard Operating Policies and Procedures
4. Meetings and Workshops
5. Council Family Changes
6. Other Issues
7. Committee Discussion and Recommendations

Agenda for 164th Council Meeting

8:30 a.m.–5 p.m., Wednesday, October 21, 2015

1. Welcome and Introductions
2. Approval of the 164th Agenda
3. Approval of the 163rd Meeting Minutes
4. Executive Director's Report
5. Agency Reports
A. National Marine Fisheries Service
1. Pacific Islands Regional Office
a. Status of Pending Management Actions
2. Pacific Islands Fisheries Science Center
B. NOAA Office of General Counsel, Pacific Islands Section
C. U.S. State Department
D. Fish and Wildlife Service
E. Enforcement

1. U.S. Coast Guard
2. NOAA Office of Law Enforcement
3. NOAA Office of General Counsel, Enforcement Section
F. Public Comment
G. Council Discussion and Action
6. American Samoa Archipelago
A. Motu Lipoti
B. Fono Report
C. Enforcement Issues
D. Community Activities and Issues
1. Report on the Governor's Fisheries Task Force Initiatives
2. Fisheries Development
a. Update on Funding for Super Alia Vessels and Local Fishery Business Development Initiatives
3. Fisheries Disaster Relief Project
E. Education and Outreach Initiatives
F. Advisory Group Report and Recommendations
1. Advisory Panel
2. Fishing Industry Advisory Committee
3. Regional Ecosystem Advisory Committee
4. Scientific and Statistical Committee
G. Public Comment
H. Council Discussion and Action
7. Pelagic & International Fisheries
A. Specification of 2016 Bigeye Tuna Territorial Catch and Allocation Limits (Action Item)
B. Hawaii & American Samoa Longline Fisheries Reports
C. NBR Longline Bycatch Reports 2011–13
D. International Fisheries
1. WCPFC Science Committee
a. South Pacific Albacore Stock Assessment and Economic Performance
2. WCPFC Northern Committee
3. WCPFC Technical and Compliance Committee
4. Report on Majuro Purse Seine Big Eye Workshop
5. Tri Marine Petition
6. U.S. Proposals for WCPFC 12
7. Tokelau Arrangement
E. Advisory Group Report and Recommendations
1. Advisory Panel
2. Fishing Industry Advisory Committee
3. Regional Ecosystem Advisory Committee
4. Scientific and Statistical Committee
F. Standing Committee Recommendations
G. Public Hearing
H. Council Discussion and Action
8. Protected Species
A. American Samoa Longline Biological Opinion
B. Update on Leatherback Turtle Interaction in the Hawaii Deep-set Longline Fishery
C. Advisory Group Report and Recommendations
1. Advisory Panel
2. Fishing Industry Advisory Committee
3. Regional Ecosystem Advisory Committee
4. Scientific and Statistical Committee
C. Public Comment
D. Council Discussion and Action
9. Public Comment on Non-agenda Items

8:30 a.m.–5 p.m., Thursday, October 22, 2015

10. Program Planning and Research
A. ACL Specification for Territorial Bottomfish (Action Item)
1. P* Working Group Report
2. SEEM Working Group Report
3. Options for Territorial Bottomfish for Fishing Year 2016 and 2017
B. Integrated Stock Assessment Model for Data Poor Stocks
C. Territory Science Initiative Project Updates
D. Fishery Ecosystem Plan Modification (Action Item)
E. Regional, National and International Outreach and Education
F. Advisory Group Report and Recommendations
1. Advisory Panel
2. Fishing Industry Advisory Committee
3. Regional Ecosystem Advisory Committee
4. Scientific and Statistical Committee
G. Standing Committee Recommendations
H. Public Hearing
I. Council Discussion and Action
11. Hawaii Archipelago & Pacific Remote Island Areas (PRIA)
A. Moku Pepa
B. Legislative Report
C. Enforcement Issues
D. Education and Outreach Initiatives
E. Advisory Group Report and Recommendations
1. Advisory Panel
2. Fishing Industry Advisory Committee
3. Regional Ecosystem Advisory Committee
4. Scientific and Statistical Committee
F. Public Comment
G. Council Discussion and Action
12. Mariana Archipelago
A. Guam
1. Isla Informe
2. Legislative Report
3. Enforcement Issues
4. Community Activities and Issues
a. Report on Indigenous Fishing Rights Initiatives
b. Atlantis Integrated Ecosystem Model
c. Yigo Community Based Management Program (CBMP)
5. Education and Outreach Initiatives
B. Commonwealth of the Northern Mariana Islands
1. Arongol Falú
2. Legislative Report
3. Enforcement Issues
4. Community Activities and Issues
a. Report on Northern Islands CBMP meeting
5. Education and Outreach Initiatives
C. Advisory Group Report and Recommendations
1. Advisory Panel
2. Fishing Industry Advisory Committee
3. Regional Ecosystem Advisory Committee
4. Scientific & Statistical Committee
D. Public Comment
E. Council Discussion and Action
13. Administrative Matters
A. Financial Reports
B. Administrative Reports
C. Council Family Changes
D. Statement of Organization Practices and Procedures
E. Meetings and Workshops
F. Other Business
G. Standing Committee Recommendations
H. Public Comment
I. Council Discussion and Action
14. Election of Officers
15. Other Business

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 163rd meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: September 21, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–24255 Filed 9–23–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE030

Taking of Marine Mammals Incidental to Specified Activities; San Francisco-Oakland Bay Bridge Pier E3 Demolition via Controlled Implosion

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

ACTION: Notice; issuance of an incidental take authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the California Department of Transportation (CALTRANS) to take, by harassment, small numbers of four species of marine mammals incidental to the San Francisco-Oakland Bay Bridge (SFOBB) Pier E3 demolition via controlled implosion in San Francisco Bay (SFB or Bay), between October 1 and December 30, 2015.

DATES: Effective October 1, 2015, through December 30, 2015.

ADDRESSES: Requests for information on the incidental take authorization should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the application containing a list of the references used in this document, NMFS' Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and the IHA may be obtained by writing to the address specified above or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental/*. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the U.S. can apply for a one-year authorization to incidentally take small numbers of marine mammals by harassment, provided that there is no potential for serious injury or mortality to result from the activity. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization.

Summary of Request

On March 3, 2015, CALTRANS submitted a request to NMFS for the potential harassment of small numbers of marine mammals incidental to the dismantling of Pier E3 of the East Span of the original SFOBB in SFB, California, in fall 2015. CALTRANS is proposing to remove the Pier E3 via highly controlled implosion with detonations. On April 16, 2015, CALTRANS submitted a revision of its request with an inclusion of a test implosion before the bridge demolition. NMFS determined that the IHA application was complete on May 1, 2015.

Description of the Specified Activity

A detailed description of the CALTRANS SFOBB East Span Pier E3 demolition via controlled implosion is provided in the **Federal Register** notice for the proposed IHA (80 FR 44060; July 24, 2015). Since that time, no changes have been made to the proposed construction activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to CALTRANS was published in the **Federal Register** on July 24, 2015 (80 FR 44060). That notice described, in detail, CALTRANS' activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the public comment period, the NMFS received one comment letter from the Marine Mammal Commission (Commission). The Commission concurred with NMFS preliminary finding and recommended that NMFS issue the requested incidental harassment authorization, subject to inclusion of the proposed mitigation, monitoring, and reporting measures.

Description of Marine Mammals in the Area of the Specified Activity

The marine mammal species under NMFS jurisdiction most likely to occur in the proposed construction area include Pacific harbor seal (*Phoca vitulina richardsi*), northern elephant seal (*Mirounga angustirostris*), California sea lion (*Zalophus californianus*), and harbor porpoise (*Phocoena phocoena*).

TABLE 1—MARINE MAMMAL SPECIES POTENTIALLY PRESENT IN REGION OF ACTIVITY

Species	ESA status	MMPA status	Occurrence
Harbor Seal	Not listed	Non-depleted	Frequent.
California Sea Lion	Not listed	Non-depleted	Occasional.
Northern Elephant Seal	Not listed	Non-depleted	Occasional.
Harbor Porpoise	Not listed	Non-depleted	Rare.

General information on the marine mammal species found in the San Francisco Bay can be found in Caretta *et al.* (2014), which is available at the following URL: *http://www.nmfs.noaa.gov/pr/sars/pdf/po2013.pdf*. Refer to that document for information on these species. A list of marine mammals in the vicinity of the action and their status are provided in Table 1. Specific information concerning these species in the vicinity of the proposed action area is provided in detail in the CALTRANS' IHA application.

Potential Effects of the Specified Activity on Marine Mammals

The underwater impulse noise from controlled implosion for SFOBB Pier E9 demolition in San Francisco Bay has the potential to result in Level B harassment of marine mammal species and stocks from behavioral disturbances and temporary hearing threshold shift (TTS) in the vicinity of the action area. The Notice of Proposed IHA included a discussion of the effects of anthropogenic noise on marine mammals, which is not repeated here. No instances of injury (including permanent hearing threshold shift, or PTS), serious injury, or mortality are

expected as a result of CALTRANS' activity given the mitigation and monitoring measures proposed, the brief duration of the activity, and the limited scale of the activity.

Potential Effects on Marine Mammal Habitat

The primary potential impacts to marine mammals and other marine species are associated with overpressure generated from the controlled underwater implosion, such that some fish in the immediate vicinity of the demolition site could be killed. These potential effects are discussed in detail in the **Federal Register** notice for the proposed IHA and are not repeated here.

Mitigation Measures

In order to issue an incidental take authorization under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses.

For CALTRANS' proposed Pier E3 controlled implosion, NMFS is requiring CALTRANS to implement the following mitigation measures to minimize the potential impacts to marine mammals in the project vicinity as a result of the controlled underwater implosion. In addition to the measures contained in the **Federal Register** notice of Proposed IHA, the IHA requires CALTRANS to ensure that no harbor porpoise Level A harassment take would occur by using passive acoustic monitoring to detect harbor porpoise clicks and implement shutdown measure if clicks are detected. Furthermore, additional mitigation measures are included to ensure that no take would occur during the test implosion. No other change was made from the proposed mitigation measures published in the **Federal Register** notice (80 FR 44060; July 24, 2015) for the proposed IHA.

Time Restriction

Implosion of Pier E3 will only be conducted during daylight hours and with enough time for pre and post implosion monitoring, and with good visibility when the largest exclusion zone can be visually monitored.

Installation of Blast Attenuation System (BAS)

Prior to the Pier E3 demolition, CALTRANS should install a Blast Attenuation System (BAS) as described above to reduce the shockwave from the implosion.

Establishment of Level A Exclusion Zone

Due to the different hearing sensitivities among different taxa of marine mammals, NMFS has established a series of take thresholds from underwater explosions for marine mammals belonging to different functional hearing groups (Table 2). Under these criteria, marine mammals from different taxa will have different impact zones (exclusion zones and zones of influence).

CALTRANS will establish an exclusion zone for both the mortality and Level A harassment zone (permanent hearing threshold shift or PTS, GI track injury, and slight lung injury) using the largest radius estimated harbor and northern elephant seals. Estimates are that the isopleth for PTS would extend out to a radius of 1,160 ft (354 m) for harbor and northern elephant seals to 5,800 ft (1,768 m) for harbor porpoise; covering the entire areas for both Level A harassment and mortality. As harbor porpoises are unlikely to be in the area in November, the exclusion zone boundaries would be set around the calculated distance to Level A harassment for harbor and northern elephant seals. However, real-time acoustic monitoring (*i.e.,* active listening for vocalizations with hydrophones) also will be utilized to provide an additional level of confidence that harbor porpoises are not in the affected area.

TABLE 2—NMFS ACOUSTIC CRITERIA FOR MARINE MAMMALS IN THE SFOBB PIER E3 DEMOLITION AREA FROM UNDERWATER IMPLOSIONS

Group	Species	Level B harassment		Level A harassment	Serious injury		Mortality
		Behavioral	TTS	PTS	Gastro-intestinal tract	Lung	
High-freq cetacean.	Harbor porpoise	141 dB SEL.	146 dB SEL or 195 dB SPL_{pk}.	161 dB SEL or 201 dB SPL_{pk}.	237 dB SPL or 104 psi.	39.1M⅓ (1+[D/10.081])½ Pa-sec. where: M = mass of the animals in kg. D = depth of animal in m.	91.4M⅓ (1+[D/10.081])½ Pa-sec where: M = mass of the animals in kg D = depth of animal in m
Phocidae	Harbor seal & northern elephant seal.	172 dB SEL.	177 dB SEL or 212 dB SPL_{pk}.	192 dB SEL or 218 dB SPL_{pk}.			
Otariidae	California sea lion.	195 dB SEL.	200 dB SEL or 212 dB_{pk}.	215 dB SEL or 218 dB SPL_{pk}.			

* **Note:** All dB values are referenced to 1 μPa. SPL_{pk} = Peak sound pressure level; psi = pounds per square inch.

Adherence to calculated distances to Level A harassment for pinnipeds indicates that the radius of the exclusion zone would be 1,160 ft (354 m). The exclusion zone will be monitored by protected species observers (PSOs) and if any marine mammals are observed inside the exclusion, the implosion will be delayed until the animal leaves the area or at least 30 minutes have passed since the last observation of the marine mammal. Hearing group specific exclusion zone ranges for the controlled implosion are provided in Table 3.

There is no exclusion zone for the test implosion because of the small charge to be used.

Establishment of Level B Temporary Hearing Threshold Shift (TTS) Zone of Influence:

As shown in Table 2, for harbor and northern elephant seals, this will cover the area out to 212 dB peak SPL or 177 dB SEL, whichever extends out the furthest. Hydroacoustic modeling indicates this isopleth would extend out to 5,700 ft (1,737 m) from Pier E3. For harbor porpoises, this will cover the area out to 195 dB peak SPL or 146 dB SEL, whichever extends out the furthest. Hydroacoustic modeling indicates this isopleth would extend out to 26,500 ft (8,077 m) from Pier E3. As discussed previously, the presence of harbor porpoises in this area is unlikely but monitoring (including real-time acoustic monitoring) will be employed to confirm their absence. For California sea lions, the distance to the Level B TTS zone of influence will cover the area out to 212 dB peak SPL or 200 dB SEL. This distance was calculated at 470 ft (143 m) from Pier E3, well within the exclusion zone previously described. Hearing group specific Level B TTS zone of influence ranges for the controlled implosion are provided in Table 3.

Hearing group specific Level B TTS zone of influence ranges for the test implosion are provided in Table 4.

Establishment of Level B Behavioral Zone of Influence

TABLE 3—ESTIMATED DISTANCE TO NMFS MARINE MAMMAL EXPLOSION CRITERIA FOR LEVEL B HARASSMENT, LEVEL A HARASSMENT, AND MORTALITY FROM THE PROPOSED PIER E3 IMPLOSION. A BAS WITH 80% EFFICIENCY IN ACOUSTIC ATTENUATION IS ASSESSED FOR THE IMPLOSION. FOR THRESHOLDS WITH DUAL CRITERIA, THE LARGER DISTANCES (I.E., MORE CONSERVATIVE) ARE PRESENTED IN BOLD AND ARE USED FOR TAKE ESTIMATES

Species	Level B criteria		Level A criteria			Mortality
	Behavioral response	TTS Dual criteria	PTS Dual criteria	GI track	Lung injury	
Pacific Harbor Seal	9,700 ft (2,957 m)	**5,700 (1,737 m)** 440 ft (134 m)	**1,160 ft (354 m)** 70 ft. (21 m)	35 ft (11 m)	450 ft (137 m)	205 ft (63 m).
California Sea Lion	800 ft (244 m)	470 ft (143 m) 440 ft (134 m)	**245 ft (75 m)** 97 ft. (30 m).	35 ft (11 m)	450 ft (137 m)	205 ft. (63 m).
Northern Elephant Seal	9,700 ft (2,957 m)	**5,700 ft (1,737 m)** 440 ft (134 m)	**1,160 ft (354 m)** 70 ft. (21 m)	35 ft (11 m)	450 ft (137 m)	205 ft. (63 m).
Harbor Porpoise	44,500 ft (13,564 m)	**26,500 ft (8,077 m)** 2,600 ft (792 m)	**5,800 ft (1,768 m)** 1,400 ft. (427 m).	35 ft (11 m)	450 ft (137 m)	205 ft. (63 m).

As shown in Table 2, for harbor seals and northern elephant seals, this will cover the area out to 172 dB SEL. Hydroacoustic modeling indicates this isopleth would extend out to 9,700 ft (2,957 m) from Pier E3. For harbor porpoises, this will cover the area out to 141 dB SEL. Hydroacoustic modeling indicates this isopleth would extend out to 44,500 ft (13,564 m) from Pier E3. As discussed previously, the presence of harbor porpoises in this area is unlikely but monitoring (including real-time acoustic monitoring) will be employed to confirm their absence. For California sea lions, the distance to the Level B behavioral harassment ZOI will cover the area out to 195 dB SEL. This distance was calculated at 800 ft (244 m) from Pier E3, well within the exclusion zone previously described. Hearing group specific Level B behavioral zone of influence ranges for the controlled implosion are provided in Table 3. There is no Level B behavioral ZOI for the test implosion because there would only be one detonation.

TABLE 4—ESTIMATED DISTANCES TO NMFS MARINE MAMMAL EXPLOSION CRITERIA FOR TEMPORARY HEARING THRESHOLD SHIFT (TTS) FROM THE PROPOSED TEST IMPLOSION

Species	Level B TTS
Pacific harbor seal	45 feet.
California sea lion	45 feet.
Northern elephant seal	45 feet.
Harbor porpoise	270 feet.

Delay of Implosion Activities

If any marine mammal is observed inside the exclusion zone of controlled implosion, the implosion will be delayed until the animal leaves the area or at least 30 minutes have passed since the last observation of the marine mammal.

If any marine mammal is observed inside the Level B ZOIs during the test implosion, the test implosion will be delayed until the animal leaves the area or at least 30 minutes have passed since the last observation of the marine mammal.

If harbor porpoise clicks are detected during passive acoustic monitoring, the implosion will be delayed for 30 minutes after the clicks are ceased.

Communication

All PSOs will be equipped with mobile phones and a VHF radio as a backup. One person will be designated as the Lead PSO and will be in constant contact with the Resident Engineer on site and the blasting crew. The Lead PSO will coordinate marine mammal sightings with the other PSOs and the real time acoustic monitor. PSOs will contact the other PSOs when a sighting is made within the exclusion zone or near the exclusion zone so that the PSOs within overlapping areas of responsibility can continue to track the animal and the Lead PSO is aware of the animal. If it is within 30 minutes of blasting and an animal has entered the exclusion zone or is near it, the Lead PSO will notify the Resident Engineer and blasting crew. The Lead PSO will keep them informed of the disposition of the animal.

Mitigation Conclusions

NMFS has carefully evaluated the mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned
- The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

(1) Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

(2) A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of pile driving and pile removal or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

(3) A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of pile driving and pile removal, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

(4) A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of pile driving, or other activities expected to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

(5) Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

(6) For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of the mitigation measures, as well as other measures considered by NMFS, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an incidental take authorization (ITA) for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. CALTRANS submitted a marine mammal monitoring plan as part of the IHA application. It can be found at *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.*

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

(1) An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and in general to generate more data to contribute to the analyses mentioned below;

(2) An increase in our understanding of how many marine mammals are likely to be exposed to levels of pile driving that we associate with specific adverse effects, such as behavioral harassment, TTS, or PTS;

(3) An increase in our understanding of how marine mammals respond to stimuli expected to result in take and how anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

- Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

(4) An increased knowledge of the affected species; and

(5) An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

Monitoring Measures

Monitoring for implosion impacts to marine mammals will be based on the SFOBB pile driving monitoring protocol. Pile driving has been conducted for the SFOBB construction project since 2000 with development of several NMFS-approved marine mammal monitoring plans (CALTRANS 2004; 2013). Most elements of these marine mammal monitoring plans are similar to what would be required for underwater implosions. These monitoring plans would include monitoring an exclusion zone and ZOIs for TTS and behavioral harassment described above. In addition, CALTRANS shall implement passive acoustic monitoring. All monitoring will be conducted by NMFS-approved PSOs. A change is made from the **Federal Register** notice (80 FR 44060; July 24, 2015) for the proposed IHA to clarify that a minimum of 10 protected species observers would be required for marine mammal monitoring during the controlled implosion. No other change was made from the proposed monitoring measures published in the **Federal Register** notice for the proposed IHA.

(1) Protected Species Observers

A minimum of 8–10 PSOs would be required during the Pier E3 controlled implosion so that the exclusion zone, Level B Harassment TTS and Behavioral ZOIs, and surrounding area can be monitored. One PSO would be designated as the Lead PSO and would receive updates from other PSOs on the presence or absence of marine mammals within the exclusion zone and would notify the Blasting Supervisor of a cleared exclusion zone to the implosion.

(2) Monitoring Protocol

PSOs shall be positioned near the edge of each of the threshold criteria zones and shall utilize boats, barges, bridge piers and roadway, and sites on Yerba Buena Island and Treasure Island,

as described in Figure 3 of the CALTRANS Marine Mammal Monitoring Plan. The Lead PSO shall be located with the Department Engineer and the Blasting Supervisor (or person that will be in charge of detonating the charges) during the implosion.

The Lead PSO will be in contact with other PSOs and the acoustic monitors. As the time for the implosion approaches, any marine mammal sightings would be discussed between the Lead PSO, the Resident Engineer, and the Blasting Supervisor. If any marine mammals enter the exclusion zone within 30 minutes of blasting, the Lead PSO will notify the Resident Engineer and Blasting Supervisor that the implosion may need to be delayed. The Lead PSO will keep them informed of the disposition of the animal. If the animal remains in the exclusion zone, blasting will be delayed until it has left the exclusion zone. If the animal dives and is not seen again, blasting will be delayed at least 30 minutes. Once the implosion has occurred, the PSOs will continue to monitor the area for at least 60 minutes.

(3) Post-Implosion Survey

Although any injury or mortality from the implosion of Pier E3 is very unlikely, boat or shore surveys will be conducted for the three days following the event to determine if there are any injured or stranded marine mammals in the area. If an injured or dead animal is discovered during these surveys or by other means, the NMFS-designated stranding team will be contacted to pick up the animal. Veterinarians will treat the animal or conduct a necropsy to attempt to determine if it stranded was a result of the Pier E3 implosion.

(4) Monitoring Data Collection

Each PSO will record their observation position, start and end times of observations, and weather conditions (sunny/cloudy, wind speed, fog, visibility). For each marine mammal sighting, the following will be recorded, if possible:

- Species
- Number of animals (with or without pup/calf)
- Age class (pup/calf, juvenile, adult)
- Identifying marks or color (scars, red pelage, damaged dorsal fin, etc.)
- Position relative to Pier E3 (distance and direction)
- Movement (direction and relative speed)
- Behavior (logging [resting at the surface], swimming, spyhopping [raising above the water surface to view the area], foraging, etc.)
- Duration of sighting or times of multiple sightings of the same individual

(5) Real Time Acoustic Monitoring for Harbor Porpoises

While harbor porpoises are not expected to be within the CALTRANS' Pier E3 implosion Level B TTS ZOI (within 26,500 ft [8,077 ms]) in November, real time acoustic monitoring to confirm species absence shallow be implemented as an added measure in addition to active monitoring by trained visual PSOs. Harbor porpoises vocalize frequently with other animals within their group, and use echolocation to navigate and to locate prey. Therefore, as an additional monitoring tool, a real time acoustic monitoring system will be used to detect the presence or absence of harbor porpoises as a supplement to visual monitoring.

The system would involve two bio-acousticians monitoring the site in real time, likely near the north end of Treasure Island as most harbor porpoises appear to pass through the area north of Treasure Island before heading south toward the East Span of the SFOBB. A calibrated hydrophone or towed array would be suspended from a boat and/or several sonobuoys (acoustic information is sent via telemetry to the acoustic boat) or a hydrophone moored offshore with a cable leading to a shore based acoustic station will be deployed outside of the monitoring area of Pier E3. All equipment will be calibrated and tested prior to the implosion to ensure functionality. This system would not be able to give an accurate distance to the animal but would either determine that no cetaceans are in the area or would provide a relative distance and direction so that PSOs could search for the cetaceans and determine if those animals have entered or may enter the Pier E3 implosion area. The bio-acousticians would be in communication with the Lead PSO and would alert the crew to the presence of any cetacean approaching the monitoring area. It would also provide further confirmation that there are no cetaceans around Pier E3 in addition to the visual observations documenting no observations.

(6) Hydroacoustic Monitoring for Underwater Implosion

The purpose of hydroacoustic monitoring during the controlled implosion of Pier E3 is twofold: (1) To evaluate distances to marine mammal impact noise criteria; and (2) to improve the prediction of underwater noise for assessing the impact of the demolition of the remaining piers through future controlled implosions.

Monitoring of the implosion is specific to two regions around Pier E3 with unique methods, approaches, and plans for each of these regions. These regions include the ''near field'' and the ''far field''. For Pier E3, the near field will comprise measurements taken within 500 ft of the pier while the far field will comprise measurements taken at 500 feet and all greater distances.

Measurements inside the BAS will be made with near and far field systems using PCB 138A01 transducers. At the 100-ft distance, the near field system will use another PCB 138A01 transducer while the far field system will use both a PCB 138A01 transducer and a Reson TC4013 hydrophone. Prior to activating the BAS, ambient noise levels will be measured. While the BAS is operating and before the test implosion, background noise measurements will also be made. After the test implosion, the results will be evaluated to determine if any final adjustments are needed in the measurement systems prior to the Pier E3 controlled implosion. Pressure signals will be analyzed for peak pressure and SEL values prior to the scheduled time of the Pire E3 controlled implosion.

Reporting Measures

CALTRANS is required to submit a draft monitoring report within 90 days after completion of the construction work or the expiration of the IHA, whichever comes earlier. This draft report would detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed. NMFS would have an opportunity to provide comments on the draft report within 30 days, and if NMFS has comments, CALTRANS would address the comments and submit a final report to NMFS within 30 days. If no comments are provided by NMFS after 30 days receiving the report, the draft report is considered to be final.

Marine Mammal Stranding Plan

In addition, a stranding plan will be prepared in cooperation with the local NMFS-designated marine mammal stranding, rescue, and rehabilitation center. Although mitigation measures would likely prevent any injuries, preparations will be made in the unlikely event that marine mammals are injured. Elements of that plan would include the following:

1. The stranding crew would prepare treatment areas at the NMFS-designated facility for cetaceans or pinnipeds that

may be injured from the implosion. Preparation would include equipment to treat lung injuries, auditory testing equipment, dry and wet caged areas to hold animals, and operating rooms if surgical procedures are necessary. Equipment to conduct auditory brainstem response hearing testing would be available to determine if any inner ear threshold shifts (TTS or PTS) have occurred (Thorson *et al.* 1999).

2. A stranding crew and a veterinarian would be on call near the Pier E3 site at the time of the implosion to quickly recover any injured marine mammals, provide emergency veterinary care, stabilize the animal's condition, and transport individuals to the NMFS-designated facility. If an injured or dead animal is found, NMFS (both the regional office and headquarters) will be notified immediately even if the animal appears to be sick or injured from other than blasting.

3. Post-implosion surveys would be conducted immediately after the event and over the following three days to determine if there are any injured or dead marine mammals in the area.

4. Any veterinarian procedures, euthanasia, rehabilitation decisions and time of release or disposition of the animal will be at the discretion of the NMFS-designated facility staff and the veterinarians treating the animals. Any necropsies to determine if the injuries or death of an animal was the result of the blast or other anthropogenic or natural causes will be conducted at the NMFS-designated facility by the stranding crew and veterinarians. The results will be communicated to both CALTRANS and to NMFS as soon as possible with a written report within a month.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Numbers of marine mammals within the Bay may be incidentally taken during demolition using controlled charges (impulse sound) related to the demolition of the original East Span of the SFOBB were calculated based on acoustic propagation models for each functional hearing group and the estimated density of each species in the project vicinity. Specifically, the takes estimates are calculated by multiplying the ensonified areas that are specific to each functional hearing group by the density of the marine mammal species.

Marine Mammal Density Estimates

There are no systematic line transect surveys of marine mammals within San Francisco Bay, therefore, the in water densities of harbor seals, California sea lions, and harbor porpoises were calculated from 14 years of observations during monitoring for the SFOBB construction and demolition. During the 210 days of monitoring (including 15 days of baseline monitoring in 2003), 657 harbor seals, 69 California sea lions and three harbor porpoises were observed within the waters of the east span of the SFOBB. Density estimates for other species were made from stranding data provided by the MMC (Sausalito, CA; Northern elephant seal).

(1) Pacific Harbor Seal

Most data on harbor seal populations are collected while the seals are hauled out. This is because it is much easier to count individuals when they are out of the water. In-water density estimates rely on haul-out counts, the percentage of seals not on shore based on radio telemetry studies, and the size of the foraging range of the population. Harbor seal density in the water can vary greatly depending on weather conditions or the availability of prey. For example, during Pacific herring runs further north in the Bay (near Richardson Bay, outside of the Pier E3 hydroacoustic zone) in February 2014, very few harbor seals were observed foraging near Yerba Buena Island (YBI) or transiting through the SFOBB area for approximately two weeks. Sightings went from a high of 16 harbor seal individuals foraging or in transit in one day to 0–2 seals per day in transit or foraging through the SFOBB area (CALTRANS 2014). Calculated harbor seal density is a per day estimate of harbor seals in a 1 km² area within the fall/winter or spring/summer seasons.

Harbor seal density for the proposed project was calculated from all observations during SFOBB Project monitoring from 2000 to 2014. These observations included data from baseline, pre, during and post pile driving and onshore implosion activities. During this time, the population of harbor seals within the Bay has remained stable (Manugian 2013), therefore, we do not anticipate significant differences in numbers or behaviors of seals hauling out, foraging or in their movements over that 15 year period. All harbor seal observations within a km² area were used in the estimate. Distances were recorded using a laser range finder (Bushnell Yardage Pro Elite 1500; ±1.0 yards accuracy). Care was taken to eliminate multiple observations of the same animal although this was difficult when more than three seals were foraging in the same area.

Density of harbor seals was highest near YBI and Treasure Island, probably due to the haul-out site and nearby foraging areas in the Coast Guard and Clipper coves. Therefore, density estimates were calculated for a higher density area within 3,936 ft (1,200 m) west of Pier E3, which includes these two foraging coves. A lower density estimate was calculated from the area east of Pier E3 and beyond 3,936 ft (1,200 m) to the north and south of Pier E3.

These density estimates were then extrapolated to the threshold criteria areas delineated by the hydroacoustic models to calculate the number of harbor seals likely to be exposed.

(2) California Sea Lion

Most data on California sea lion populations are collected while the seals are hauled out as it is much easier to count individuals when they are out of the water. In-water density estimates rely on haul-out counts, the percentage of sea lions not on shore based on radio telemetry studies, and the size of the foraging range of the population. Sea lion density, like harbor seal densities, in the water can vary greatly depending on weather conditions, the availability of prey, and the season. For example, sea lion density increases during the summer and fall after the end of the breeding season at the Southern California rookeries.

For the proposed project, California sea lion density was calculated from all observations during SFOBB monitoring from 2000 to 2014. These observations included data from baseline, pre, during and post pile driving and onshore implosion activities. During this time, the population of sea lions within the Bay has remained stable as have the numbers observed near the SFOBB (Manugian 2013). As a result, we do not anticipate significant differences in the number of sea lion or their movements over that 15 year period. All sea lion observations within a km² area were used in the estimate. Distances were recorded using a laser range finder (Bushnell Yardage Pro Elite 1500; ±1.0 yards accuracy). Care was taken to eliminate multiple observations of the same animal, although most sea lion observations involve a single animal.

Calculated California sea lion density is a per day estimate of sea lions in a one km² area within the fall/winter or spring/summer seasons.

(3) Northern Elephant Seal

Northern elephant seal density around Pier E3 was calculated from the stranding records of the MMC from 2004 to 2014. These data included both injured or sick seals and healthy seals. Approximately 100 elephant seals were reported within the Bay during this time, most of these hauled out and were likely sick or starving. The actual number of individuals within the Bay may be higher as not all individuals would necessarily have hauled out. Some individuals may have simply left the Bay soon after entering. Data from the MMC show several elephant seals stranding on Treasure Island and one healthy elephant seal was observed resting on the beach in Clipper Cove in 2012. Elephant seal pups or juveniles also may strand after weaning in the spring and when they return to California in the fall (September through November).

(4) Harbor Porpoise

Harbor porpoise density was calculated from all observations during SFOBB monitoring from 2000 to 2014. These observations included data from baseline, pre, during and post pile driving and onshore implosion activities. Over this period, the number of harbor porpoises that were observed entering and using the Bay increased. During the fifteen years of observational data around the SFOBB Project, only four harbor porpoises were observed and all occurred from 2006 to 2014 (including two in 2014). All harbor porpoise observations within a km² area were used in the estimate. Distances were recorded using a laser range finder (Bushnell Yardage Pro Elite 1500; ±1.0 yards accuracy).

A summary of marine mammal density information is provided in Table 5.

TABLE 5—ESTIMATED IN-WATER DENSITY OF MARINE MAMMALS THAT MAY OCCUR IN THE VICINITY OF CALTRANS' PROPOSED PIER E3 CONTROLLED IMPLOSION AREA

Species	Main season of occurence	Density within 1,200m of SFOBB (animals/km²)	Density beyond 1,200m of SFOBB (animals/km²)
Pacific Harbor Seal	Spring–Summer (pupping/molt seasons)	0.30	0.15.
Pacific Harbor Seal	Fall–Winter	0.77	0.15.
Sea Lion	Late Summer–Fall (Post Breeding Season)	0.12	0.12.
Sea Lion	Late Spring–Early Summer (Breeding Season)	0.06	0.06.
Northern Elephant Seal	Late Spring–Early Winter (Pups After First Trip To Sea)	0.03	0.03.
Harbor Propoise	All Year	Very Low, estimated at 0.004.	Very Low, estimated at 0.004.

Impact Zones Modeling

Since the proposed Pier E3 controlled implosion would be carried as a confined explosion, certain elements were taken into the modeling process beyond a simple open-water blast model. Confinement is a concept in blasting that predicts the amount of blast energy that is expected to be absorbed by the surrounding structural material, resulting in the fracturing necessary for demolition. The energy beyond that absorbed by the material is the energy that produces the pressure wave propagating away from the source. NMFS has determined that modeling with confinement was appropriate for the proposed Pier E3 blast by evaluating blast results from case study data for underwater implosions similar to the SFOBB Pier E3 implosion. In addition, the NMFS worked with CALTRANS and compared case study results to published blast models that incorporate a degree of confinement.

Data from 39 comparable underwater concrete blasts were used by CALTRANS to evaluate potential equations for modeling blast-induced peak pressures and subsequent effects to marine mammals (Kiewit-Mason, pers. Comm 2015 in CALTRANS 2015). All 39 blasts occurred in approximately 55 ft (16.8 m) of water, similar to the maximum water depth around Pier E3. In addition, all blasts had burdens (*i.e.,* distance from the charge to the outside side of the material being fractured) of approximately 1.5 to 2 ft (0.5 to 0.6 m). Burdens for Pier E3 also are estimated to be in this range. Data provided included the charge weight, observed peak pressure, distance of peak pressure observation, and the modeled peak pressure using Cole's confined equation, Cole's unconfined equation, and Oriard's conservative concrete equation (Cole 1948; Oriard 2002).

Using these data, appropriate equations for modeling the associated hydroacoustic impacts are established for the Pier E3 controlled implosion. Cole's unconfined equation greatly overestimated peak pressures for all blasts while Cole's confined equation appeared to most accurately predict observed peak pressures. Oriard's conservative concrete equation overestimated peak pressures, but not as dramatically as under Cole's unconfined equation. NMFS and CALTRANS have opted to use more conservative methods to ensure an additional level of safety when predicting the monitoring zone and potential impact areas to marine mammals from the proposed controlled implosion project.

The applicable metrics discussed are the peak pressure (P_{pk}) expressed in dB, the accumulated sound exposure level (SEL) also expressed in dB, and the positive acoustic impulse (I) in Pa-sec. The criteria for marine mammals are grouped into behavioral response, slight injury, mortality, and the specific acoustic thresholds depend on group and species. These are summarized in Table 2. The metrics for these are criteria defined as:

(1) Peak pressure level

$$L_{pk} = 20\log_{10}\left(P_{pk}/P_{ref}\right) \quad (1)$$

where L_{pk} is the peak level in dB and P_{ref} is the reference pressure of 1μPa;

(2) SEL

$$SEL = 20\log_{10}\left(\int_0^T \frac{P^2(t)dt}{P_{ref}^2 \cdot T_{ref}}\right) \quad (2)$$

where T is the duration of the event, $P^2(t)$ is the instantaneous pressure squared and T_{ref} is the reference time of 1 second;

(3) Impulse

$$I = \int_0^T \left(P(t)dt/P_{ref}\right) \quad (3)$$

where T is the duration of the initial positive portion of $P(t)$. In order to calculate these quantities, $P(t)$ for the blast event is needed as a function of distance from the blast, or alternatively, empirical relationship can be used for L_{pk} and I.

General Assumptions

The blast event will consist of a total of 588 individual delays of varying charge weight; the largest is 35 pounds/delay and the smallest is 21 pounds/delay. The blasting sequence is rather complex. On the full height walls, 30 pound weights will be used for the portion below mud line, 35 pound weights will be used in the lower structure immediately above mud line, 29.6 pounds in the midstructure, and 21 pounds in the upper structure. Full details on the delay weights and locations can be found in the Blast Plan (CALTRANS 2015). Blasts will start in several interior webs of the southern portion of the structure followed by the outer walls of the south side. The blasts in the inner walls will occur just prior to the adjacent outer walls. The interior first, exterior second blast sequence will continue across the structure moving from south to north. The time for the 588 detonations is 5.3 seconds with a minimum delay time of 9 milliseconds (ms) between detonations. As the blasting progresses, locations to east, north, and west of the pier will be shielded from the blasting on the interior of the structure from the still-standing exterior walls of the pier. However, towards the conclusion of the blast, each direction will experience blasts from the outer walls that are not shielded.

To estimate P_{pk} and $P^2(t)$, several assumptions were made. For simplification, it was assumed that there is only one blast distance and it is to the closest point on the pier from the receiver point. In actuality for almost all explosions, distances from the blast will be greater as the pier is approximately 135 ft (41 m) across and 80 ft (24 m) wide. Based on these dimensions, the actual blast point could be up to 135 ft (41 m) further from the receptor point used for the calculation. As a result, the calculated peak level is the maximum expected for one 35 pound blast while the other levels would be lower depending on the distance from the actual blast location to the calculation point and weight of the charge. In other words, the pressure received at the calculation point would not be 588 signals of the same amplitude, but would be from one at the estimated level for a 35 pound charge and 587 of varying lower amplitudes. Similarly, in the vertical direction, the location varies over a height of about 50 ft (15 m) and those blasts that are not at the same depth as the receiver would also be lower. This effect of variation in assumed blast to receiver distance will be most pronounced close to the pier, while at distances of about 1,000 ft (305 m) or greater, the effect would be less than 1 dB.

In the calculations, it was also assumed that there would be no self-shielding of the pier as the explosions progress. From the above discussion of the blast sequence, some shielding of the blasts along the interior of the pier will occur. However, the blasts that occur in outer wall (towards the end of the implosion) will not be shielded for all blasts. A blast in the outer wall that has a direct line of sight to the receptor calculation point will not be shielded and will generate the highest peak

pressure relative to be compared to the L_{pk} criterion. The cumulative SEL and the root-mean-squared (RMS) levels; however, will be reduced to some degree by the outer walls until they are demolished as these metrics are defined by the pressure received throughout the entire 5.3 second event. However, due to the complexity of the blast sequence, this shielding effect was not considered in the calculated SEL and RMS levels.

Based on the Blast Plan (CALTRANS 2015), the delays are to be placed in 2¾ to 3 inch (7 to 7.6 cm) diameter holes drilled into the concrete pier structure. The outer walls of the pier are nominally 3 ft-11½ inch (1.5 m) thick and inner walls are nominally 3 ft (0.9 m) thick. Individual blasts should be not exposed to open water and some confinement of the blasts is expected. For confined blasts, the predicted pressures can be reduced by 65 to 95% (Nedwell and Thandavamoorthy 1992; Rickman 2000; Oriard 2002; Rivey 2011), corresponding to multiplication factors from 0.35 to 0.05, respectively. Based on a review of the available literature and recent data from similar explosive projects, CALTRANS and NMFS decided to use a conservative confinement factor of K=7500 which equates to a 65% reduction in pressure and by a multiplication factor of 0.3472 (Eq. 4).

Another assumption was to consider only the direct wave from an individual blast. In shallow water, the signal at the receiver point could consist of the direct wave, surface-relief wave generated by the water/air interface, a reflected wave from the bottom, and a wave transmitted through the bottom material (USACE 1991). For estimating P_{pk}, only the direct wave is considered as it will have the highest magnitude and will arrive at the receiver location before any other wave component. However, $P(t)$ after the arrival of the direct wave peak pressure will be effected. The surface-relief wave is negative so that when it arrives at the receiver location, it will reduce the positive pressure of the direct wave and can make the total pressure negative at times after the arrival of the initial positive peak pressure. Since the SEL is a pressure squared quantity, any negative pressure can also contribute to the SEL. However, the amplitude and arrival time of the surface-relief wave depends on the geometry of the propagation case, that is, depth of water, depth of blast, and distance and depth of the receiver point. The effect of this assumption is discussed further in the section on SEL.

Estimation of Peak Pressure

Peak pressures were estimated by following the modified version of the Cole Equation for prediction of blasts in open, deep water (Cole 1948). The peak pressure is determined by:

$$P_{pk} = K(\lambda)^{-1.13} \tag{4}$$

where P_{pk} is peak pressure in pounds per square inch (psi), and λ is the scaled range given by $R/W^{1/3}$ in which R is the distance in feet and W is the weight of the explosive charge in pounds. A modified version of the Cole Equation has been documented in U.S. Army Corps of Engineer (USACE) Technical Letter No. 1110–8–11(FR) and is applicable to shallow water cases such as that of the Pier E3 demolition (USACE 1991). The constant K factor multiplier in the USACE calculation is 21,600 for an open-water blast instead of the 22,550 from the original Cole Expression. This factor is slightly less (~4%) than the original Cole. The decay factor (-1.13) used in the USACE modified equation remains the same as the original Cole Equation. To account for the confining effect of the concrete pier structure, a conservative K factor of 7,500 was used corresponding to multiplying USACE P_{pk} by a factor of 0.3472. With a minimum delay between of blast of 9 ms, the individual delays will be spaced sufficiently far in time to avoid addition of the peak pressures. In this case, the peak pressure is defined by that calculated for the largest charge weight of 35 pounds/delay. A BAS is specified in the Blast Plan. Based on the literature and recent results from similar projects, reductions in the pressure peak of 85% to 90% or more are expected. For determining P_{pk} in this analysis, a conservative reduction of 80% has been used. Based on values of confinement, BAS performance, and the ''General Assumptions'' above, the calculated peak pressures are expected to be conservative.

Estimation of SEL Values

Estimating the weighted SEL values for the different groups/species is a multiple step process. The first step is to estimate SEL values as a function of distance from the blast pressure versus time histories for each of the six charge weights as a function of distance. The open-water equation used for this calculation was that modified by the USACE (1991) based on methods pioneered by Cole (1948). Pressure as a function of time is given by:

$$P(t) = P_{pk} e^{-\left(\frac{t-t_a}{\theta}\right)} \tag{5}$$

where t_a is given as R/5,000 and θ is:

$$\theta = 6.0 \times 10^{-5} W^{1/3} (\lambda)^{0.18} \tag{6}$$

These calculations were then extended to distances out to 160,000 ft (48.8 km).

As discussed previously, there are other wave components that could be considered in the SEL estimation, including the surface relief wave, reflection from the bottom, and transmission through and re-radiation from the bottom. Little or no contribution is expected from the bottom based on its sedimentary nature and previous experiences from measuring noise from underwater pile driving in the area around Pier E3. The

negative surface relief wave could be a factor in the SEL estimation. This wave could either increase or decrease the SEL depending on its arrival time relative to the direct wave. For small differences in arrival time, the surface relief will decrease the total SEL as a portion of the positive direct wave is negated by the addition of the negative surface relief wave. For closer distances and when the receptor and blast locations are near the bottom, the total SEL can become greater than the direct wave SEL, but only by less than 3 dB. However, whenever the source or receiver is near the surface, the direct wave SEL will be greater than the total SEL and can approach being 10 dB greater for distances beyond 1,000 ft (305 m). As a result, the surface relief wave is ignored in this analysis knowing that the surface relief wave would only tend to produce lower SEL values than the direct wave.

For each of the marine mammal groupings included in Table 2, specific filter shapes apply to each functional hearing group. To apply this weighting, the Fast Fourier Transform (FFT) was calculated for the time histories at each analysis distance. Each FFT was then filtered using the frequency weighted specified for each group. Filter factors were then determined for each distance by subtracting the filtered result from the unfiltered FFT data and determining the overall noise reduction in decibels. These filter factors were applied to the accumulated SEL determined for the entire blast event for each distance from the Pier.

The BAS of the Blast Plan will have an effect on the wave once a blast passes through it. In a research report by USACE in 1964, the performance of a BAS was examined in detail (USACE 1964). It has also been found that for an energy metric such as SEL, the reduction produced by the BAS was equal to or greater than the reduction of the peak pressure (USACE 1991; Rude 2002; Rude and Lee 2007; Rivey 2011). To estimate the reduction for SEL values due to the BAS installed in the Blast Plan (CALTRANS 2015), SEL was reduced by 80%. Effectively, this was done by reducing the SEL by 20 Log (0.20), or 14 dB. Delays below the mudline, which will be located below the BAS, were also reduced by 80% based on an assumption that the outside pier walls here (which will not be removed) and Bay mud sediments will provide a similar level of attenuation. These SEL values and those without the BAS were then compared to the appropriate criteria for each marine mammal group. Because the calculation of SEL is based on the peak pressure, these estimates for the direct wave component are expected to be conservative for the same reasons as described for the peak pressures.

Estimation of Positive Impulse

To estimate positive impulse values, the expression originally developed by Cole for open water was used (Cole 1948). This expression includes only contributions from the direct wave neglecting any contribution from the surface relief, bottom reflected, and bottom transmitted consistent with the assumptions used to estimate SEL. In this case, impulse is given by:

$$I = 2.18 \times W^{1/3} \times \left(\frac{W^{1/3}}{R} \right)^{1.05} \quad (7)$$

with the variables defined in Equation 4. The impulse can also equivalently be calculated from wave forms. Equation 5 produces impulse values in psi-msec which were converted to Pa-sec by multiplying by 6.9 for comparison to the marine mammal criteria.

Unlike P_{pk} and SEL, no reduction by the BAS is assumed for the impulse calculation. The area under the $P(t)$ curve under goes little change after passing the BAS. The peak pressure is reduced as noted previously, however, since the $P(t)$ expands in duration, the area change is minimal. This behavior is well documented in the literature (Cole 1948; USACE 1964; USACE 1991; Rickman 2000). As discussed above, this is not the case for SEL which is determined by the area under the $P^2(t)$ curve.

Estimated Takes of Marine Mammals

The estimated distances (Table 3) to the marine mammal criteria for peak pressure, SEL, and impulse are based on established relationships between charge weight and distance from the literature. The estimated distances were determined assuming unconfined open water blasts from the original Cole equations or the Cole equations modified by USACE. The assumption of open water neglects several effects that could produce lower levels than estimated. These include no shielding by the pier structure prior a specific blast, confining of the individual delays in the holes drilled into the pier structure, and longer distances to individual blasts than assumed by closest distance between the pier and the receptor point. For SEL, the assumption of open water blasts neglects the surface relief wave which at longer distances from the pier, would tend to reduce the SEL due to interference with the direct wave. Although the estimated levels and distances may be conservative, there is sufficient uncertainty in the blast event and its propagation such that further, less conservative adjustments would not be appropriate.

Estimated exposure numbers are subsequently calculated based on modeled ensonified areas and marine mammal density information. However, since many marine mammals are expected to occur in groups, the estimated exposure numbers are adjusted upward by a factor of 2 to provide estimated take numbers. In addition, although modeling shows that no California sea lion would be exposure to noise levels that would result in a take, its presence in the vicinity of SFOBB has been documented. Therefore, take of 2 of California sea lion is assessed. A summary of estimated takes and exposures of marine mammals that could result from CALTRANS' Pier E3 controlled implosion is provided in Table 6.

TABLE 6—SUMMARY OF THE ESTIMATED TAKES AND EXPOSURES (IN PARENTHESIS) OF MARINE MAMMALS TO THE PIER E3 IMPLOSION

Species	Level B take		Level A take	Mortality	Population	% take population
	Behavioral	TTS				
Pacific harbor seal	12 (6)	6 (3)	0 (0)	0 (0)	30.196	0.06
California sea lion	2 (0)	0 (0)	0 (0)	0 (0)	296,750	0.00
Northern elephant seal	2 (1)	0 (0)	0 (0)	0 (0)	124,000	0.00
Harbor porpoise	2 (1)	0 (0)	0 (0)	0 (0)	9,886	0.02

Analysis and Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

To avoid repetition, this introductory discussion of our analyses applies to all the species listed in Table 5, given that the anticipated effects of CALTRANS' Pier E3 controlled implosion on marine mammals are expected to be relatively similar in nature. There is no information about the nature or severity of the impacts, or the size, status, or structure of any species or stock that would lead to a different analysis for this activity.

No injuries or mortalities are anticipated to occur as a result of CALTRANS' controlled implosion to demolish Pier E3, and none are authorized. The relatively low marine mammal density and small Level A exclusion zones make injury takes of marine mammals unlikely, based on take calculation described above. In addition, the Level A exclusion zones would be thoroughly monitored before the proposed implosion, and detonation activity would be postponed if an marine mammal is sighted within the exclusion.

The takes that are anticipated and authorized are expected to be limited to short-term Level B harassment (behavioral and TTS). Marine mammals (Pacific harbor seal, northern elephant seal, California sea lion, and harbor porpoise) present in the vicinity of the action area and taken by Level B harassment would most likely show overt brief disturbance (startle reaction) and avoidance of the area from the implosion noise. A few Pacific harbor seals could experience TTS if they occur within the Level B TTS ZOI. However, TTS is a temporary loss of hearing sensitivity when exposed to loud sound, and the hearing threshold is expected to recover completely within minutes to hours. In addition, even if an animal receives a TTS, the TTS would just be a one-time event from a brief impulse noise (about 5 seconds), making it unlikely that the TTS would evolve into PTS. Finally, there is no critical habitat and other biologically important areas in the vicinity of CALTRANS' proposed Pier E3 controlled implosion area (John Calambokidis *et al.* 2015).

The project also is not expected to have significant adverse effects on affected marine mammals' habitat, as analyzed in detail in the ''Anticipated Effects on Marine Mammal Habitat'' section. The project activities would not modify existing marine mammal habitat. The activities may kill some fish and cause other fish to leave the area temporarily, thus impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the prescribed monitoring and mitigation measures, NMFS finds that the total marine mammal take from CALTRANS's Pier E3 demolition via controlled implosion will not adversely affect annual rates of recruitment or survival; accordingly we conclude the taking will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

The requested takes represent less than 0.06% of all populations or stocks potentially impacted (see Table 6 in this document). These take estimates represent the percentage of each species or stock that could be taken by Level B behavioral harassment and TTS (Level B harassment). The numbers of marine mammals estimated to be taken are small proportions of the total populations of the affected species or stocks. In addition, the mitigation and monitoring measures (described previously in this document) prescribed in the IHA are expected to reduce even further any potential disturbance to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no subsistence uses of marine mammals in the project area; and, thus, no subsistence uses impacted by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

NMFS has determined that issuance of the IHA will have no effect on listed marine mammals, as none are known to occur in the action area.

National Environmental Policy Act (NEPA)

NMFS prepared an Environmental Assessment (EA) and a Supplemental Environmental Assessment (SEA) for the take of marine mammals incidental to construction of the East Span of the SF–OBB and made Findings of No Significant Impact (FONSIs) on November 4, 2003 and August 5, 2009. Due to the modification of part of the demolition of the original SFOBB using controlled implosion and the associated mitigation and monitoring measures, NMFS prepared an SEA and analyzed the potential impacts to marine mammals that would result from the modification. A Finding of No Significant Impact (FONSI) was signed in September 2015. A copy of the EA and FONSI is available upon request (see **ADDRESSES**).

Authorization

NMFS has issued an IHA to CALTRANS for the potential harassment of small numbers of four marine mammal species incidental to the SFOBB Pier E3 demolition via controlled implosion in San Francisco Bay, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: September 18, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–24230 Filed 9–23–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE206

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting and hearing.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a meeting of its Guam Mariana Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) to discuss and make recommendations on fishery management issues in the Western Pacific Region.

DATES: The Guam Mariana Archipelago FEP AP will meet on Friday, October 9, 2015, between 6 p.m. and 7:30 p.m. All times listed are local island times. For specific times and agendas, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The Guam Mariana Archipelago FEP AP will meet at the Guam Fishermen's Cooperative Association Lanai in Hagatna, Guam.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided in the agenda. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for the Guam Mariana Archipelago FEP AP Meeting

Friday, October 9, 2015, 6 p.m.–7:30 p.m.

1. ''Hafa Adai'' Welcome and Introductions
2. Review and Approval of the Agenda
3. Issues to be discussed at 164th Council Meeting
   - A. Upcoming Council Action Items
   - i. Specification of Territorial Bottomfish Annual Catch Limits (ACLs)
   - ii. 2016 Territorial Bigeye Tuna Catch Limit Specifications
   - iii. Council review of Mariana FEP and Proposed Changes
   - B. Mariana Archipelago FEP-Guam Community Activities
4. Mariana Archipelago FEP-Guam Issues
   - A. Report of the Subpanels
   - i. Island Fisheries Subpanel
   - ii. Pelagic Fisheries Subpanel
   - iii. Ecosystems and Habitat Subpanel
   - iv. Indigenous Fishing Rights Subpanel
   - B. Other Issues
5. Public Hearing
6. Discussion and Recommendations
7. ''At the end of the day'' Other Business

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: September 21, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–24253 Filed 9–23–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE209

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scientific & Statistical Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held Tuesday, October 13, 2015, beginning at 9 a.m. and Wednesday, October 14, 2015, beginning at 9 a.m.

ADDRESSES: The meeting will be held at the Providence Biltmore Hotel, 11 Dorrance Street, Providence, RI 02903; phone: (401) 421–0700; fax: (401) 455–3050.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, October 13, 2015

The Committee will review information provided by the Council's Scallop PDT and recommend the overfishing levels (OFLs) and acceptable biological catches (ABC) for Atlantic sea scallops for fishing years 2016 and 2017.

The Committee will also review recent stock assessment information from the 2015 Groundfish Operational Assessments updates and information provided by the Council's Groundfish Plan Development Team (PDT) and recommend the overfishing levels (OFLs) and acceptable biological catches (ABCs) for all groundfish stocks (except for Georges Bank yellowtail flounder) managed under the Northeast Multispecies Fishery Management Plan for fishing years 2016–18.

Wednesday, October 14, 2015

The Committee will continue to review information on and develop

recommendations for OFLs and ABC for Northeast multispecies groundfish for fishing years 2016–18 and address other business as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: September 21, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–24254 Filed 9–23–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Board of Advisors to the Presidents of the Naval Postgraduate School and the Naval War College

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of The Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Board of Advisors to the Presidents of the Naval Postgraduate School and the Naval War College and its two subcommittees will be held. This meeting will be open to the public.

DATES: The meeting will be held on Wednesday, October 14, 2015, from 10:00 a.m. to 4:30 p.m. and on Thursday, October 15, 2015 from 9:00 a.m. to 3:00 p.m. Eastern Time Zone.

ADDRESSES: The meeting will be held at 3003 Washington Boulevard, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Ms. Jaye Panza, Naval Postgraduate School, Monterey, CA, 93943–5001, telephone number 831–656–2514.

SUPPLEMENTARY INFORMATION: The Committee examines the effectiveness with which the NPS and the NWC are accomplishing its missions. The agenda is as follows:

1. October 14, 2015: General deliberations and inquiry by the NWC BOA Subcommittee and its parent committee NPS/NWC BOA into its programs and mission priorities; re-accreditation review; administration; military construction; leader development continuum; defense planning guidance efforts; and any other matters relating to the operations of the NWC as the board considers pertinent.

2. October 15, 2015: The purpose of the meeting is to elicit the advice of the NPS BOA subcommittee on the Naval Service's Postgraduate Education Program. With its parent committee NPS/NWC BOA, the board will inquire into programs and curricula; instruction; administration; state of morale of the student body, faculty, and staff; fiscal affairs. The committee will review any other matters relating to the operations of the NPS as the board considers pertinent. Individuals without a DoD Government Common Access Card require an escort at the meeting location. For access, information, or to send written statements for consideration at the committee meeting must contact Ms. Jaye Panza, Naval Postgraduate School, 1 University Circle, Monterey, CA 93943–5001 or by fax 831–656–3145 by October 7, 2015.

Dated: September 17, 2015.

N.A. Hagerty-Ford,

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

[FR Doc. 2015–24237 Filed 9–23–15; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Commission to Review the Effectiveness of the National Energy Laboratories

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a teleconference call of the Commission to Review the Effectiveness of the National Energy Laboratories (Commission). The Commission was created pursuant to section 319 of the Consolidated Appropriations Act, 2014, Public Law 113–76, and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2. This notice is provided in accordance with the Act.

DATES: Friday, October 23, 2015 from 1:00 p.m.–2:00 p.m. (ET). To receive the call-in number and passcode, please contact the Commission's Designated Federal Officer (DFO) at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Karen Gibson, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; telephone: (202) 586–3787; email: *crenel@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Commission was established to provide advice to the Secretary on the Department's national laboratories. The Commission will review the DOE national laboratories for alignment with the Department's strategic priorities, clear and balanced missions, unique capabilities to meet current energy and national security challenges, appropriate size to meet the Department's energy and national security missions, and support of other Federal agencies. The Commission will also look for opportunities to more effectively and efficiently use the capabilities of the national laboratories and review the use of laboratory directed research and development (LDRD) to meet the Department's science, energy, and national security goals. The Commission will report its findings and conclusions to the Secretary of Energy and the Committees on Appropriations of the House of Representatives and the Senate.

The draft Final Report of the Lab Commission has been posted to the Commission's Web site (*http://energy.gov/labcommission*). A public comment period is now open through September 25, 2015. Individuals and representatives of organizations who would like to offer written comments and suggestions may do so by emailing *crenel@hq.doe.gov* no later than September 25, 2015.

Purpose of the Meeting: This meeting is the final public meeting of the Commission.

Tentative Agenda: The meeting will start at 1:00 p.m. on October 23, 2015. The tentative meeting agenda includes discussion on the draft Final Report of the Commission. The Commissioners will address comments they have received on the report and hear any additional comments from members of the public on the Conference Call. The meeting will conclude at 2:00 p.m. Agenda updates or changes will be posted on the Lab Commission's Web site: *http://energy.gov/labcommission.*

Public Participation: The meeting is open to the public. Individuals who would like to participate in the

teleconference must RSVP to Karen Gibson no later than 12:00 noon on Thursday, October 22, 2015 at *crenel@hq.doe.gov.* Please provide your name, organization, contact information, and indicate if you wish to offer comments on the report during the teleconference. You will be provided with the call-in number and passcode.

Individuals and representatives of organizations who would like to offer comments may do so in writing by emailing: *crenel@hq.doe.gov* no later than September 25th, or may do so verbally during the October 23rd Conference Call. Time allotted per speaker will depend on the number who wish to speak but will not exceed 5 minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available on the Commission's Web site at: *http://energy.gov/labcommission.*

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

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–24285 Filed 9–23–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

DOE/NSF Nuclear Science Advisory Committee; Notice of Open Meeting

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the DOE/NSF Nuclear Science Advisory Committee (NSAC). Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, October 15, 2015; 9:00 a.m. to 5:30 p.m. Friday, October 16, 2015; 9:00 a.m. to 11:30 a.m.

ADDRESSES: American Geophysical Union Conference Center, 2000 Florida Avenue NW., Washington, DC 20009, (202) 777–7433.

FOR FURTHER INFORMATION CONTACT: Brenda L. May, U.S. Department of Energy; SC–26/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290; Telephone: (301) 903–0536 or email: *brenda.may@science.doe.gov.* The most current information concerning this meeting can be found on the Web site: *http://science.gov/np/nsac/meetings/.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board

To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of basic nuclear science research.

Tentative Agenda

Agenda will include discussions of the following:

Thursday, October 15, 2015

- Perspectives from Department of Energy and National Science Foundation
- Updates from the Department of Energy and National Science Foundation's Nuclear Physics Office
- Presentation of the 2015 NSAC Long Range Plan Report
- NSAC Discussion of the 2015 Long Range Plan Report
- Presentation of the Charge for the DOE Office of Nuclear Physics Committee of Visitors
- Presentation of the NSAC Subcommittee Report on Neutrinoless Double Beta Decay Report

Friday, October 16, 2015

- Continued NSAC discussion of the Neutrinoless Double Beta Decay Report
- Discussion of Transmittal Letters for the Long Range Plan and Neutrinoless Double Beta Decay Reports
- Public Comment

Note: The NSAC Meeting will be broadcast live on the Internet. You may access the broadcast by going to the following site prior to the start of the meeting. A video record of the meeting, including the presentations that are made, will be archived at this site after the meeting ends: *http://www.tvworldwide.com/events/DOE/151015.*

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Brenda L. May, at (301) 903–0536 or by email *Brenda.May@science.doe.gov.* You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available for review on the U.S. Department of Energy's Office of Nuclear Physics Web site at *http://science.gov/np/nsac/meetings/.*

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

LaTanya R. Butler,

Deputy Committee Management Office.

[FR Doc. 2015–24284 Filed 9–23–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a combined meeting of the Environmental Monitoring and Remediation Committee and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, October 14, 2015; 2:00 p.m.–4:00 p.m.

ADDRESSES: NNMCAB Office, 94 Cities of Gold Road, Santa Fe, NM 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Environmental Monitoring and Remediation Committee (EM&R): The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full

NNMCAB, may be sent to DOE–EM for action.

Purpose of the Waste Management (WM) Committee: The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

Tentative Agenda:

- Call to Order and Introductions
- Approval of Agenda
- Approval of Minutes from July 8, 2015
- Old Business
- New Business
  - Election of Committee Officers
  - Draft Fiscal Year 2016 Committee Work Plans
- Update from DOE
- Presentation by DOE—Corrective Actions for TRU Operations
- Public Comment Period
- Adjourn

Public Participation: The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/.*

Issued at Washington, DC, on August 16, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–24277 Filed 9–23–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

September 18, 2015.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–126–000.
Applicants: Mesquite Solar 2, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator (EWG) Status of Mesquite Solar 2, LLC.
Filed Date: 9/18/15.
Accession Number: 20150918–5101.
Comments Due: 5 p.m. ET 10/9/15.

Docket Numbers: EG15–127–000.
Applicants: Mesquite Solar 3, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator (EWG) Status of Mesquite Solar 3, LLC.
Filed Date: 9/18/15.
Accession Number: 20150918–5105.
Comments Due: 5 p.m. ET 10/9/15.

Docket Numbers: EG15–128–000.
Applicants: Land of the Sky MT, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Land of the Sky MT, LLC.
Filed Date: 9/18/15.
Accession Number: 20150918–5136.
Comments Due: 5 p.m. ET 10/9/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–2455–000; ER15–2455–001.
Applicants: Koch Energy Services, LLC.
Description: Supplement to August 14, 2015 and September 8, 2015 Koch Energy Services, LLC submits filing.
Filed Date: 9/18/15.
Accession Number: 20150918–5103.
Comments Due: 5 p.m. ET 9/25/15.

Docket Numbers: ER15–2671–000.
Applicants: Otter Tail Power Company.
Description: Section 205(d) Rate Filing: Submission of Facilities Service Agreement with Great River Energy to be effective 8/26/2015.
Filed Date: 9/18/15.
Accession Number: 20150918–5114.
Comments Due: 5 p.m. ET 10/9/15.

Docket Numbers: ER15–2672–000.
Applicants: DTE Electric Company.
Description: Section 205(d) Rate Filing: Renaissance Power Reactive Revenue Requirement to be effective 9/1/2015.
Filed Date: 9/18/15.
Accession Number: 20150918–5131.
Comments Due: 5 p.m. ET 10/9/15.

Docket Numbers: ER15–2673–000.
Applicants: Southern California Edison Company.
Description: Section 205(d) Rate Filing: GIA and Distribution Service Agmt with Freeway Springs, LLC to be effective 9/19/2015.
Filed Date: 9/18/15.
Accession Number: 20150918–5139.
Comments Due: 5 p.m. ET 10/9/15.

Docket Numbers: ER15–2674–000.
Applicants: Algonquin Northern Maine Gen Co.
Description: Tariff Cancellation: Cancellation to be effective 9/19/2015.
Filed Date: 9/18/15.
Accession Number: 20150918–5154.
Comments Due: 5 p.m. ET 10/9/15.

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: September 18, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–24239 Filed 9–23–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF15–11–000]

Southeastern Power Administration; Notice of Filing

Take notice that on September 17, 2015, the Southeastern Power Administration submitted a tariff filing: Kerr-Philpott 2015 Rate Adjustment to be effective 10/1/2015.

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 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 October 19, 2015.

Dated: September 18, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–24241 Filed 9–23–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 516–487]

South Carolina Electric and Gas 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 Federal Energy Regulatory Commission and is available for public inspection:

a. *Type of Application:* Non-project use of project lands and water.

b. *Project No:* 516–487.

c. *Date Filed:* July 8, 2015 and supplemented on September 17, 2015.

d. *Applicant:* South Carolina Electric and Gas Company (licensee).

e. *Name of Project:* Saluda Hydroelectric Project.

f. *Location:* Lake Murray of the Saluda Hydroelectric Project located in Lexington, Newberry, Richland and Saluda counties, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* James M. Landreth, Vice President, South Carolina Electric and Gas Company, Mail Code A221, 220 Operation Way, Cayce, South Carolina 29033; phone (803) 217–7224.

i. *FERC Contact:* Ms. Joy Kurtz at 202–502–6760, or *joy.kurtz@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance of this notice by the Commission.* The Commission strongly encourages electronic filing. Please file motions to intervene, protests, and comments 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–516–487.

k. *Description of Request:* The licensee requests Commission approval to grant the Town of Batesburg-Leesville permission to use project lands and water within the project boundary on Lake Murray for the construction of a raw water intake facility. The raw water intake facility would withdraw up to 5.5 million gallons of water per day for public drinking water and would consist of a 12-foot long by 8-foot wide platform with a 25-foot long by 4-foot wide gangway, which would be connected to a 12-foot long by 16-foot wide floating dock. The floating intake structure would include a fabricated intake float and gangway system. The intake structure would be screened and have a maximum approach velocity of 0.31 feet per second. The intake siphon would be equipped with an air release valve and check valve, and connect to the raw water pump station. The raw water pump station would be constructed of concrete and have a stucco finish, resembling a residential structure. The raw water line would leave the project boundary and follow road right of ways to an existing water treatment plant. In order to provide the Town of Batesburg-Leesville access to the raw water intake facility for construction, operation and maintenance purposes, the licensee has proposed to convey an easement of approximately 0.02 acres within the project boundary to the Town of Batesville-Leesburg.

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* using the ''eLibrary'' link. 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 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 the non-project use 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: September 18, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–24242 Filed 9–23–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1333–064]

Pacific Gas and Electric 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:* Application for Amendment of License.

b. *Project No.:* 1333–064.

c. *Date Filed:* September 14, 2015.

d. *Applicant:* Pacific Gas and Electric Company (licensee).

e. *Name of Project:* Tule River Hydroelectric Project.

f. *Location:* On the North Fork of the Middle Fork Tule River, Hossack Creek, and Doyle Springs, in Tulare County, California. The project occupies U.S. Forest Service lands within the Sequoia National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Ms. Elisabeth Rossi, License Coordinator, Pacific Gas and Electric Company, Mail Code: N11C, P.O. Box 770000, San Francisco, CA 94177. Phone (415) 973–3082.

i. *FERC Contact:* Mr. Mark Pawlowski, (202) 502–6052, or *mark.pawlowski@ferc.gov.*

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations 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. Please include the project number (P–1333–064) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* The licensee requests that the minimum flow requirements of article 105 of the license for the Tule Project be revised to reflect the requirements of the conditions submitted by the U.S. Forest Service (FS) pursuant to its mandatory conditioning authority under section 4(e) of the Federal Power Act. Article 105 requires the licensee to release from Tule Diversion Dam a minimum ''target'' flow of 4 cubic feet per second (cfs) in dry water years and a minimum ''target'' flow of 2 cfs from Doyle Springs Diversion Dam where the ''target'' flow is defined as the daily average flow at each dam and an instantaneous flow of not less than 10 percent of the daily average flow. However, the FS's condition 5 filed with the Commission on October 31, 1989 and November 26, 1991, requires the licensee to release from Tule Diversion Dam a minimum ''target'' flow of 4 cfs in dry water years and a minimum ''target'' flow of 2 cfs from Doyle Springs Diversion Dam, or the natural instream flow, whichever is less. The licensee requests that article 105 be revised to make it clear that the minimum flow requirements are dependent on and subject to the natural instream flow of the Tule River at Tule Diversion Dam and Doyle Springs Diversion Dam.

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 license surrender. 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: September 18, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–24243 Filed 9–23–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–569–008; ER13–712–008; ER10–1849–007; ER11–2037–007; ER12–2227–007;ER10–1852–011; ER10–1887–007; ER10–1920–009;ER10–1928–009; ER10–1952–007; ER12–1228–009;ER10–1961–007; ER14–2707–004; ER10–2720–009;ER11–4428–009; ER12–1880–008; ER12–895–007;ER10–1971–021; ER14–2710–004; ER15–58–002;ER15–30–002; ER14–2708–005; ER14–2709–004;ER13–2474–003

Applicants: Blackwell Wind, LLC, Cimarron Wind Energy, LLC, Elk City Wind, LLC, Elk City II Wind, LLC, Ensign Wind, LLC Florida Power & Light Company, FPL Energy Cowboy Wind, LLC, FPL Energy Oklahoma Wind, LLC, FPL Energy Sooner Wind, LLC, Gray County Wind Energy, LLC, High Majestic Wind II, LLC, High Majestic Wind Energy Center, LLC, Mammoth Plains Wind Project, LLC, Minco Wind, LLC, Minco Wind II, LLC, Minco Wind III, LLC, Minco Wind Interconnection Services, LLC, NextEra Energy Power Marketing, LLC, Palo Duro Wind Energy, LLC, Palo Duro Wind Interconnection Services, LLC, Seiling Wind Interconnection Services, LLC, Seiling Wind, LLC, Seiling Wind II, LLC, Steel Flats Wind Project, LLC

Description: Notification of Change in Status of NextEra Resources Entities.

Filed Date: 9/17/15.

Accession Number: 20150917–5156.

Comments Due: 5 p.m. ET 10/8/15.

Docket Numbers: ER13–2073–002.

Applicants: Source Power & Gas LLC.

Description: Notification of Change in Status by Source Power & Gas LLC.

Filed Date: 9/17/15.

Accession Number: 20150917–5148.

Comments Due: 5 p.m. ET 10/8/15.

Docket Numbers: ER14–649–004.

Applicants: Midcontinent Independent System Operator, Inc., Entergy Services, Inc.

Description: Compliance filing: 2015–09–17_Entergy Attachment O Compliance Filing ER13–948 to be effective 11/1/2015.

Filed Date: 9/17/15.

Accession Number: 20150917–5114.

Comments Due: 5 p.m. ET 10/8/15.

Docket Numbers: ER15–883–003.

Applicants: Southern California Edison Company.

Description: Tariff Amendment: Executed GIA and Executed Distrib Serv Agmt with San Gorgonio Westwinds II, LLC to be effective 1/20/2015.

Filed Date: 9/18/15.

Accession Number: 20150918–5003.

Comments Due: 5 p.m. ET 10/9/15.

Docket Numbers: ER15–2662–000.

Applicants: PacifiCorp.

Description: Section 205(d) Rate Filing: Dugway Non-Conforming SGIA to be effective 9/9/2015.

Filed Date: 9/17/15.

Accession Number: 20150917–5116.

Comments Due: 5 p.m. ET 10/8/15.

Docket Numbers: ER15–2663–000.

Applicants: Entergy Gulf States Louisiana, L.L.C.

Description: Compliance filing: EGSL Compliance (ER14–73) 9–17–2015 to be effective 12/19/2013.

Filed Date: 9/17/15.

Accession Number: 20150917–5119.

Comments Due: 5 p.m. ET 10/8/15.

Docket Numbers: ER15–2664–000.

Applicants: Entergy Louisiana, LLC.

Description: Compliance filing: ELL Compliance (ER14–73) 9–17–2015 to be effective 12/19/2013.

Filed Date: 9/17/15.

Accession Number: 20150917–5122.

Comments Due: 5 p.m. ET 10/8/15.

Docket Numbers: ER15–2665–000.

Applicants: Entergy Mississippi, Inc.

Description: Compliance filing: EMI Compliance (ER14–73) 9–17–2015 to be effective 12/19/2013.

Filed Date: 9/17/15.

Accession Number: 20150917–5123.

Comments Due: 5 p.m. ET 10/8/15.

Docket Numbers: ER15–2666–000.

Applicants: Entergy New Orleans, Inc.

Description: Compliance filing: ENOI Compliance (ER14–73) 9–17–2015 to be effective 12/19/2013.

Filed Date: 9/17/15.

Accession Number: 20150917–5124.

Comments Due: 5 p.m. ET 10/8/15.

Docket Numbers: ER15–2667–000.

Applicants: Entergy Texas, Inc.

Description: Compliance filing: ETI Compliance (ER14–73) 9–17–2015 to be effective 12/19/2013.

Filed Date: 9/17/15.

Accession Number: 20150917–5125.

Comments Due: 5 p.m. ET 10/8/15.

Docket Numbers: ER15–2668–000.

Applicants: Land of the Sky MT, LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Tariff, Blanket Approval and Waivers to be effective 10/1/2015.

Filed Date: 9/17/15.

Accession Number: 20150917–5144.

Comments Due: 5 p.m. ET 10/8/15.

Docket Numbers: ER15–2669–000.

Applicants: Southwest Power Pool, Inc.

Description: Notice of Cancellation of Firm Point-To-Point Transmission Service Agreement No. 1487 of Southwest Power Pool, Inc.

Filed Date: 9/18/15.

Accession Number: 20150918–5054.

Comments Due: 5 p.m. ET 10/9/15.

Docket Numbers: ER15–2670–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2015–09–18_SA 2698 OTP-Northern States Power Company 1st Rev GIA (J262/J263) to be effective 9/19/2015.

Filed Date: 9/18/15.

Accession Number: 20150918–5089.

Comments Due: 5 p.m. ET 10/9/15.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES15–70–000.

Applicants: Georgia Power Company.

Description: Application of Georgia Power Company for authorization to issue securities.

Filed Date: 9/17/15.

Accession Number: 20150917–5147.

Comments Due: 5 p.m. ET 10/8/15.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RD15–7–000.

Applicants: North American Electric Reliability Corporation.

Description: Petition of the North American Electric Reliability Corporation for Approval of Proposed Interconnection Reliability Operations and Coordination Reliability Standards.

Filed Date: 9/16/15.
Accession Number: 20150916–5156.
Comments Due: 5 p.m. ET 10/19/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 18, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–24238 Filed 9–23–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2960–005]

City of Gonzales, Texas; Notice of Intent to File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests

Type of Filing: Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

Project No.: 2960–005.

Dated Filed: July 24, 2015.

Submitted By: City of Gonzales, Texas.

Name of Project: Gonzales Project.

Location: On the Guadalupe River, in Gonzales County, Texas. The project occupies no federal land.

Filed Pursuant to: 18 CFR part 5 of the Commission's Regulations.

Potential Applicant Contact: Allen Barnes, City of Gonzales, P.O. Box 547, Gonzales, TX 78629.

FERC Contact: Rachel McNamara at (202) 502–8340 or email at *rachel.mcnamara@ferc.gov.*

Cooperating agencies: Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC 61,076 (2001).

With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

With this notice, we are designating the City of Gonzales, Texas as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

The City of Gonzales, Texas filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*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 Online Support at *FERCONlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents 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.* 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–2960–005.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by November 21, 2015.

Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Thursday, October 22, 2015.
Time: 10:30 a.m.

Location: City Building, 820 St. Joseph Street, Gonzales, TX 78629.

Phone: (830) 672–2815.

Evening Scoping Meeting

Date: Thursday, October 22, 2015.

Time: 6:00 p.m.

Location: City Building, 820 St. Joseph Street, Gonzales, TX 78629.

Phone: (830) 672–2815

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an Environmental Site Review of the project on Thursday, October 22, 2015, starting at 1:00 p.m. All participants should meet at the Gonzales Project Powerhouse, located at 201 Water Street, Gonzales, Texas 78629. All participants are responsible for their own transportation. Anyone planning to attend the site visit should contact Ms. Charlotte Garraway at (830) 249–3887 on or before October 15, 2015.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Dated: September 18, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–24244 Filed 9–23–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP15–550–000; CP15–551–000; PF15–2–000]

Venture Global Calcasieu Pass, LLC; TransCameron Pipeline, LLC: Notice of Applications

Take notice that on September 4, 2015, Venture Global Calcasieu Pass, LLC (Venture Global) and TransCameron Pipeline, LLC (TransCameron), 2200 Pennsylvania Ave. NW., Suite 600 West, Washington, DC 20037, filed in Docket Nos. CP15–550–000 and CP15–551–000 a joint application pursuant to sections 3 and 7(c) of the Natural Gas Act (NGA), for authorization to construct, install, own, operate, and maintain certain pipeline and liquefied natural gas (LNG) facilities entirely located in Cameron Parish, Louisiana, that comprise the Venture Global Calcasieu Pass Terminal and TransCameron Pipeline Project (Project). In the application TransCameron also request a Part 284, Subpart G blanket certificate and Part 157, Subpart F blanket certificate per regulations of the Federal Energy Regulatory Commission (FERC or Commission) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Fory Musser, Senior Vice President, Corporate Development, Venture Global LNG, Inc., 2200 Pennsylvania Ave. NW., Suite 600 West, Washington, DC 20037.

Specifically, Venture Global and TransCameron propose to site, construct, own, and operate a new LNG export terminal and to construct, own, and operate the 23.5-mile-long East Lateral and 19.2-mile-long West Lateral. The pipelines are designed to deliver approximately 1,900,000 Dth/d of firm transportation service. Project cost for the pipelines is estimated at $344.5 million and negotiated rates are proposed. The requested order date and proposed pre-commercial in-service date are September 1, 2016 and July 1, 2019 respectively.

On October 7, 2014, the Commission staff granted Venture Global and TransCameron request to utilize the Pre-Filing Process and assigned Docket No. PF15–2–000 to staff activities involved in the above referenced projects. Now, as of the filing of the September 4, 2015 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket Nos. CP15–550–000 and CP15–551–000, 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 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) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made 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 commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit original and five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5 p.m. Eastern Time on October 9, 2015.

Dated: September 18, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–24240 Filed 9–23–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2004–0019; FRL–9934–70–OW]

Extension of Request for Scientific Views on the Draft Aquatic Life Ambient Water Quality Criterion for Selenium—Freshwater 2015

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: The Environmental Protection Agency (EPA) is extending the comment period for the Agency's draft recommended aquatic life water quality chronic criterion for selenium in freshwater. The draft criterion was announced in a July 27, 2015 notice entitled ''Request for Scientific Views: Draft Recommended Aquatic Life Ambient Water Quality Chronic Criterion for Selenium—Freshwater 2015.'' In response to stakeholder requests, EPA is extending the period of time in which the Agency will accept scientific views for an additional 15 days.

DATES: Comments must be received on or before October 10, 2015. Scientific views postmarked after this date may not receive the same consideration. The comment period was originally scheduled to end on September 25, 2015.

ADDRESSES: Written comments on the notice may be submitted to the EPA electronically, by mail, by facsimile or through hand delivery/courier. Please refer to the proposal (80 FR 44350–44354) for the addresses and detailed instructions.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA–HQ–OW–2004–0019 Docket, EPA/DC, William Jefferson Clinton Building West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Water Docket is (202) 566–2426.

FOR FURTHER INFORMATION CONTACT: Kathryn Gallagher at U.S. EPA, Office of Water, Health and Ecological Criteria Division (4304T), 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone: (202) 564–1398; or email: *gallagher.kathryn@epa.gov.*

SUPPLEMENTARY INFORMATION: On July 27, 2015, EPA announced the availability of the draft recommended aquatic life water quality criterion for selenium in a previous notice entitled ''Request for Scientific Views: Draft Recommended Aquatic Life Ambient Water Quality Chronic Criterion for Selenium—Freshwater 2015'' in the **Federal Register** (80 FR 44350). EPA's recommended aquatic life water quality criteria provide technical information for states and authorized tribes to adopt water quality standards under the Clean Water Act to protect aquatic life.

EPA is extending the public comment period for the Draft Aquatic Life Ambient Water Quality Criterion for Selenium—Freshwater 2015 (EPA–822–P–15–001). The original comment deadline was September 25, 2015. This action extends the comment period for 15 days. Written scientific views must now be received by October 10, 2015.

Following closure of the public comment period, EPA will consider the public comments and revise the document as necessary. EPA will then publish a **Federal Register** notice announcing the availability of the final updated selenium criterion.

Dated: September 18, 2015.

Elizabeth Southerland,

Director, Office of Science and Technology.

[FR Doc. 2015–24310 Filed 9–23–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2002–0059; FRL–9934–63–OW]

Proposed Information Collection Request; Comment Request; Safe Drinking Water Act State Revolving Fund Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Safe Drinking Water Act State Revolving Fund Program'' (EPA ICR No. 1803.07, OMB Control No. 2040–0185) to the Office of Management and Budget (OMB) for review and approval in accordance with the

Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described in this renewal notice. This is a proposed extension of the ICR, which is currently approved through December 31, 2015. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 23, 2015.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2002–0059, online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Nick Chamberlain, Drinking Water Protection Division, Office of Ground Water and Drinking Water, 4606M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–1871; fax number: 202–564–3754; email address: *Chamberlain.Nick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The Safe Drinking Water Act (SDWA) Amendments of 1996 (Pub. L. 104–182) authorized the creation of the Drinking Water State Revolving Fund (DWSRF; the Fund) program in each state and Puerto Rico to assist public water systems to finance the costs of infrastructure needed to achieve or maintain compliance with SDWA requirements and to protect public health. SDWA section 1452 authorizes the Administrator of the EPA to award capitalization grants to the states and Puerto Rico which, in turn, provide low-cost loans and other types of assistance to eligible drinking water systems. States can also reserve a portion of their grants to conduct various set-aside activities. The information collection activities will occur primarily at the program level through the (1) Capitalization Grant Application and Agreement/State Intended Use Plan; (2) Biennial Report; (3) Annual Audit; (4) Assistance Application Review; and (5) DWSRF National Information Management System and the Projects and Benefits Reporting System.

(1) Capitalization Grant Application and Agreement/State Intended Use Plan: The state must prepare a Capitalization Grant Application that includes an Intended Use Plan (IUP) outlining in detail how it will use all the funds covered by the capitalization grant. The state may, as an alternative, develop the IUP in a two part process, with one part identifying the distribution and uses of the funds among the various set-asides in the DWSRF program and the other part dealing with project assistance from the Fund.

(2) Biennial Report: The state must agree to complete and submit a Biennial Report on the uses of the capitalization grant. The scope of the report must cover assistance provided by the Fund and all other set-aside activities included under the Capital Grant Agreement. States which jointly administer the DWSRF and the Clean Water State Revolving Fund (CWSRF) programs, in accordance with section 1452(g)(1), may submit reports (according to the schedule specified for each program) which cover both programs.

(3) Annual Audit: A state must comply with the provisions of the Single Audit Act Amendments of 1996. Best management practices suggest and EPA recommends that a state conduct an annual independent audit of its DWSRF program. The scope of the report must cover the DWSRF Fund and all other set-aside activities included in the Capitalization Grant Agreement. States which jointly administer the DWSRF and the CWSRF programs, in accordance with SDWA section 1452(g)(1), may submit audits that cover both programs but which report financial information for each program separately.

(4) Assistance Application Review: Local applicants seeking financial assistance must prepare and submit DWSRF loan applications. States then review completed loan applications and verify that proposed projects will comply with applicable federal and state requirements.

(5) DWSRF National Information Management System (DWNIMS) and the Projects and Benefits Reporting System (PBR): To ensure that funds are being used in an expeditious and timely manner for eligible projects and expenses, states must annually enter state-level financial data into DWNIMS and quarterly enter project-level data into PBR.

Form Numbers: None.

Respondents/affected entities: Entities affected by this action are states and local governments.

Respondent's obligation to respond: Required to obtain or retain a benefit per the Safe Drinking Water Act Section 1452(g)(1).

Estimated number of respondents: 2,015 (total).

Frequency of response: Varies by requirement (*i.e.,* quarterly, semi-annually and annually).

Total estimated burden: 269,800 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $10,639,925 (per year).

Changes in Estimates: The EPA expects a decrease in the total estimated respondent burden hours compared with the ICR currently approved by OMB. The currently approved ICR includes increased burden from additional Congressional program

appropriations from the American Recovery and Reinvestment Act (ARRA), which nearly doubled burden in some years. Inflation will offset some of the decrease achieved by removing ARRA burden from this ICR.

Date: September 17, 2015.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2015–24198 Filed 9–23–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0588; FRL–9934–66–ORD]

Human Studies Review Board; Notification of a Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Office of the Science Advisor announces two separate public meetings of the Human Studies Review Board to advise the Agency on the ethical and scientific reviews of EPA research with human subjects.

DATES: A public virtual meeting will be held on October 19–20, 2015, from 1:00 p.m. to approximately 5:00 p.m. Eastern Time each day. A separate teleconference meeting is planned for Monday, December 7, 2015, from 1:00 p.m. to approximately 2:30 p.m. for the HSRB to finalize its Final Report of the October 19–20, 2015 meeting.

ADDRESSES: Both of these meetings will be conducted entirely on the Internet using Adobe Connect. Registration is required to attend this meeting. Please visit the HSRB Web site: *http://www.epa.gov/hsrb* to register.

Comments: Submit your written comments, identified by Docket ID No. EPA–HQ–ORD–2015–0588, by one of the following methods:

Internet: http://www.regulations.gov: Follow the online instructions for submitting comments.

Email: ORD.Docket@epa.gov.

Mail: The EPA Docket Center EPA/DC, ORD Docket, Mail code: 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

Hand Delivery: The EPA/DC Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA WJC West, at 1301 Constitution Avenue NW., Washington, DC 20460. The hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Time, Monday through Friday, excluding federal holidays. Please call (202) 566–1744 or email the ORD Docket at *ord.docket@epa.gov* for instructions. Updates to Public Reading Room access are available on the Web site at: *http://www.epa.gov/epahome/dockets.htm.*

Instructions: The Agency's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information or other information the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any electronic storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes to receive further information should contact Jim Downing on telephone number (202) 564–2468; fax number: (202) 564–2070; email address: *downing.jim@epa.gov;* or mailing address Environmental Protection Agency, Office of the Science Advisor, Mail code 8105R, 1200 Pennsylvania Avenue NW., Washington, DC 20460. General information concerning the EPA HSRB can be found on the EPA Web site at: *http://www.epa.gov/hsrb.*

SUPPLEMENTARY INFORMATION:

Meeting access: Access to these Internet meetings are open to all by following the information provided above.

Procedures for providing public input: Interested members of the public may submit relevant written or oral comments for the HSRB to consider during the advisory process. Additional information concerning submission of relevant written or oral comments is provided in Section I, ''Public Meeting'' under subsection D. ''How May I Participate in this Meeting?'' of this notice.

I. Public Meeting

A. Does this action apply to me?

This action is directed to the public in general. This Notice may, however, be of particular interest to persons who conduct or assess human studies, especially studies on substances regulated by the EPA, or to persons who are, or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act or the Federal Insecticide, Fungicide, and Rodenticide Act. This notice might also be of special interest to participants of studies involving human subjects, or representatives of study participants or experts on community engagement. The Agency has not attempted to describe all the specific entities that may have interest in human subjects research. If you have any questions regarding this notice, consult Jim Downing listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I access electronic copies of this document and other related information?

In addition to using regulations.gov, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the ORD Docket, EPA Docket Center, in the Public Reading Room. The Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA WJC West, at 1301 Constitution Avenue NW., Washington, DC 20460. The hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Time, Monday through Friday, excluding federal holidays. Please call (202) 566–1744 or email the ORD Docket at *ord.docket@epa.gov* for instructions.

Updates to Public Reading Room access are available on the Web site (*http://www.epa.gov/epahome/dockets.htm*). The Agency's position paper(s), charge/questions to the HSRB, and the meeting agenda will be available by early October 2015. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and other related documents that are available electronically, from the regulations.gov Web site and the EPA HSRB Web site at *http://www.epa.gov/hsrb/*. For questions on document availability, or if you do not have access to the Internet, consult Jim Downing listed under **FOR FURTHER INFORMATION**.

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

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data that you used to support your views.
4. Provide specific examples to illustrate your concerns and suggest alternatives.
5. To ensure proper receipt by the EPA, be sure to identify the Docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

D. How may I participate in this meeting?

You may participate in these meetings by following the instructions in this section. To ensure proper receipt by the EPA, it is imperative that you identify Docket ID number EPA–HQ–ORD–2015–0588 in the subject line on the first page of your request.

1. Oral comments. Requests to present oral comments during either conference call will be accepted up to Noon Eastern Time on Wednesday, October 14, 2015, for the October 19–20 meeting and up to Noon Eastern Time on Wednesday, December 2, 2015, for the December 7, 2015 conference call. To the extent that time permits, interested persons who have not pre-registered may be permitted by the Chair of the HSRB to present oral comments during either call. Individuals or groups wishing to make brief oral comments to the HSRB on October 19 or 20, 2015, are strongly advised to submit their request (preferably via email) to Jim Downing, listed under **FOR FURTHER INFORMATION CONTACT** no later than noon, Eastern Time, Wednesday, October 14, 2015, in order to be included on the meeting agenda and to provide sufficient time for the HSRB Chair and HSRB Designated Federal Official to review the meeting agenda to provide an appropriate public comment period. Individuals or groups wishing to make brief oral comments to the HSRB during the December 7, 2015 teleconference should submit their request by Noon Eastern Time on Wednesday, December 2, 2015. The request should identify the name of the individual making the presentation and the organization (if any) the individual will represent. Oral comments before the HSRB are generally limited to five minutes per individual or organization. Please note that this includes all individuals appearing either as part of, or on behalf of, an organization. While it is our intent to hear a full range of oral comments on the science and ethics issues under discussion, it is not our intent to permit organizations to expand the time limitations by having numerous individuals sign up separately to speak on their behalf. If additional time is available, further public comments may be possible.

2. Written comments. Submit your written comments prior to the meetings. For the Board to have the best opportunity to review and consider your comments as it deliberates, you should submit your comments by Noon Eastern Time on Wednesday, October 14, 2015, for the October 19–20 meeting, and by noon Eastern Time on Wednesday, December 2, 2015, for the December 7, 2015 teleconference. If you submit comments after these dates, those comments will be provided to the HSRB members, but you should recognize that the HSRB members may not have adequate time to consider your comments prior to their discussion. You should submit your comments using the instructions in Section I., under subsection C., ''What Should I Consider as I Prepare My Comments for the EPA?'' In addition, the agency also requests that persons submitting comments directly to the docket also provide a copy of their comments to Jim Downing listed under **FOR FURTHER INFORMATION CONTACT**. There is no limit on the length of written comments for consideration by the HSRB.

E. Background

The HSRB is a Federal advisory committee operating in accordance with the Federal Advisory Committee Act 5 U.S.C. App.2 § 9. The HSRB provides advice, information, and recommendations to the EPA on issues related to scientific and ethical aspects of human subjects research. The major objectives of the HSRB are to provide advice and recommendations on: (1) Research proposals and protocols; (2) reports of completed research with human subjects; and (3) how to strengthen EPA's programs for protection of human subjects of research. The HSRB reports to the EPA Administrator through the Agency's Science Advisor.

1. Topics for discussion. On Monday, October 19, 2015, EPA's Human Studies Review Board will consider scientific and ethical issues surrounding: *A completed study from the U.S. Department of Agriculture Describing Laboratory Evaluation of Bite Protection from Repellent-Impregnated Clothing for the United States Military.* At the continuation of the October meeting on Tuesday, October 20, 2015, EPA's Human Studies Review Board will consider scientific and ethical issues surrounding: *Protocol for Testing of S.C. Johnson Personal Tick Repellent Products to Support Use of EPA Repellency Awareness Graphic.*

2. Then on Monday, December 7, 2015 the HSRB will finalize its Final Report for the October 19–20, 2015 meeting.

2. Meeting minutes and reports. Minutes of these meetings, summarizing the matters discussed and recommendations, if any, made by the advisory committee regarding such matters, will be released within 90 calendar days of the meeting. Such minutes will be available at *http://www.epa.gov/osa/hsrb/* and *http://www.regulations.gov.* In addition, information regarding the HSRB's final meeting report, will be found at *http://www.epa.gov/osa/hsrb/* or from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: September 17, 2015.

Thomas A. Burke,

EPA Science Advisor.

[FR Doc. 2015–24342 Filed 9–23–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0528; FRL–9934–64–ORD]

Board of Scientific Counselors Homeland Security Subcommittee; Notification of Public Teleconference Meeting and Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of public teleconference meeting and public comment.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, the U.S. Environmental Protection Agency hereby provides notice that the Board of Scientific Counselors (BOSC) Homeland Security Subcommittee will host a public teleconference meeting on Thursday, October 1, 2015, from 1:00 p.m. to 3:00 p.m. Eastern Time. The primary discussion will focus on the draft report summarizing recommendations from the August 25–27, 2015 meeting. There will be a public comment period from 2:45 p.m. to 3:00 p.m. Eastern Time. Members of the public are encouraged to provide comments relevant to the topics of the meeting.

For additional information about registering to attend the meeting or to provide public comment, please see the REGISTRATION and **SUPPLEMENTARY INFORMATION** sections below. Due to a limited number of telephone lines, attendance will be on a first-come, first-served basis. Pre-registration is required. Registration for the teleconference meeting closes at noon Eastern Time, Tuesday, September 29, 2015. The deadline to sign up to speak during the public comment period, or to submit written public comments, is also noon, Tuesday, September 29, 2015.

DATES: The BOSC Homeland Security Subcommittee teleconference meeting on Thursday, October 1, 2015, will begin promptly at 1:00 p.m. Eastern Time. Registration: In order to participate on the teleconference you must register at the following site: *https://www.eventbrite.com/e/us-epa-bosc-homeland-security-subcommittee-conference-call-registration-18471366354.* Once you have completed the online registration you will be contacted and provided with call-in instructions.

FOR FURTHER INFORMATION CONTACT: Questions or correspondence concerning the teleconference meeting should be directed to Tom Tracy, Designated Federal Officer, Environmental Protection Agency, by mail at 1200 Pennsylvania Avenue NW., (MC 8104 R), Washington, DC 20460; by telephone at 202–564–6518; or via email at *tracy.tom@epa.gov.*

SUPPLEMENTARY INFORMATION: The Charter of the BOSC states that the advisory committee shall provide independent advice to the Administrator on technical and management aspects of the Office of Research and Development's research program. Additional information about the BOSC is available at: *http://www2.epa.gov/bosc.*

Oral Statements: Members of the public who wish to provide oral comment during the Thursday, October 1, 2015, public teleconference meeting must pre-register by noon, Eastern Time on Tuesday, September 29, 2015 at: *https://www.eventbrite.com/e/us-epa-bosc-homeland-security-subcommittee-conference-call-registration-18471366354.* Individuals or groups making remarks during the public comment period will be limited to five (5) minutes. To accommodate the number of people who want to address the BOSC Homeland Security Subcommittee, only one representative of a particular community, organization, or group will be allowed to speak.

Written Statements: Written comments for the public meeting must be received by noon, Eastern Time on Tuesday, September 29, 2015, and will be included in the materials distributed to the BOSC Homeland Security Subcommittee prior to the teleconference. Written comments should be sent to Tom Tracy, Environmental Protection Agency, via email at *tracy.tom@epa.gov* or by mail to 1200 Pennsylvania Avenue NW., (MC 8104 R), Washington, DC 20460 or submitted through regulations.gov, Docket ID No. EPA–HQ–ORD–2015–0528.

Information about Services for Individuals with Disabilities: For information about access or services for individuals with disabilities, please contact Tom Tracy, at 202–564–6518 or via email at *tracy.tom@epa.gov.* To request special accommodations for a disability, please contact Tom Tracy no later than September 28, 2015 to give EPA sufficient time to process your request. All requests should be sent to the address, email, or phone number listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Dated: September 17, 2015.

Fred S. Hauchman,

Director, Office of Science Policy.

[FR Doc. 2015–24307 Filed 9–23–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9934–58–Region 3]

Delegation of Authority to the State of West Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: On June 24, 2015, the Environmental Protection Agency (EPA) sent the State of West Virginia (West Virginia) a letter acknowledging that West Virginia's delegation of authority to implement and enforce National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated facilities and the public of West Virginia's updated delegation of authority to implement and enforce NESHAP and NSPS, EPA is making available a copy of EPA's letter to West Virginia through this notice.

DATES: On June 24, 2015, EPA sent West Virginia a letter acknowledging that West Virginia's delegation of authority to implement and enforce NESHAP and NSPS had been updated.

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 West Virginia's submittal are also available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Ray Chalmers, (215) 814–2061, or by email at *chalmers.ray@epa.gov.*

SUPPLEMENTARY INFORMATION: On June 8, 2015, West Virginia notified EPA that West Virginia had updated its incorporation by reference of federal NESHAP and NSPS to include many such standards, as found in the Code of Federal Regulations (CFR), parts 60, 61, and 63, as of June 1, 2014. On June 24, 2015, EPA sent West Virginia a letter acknowledging that West Virginia now has the authority to implement and enforce the NESHAP and NSPS as specified by West Virginia in its notice

to EPA, as provided for under previously approved automatic delegation mechanisms. All notifications, applications, reports and other correspondence required pursuant to the delegated NESHAP and NSPS must be submitted to both the US EPA Region III and to the West Virginia Department of Environmental Protection, unless the delegated standard specifically provides that such submittals may be sent to EPA or a delegated State. In such cases, the submittals should be sent only to the West Virginia Department of Environmental Protection. A copy of EPA's June 24, 2015 letter to West Virginia follows:

''Mr. William F. Durham, Director
Division of Air Quality
West Virginia Department of Environmental Protection
601 57th Street
Charleston, West Virginia 25304

Dear Mr. Durham:

The United States Environmental Protection Agency (EPA) has previously delegated to the State of West Virginia (West Virginia) the authority to implement and enforce various federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS), which are found at 40 CFR parts 60, 61 and 63.[1] In those actions EPA also delegated to West Virginia the authority to implement and enforce any future EPA NESHAP or NSPS on the condition that West Virginia legally adopt the future standards, make only allowed wording changes, and provide specified notice to EPA.

In a letter dated June 8, 2015, West Virginia informed EPA that West Virginia had updated its incorporation by reference of federal NESHAP and NSPS to include many such standards as found in 40 CFR parts 60, 61, and 63 as of June 1, 2014. West Virginia noted that it understood that it was automatically delegated the authority to implement these standards. West Virginia committed to enforcing the standards in conformance with the terms of EPA's previous delegations of authority. West Virginia made only allowed wording changes.

West Virginia provided copies of the revised West Virginia Legislative Rules which specify the NESHAP and NSPS which West Virginia has adopted by reference. These revised Legislative Rules are entitled 45 CSR 34—''Emission Standards for Hazardous Air Pollutants,'' and 45 CSR 16—''Standards of Performance for New Stationary Sources.'' These revised Rules have an effective date of June 1, 2015.

Accordingly, EPA acknowledges that West Virginia now has the authority, as provided for under the terms of EPA's previous delegation actions, to implement and enforce the NESHAP and NSPS standards which West Virginia has adopted by reference in West Virginia's revised Legislative Rules 45 CSR 34 and 45 CSR 16, both effective on June 1, 2015.

Please note that on December 19, 2008 in *Sierra Club vs. EPA,*[2] the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the General Provisions of 40 CFR part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the Court issued the mandate vacating these SSM exemption provisions, which are found at 40 CFR part 63, § 63.6(f)(1) and (h)(1).

Accordingly, EPA no longer allows sources the SSM exemption as provided for in the vacated provisions at 40 CFR part 63, § 63.6(f)(1) and (h)(1), even though EPA has not yet formally removed the SSM exemption provisions from the General Provisions of 40 CFR part 63. Because West Virginia incorporated 40 CFR part 63 by reference, West Virginia should also no longer allow sources to use the former SSM exemption from the General Provisions of 40 CFR part 63 due to the Court's ruling in *Sierra Club vs. EPA.*

EPA appreciates West Virginia's continuing NESHAP and NSPS enforcement efforts, and also West Virginia's decision to take automatic delegation of additional and more recent NESHAP and NSPS by adopting them by reference.

Sincerely,

Diana Esher, Director

Air Protection Division''

This notice acknowledges the update of West Virginia's delegation of authority to implement and enforce NESHAP and NSPS.

Dated: September 15, 2015.

Diana Esher,

Director, Air Protection Division, Region III.

[FR Doc. 2015–24192 Filed 9–23–15; 8:45 am]

BILLING CODE 6560–50–P

[1] EPA has posted copies of these actions at: *http://www.epa.gov/reg3artd/airregulations/delegate/wvdelegation.htm.*

[2] *Sierra Club* v. *EPA,* 551 F.3rd 1019 (D.C. Cir. 2008).

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0139]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communication Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before October 26, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov*; and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the ''Supplementary Information'' section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A

copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0139.

Title: Application for Antenna Structure Registration.

Form Number: FCC Form 854.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households, business or other for-profit entities, not-for-profit institutions, and State, local, or Tribal governments.

Number of Respondents and Responses: 2,400 respondents; 57,100 responses.

Estimated Time per Response: .33 hours to 2.5 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in sections 1, 2, 4(i), 303, and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 303, and 309(j), section 102(C) of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4332(C), and section 1506.6 of the regulations of the Council on Environmental Quality, 40 CFR 1506.6.

Total Annual Burden: 25,682 hours.

Total Annual Cost: $1,176,813.

Privacy Act Impact Assessment: Yes. This information collection contains personally identifiable information on individuals which is subject to the Privacy Act of 1974. Information on the FCC Form 854 is maintained in the Commission's System of Records, FCC/WTB–1, ''Wireless Services Licensing Records.'' These licensee records are publicly available and routinely used in accordance of subsection b of the Privacy Act, 5 U.S.C. 552a(b), as amended. Taxpayer Identification Numbers (TINs) and materials that are afforded confidential treatment pursuant to a request made under 47 CFR 0.459 of the Commission's rules will not be available for public inspection.

Nature and Extent of Confidentiality: Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

The Commission has in place the following policy and procedures for records retention and disposal: Records will be actively maintained as long as the entity remains a tower owner. Paper records will be archived after being keyed or scanned into the Antenna Structure Registration (ASR) database and destroyed when twelve (12) years old.

Needs and Uses: As discussed below, the Commission is revising the FCC Form 854 to implement measures adopted in a recent Report and Order, and is seeking Office of Management and Budget (OMB) approval for this information collection as revised. The Commission is also reporting a change in the annual burden and annual cost due to a small increase in the number of responses. After the comment period, the Commission will submit the revised information collection to OMB to obtain the full three year clearance.

The purpose of the FCC Form 854 is to register antenna structures (radio towers) that are used for communication services regulated by the Commission; to make changes to existing antenna structure registrations or pending applications for registration; or to notify the Commission of the completion of construction or dismantlement of such structures, as required by Title 47 of the Code of Federal Regulations (CFR), chapter 1. In addition, for proposed new antenna structures, the FCC Form 854 is used to facilitate a pre-application public notification process, including a required 30-day period of local and national notice to provide members of the public with a meaningful opportunity to comment on the environmental effects of proposed antenna structures that require registration with the Commission.

The Commission is revising this current information collection due to the adoption of a Report and Order, FCC 14–117, which streamlined and eliminated outdated provisions of the Commission's part 17 rules governing the construction, marking, and lighting of antenna structures. The changes to this collection are necessary to implement two of the updates adopted in the Report and Order. The first change, to section 17.4(j), requires owners of certain antenna structures to file FCC Form 854 with the Commission if there is any change or correction in the overall height of one foot or greater or in the coordinates of one second or greater in longitude or latitude of a registered antenna structure. The second change, to section 17.4(b), requires owners to note on FCC Form 854 that the registration is voluntary, if the antenna structure is otherwise not required to be registered under section 17.4.

As a result, there will be a small increase in the number of FCC Form 854s filed each year, as well as an additional question added to the form itself which will permit qualified applicants to indicate that they are voluntarily registering their antenna structures. These changes will enable the Commission to further modernize its rules while adhering to its statutory responsibility to prevent antenna structures from being hazards to air navigation.

Federal Communications Commission.

Marlene H. Dortch,

Secretary. Office of the Secretary.

[FR Doc. 2015–24209 Filed 9–23–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Consent Agenda Items From September 17, 2015; Open Meeting

September 17, 2015

The following Consent Agenda has been deleted from the list of Agenda items scheduled for consideration at the Thursday, September 17, 2015, Open Meeting and previously listed in the Commission's Notice of September 10, 2015. Items 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11 have been adopted by the Commission.

CONSENT AGENDA

Item No.	Bureau	Subject
1	MEDIA	TITLE: Radio Training Network, Application for a New Noncommercial FM Station at Dillon, South Carolina. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by several joint petitioners seeking review of a Media Bureau Order granting Radio Training Network a New Noncommercial FM Station.

CONSENT AGENDA—Continued

Item No.	Bureau	Subject
2	MEDIA	TITLE: University of San Francisco (Assignor) and Classical Public Radio Network LLC (Assignee), Application for Consent to Assignment of License Station KOSC(FM), San Francisco, CA. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Applications for Review filed by Ted Hudacko and Friends of KUSF seeking review of a letter by the Media Bureau Order and Consent Decree approving an assignment application.
3	MEDIA	TITLE: Centennial Licensing, LLC, Assignor and Mel Wheeler, Inc., Assignee, Assignment of License WLNI(FM), Lynchburg, Virginia. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by 3 Daughters Media, Inc. seeking review of a Media Bureau Order granting an assignment application.
4	MEDIA	TITLE: Center for Emerging Media, Inc., *et al,* Application for a Construction Permit for a New LPFM Station at Baltimore, Maryland. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Loyola University of Maryland seeking review of a Commission Public Notice analyzing LPFM MX Group 198.
5	MEDIA	TITLE: Texas Grace Communications, Request to Toll the Period to Construct Unbuilt Station DKRZB(FM), Archer City, Texas. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Texas Grace Communications seeking review of a Media Bureau decision.
6	MEDIA	TITLE: Christian Charities Deliverance Church, Application for a Construction Permit for a New LPFM Station at Sayville, New York; By Faith Ministries Association, Application for a Construction Permit for a New LPFM Station at Sayville, New York; Rooftop Productions, Application for a Construction Permit for a New LPFM Station at Seattle, Washington; and Massasoit Community College, Application for a Construction Permit for a New LPFM Station at Brockton, Massachusetts. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning Applications for Review filed by Christian Charities Deliverance Church, By Faith Ministries Association, Rooftop Productions and Massasoit Community College seeking review of application dismissals by the Media Bureau.
7	MEDIA	TITLE: Royce International Broadcasting Company, Assignor, and Entercom Communications Corp., Assignee, Application for Consent to the Assignment of License of Station KWOD(FM), Sacramento, CA. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Royce International Broadcasting Company seeking review of a Media Bureau decision granting an assignment application.
8	MEDIA	TITLE: Hispanic Broadcasting Institute, Inc., Application for New LPFM Station at Lawrence, MA. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Hispanic Broadcasting Institute, Inc. seeking review of a Media Bureau dismissal of its LPFM station application.
9	MEDIA	TITLE: Tango Radio, LLC, Applications for License to Cover Construction of DKNOS(FM), Albany Texas; DKANM(FM), Skyline-Ganipa, New Mexico; and DKKUL–FM, Trinity, Texas; and South Texas FM Investments, LLC, Applications for License to Cover Construction of DKAHA(FM), Olney, Texas, and DKXME(FM), Wellington, Texas. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning Applications for Review filed by Tango Radio, LLC and South Texas FM Investments, LLC seeking review of two Media Bureau decisions.
10	MEDIA	TITLE: Pandora Radio LLC, Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended; Application of Connoisseur Media Licenses, LLC for Consent to Assign Station KXMZ(FM), Box Elder, South Dakota, to Pandora Radio LLC (MB Docket No. 14–109). SUMMARY: The Commission will consider an Order on Reconsideration concerning two Petitions for Reconsideration filed by the American Society of Composers, Authors and Publishers seeking review of a Commission Declaratory Ruling and a Media Bureau grant of an assignment application.
11	MEDIA	TITLE: Hill Broadcasting Company, Inc., Request for Reinstatement of License and Application for Renewal of License for Station DKTVG–TV, Grand Island, NE. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Applications for Review Hill Broadcasting Company, Inc. seeking review of a Media Bureau renewal application dismissal.
12	CONSUMER AND GOVERNMENTAL AFFAIRS.	TITLE: San Fernando Cathedral of San Antonio, Texas, (SFC), Application for Review (CG Docket No. 06–181). SUMMARY: The Commission will consider a Memorandum Opinion and Order addressing an Application for Review filed by SFC seeking review of the Bureau's dismissal of SFC's petition for exemption from the Commission's closed captioning requirements.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services, call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–24211 Filed 9–23–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1183]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before November 23, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1183.

Title: Establishment of a Public Safety Answering Point Do-Not-Call Registry, CG Docket No. 12–129.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Federal Government; Not-for-profit institutions; State Local or Tribal Government.

Number of Respondents and Responses: 106,500 respondents; 1,446,333 responses.

Estimated Time per Response: 30 minutes (.50 hours) to 1 hour.

Frequency of Response: Recordkeeping requirement; Annual, monthly, on occasion and one-time reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements is found in the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, February 22, 2012.

Total Annual Burden: 792,667 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The rules adopted herein establish recordkeeping requirements for a large variety of entities, including small business entities. First, each Public Safety Answering Point (PSAP) may designate a representative who shall be required to file a certification with the administrator of the PSAP registry that they are authorized to place numbers onto that registry. The designated PSAP representative shall provide contact information including the PSAP represented, name, title, address, telephone number and email address. Verified PSAPs shall be permitted to upload to the registry any PSAP telephone associated with the provision of emergency services or communications with other public safety agencies. On an annual basis designated PSAP representatives shall access the registry, review their numbers and remove any ineligible numbers from the registry. Second, an operator of automatic dialing equipment (OADE) is prohibited from contacting any number on the PSAP registry. Each OADE must register for access to the PSAP registry by providing contact information which includes name, business address, contact person, telephone number, email, and all outbound telephone numbers used to place autodialed calls. All such contact information must be updated within 30 days of any change. In addition, the OADE must certify that it is accessing the registry solely to prevent autodialed calls to numbers on the registry. An OADE must access and employ a version of the PSAP registry obtained from the registry administrator no more than 31 days prior to the date any call is made, and maintain record documenting this process. No person or entity may sell, rent, lease, purchase, share, or use the PSAP registry for any purpose expect to comply with our rules prohibiting contact with numbers on the registry.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2015–24210 Filed 9–23–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, October 1, 2015 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Draft Advisory Opinion 2015–07: Hillary for America

Draft Advisory Opinion 2015–08: Repledge

State and Local Ballot Measures and the Ban on Foreign National Contributions

Notice of Proposed Rulemaking on Reporting Multistate Independent Expenditures in Presidential Primary Elections

Commission Documents/Public Disclosure Policies

Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202)694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2015–24501 Filed 9–22–15; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, September 29, 2015 At 10:00 a.m. And Thursday, October 1, 2015 At The Conclusion Of The Open Meeting.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 52 U.S.C. 30109. Internal personnel rules and internal rules and practices. Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2015–24403 Filed 9–22–15; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 19, 2015.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Edgewater Bancorp, Inc.,* Saint Joseph, Michigan; to become a bank holding company following the conversion of its subsidiary, Edgewater Bank, Saint Joseph, Michigan, from a federal savings bank to a Michigan state-chartered bank.

Board of Governors of the Federal Reserve System, September 21, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–24265 Filed 9–23–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 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 October 9, 2015.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *J.C. Long and Carol V. Long, as trustees of the W.C. Long, Jr., Living Trust,* all of Wellington, Kansas; to retain voting shares of Tri-County Financial Corporation, and thereby indirectly retain voting shares of The Bank of Commerce, both in Wellington, Kansas.

Board of Governors of the Federal Reserve System, September 21, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–24266 Filed 9–23–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 142 3132]

Carrot Neurotechnology, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached

Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before October 19, 2015.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/carrotneurotechconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Carrot Neurotechnology, Inc.—Consent Agreement; File No. 1423132'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/carrotneurotechconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Carrot Neurotechnology, Inc.—Consent Agreement; File No. 1423132'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Karen Mandel, Bureau of Consumer Protection, (202) 326–2491, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for September 17, 2015), on the World Wide Web at: *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before October 19, 2015. Write ''Carrot Neurotechnology, Inc.—Consent Agreement; File No. 1423132'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/carrotneurotechconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Carrot Neurotechnology, Inc.—Consent Agreement; File No. 1423132'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before October 19, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an agreement containing a consent order as to Carrot Neurotechnology, Inc., Adam Goldberg, and Aaron Seitz (hereafter ''respondents'').

The proposed consent order (''order'') has been placed on the public record for 30 days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the order and the comments received, and will decide whether it should withdraw the order or make it final.

This matter involves the respondents' advertising for the Ultimeyes software application. The Commission's complaint alleges that the respondents violated Sections 5(a) and 12 of the Federal Trade Commission Act (''FTC Act''), 15 U.S.C. 45(a), 52, by representing, either falsely or without adequate substantiation, that Ultimeyes substantially improves users' vision, including that it: improves the vision of users, including people of all ages, genders, and visual abilities; improves vision with real world benefits,

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

including benefits across a broad range of activities ranging from athletics to more routine lifestyle activities, such as reading, watching TV, and driving; improves vision on average by 31% and two lines on the Snellen eye chart, and improves contrast sensitivity by 100%; and reverses, delays, or corrects aging eye or presbyopia, including, but not limited to, by improving night vision, improving users' ability to read in dim light, and diminishing the need for glasses or other visual aids. The complaint also alleges that the respondents violated Sections 5(a) and 12 by making the false or misleading representation that scientific testing proves that Ultimeyes improves vision in the above ways.

The order includes injunctive relief that prohibits these alleged violations and fences in similar and related violations. The order applies to marketing claims for any Covered Product or Service, defined as any Device within the meaning of Sections 12 and 15 of the FTC Act, 15 U.S.C. 52, 55, or any program or service that is: (1) Intended for use in the diagnosis of disease or other condition, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals; or (2) intended to affect the structure or any function of the body of man or other animals; and which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes. As additional fencing-in relief, the order requires the respondents to follow appropriate recordkeeping and compliance reporting requirements, as well as document preservation requirements for human clinical studies that it conducts or sponsors on any Covered Product or Service.

Part I prohibits any representation that a Covered Product or Service improves users' vision, unless it is non-misleading and supported by competent and reliable scientific evidence. Such evidence must consist of human clinical testing of the Covered Product or Service that is sufficient in quality and quantity, based on standards generally accepted by experts in the relevant field, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. Such testing shall (1) be randomized, double-blind, and adequately controlled; and (2) be conducted by researchers qualified by training and experience to conduct such testing. In addition, the respondents must maintain all underlying or supporting data that experts in the relevant field generally would accept as relevant to an assessment of such testing.

Part II prohibits any representation about the health benefits, performance, efficacy, safety, or side effects of any Covered Product or Service, unless it is non-misleading and supported by competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. For purposes of this Part, competent and reliable scientific evidence means tests, analyses, research, or studies that have been conducted and evaluated in an objective manner by qualified persons; and that are generally accepted in the profession to yield accurate and reliable results. When that evidence consists of human clinical tests or studies, the respondents must maintain all underlying or supporting data and documents that experts in the relevant field generally would accept as relevant to an assessment of such testing.

Part III, triggered when the human clinical testing requirement in Parts I or II applies, requires the respondents to secure and preserve all underlying or supporting data and documents generally accepted by experts in the relevant field as relevant to an assessment of the test, such as protocols, instructions, participant-specific data, statistical analyses, and contracts with the test's researchers. There is an exception for a ''Reliably Reported'' test, defined as a test that is published in a peer-reviewed journal and that was not conducted, controlled, or sponsored by any respondent or by any supplier of the respondents. Also, the published report must provide sufficient information about the test for experts in the relevant field to assess the reliability of the results.

Part IV prohibits the respondents from misrepresenting, including through the use of a name, endorsement, depiction, or illustration, the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research, or that any benefits of a product, program, or service are scientifically proven.

Part V requires the respondents to disclose, when triggered by certain representations as to scientific support or endorsements in connection with the advertisement or sale of any product, program, or service, any material connections to any person that has conducted, authored, or participated in any test, study, or research of the product, program, or service; and all material connections between a person providing an endorsement and respondents or any other person manufacturing, labeling, advertising, promoting, offering for sale, selling, or distributing such product, program, or service.

Part VI provides the respondents will pay an equitable monetary payment of $150,000 and contains other provisions related to the payment.

Part VII requires the respondents to provide sufficient customer information to administer redress.

Part VIII contains recordkeeping requirements for advertisements and substantiation relevant to representations covered by Parts I through III, as well as order acknowledgments covered by Part IX.

Parts IX through XI require the respondents to deliver a copy of the order to officers, employees, and representatives having managerial responsibilities with respect to the order's subject matter, notify the Commission of changes in corporate structure that might affect compliance obligations, and file compliance reports with the Commission.

Part XII provides that, with exceptions, the order will terminate in twenty years.

The purpose of this analysis is to facilitate public comment on the order, and it is not intended to constitute an official interpretation of the complaint or order, or to modify the order's terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–24220 Filed 9–23–15; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10137 and CMS–10237]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the

Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by October 26, 2015.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 or Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Solicitation for Applications for Medicare Prescription Drug Plan 2017 Contracts; *Use:* The information will be collected under the solicitation of proposals from prescription drug plans, Medicare Advantage (MA) plans that offer integrated prescription drug and health care coverage (MA–PD) plans, Cost Plan, PACE, and Employer Group Waiver Plan applicants. The information will be used by CMS to: Ensure that applicants meet CMS requirements and to support the determination of contract awards. Participation in the Part D program is voluntary. Only organizations that are interested in participating in the program will respond to the solicitation. The MA–PDs that voluntarily participate in the Part C program must submit a Part D application and successful bid. *Form Number:* CMS–10137 (OMB Control Number: 0938–0936); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other For-profits and Not-for-profit institutions); *Number of Respondents:* 254; *Total Annual Responses:* 230; *Total Annual Hours:* 2,109. (For policy questions regarding this collection contact Arianne Spaccarelli at 410–786–5715).

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Part C—Medicare Advantage and 1876 Cost Plan Expansion Application; *Use:* The information will be collected under the solicitation of Part C applications from Medicare Advantage, Employer Group Waiver Plan, and Cost Plan applicants and will be used by CMS to ensure that applicants meet CMS requirements, and to support the determination of contract awards. Participation is voluntary whereby only organizations that are interested in participating in the program will respond to the solicitation. Medicare Advantage (MA) organizations that offer integrated prescription drug and health care products (MA–PD plans) that voluntarily participate in the Part C program must submit a Part D application and successful bid. *Form Number:* CMS–10237 (OMB Control Number: 0938–0935); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other For-profits and Not-for-profit institutions); *Number of Respondents:* 566; *Total Annual Responses:* 566; *Total Annual Hours:* 21,926. (For policy questions regarding this collection contact Wanda Pigatt-Canty at 410–786–6177).

Dated: September 21, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–24262 Filed 9–23–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7038–N]

Health Insurance Marketplace, Medicare, Medicaid, and Children's Health Insurance Programs; Meeting of the Advisory Panel on Outreach and Education (APOE), October 7, 2015

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Advisory Panel on Outreach and Education (APOE) (the Panel) in accordance with the Federal Advisory Committee Act. The Panel advises and makes recommendations to the Secretary of the U.S. Department of Health and Human Services (HHS) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on opportunities to enhance the effectiveness of consumer education strategies concerning the Health Insurance Marketplace, Medicare, Medicaid, and the Children's Health Insurance Program (CHIP). This meeting is open to the public.

DATES: *Meeting Date:* Wednesday, October 7, 2015, 8:30 a.m. to 4:00 p.m. eastern daylight time (e.d.t).

Deadline for Meeting Registration, Presentations and Comments: Wednesday, September 30, 2015, 5:00 p.m., e.d.t.

Deadline for Requesting Special Accommodations: Wednesday, September 30, 2015, 5:00 p.m., e.d.t.

ADDRESSES:

Meeting Location: U.S. Department of Health & Human Services, Hubert H.

Humphrey Building, 200 Independence Avenue SW., Room 738 G, Conference Room, Washington, DC 20201.

Presentations and Written Comments: Presentations and written comments should be submitted to: Abigail Huffman, Designated Federal Official (DFO), Division of Forum and Conference Development, Office of Communications, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mailstop S1–05–06, Baltimore, MD 21244–1850 or via email at *Abigail.Huffman1@cms.hhs.gov.*

Registration: The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register at the Web site *https://www.regonline.com/apoeoct2015meeting* or by contacting the DFO as listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, by the date listed in the **DATES** section of this notice. Individuals requiring sign language interpretation or other special accommodations should contact the DFO at the address listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by the date listed in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Abigail Huffman, Designated Federal Official, Office of Communications, CMS, 7500 Security Boulevard, Mail Stop S1–05–06, Baltimore, MD 21244, 410–786–0897, email *Abigail.Huffman1@cms.hhs.gov.* Additional information about the APOE is available on the Internet at: *http://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/APOE.html*Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION:

I. Background

The Advisory Panel for Outreach and Education (APOE) (the Panel) is governed by the provisions of Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of federal advisory committees. The Panel is authorized by section 1114(f) of the Act (42 U.S.C. 1314(f)) and section 222 of the Public Health Service Act (42 U.S.C. 217a).

The Secretary of the U.S. Department of Health and Human Services (HHS) (the Secretary) signed the charter establishing the Citizen's Advisory Panel on Medicare Education[1] (the predecessor to the APOE) on January 21, 1999 (64 FR 7899, February 17, 1999) to advise and make recommendations to the Secretary and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on the effective implementation of national Medicare education programs, including with respect to the Medicare+Choice (M+C) program added by the Balanced Budget Act of 1997 (Pub. L. 105–33).

The Medicare Modernization Act of 2003 (MMA) (Pub. L. 108–173) expanded the existing health plan options and benefits available under the M+C program and renamed it the Medicare Advantage (MA) program. We have had substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options available and better tools to evaluate these options. The successful MA program implementation required CMS to consider the views and policy input from a variety of private sector constituents and to develop a broad range of public-private partnerships.

In addition, Title I of the MMA authorized the Secretary and the Administrator of CMS (by delegation) to establish the Medicare prescription drug benefit. The drug benefit allows beneficiaries to obtain qualified prescription drug coverage. In order to effectively administer the MA program and the Medicare prescription drug benefit, we have substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options and benefits available, and to develop better tools to evaluate these plans and benefits.

The Affordable Care Act (Patient Protection and Affordable Care Act, Public Law 111–148, and Health Care and Education Reconciliation Act of 2010, Pub. L. 111–152) expanded the availability of other options for health care coverage and enacted a number of changes to Medicare as well as to Medicaid and the Children's Health Insurance Program (CHIP). Qualified individuals and qualified employers are now able to purchase private health insurance coverage through competitive marketplaces, called Affordable Insurance Exchanges (also called the Health Insurance Marketplace, and ''Marketplace''). In order to effectively implement and administer these changes, we must provide information to consumers, providers, and other stakeholders through education and outreach programs regarding how existing programs will change and the expanded range of health coverage options available, including private health insurance coverage through the Marketplace. The APOE (the Panel) allows us to consider a broad range of views and information from interested audiences in connection with this effort and to identify opportunities to enhance the effectiveness of education strategies concerning the Affordable Care Act.

The scope of this panel also includes advising on issues pertaining to the education of providers and stakeholders with respect to the Affordable Care Act and certain provisions of the Health Information Technology for Economic and Clinical Health (HITECH) Act enacted as part of the American Recovery and Reinvestment Act of 2009 (ARRA).

On January 21, 2011, the Panel's charter was renewed and the Panel was renamed the Advisory Panel for Outreach and Education. The Panel's charter was most recently renewed on January 21, 2015, and will terminate on January 21, 2017 unless renewed by appropriate action.

Under the current charter, the APOE will advise the Secretary and the Administrator on optimal strategies for the following:

- Developing and implementing education and outreach programs for individuals enrolled in, or eligible for, Medicare, Medicaid, and the Children's Health Insurance Program (CHIP), or coverage available through the Health Insurance Marketplace.
- Enhancing the federal government's effectiveness in informing Health Insurance Marketplace, Medicare, Medicaid, and CHIP consumers, issuers, providers, and stakeholders, through education and outreach programs, on issues regarding these programs, including the appropriate use of public-private partnerships to leverage the resources of the private sector in educating beneficiaries, providers, and stakeholders.
- Expanding outreach to vulnerable and underserved communities, including racial and ethnic minorities, in the context of Health Insurance Marketplace, Medicare, Medicaid, and CHIP education programs.
- Assembling and sharing an information base of ''best practices'' for helping consumers evaluate health coverage options.
- Building and leveraging existing community infrastructures for information, counseling, and assistance.
- Drawing the program link between outreach and education, promoting consumer understanding of health care coverage choices, and facilitating

[1] We note that the Citizen's Advisory Panel on Medicare Education is also referred to as the Advisory Panel on Medicare Education (65 FR 4617). The name was updated in the Second Amended Charter approved on July 24, 2000.

consumer selection/enrollment, which in turn support the overarching goal of improved access to quality care, including prevention services, envisioned under the Affordable Care Act.

The current members of the Panel are: Kellan Baker, Associate Director, Center for American Progress; Phillip Bergquist, Manager, Health Center Operations, Children's Health Insurance Program Reauthorization Act (CHIPRA) Outreach & Enrollment Project and Director, Michigan Primary Care Association; Robert Blancato, President, Matz, Blancato & Associates; Dale Blasier, Professor of Orthopaedic Surgery, Department of Orthopaedics, Arkansas Children's Hospital; Deborah Britt, Executive Director of Community & Public Relations, Piedmont Fayette Hospital; Deena Chisolm, Associate Professor of Pediatrics & Public Health, The Ohio State University, Nationwide Children's Hospital; Josephine DeLeon, Director, Anti-Poverty Initiatives, Catholic Charities of California; Robert Espinoza, Vice President of Policy, Paraprofessional Healthcare Institute; Amy Jones, Director of Health & Social Services, Southeast Asian Mutual Assistance Associations Coalition (SEAMAAC, Inc.); Louise Scherer Knight, Director, The Sidney Kimmel Comprehensive Cancer Center at Johns Hopkins; Miriam Mobley-Smith, Dean, Chicago State University, College of Pharmacy; Roanne Osborne-Gaskin, M.D., Associate Medical Director, Neighborhood Health Plan of Rhode Island; Kamila Pickett, Litigation Support, Independent Contractor; Jeanne Ryer, Director, New Hampshire Citizens Health Initiative, University of New Hampshire; Alvia Siddiqi, Medicaid Managed Care Community Network (MCCN) Medical Director, Advocate Physician Partners, Carla Smith, Executive Vice President, Healthcare Information and Management Systems Society (HIMSS); Paula Villescaz, Senior Consultant, Assembly Health Committee; and Darlene Yee-Melichar, Professor & Coordinator, San Francisco State University.

II. Provisions of This Notice

In accordance with Section 10(a) of the FACA, this notice announces a meeting of the APOE. The agenda for the October 7, 2015 meeting will include the following:

- Welcome and listening session with CMS leadership
- Recap of the previous (July 22, 2015) meeting
- Affordable Care Act initiatives
- An opportunity for public comment
- Meeting summary, review of recommendations, and next steps

Individuals or organizations that wish to make a 5-minute oral presentation on an agenda topic should submit a written copy of the oral presentation to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice. The number of oral presentations may be limited by the time available. Individuals not wishing to make an oral presentation may submit written comments to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

Authority: Sec. 222 of the Public Health Service Act (42 U.S.C. 217a) and sec. 10(a) of Pub. L. 92–463 (5 U.S.C. App. 2, sec. 10(a) and 41 CFR 102–3).

Dated: September 21, 2015.

Andrew M. Slavitt,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2015–24304 Filed 9–23–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–R–262 and CMS–10142]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by November 23, 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–R–262 Contract Year 2017 Plan Benefit Package (PBP) Software and Formulary Submission

CMS–10142 Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP)

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:* Revision of a currently approved collection; *Title of Information Collection:* Contract Year 2017 Plan Benefit Package (PBP) Software and Formulary Submission; *Use:* We require that Medicare Advantage and Prescription Drug Plan organizations submit a completed PBP and formulary as part of the annual bidding process. During this process, organizations prepare their proposed plan benefit packages for the upcoming contract year and submit them to us for review and approval. We publish beneficiary education information using a variety of formats. The specific education initiatives that utilize PBP and formulary data include web application tools on *www.medicare.gov* and the plan benefit insert in the Medicare & You handbook. In addition, organizations utilize the PBP data to generate their Summary of Benefits marketing information. *Form Number:* CMS–R–262 (OMB control number 0938–0763); *Frequency:* Yearly; *Affected Public:* Private sector (business or other for-profits and not-for-profit institutions); *Number of Respondents:* 552; *Total Annual Responses:* 5,448; *Total Annual Hours:* 52,902. (For policy questions regarding this collection contact Kristy Holtje at 410–786–2209).

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP); *Use:* We require that Medicare Advantage organizations and Prescription Drug Plans complete the Bid Pricing Tool (BPT) as part of the annual bidding process. During this process, organizations prepare their proposed actuarial bid pricing for the upcoming contract year and submit them to us for review and approval. The purpose of the BPT is to collect the actuarial pricing information for each plan. The BPT calculates the plan's bid, enrollee premiums, and payment rates. We publish beneficiary premium information using a variety of formats (*www.medicare.gov,* the Medicare & You handbook, Summary of Benefits marketing information) for the purpose of beneficiary education and enrollment. *Form Number:* CMS–10142 (OMB control number 0938–0944); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 555; *Total Annual Responses:* 4,995; *Total Annual Hours:* 149,850. (For policy questions regarding this collection contact Rachel Shevland at 410–786–3026).

Dated: September 21, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–24263 Filed 9–23–15; 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: Child Care and Development Fund Plan for States and Territories FY 2016–2018 (ACF–118).

OMB No.: 0970–0114.

Description: The Child Care and Development Fund (CCDF) Plan (the Plan) for States and Territories is required from each CCDF Lead Agency in accordance with Section 658E of the Child Care and Development Block Grant (CCDBG Act), 42 U.S.C.9858 as amended by the CCDBG Act of 2014, Public Law113–186. The Plan, submitted on the ACF–118, is now required triennially, and will remain in effect for three years. The Plan provides ACF and the public with a description of, and assurance about, the States' and Territories' child care programs. ACF extended the deadline for the submission of the State and Territory FY 2016–2018 CCDF Plan from July 1, 2015 to March 1, 2016. The extension provides States and Territories more time to engage partner agencies and stakeholders, brief legislators on needed statutory changes, and develop meaningful implementation plans. The extension does not extend the FY 2016–2018 3-year plan period; Plans will be effective June 1, 2016 through September 30, 2018.

The Office of Child Care (OCC) has given thoughtful consideration to the comments received during the 60-day Public Comment Period. The Plan has been revised to incorporate public comments, better align the Plan with the new program requirements of the CCDBG Act of 2014 and includes additional guidance and clarification where appropriate in order to improve the quality of information that is being collected. This 30-day second Public Comment Period provides an opportunity for the public to submit comments to the Office of Management and Budget (OMB). The Tribal Plan (ACF–118a) will be addressed under a separate notice.

Respondents: State and Territory CCDF Lead Agencies (56).

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–118	56	0.50	162.50	4,550

Estimated Total Annual Burden Hours: 4,550.

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. 2015–24270 Filed 9–23–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3155]

Interim Results of Study of Workload Volume and Full Costs Associated With Review of Biosimilar Biological Product Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the interim results of a study of the workload volume and full costs associated with the process for the review of biosimilar biological product applications (interim report). This study was conducted by an independent consulting firm, and it fulfills FDA's statutory requirement under the first authorization of the Biosimilar User Fee Act of 2012 (BsUFA), which enables FDA to collect user fees for the review of biosimilar biological applications for fiscal years 2013 to 2017. This notice solicits comments on the interim report.

DATES: The interim report will be released on September 24, 2015, and will be available at *http://www.fda.gov/downloads/ForIndustry/UserFees/BiosimilarUserFeeActBsUFA/UCM459686.pdf.* Submit either electronic or written comments on the interim report by October 26, 2015.

ADDRESSES: Submit electronic comments on the interim report to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Mark Ascione, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1150, Silver Spring, MD 20993–0002, 301–796–7652, FAX: 301–847–8443.

SUPPLEMENTARY INFORMATION:

I. Background

The Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148) amended the Public Health Service Act to create an abbreviated licensure pathway for biological products that are demonstrated to be ''biosimilar'' to or ''interchangeable'' with an FDA-licensed biological product. The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by BsUFA (Title IV of the Food and Drug Administration Safety and Innovation Act, Pub. L. 112–144), authorizes FDA to assess and collect fees for biosimilar biological products from October 2012 through September 2017. FDA uses these fees to expedite the review process for biosimilar biological products. Biosimilar biological products represent an important public health benefit, with the potential to offer life-saving or life-altering benefits at reduced cost to the patient. BsUFA facilitates the development of safe and effective biosimilar products for the American public.

As part of BsUFA, FDA is required to contract with an independent accounting or consulting firm to study the workload volume and full costs associated with the process for the review of biosimilar biological product applications. This notice solicits comments on the interim report, and the final report is due no later than September 30, 2016. The interim report is described in section 744I(d) of the FD&C Act (21 U.S.C. 379j–53(d)) (*http://uscode.house.gov/view.xhtml?req=granuleid:U.S.C.-prelim-title21-section379j-53&num=0&edition=prelim*), as amended by the Food and Drug Administration Safety and Innovation Act enacted in 2012.

II. Comments

FDA is issuing this notice to request public comment on the interim report. Interested persons may submit either electronic comments to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Electronic Access

The interim report can be accessed at *http://www.fda.gov/downloads/ForIndustry/UserFees/BiosimilarUserFeeActBsUFA/UCM459686.pdf.*

Dated: September 18, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–24227 Filed 9–23–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–1837]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Electronic User Fee Payment Request Forms

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 October 26, 2015.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the title Electronic User Fee Payment Request Forms. 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.

Electronic User Fee Payment Request Forms—(OMB Control Number 0910—NEW)

The Government Paperwork Elimination Act (GPEA) (Pub. L. 105–277, title XVII), was signed into law on October 21, 1998. GPEA requires Federal Agencies to allow individuals or entities that deal with the Agencies the option to submit information or transact business with the Agency electronically, when practicable, and to maintain records electronically, when practicable. Its goal is to encourage Agencies to incorporate technologically improved respondent reporting, as this process typically lowers the burden on the respondent. GPEA allows FDA to collect information relating to a user fee payment refund request and transfer request.

Form FDA 3913, User Fee Payment Refund Request, is designed to provide the minimum necessary information for FDA to review and process a user fee payment refund. The information collected includes the organization, contact, and payment information. The information is used to determine the reason for the refund, the refund amount, and who to contact if there are any questions regarding the refund request. A submission of the User Fee Payment Refund Request form does not guarantee that a refund will be issued. FDA estimates an average of 0.40 hours per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. The estimated hours are based on past FDA experience with the user fee payment refund request.

In fiscal year 2014, approximately 1,741 user fee refunds were processed for cover sheets and invoices including 27 for Animal Drug User Fee Act, 5 for Animal Generic Drug User Fee Act, 3 for Biosimilar Drug User Fee Act, 1 for a Center for Tobacco Products Civil Money Penalties, 216 for Export Certificate Program, 79 for Freedom of Information Act requests, 523 for Generic Drug User Fee Amendments, 539 for Medical Device User Fee Amendments, 266 for Mammography inspection fee, 81 for Prescription Drug User Fee Act, and 1 for a Tobacco product fee.

Form FDA 3914, User Fee Payment Transfer Request, is designed to provide the minimum necessary information for FDA to review and process a user fee payment transfer request. The information collected includes payment and organization information. The information is used to determine the reason for the transfer, how the transfer should be performed, and who to contact if there are any questions regarding the transfer request. A submission of the User Fee Payment Transfer Request form does not guarantee that a transfer will be performed. FDA estimates an average of 0.25 hours per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. FDA estimated hours are based on past FDA experience with the user fee payment transfer request.

In fiscal year 2014, approximately 1,291 user fee payment transfers were processed for cover sheets and invoices including 21 for Animal Drug User Fee Act, 2 for Animal Generic Drug User Fee Act, 544 for Generic Drug User Fee Amendments, 627 for Medical Device User Fee Amendments, and 97 for Prescription Drug User Fee Act.

Respondents for the electronic request forms include domestic and foreign firms (including pharmaceutical, medical device, etc.). Specifically, refund request forms target respondents who submitted a duplicate payment or overpayment for a user fee cover sheet or invoice. Respondents may also include firms that withdrew an application or submission. Transfer request forms target respondents who submitted payment for a user fee cover sheet or invoice and need that payment to be re-applied to another cover sheet or invoice (transfer of funds).

The electronic user fee payment request forms will streamline the refund and transfer processes, facilitate processing, and improve the tracking of requests. The burden for this collection of information is the same for all customers (small and large organizations). The information being requested or required has been held to the absolute minimum required for the intended use of the data. Customers will be able to request a user fee payment refund and transfer online at *http://www.fda.gov/forindustry/userfees/default.htm.* This electronic submission is intended to reduce the burden for customers to submit a user fee payment refund and transfer request.

In the **Federal Register** of June 26, 2015 (80 FR 36822), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
User Fee Payment Refund Request—Form FDA 3913.	1,700	1	1,700	0.40 (24 minutes)	680
User Fee Payment Transfer Request—Form FDA 3914.	1,700	1	1,700	0.25 (15 minutes)	425
Total	.....	.....	.....	.....	1105

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 17, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–24228 Filed 9–23–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1939]

Use of Investigational Tobacco Products; Draft Guidance for Industry and Investigators; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry and investigators entitled ''Use of Investigational Tobacco Products.'' The draft guidance, when finalized, will describe FDA's current thinking regarding the definition of ''investigational tobacco product'' and will discuss the kind of information FDA intends to consider in making enforcement decisions regarding the use of investigational tobacco products until regulations governing the use of investigational tobacco products become effective or FDA provides written notice of its intent to change its enforcement policy.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft by November 23, 2015. Submit either electronic or written comments on the proposed collection of information by November 23, 2015.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Center for Tobacco Products, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the draft guidance may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance, including comments on the proposed collection of information, to *http://www.regulations.gov.* Submit written comments on the draft guidance, including comments on the proposed collection of information, to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

With regard to the draft guidance: Laura Rich or Deirdre Jurand, Center for Tobacco Products, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 1–877–287–1373, *CTPRegulations@fda.hhs.gov*, *laura.rich@fda.hhs.gov*, or *Deirdre.Jurand@fda.hhs.gov.*

With regard to the proposed collection of information: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry and investigators entitled ''Use of Investigational Tobacco Products.'' This draft guidance, when finalized, will describe FDA's current thinking regarding the definition of ''investigational tobacco product'' and will discuss the kind of information FDA intends to consider in making enforcement decisions regarding the use of investigational tobacco products until regulations governing the use of investigational tobacco products become effective or FDA provides written notice of its intent to change its enforcement policy. It is intended to provide guidance not only to persons who currently intend to submit study information to FDA, but to all persons who conduct ''nonclinical laboratory studies,'' as that term is used in the draft guidance, and ''clinical investigations,'' as that term is used in the draft guidance, using investigational tobacco products.

The draft guidance also discusses that for clinical investigations, a sponsor (as defined in the guidance) may submit information regarding a proposed use of an investigational tobacco product to FDA for review prior to enrolling subjects. As discussed in the guidance, FDA encourages this type of voluntary submission because it will allow FDA to work with a sponsor to help ensure that the factors FDA considers in making enforcement decisions are appropriately accounted for. FDA has created a form to assist sponsors in submitting information. While use of the form is voluntary, it will help ensure that complete information is provided for FDA's consideration and will facilitate FDA's processing and review. A copy of the form is attached as Appendix A to this guidance.

On June 22, 2009, the President signed the Family Smoking Prevention and Tobacco Control Act (Pub. L. 111–31) (Tobacco Control Act) into law. The Tobacco Control Act amends the Federal Food, Drug, and Cosmetic Act (the FD&C Act) and grants FDA authority to regulate the manufacture, marketing, and distribution of tobacco products to protect public health generally and to reduce tobacco use by minors.

To introduce or deliver for introduction into interstate commerce a new tobacco product, there must be in effect a marketing authorization order issued by FDA for the tobacco product under section 910(c)(1)(A)(i) of the FD&C Act (21 U.S.C. 387j(c)(1)(A)(i)) unless, in brief:

- A substantial equivalence order under section 910(a)(2)(A)(i) of the FD&C Act is in effect for the tobacco product;
- FDA has granted a request for an exemption of the tobacco product from the requirement to obtain a substantial equivalence order and the manufacturer has made the required submission under section 905(j)(1)(A)(ii) of the FD&C Act and waited 90 days before introducing its product to the market; or
- The manufacturer has submitted a substantial equivalence report in accordance with section 910(a)(2)(B) of the FD&C Act and there is no order finding that the tobacco product is not substantially equivalent.

To introduce or deliver for introduction into interstate commerce a modified risk tobacco product, there must be in effect an order under section 911(g) of the FD&C Act (21 U.S.C. 387k(g)) and the applicant must satisfy any applicable premarket review requirements under section 910 of the FD&C Act.

Further, a tobacco product must conform in all respects with applicable tobacco product standards established under section 907 of the FD&C Act (21 U.S.C. 387g).

Persons intending to file submissions with FDA to demonstrate that a tobacco product meets the criteria for marketing set forth in section 910 or 911 of the FD&C Act, and other researchers seeking to study tobacco products, may need to conduct or sponsor studies involving tobacco products that do not have marketing authorization or that do not comply with an applicable tobacco product standard.

Section 910(g) of the FD&C Act gives FDA the authority to issue regulations to exempt tobacco products intended for investigational use from the provisions of chapter IX of the FD&C Act, including premarket submission requirements. FDA intends to propose regulations establishing conditions for exempting investigational tobacco products from certain FD&C Act requirements. Until then, investigational tobacco products are not exempt from applicable FD&C Act requirements, including premarket submission requirements and tobacco product standards. This draft guidance discusses the factors FDA intends to consider in making enforcement decisions regarding the use of investigational tobacco products in both nonclinical laboratory studies and clinical investigations until regulations become effective or FDA provides written notice of its intent to change its enforcement policy.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on ''Use of Investigational Tobacco Products.'' It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

II. Paperwork Reduction Act of 1995

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. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Use of Investigational Tobacco Products (OMB Control Number 0910—NEW)

FDA is announcing the availability of the draft guidance entitled ''Use of Investigational Tobacco Products.'' This guidance, when finalized, will describe FDA's current thinking regarding the definition of ''investigational tobacco product'' and discuss the kind of information FDA intends to consider in making enforcement decisions regarding the use of investigational tobacco products until regulations become effective or FDA provides written notice of its intent to change its enforcement policy. When finalized, it is intended to provide guidance, not only to persons who currently intend to submit study information to FDA, but to all persons who conduct nonclinical laboratory studies and clinical investigations using investigational tobacco products. Such persons may include sponsors, investigators, sponsor-investigators, contract research organizations (CROs),[1] and committees or groups formally designated to oversee research involving human subjects (*e.g.*, institutional review boards (IRBs)) involved in investigations using investigational tobacco products.

We have identified the following recommendations in the draft guidance as collections of information.

In the draft guidance, FDA provides examples of information that may help FDA to evaluate specific proposed uses of investigational tobacco products, and encourages persons who intend to study investigational tobacco products to meet with FDA to discuss certain topics in connection with nonclinical laboratory studies and clinical investigations.

For clinical investigations, FDA encourages sponsors to submit information regarding a proposed use of an investigational tobacco product to FDA for review prior to enrolling subjects in the planned investigation. FDA has created a form to assist sponsors in submitting information. While use of this form is voluntary, its use will likely reduce the burden hours and will help ensure that sponsors provide complete information for FDA's consideration, processing, and review.

Furthermore, to ensure that studies are conducted in a manner that protects human subjects, the draft guidance contains recommendations as to how sponsors should put procedures in place to keep FDA and the committee or group formally designated to oversee research involving human subjects informed about any changes relating to the conduct of, and issues that arise during, the study. In the draft guidance, FDA further recommends that sponsors, CROs, sponsor-investigators, and clinical investigators maintain documentation to permit evaluation of the conduct of a clinical investigation, including assessing the quality and integrity of the study data and protection of human subjects.

In the draft guidance, FDA also recommends that sponsors consult with the Agency, clinical investigators, and any committee or group formally designated to oversee research involving human subjects when certain events occur during the conduct of a clinical investigation, including adverse experiences. In addition, FDA recommends that sponsors notify FDA if they choose to terminate a study (or withdraw or inactivate a protocol or want to withdraw all studies of a product) before completion and in the notification include certain information. Moreover, in the draft guidance, FDA recommends that under certain circumstances, sponsors also should inform any clinical investigators who participated in the discontinued investigation of the reason(s) for discontinuing the clinical investigation.

FDA also makes recommendations related to nonclinical laboratory studies and clinical investigations of using investigational tobacco products conducted outside of the United States (U.S.), but intended for submission to FDA, and refers to section 801(e) of the FD&C Act with respect to exported tobacco products intended for investigational use. The guidance also recommends that sponsors should prepare and maintain certain records and reports, for studies conducted outside of the U.S. but intended for submission to FDA to permit FDA to evaluate the conduct of a clinical investigation, including assessing the quality and integrity of the study data and protection of human subjects.

[1] The term ''contract research organization'' (CRO) as used in this draft guidance means a person that assumes, as an independent contractor with the sponsor, one or more of the obligations of the sponsor (*e.g.*, design of a protocol).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Activity/FDA form 3934	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Capital and operating and maintenance costs
Initial Submission	30	1	30	40	1,200	
Protocol Submission	10	1	10	20	200	
Protocol Amendments	5	1	5	0.50 (30 minutes)	2.5	
Information Amendments	4	1	4	15	60	
Administrative Amendments	1	1.5	1.5	0.50 (30 minutes)	0.75	
Other Information	3	1	3	0.50 (30 minutes)	1.5	
Serious or Unexpected Adverse Experience Reports.	4	3	12	2	24	
First year, electronic set-up safety reporting portal.	4	1	4	0.33 (20 minutes)	1.3	
First year, Electronic Gateway setup and verification certificate (One time burden).	30	1	30	42 [1]	1,260	37,800
Electronic Gateway Submission (recurring).	30	1	30	3	90	2,700
Total Reporting Burden Hours.					2,840	40,500

[1] Respondent may already have a valid WebTrader account established for other FDA electronic submissions.

Table 1 describes the annual reporting burden as a result of respondents submitting information regarding the use of investigational tobacco products in certain clinical investigations. FDA estimates that 30 respondents will submit study information to FDA annually. FDA estimates that it will take each respondent approximately 40 hours to prepare the study information necessary for FDA to issue a response to the proposed use of an investigational tobacco product in these clinical investigations. FDA's estimate includes the anticipated burden for completing the form for the initial submission, which will include the initial protocol, time for intra-company edits and approvals, as well as the burden for assembling additional information, as described in the draft guidance.

The initial submission should include an initial study protocol, which should in turn include certain information and call for recordkeeping or other steps that may involve the submission of information to others. In addition, sponsors may wish to provide protocol amendments to reflect certain changes to a protocol. FDA estimates that 10 respondents will submit a new protocol. The estimated time for submitting a new protocol is 20 hours per response. Only 4 respondents are estimated to submit information amendments. Since this may take a little less than half the time of an initial submission, FDA estimates information amendments taking around 15 hours.

FDA estimates that it could take respondents 30 minutes to prepare protocol amendments and that about 5 respondents submitting study information will submit protocol amendments.

FDA estimates that respondents will infrequently need to report administrative amendments. The total number of respondents of this type of information is estimated to be 1. FDA estimates that this submission is estimated to take 30 minutes per respondent.

FDA estimates that approximately 3 respondents will report other types of submissions. This submission is estimated to take 30 minutes per response.

FDA estimates that 4 respondents will report serious or unexpected adverse experiences. This submission will take an average of 2 hours per respondent. FDA estimates that setting up an account in safety reporting portal for submission of serious or unexpected experiences will take 20 minutes per response.

As referenced in the guidance, FDA allows for three ways of submission but strongly encourages the use of electronic format for submission. The submitter should first set up an account with WebTrader to go through the Electronic Submissions Gateway (ESG). FDA estimates from past experience with the ESG system, WebTrader, that the first year to set up the account and to receive the verification certificate takes approximately 40 hours. This burden may be minimized if the respondent already has an established account in WebTrader for other electronic submissions to FDA, but FDA is assuming that all respondents for these products will be setting up a WebTrader account for the first time in the first year. In subsequent years, the burden hours are estimated at 1 hour to renew the yearly required Verification Certification.

FDA further estimates that the gathering, scanning, and submission of information and related correspondence would take approximately 2 hours utilizing the eSubmitter system.

Therefore, the first year will include 40 hours for the WebTrader system plus 2 hours for the eSubmitter submission process, resulting in 42 hours per response for the first year. For subsequent years, it is estimated that only 1 hour will be necessary for the WebTrader system plus the 2 hours for the eSubmitter submission process, resulting in 3 hours per response each year thereafter.

Additionally, there are capital and operating or maintenance costs associated with this information collection. The costs are $30 per year to establish and maintain the ESG verification certificate. The total cost may be lower if the respondents already have a verification certificate for that year for other electronic submissions to FDA. However, for purposes of this estimate, FDA is assuming that all respondents for these products will be

incurring this cost. The total costs are estimated to be $40,500.

The total reporting burden for this collection of information is estimated to be 2,840 hours. These burden estimates were computed using FDA staff expertise and by reviewing comments received from recent FDA information collections for other tobacco-related initiatives.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity records maintained	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Records by Sponsors	50	1	50	10	500
Records By Sponsor-Investigators	20	1	20	20	400
Records by Investigators and CROs	50	1	50	15	750
Total Recordkeeping Burden Hours					1,650

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 2 describes the annual recordkeeping burden of maintaining records relating to the investigational use of tobacco products. FDA anticipates that 50 sponsors will maintain records relating to the use of investigational tobacco products in clinical investigations. FDA estimates that it will take each of them approximately 10 hours annually to maintain these records. FDA anticipates that there will generally be one investigator per investigation. FDA anticipates there will be a total of 120 sponsors, sponsor-investigators, investigators, and CROs who will maintain records relating to the use of investigational tobacco products in clinical investigations. FDA estimates that it will take each sponsor approximately 10 hours annually to maintain these records. FDA estimates that it will take each sponsor-investigator approximately 20 hours annually to maintain these records. FDA estimates that it will take each of these investigators and CROs approximately 15 hours annually to maintain these records. The total reporting burden for recordkeeping is estimated to be 1,650 hours (500 hours for sponsors + 400 hours for sponsor-investigators + 750 for investigators and CROs.)

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Disclosures to Investigators	30	1	30	1	30
Disclosures to any Committee or Group	30	1	30	0.17 (10 minutes)	5
Disclosure to Study Subjects	30	2	60	0.50 (30 minutes)	30
Total					65

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 3 describes the annual third party disclosure burden.

FDA estimates that disclosing information to investigators will take 1 hour per disclosure. FDA estimates that disclosing information to any committee or group formally designated to oversee research involving human subjects will average 10 minutes per disclosure.

The guidance also references examples of disclosing information to study subjects such as informed consent. On average, two disclosures per respondent will be provided to study subjects. FDA estimates this will take 30 minutes per disclosure.

The total burden for the collection of information under this draft guidance is estimated to be 4,455 hours.

This draft guidance also refers to previously approved collections of information. The draft guidance includes a recommendation that persons who intend to study tobacco products meet with FDA to discuss research plans. Additional information about how to request meetings with FDA's Center for Tobacco Products can be found in FDA's guidance: ''Meetings with Industry and Investigators on the Research and Development of Tobacco Products.'' The collections of information in the guidance referenced have been approved under OMB control number 0910–0731. The collections of information in section 801(e) of the FD&C Act and 21 CFR 1.101(b) have been approved under OMB control number 0910–0482; the collections of information for the Safety Reporting Portal have been approved under OMB control number 0910–0645; the collections of information in section 905(j) of the FD&C Act have been approved under OMB control number 0910–0673.

III. Request for Comments

A. General Information About Submitting Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document.

B. Public Availability of Comments

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.* As a matter of Agency practice, FDA generally does not post comments submitted by individuals in their individual capacity on *http://www.regulations.gov.* This is

determined by information indicating that the submission is written by an individual, for example, the comment is identified with the category ''Individual Consumer'' under the field titled ''Category (Required),'' on the ''Your Information'' page on *www.regulations.gov.* For this docket, however, FDA will not be following this general practice. Instead, FDA will post on *http://www.regulations.gov* comments to this docket that have been submitted by individuals in their individual capacity. If you wish to submit any information under a claim of confidentiality, please refer to 21 CFR 10.20.

C. Information Identifying the Person Submitting the Comment

Please note that your name, contact information, and other information identifying you will be posted on *http://www.regulations.gov* if you include that information in the body of your comments. For electronic comments submitted to *http://www.regulations.gov,* FDA will post the body of your comment on *http://www.regulations.gov* along with your state/province and country (if provided), the name of your representative (if any), and the category identifying you (*e.g.,* individual, consumer, academic, industry). For written submissions submitted to the Division of Dockets Management, FDA will post the body of your comments on *http://www.regulations.gov,* but you can put your name and/or contact information on a separate cover sheet and not in the body of your comments.

IV. Electronic Access

Persons with access to the Internet may obtain an electronic version of this guidance document at *http://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm281147.htm* or *http://www.regulations.gov.*

Dated: September 16, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–24218 Filed 9–23–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Secretary's Advisory Committee on Human Research Protections

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App 2, notice is hereby given that the Secretary's Advisory Committee on Human Research Protections (SACHRP) will hold a meeting that will be open to the public. Information about SACHRP and the full meeting agenda will be posted on the SACHRP Web site at: *http://www.dhhs.gov/ohrp/sachrp/mtgings/index.html.*

DATES: The meeting will be held on Wednesday, October 21, 2015, from 8:30 a.m. until 5:00 p.m. and Thursday, October 22, 2015, from 8:30 a.m. until 4:30 p.m.

ADDRESSES: Fishers Lane Conference Center, Terrace Level, 5635 Fishers Lane, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Jerry Menikoff, M.D., J.D., Director, Office for Human Research Protections (OHRP), or Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; telephone: 240–453–8141; fax: 240–453–6909; email address: *SACHRP@hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services, through the Assistant Secretary for Health, on issues and topics pertaining to or associated with the protection of human research subjects.

The meeting will open to the public at 8:30 a.m., on Wednesday, October 21, followed by opening remarks from Dr. Jerry Menikoff, Executive Secretary of SACHRP and OHRP Director, and Dr. Jeffrey Botkin, SACHRP Chair. The Committee will hear the Subpart A Subcommittee (SAS) and Subcommittee on Harmonization (SOH) reports on the recent Notice of Proposed Rulemaking (NPRM) titled Federal Policy for the Protection of Human Subjects (80 FR 53933, Sep. 8, 2015). Both days will be devoted to the discussion of the NPRM.

SAS was established by SACHRP in October 2006 and is charged with developing recommendations for consideration by SACHRP regarding the application of subpart A of 45 CFR part 46 in the current research environment.

SOH was established by SACHRP at its July 2009 meeting and charged with identifying and prioritizing areas in which regulations and/or guidelines for human subjects research adopted by various agencies or offices within HHS would benefit from harmonization, consistency, clarity, simplification and/or coordination.

The meeting will adjourn at 4:30 p.m. October 22, 2015. Time for public comment sessions will be allotted both days.

Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify one of the designated SACHRP points of contact at the address/phone number listed above at least one week prior to the meeting. Pre-registration is required for participation in the on-site public comment session; individuals may pre-register the day of the meeting. Individuals who would like to submit written statements should email or fax their comments to SACHRP at *SACHRP@hhs.gov* at least five business days prior to the meeting.

Dated: September 18, 2015.

Jerry Menikoff,

Executive Secretary, Secretary's Advisory Committee on Human Research Protections, Director, Office for Human Research Protections.

[FR Doc. 2015–24264 Filed 9–23–15; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Hospital Data Abstraction Form, Formerly Entitled Evaluation of Emergency Department Crisis Center Follow-Up—(OMB No. 0930–0337)—Revision

The Substance Abuse and Mental Health Services Administration's (SAMHSA), Center for Mental Health Services (CMHS) will conduct an evaluation to assess the impact of crisis center follow-up with patients admitted to emergency departments following a suicide attempt.

The overarching purpose of the Hospital Data Abstraction Form, formerly entitled Evaluation of Emergency Department Crisis Center Follow-up, is to examine the impact of crisis center follow-up with patients admitted to emergency departments or inpatient behavioral health units following a suicide attempt or serious suicidal ideation on subsequent readmissions for suicidal behavior. This effort assesses the capacity of follow-up to save both lives and critical hospital resources. This evaluation effort includes one data collection activity. Clearance is being requested for the continuation and expansion of the already-approved abstraction form of hospital data on patients admitted to emergency departments or inpatient behavioral health units following a suicide attempt or serious ideation. This effort will continue to examine the impact of crisis center follow-up on readmissions for suicidal behavior. The data collected through this project will ultimately help SAMHSA to understand and direct crisis center follow-up lifesaving initiatives. The data collection activity is described below.

Hospitals collaborating with two cohorts (cohorts IV and V) of Lifeline crisis centers will participate in this expanded initiative. Fifteen hospitals per cohort will participate for a total of 30. Patient data will be collected for patients admitted for a suicide attempt in the two years prior to collaboration between the hospital and crisis center and for patients admitted for a suicide attempt for the two-year period after collaboration.

The Hospital Data Abstraction Form will be utilized to collect systematic patient data for patients seen in the 30 participating hospitals' emergency departments or inpatient behavioral health units. Information to be abstracted from patient data include: Demographic data, historical data, and subsequent suicidal behavioral and admission data. Data will be de-identified. Hospital staff will review patient data for qualifying (*i.e.,* admission to the emergency department for suicide attempt) records. Records to be reviewed will include emergency department or inpatient behavioral health unit admissions for the two years prior to crisis center and hospital collaboration and for two years following collaboration. It is expected that a total of 30,000 records will be abstracted by hospital staff and provided to the evaluation team.

This revision involves an increase in the number of participating hospital respondents and burden associated with the continuation/expansion of the already-approved Hospital Data Abstraction Form (OMB No. 0930–0337; Expiration 09/30/2016), as well as the discontinuation of data collection and burden associated with the Crisis Center Data Abstraction Form.

The estimated response burden to collect this information is as follows annualized over the requested three-year clearance period is presented below:

TOTAL AND ANNUALIZED AVERAGES: RESPONDENTS, RESPONSES, AND HOURS

Instrument	Number of respondents	Responses per respondent *	Total number of responses	Burden per response	Annual burden *
Hospital Data Abstraction Form	30	334	10,020	.04	401

* Rounded to the nearest whole number

Written comments and recommendations concerning the proposed information collection should be sent by October 26, 2015 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov*. Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2015–24290 Filed 9–23–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Amspec Services, LLC, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec Services, LLC, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of April 29, 2015.

DATES: *Effective Dates:* The accreditation and approval of AmSpec Services, LLC, as commercial gauger and laboratory became effective on April 29, 2015. The next triennial inspection date will be scheduled for April 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec Services, LLC, 100 Wheeler St., Unit G, New Haven, CT 06512, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. AmSpec Services, LLC is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
1	Vocabulary.
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.

API chapters	Title
17	Maritime Measurement.

AmSpec Services, LLC is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D287	Standard Test Method for API Gravity of crude Petroleum and Petroleum Products.
27–02	D1298	Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Meter.
27–04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D86	Standard Test Method for Distillation of Petroleum Products.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry
27–20	D4057	Standard Practice for Manual Sampling of Petroleum and Petroleum Products.
27–48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27–53	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27–54	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
27–58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products.
Pending	D97	Standard Test Method for Pour Point of Petroleum Products.
Pending	D2500	Standard Test Method for Cloud Point of Petroleum Products.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories

Dated: September 10, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–24229 Filed 9–23–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Certain Analytical-Grade Acetonitrile

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (''CBP'') has issued a final determination concerning the country of origin of certain analytical-grade acetonitrile. Based upon the facts presented, CBP has concluded that the country of origin of the analytical-grade acetonitrile is the country of origin of the crude acetonitrile for purposes of U.S. Government procurement.

DATES: The final determination was issued on September 18, 2015. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within October 26, 2015.

FOR FURTHER INFORMATION CONTACT: Ross Cunningham, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202) 325–0034.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on September 18, 2015 pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain analytical-grade acetonitrile, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H265712, was issued under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that the processing in the United States does not result in a substantial transformation. Therefore, the country of origin of the analytical-grade acetonitrile is the country of origin of the crude acetonitrile for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: September 18, 2015.

Harold Singer,

Acting Executive Director, Regulations and Rulings, Office of International Trade.

HQ H265712

September 18, 2015

OT:RR:CTF:VS H265712 RMC

CATEGORY: Country of Origin

David R. Stepp

Bryan Cave LLP

120 Broadway, Suite 300, Santa Monica, CA 90401–2386

Re: U.S. Government Procurement; Country of Origin of Acetonitrile; Substantial Transformation

Dear Mr. Stepp: This is in response to your letter dated April 1, 2015, requesting a country-of-origin determination on behalf of the Sigma-Aldrich Corporation (''Sigma-Aldrich''). You state that Sigma-Aldrich wishes to sell ''analytical-grade acetonitrile'' to the U.S. Government and thus seeks a determination that the country of origin of its product will be the United States.

We note that Sigma-Aldrich is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination. A meeting was held by teleconference on August 15, 2015.

FACTS:

Analytical-grade acetonitrile is a purified chemical that Sigma-Aldrich plans to manufacture in the United States from crude, commercial-grade acetonitrile imported from China and other countries. You state that commercial-grade acetonitrile is most useful as an industrial-grade solvent. Because it is produced as a byproduct of other industrial processes, you state that it contains a relatively low level of ''pure acetonitrile.'' You state that commercial-grade acetonitrile ''can be less than 95%'' and that it contains contaminants such as water.

As its name suggests, purified analytical-grade acetonitrile contains fewer contaminants and may be up to 99.5% pure. In its purified, analytical grades, acetonitrile is suitable for use in chemical testing instruments such as Liquid Chromatography-Mass Spectrometry and Ultra-Performance Liquid Chromatography. These instruments are used for analyzing chemicals for pharmaceutical drug development and production, food safety, medical clinical testing, and environmental testing. You state that commercial-grade acetonitrile is unsuitable for these applications because its impurities would cause false readings and damage the testing equipment.

Sigma-Aldrich produces several analytical grades of purified acetonitrile, including CHROMASOLV® Plus for HPLC; MC–MS CHROMASOLV®; LC–MS Ultra CHROMASOLV®, tested for UHPLC–MS; and CHROMASOLV® Plus, for HPLC. Sigma-Aldrich will purify the imported commercial-grade acetonitrile using the following processes. The steps are set forth in general terms in accordance with your request to exclude confidential information:

1. Freezing the crude product;
2. Extracting the pure acetonitrile from the frozen mass;
3. Analyzing the purified acetonitrile output product and the correct purity level for the grade being produced;
4. Packaging the purified acetonitrile, which requires:
   a. Special glass bottles
   b. Rinsing the bottles
   c. Filling the bottles

You state that the process is lengthy and requires sophisticated, expensive equipment and highly educated personnel. The steps described above take about four days for a ''typical batch'' of 20,000 liters. Scientists, all of whom possess at least a Bachelor of Science degree, perform or oversee the production process which uses a specialized unit and precision testing equipment.

ISSUE:

Whether the purification process described above will ''substantially transform'' the product such that the country of origin of the finished analytical-grade acetonitrile will be the United States for U.S. Government procurement purposes.

LAW AND ANALYSIS:

Pursuant to Subpart B of Part 177, 19 CFR 177.21 *et seq.,* which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country-of-origin advisory rulings and final determinations as to whether an article is a product of a designated country for the purpose of granting waivers of certain ''Buy American'' restrictions on U.S. Government procurement.

In rendering final determinations for purposes of U.S. Government procurement, CBP applies the provisions of Subpart B of Part 177 consistent with the Federal Procurement Regulations. *See* 19 CFR 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the Trade Agreements Act. *See* 48 CFR 25.403(c)(1). The Federal Acquisition Regulations define ''U.S.-made end product'' as ''an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with name, character, or use distinct from that of the article or articles from which it was transformed.'' *See* 48 C.F.R § 25.003.

You argue that the imported commercial-grade acetonitrile will be substantially transformed when Sigma-Aldrich purifies it into analytical-grade acetonitrile. Therefore, in your view, the finished product will be eligible for U.S. Government procurement because its country of origin will be the United States.

A substantial transformation occurs when an article is used in a manufacturing process that results in a new article that has a new name, character or use different from that of the original imported article. In previous rulings, ''CBP has consistently held that refining or purification of a crude substance does not generally effect a substantial transformation that results in a different article of commerce with a new name, character, or use''. Headquarters Ruling Letter (''HQ'') H113256, dated December 27, 2010. For example, CBP has held that refining linseed oil, in H554664, dated October 29, 1987, and Octamine (an aviation lubricant), in HQ 556143, dated March 2, 1992, did not result in an article with a new name, use, or character.

You argue that the acetonitrile purification processes will result in a substantial transformation because the finished product will have a new name, character, and use. Although a change in a product's name is the weakest evidence of a substantial transformation, as noted in *Uniroyal, Inc.* v. *United States,* 3 CIT 220 (1982), *aff'd* 702 F.2d 1022 (Fed. Cir. 1983), you point that ''[t]he imported product is referred to as 'crude' or 'commercial grade,' whereas the processed product is referred to as 'purified' and 'analytical grade.'" In both cases, however, the name of the product remains acetonitrile. The adjectives ''crude,'' ''commercial grade,'' ''purified,'' and ''analytical'' qualify the noun ''acetonitrile.'' As we have previously noted, the addition of an adjective in front of a product name is generally not persuasive. *See* HQ 731731, dated February 23, 1989. We therefore find that the purification process does not result in an article with a new name.

You also argue that the processed acetonitrile has a new character compared to the crude acetonitrile. You state that the imported crude acetonitrile has the character of an industrial manufacturing byproduct, whereas the purified product has the character of a laboratory reagent. CBP's examination of character, however, focuses on the chemical and physical properties of the product itself. *See* HQ 571975, dated April 3, 2002. CBP's Laboratories and Scientific Services Directorate informed us that no chemical reactions or physical changes occur in Sigma-Aldrich's processing. Instead, the processing only removes impurities in the acetonitrile. We therefore find that the purification process does not result in an article with a different character.

While the finished product will not have a different name or character, it will have a different use. The imported crude product can be used as a solvent for industrial processes but not in precision testing applications because impurities can damage the testing equipment or produce measurement errors. Although the finished product could also be used as a solvent, you

state that this is unlikely because it would be ''cost prohibitive.'' Therefore, you state that its likely use is confined to analytical testing.

In support of your argument that a substantial transformation will take place when the crude acetonitrile is purified into analytical-grade acetonitrile, you analogize to rulings HQ 563301, dated August 26, 2005 and HQ 731731, dated February 23, 1989. In HQ 731731, we found that a substantial transformation occurred when raw powdered vancomycin hydrochloride was processed into a finished antibiotic drug capable of intravenous use. As imported, the raw chemical was unfit for medical use. Applying the three substantial transformation factors, we found that the name changed to ''sterile'' vancomycin hydrochloride, the use changed to an injectable antibiotic, and the character changed to a purified solution of uniform potency levels. Accordingly, we found that the chemical was substantially transformed. Similarly, in HQ 563301 we found that a substantial transformation occurred when bulk parathormone was processed into finished parathormone cartridges. We held that the ''extensive processing transforms the raw parathormone from an unstable, non-sterile, frozen material unsuitable for human use into a pharmaceutical agent ready for human use.''

A common theme in HQ 563301 and HQ 731731 is the production of a medicine from chemicals that were previously unfit for human consumption. In both cases, we found that—along with the required change in name and character—this conversion from raw chemicals to medication represented a significant change in use. Here, aside from the fact that no change in name or character will occur, the production of analytical-grade acetonitrile results in a less significant change in use, namely, from one type of industrial use to another.

We believe that this case is more analogous to cases involving the refining and purification of chemicals than to those involving the production of medicine. As noted above, CBP has consistently held that refining or purification of a crude substance does not generally effect a substantial transformation. You attempt to distinguish one of these cases, H566143, dated March 2, 1992, by pointing out that there was no substantial transformation because ''both the precursor and purified substances had the same essential character as aviation lubricants of merely different grades and were therefore not different articles of commerce, and both substances had the same chemical structures.'' Yet here too the crude and purified acetonitrile will have the same essential character as acetonitrile and you have provided no evidence that the substances will have a different chemical structure. Therefore, we are ''bound to follow the well-settled principle of Customs law that the mere refining of a chemical does not result in a substantial transformation of the imported chemicals into a new and different article of commerce with a new name, character, and use.'' HQ 556143, dated March 2, 1992.

HOLDING:

The purification process described above will not substantially transform the acetonitrile, and the country of origin of the finished analytical-grade acetonitrile will not be the United States for U.S. Government procurement purposes.

Sincerely,

Harold Singer,

Acting Executive Director, Regulations & Rulings, Office of International Trade.

[FR Doc. 2015–24288 Filed 9–23–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Saybolt LP as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Saybolt LP as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt LP has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of May 20, 2015.

DATES: *Effective Dates:* The accreditation and approval of Saybolt LP as commercial gauger and laboratory became effective on May 20, 2015. The next triennial inspection date will be scheduled for May 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Saybolt LP, 220 Texas Ave., Texas City, TX 77590, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Saybolt LP is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank Gauging.
5	Metering.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurement.

Saybolt LP is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–02	D1298	Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Meter.
27–03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories

Dated: September 10, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–24226 Filed 9–23–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[SDM 104505/WYW 181986]

Notice of Application for Withdrawal and Notification of Public Meetings; South Dakota and Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service (USFS) has filed an application with the Bureau of Land Management (BLM) requesting the Secretary of the Interior to withdraw approximately 17,486.90 acres of National Forest System lands from the mining laws to protect four Research Natural Areas and seven Botanical Areas within the Black Hills National Forest in South Dakota and Wyoming. This notice temporarily segregates the lands for up to 2 years from location and entry under the United States mining laws while the application is being processed. This notice also gives an opportunity to comment on the proposed withdrawal application, and announces dates, time and location of two public meetings.

DATES: The USFS must receive comments on or before December 23, 2015. The USFS will hold public meetings in connection with the proposed withdrawal on October 27, 2015 and October 28, 2015.

ADDRESSES: Comments should be sent to the Forest Supervisor, Black Hills National Forest, 1019 North 5th Street, Custer, South Dakota 57730 or the BLM Montana State Director, 5001 Southgate Drive, Billings, Montana 59101.

FOR FURTHER INFORMATION CONTACT: Valerie Hunt, USFS, Rocky Mountain Region, 303–275–5071, *vbhunt@fs.fed.us,* Tamara Lorenz, BLM Montana State Office, 406–896–5053, *tlorenz@mt.blm.gov,* or Marilyn Roth, BLM Wyoming State Office, 307–775–6189.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact either of the above individuals. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with either of the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The USFS has filed an application with the BLM, pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 requesting that the Secretary of the Interior withdraw, for a 20-year period, subject to valid existing rights, the National Forest System lands within the Black Hills National Forest described below, from location and entry under the United States mining laws:

South Dakota

Black Hills National Forest

Black Hills Meridian

Bear and Beaver Gulches Botanical Area

T. 5 N., R. 1 E.,
Sec. 4, lots 4 and 5, SW¼NW¼, N½SW¼, SW¼SW¼, and SW¼SE¼;
Sec. 5, lots 1 thru 4, S½NE¼, S½NW¼, E½SE¼, and SW¼SE¼;
Sec. 6, lots 1, 3 thru 9, and lots 12 thru 17;
Sec. 8, NE¼;
Sec. 9, lots 1 thru 6, lot 8, and W½NE¼;
Sec. 16, lot 2.

T. 6 N., R. 1 E.,
Sec. 17, SW¼NE¼, NE¼SW¼, and W½SW¼;
Sec. 18, lot 17;
Sec. 19, lots 1, 5, 6, and 11, and E½;
Sec. 20, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 21, SW¼SW¼;
Sec. 29, E½, E½NW¼, NW¼NW¼, NW¼SW¼, and SE¼SW¼;
Sec. 30, lots 1 thru 6, lots 7 and 12, and E½;
Sec. 31, lots 1 thru 7, lots 10, 11, 12, and 14, NE¼ and NE¼SE¼;
Sec. 32, lots 1 thru 4, NE¼, E½NW¼, N½SW¼, and N½SE¼;
Sec. 33, lots 1 and 2, and N½SW¼.

The areas described aggregate 5,342.08 acres in Lawrence County.

Black Fox Botanical Area

T. 2 N., R. 2 E.,
Sec. 11, SE¼NE¼, SE¼SW¼, E½SE¼, and SW¼SE¼;
Sec. 12 lots 1 and 2, S½NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 13, E½NE¼, W½NW¼, W½SW¼, and NE¼SE¼;
Sec. 14, E½SE¼;
Sec. 24, NW¼NW¼.

T. 2 N., R. 3 E.,
Sec. 7, lots 4 thru 7;
Sec. 17, lots 2, 6, and 7;
Sec. 18, lots 1, 2, 5, and 6, E½NW¼, E½SW¼, and SE¼.

The areas described aggregate 1,618.38 acres in Pennington (909.42 acres) and Lawrence (708.96 acres) Counties.

Canyon City Research Natural Area

T. 1 N., R. 4 E.,
Sec. 1, lots 1, 3, and 4, S½NE¼, S½NW¼, and NW¼SE¼;
Sec. 2, lots 1 thru 4, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 3, lots 5 and 6.

T. 2 N., R. 4 E.,
Sec. 34, lot 9, and S½SE¼SE¼;
Sec. 36, SE¼SW¼.

The areas described aggregate 914.26 acres in Pennington County.

Englewood Springs Botanical Area

T. 4 N., R. 3 E.,
Sec. 29, lots 2, 6, and 7, SE¼NE¼, E½SW¼, and SE¼;
Sec. 32, NE¼NW¼.

The area described contains 409.05 acres in Lawrence County.

Fanny Boles Gulch Research Natural Area

T. 3 S., R. 1 E.,
Sec. 6, lots 5, 6, and 7, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1 thru 4, W½NE¼, W½NW¼, E½SW¼, and S½SE¼.

The area described contains 853.41 acres in Custer County.

Higgins Gulch Botanical Area

T. 6 N., R. 1 E.,
Sec. 23, SE¼SE¼;
Sec. 24, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 25, NW¼NE¼, and W½;
Sec. 26, E½, E½NW¼, SW¼NW¼, E½SW¼, and NW¼SW¼;
Sec. 27, NE¼SW¼;
Sec. 35, N½NE¼, and NE¼NW¼;
Sec 36, W½NE¼, and E½NW¼.

The area described contains 1,640.00 acres in Lawrence County.

McIntosh Fen Botanical Area

T. 1 N., R. 2 E.,
Sec. 14, SE¼SW¼;

Sec. 15, SW¼SE¼;
Sec. 22, lots 1, 2, 6, 7, and 8;
Sec. 26, NW¼NE¼ except for that portion within Homestead Entry Survey 235 subject to Patent 529631.

The area described contains 239.60 acres in Pennington County.

North Fork of Castle Creek Area

T. 1 N., R. 2 E.,
Sec. 2, lots 3 and 4;
T. 2 N., R. 2 E.,
Sec. 22, SW¼SE¼;
Sec. 26, W½;
Sec. 27, E½ and E½NW¼;
Sec. 34, NE¼, E½NW¼, and E½SE¼;
Sec. 35, S½NE¼, W½, NE¼SE¼, and W½SE¼.

The area described aggregates 1,681.72 acres in Pennington County.

The areas described in South Dakota aggregate approximately 12,698.50 acres in Custer, Lawrence, and Pennington Counties.

Wyoming

Black Hills National Forest

Sixth Principal Meridian

Dugout Gulch Botanical Area

T. 52 N., R 60 W.,
Sec. 19, lots 3 and 4, E½SW¼, and W½SE¼;
Sec. 30, lots 1 thru 4, W½NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 31, lot 1, NE¼, NE¼NW¼, and N½SE¼.
T. 52 N., R. 61 W.,
Sec. 24, SE¼SE¼;
Sec. 25, lots 1 thru 4, inclusive, NW¼NE¼, and E½SE ¼;
Sec. 36, E½NE¼.

The area described aggregates 1,515.33 acres in Crook County.

Hay Creek Research Natural Area

T. 54 N., R. 62 W.,
Sec. 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, NW¼SW¼, and S½SW¼;
Sec. 17, NW¼, and N½SW¼;
Sec. 18, NE¼, NE¼NW¼, NE¼SW¼, NE¼SE¼, and W½SE ¼.

The area described contains 1,080.00 acres in Crook County.

Upper Sand Creek Botanical Area

T. 51 N., R. 60 W.,
Sec. 7, S½SE¼;
Sec. 17, lots 1 and 2, NW¼NW¼, SE¼NW¼, E½SW¼, SW¼SW¼, and W½SE¼;
Sec. 18, lots 5 thru 8, inclusive, W½NE¼, SE¼NW¼, W½SE¼, and SE¼SE¼;
Sec. 19, E½;
Sec. 20, lot 1, W½NE¼, SE¼NW¼, W½SE¼, SE¼SE¼;
Sec. 21, lots 8 thru 11, lots 14 and 15, and NW¼SE¼;
Sec. 29, lots 2 and 3, N½NE¼ and SW¼NW¼;
Sec. 30, NE¼.

The area described contains 2,233.07 acres in Crook County.

The total areas described in Wyoming aggregate 4,828.40 acres in Crook County.

The purpose of the withdrawal is to protect the Research Natural Areas and Botanical Areas and allow the USFS to explore administrative alternatives in managing the lands.

The use of a right-of-way, interagency agreement, or cooperative agreement would not provide adequate protection for these areas due to the broad scope and nondiscretionary nature of the general mining laws.

No alternative sites are feasible due to the resource significance of the areas. No water will be needed to fulfill the purpose of the requested withdrawal.

Records relating to the application may be examined by contacting the USFS, Rocky Mountain Region at the above address and phone number.

For a period until December 23, 2015, all persons who wish to submit comments, suggestions, or objections in connection with the withdrawal application may present their views in writing to the Forest Supervisor, Black Hills National Forest at the address indicated above.

Comments, including names and street addresses of respondents, will be available for public review at the Forest Supervisor's Office, Black Hills National Forest, 1019 North 5th Street, Custer, South Dakota 57730, during regular business hours. Individual respondents may request confidentiality. Before including your address, phone number, email address, or other personal identifying information in your comment, be advised 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 from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Notice is hereby given that public meetings in connection with the proposed withdrawal will be held at the Mystic Ranger District, 8221 South Hwy 16, Rapid City, South Dakota 67702 on October 27, 2015 at 6 p.m. and at the Sundance Community Center, Basement of the Crook County Courthouse, 309 Cleveland St., Sundance, Wyoming 82729 on October 28, 2015 at 6 p.m. The USFS will publish a notice of the time and place in a least one newspaper of general circulation no less than 30 days before the scheduled dates of the meetings.

For a period until September 25, 2017, subject to valid existing rights, the lands will be segregated from location and entry under the United States mining laws, unless the application is denied or canceled or the withdrawal is approved prior to that date. The lands will remain open to other uses within the statutory authority pertinent to National Forest lands and subject to discretionary approval.

The application will be processed in accordance with the regulations set forth in 43 CFR 2310.

Peter A. McFadden,

Chief, Branch of Realty and Renewable Energy.

[FR Doc. 2015–24312 Filed 9–23–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO2100000 L11100000.DR0000.LXSISGST0000]

Notice of Availability of the Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana; Nevada and Northeastern California; Oregon; and Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) and Approved Resource Management Plan Amendments (ARMPAs) for the Great Basin Region Greater Sage-Grouse (GRSG) sub-regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, and Utah. The Assistant Secretary for Land and Minerals Management of the U.S. Department of the Interior signed the ROD.

ADDRESSES: Copies of the ROD and ARMPAs are available upon request and are also available for public inspection at the addresses listed in the **SUPPLEMENTARY INFORMATION** section. Interested persons may also review the ROD and ARMPAs on the internet at *http://www.blm.gov/wo/st/en/prog/more/sagegrouse.html.*

FOR FURTHER INFORMATION CONTACT: *For the Idaho and Southwestern Montana GRSG ARMPA:* Jonathan Beck, BLM Idaho State Office GRSG Planning Lead,

telephone 208–373–4070; address 1387 South Vinnell Way, Boise ID 83709; email *jmbeck@blm.gov.*

For the Nevada and Northeastern California GRSG ARMPA: Lauren Mermejo, BLM Nevada State Office GRSG Project Lead, telephone 775–861–6580; address 1340 Financial Boulevard, Reno NV, 89502; email *lmermejo@blm.gov.*

For the Oregon GRSG ARMPA: Joan Suther, BLM Oregon/Washington State Office GRSG Planning Lead, telephone 541–573–4445; address BLM Burns District, 28910 Hwy 20 West, Hines, OR, 97738; email *jsuther@blm.gov.*

For the Utah GRSG ARMPA: Quincy Bahr, BLM Utah State Office GRSG Project Lead, telephone 801–539–4122; address 440 West 200 South, Suite 500, Salt Lake City, UT 84101–1345; email *qfbahr@blm.gov.*

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individuals during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This ROD and the ARMPAs for the Great Basin Region GRSG sub-regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, and Utah were developed through a collaborative planning process in order to incorporate land use plan level measures into existing BLM land use plans to protect, enhance, and restore GRSG and their habitat by reducing, eliminating, or minimizing threats to GRSG habitat in the context of the BLM's multiple-use and sustained yield mission under FLPMA.

The ARMPAs approved by the ROD include land use allocations that limit or eliminate new surface disturbance in GRSG Priority Habitat Management Areas (PHMA), while minimizing disturbance in GRSG General Habitat Management Areas (GHMA). The Idaho and Southwestern Montana ARMPA also includes Important Habitat Management Areas (IHMA) in Idaho, where management provides a buffer for PHMAs and connects patches of PHMAs. IHMAs encompass areas of generally moderate to high value habitat and/or populations, but that are not as important as PHMAs. The Nevada and Northeastern California ARMPA also includes Other Habitat Management Areas (OHMA), which is unmapped habitat that contains seasonal or connectivity habitat areas. BLM management of these areas is limited to the application of required design features (RDFs) for certain authorizations when applicable.

In addition to establishing protective land use allocations, the ARMPAs implement a suite of management decisions, such as the establishment of disturbance limits, GRSG habitat objectives, mitigation requirements, monitoring protocols, and adaptive management triggers and responses, as well as other conservation measures throughout the range.

The cumulative effect of these measures is to protect, improve, and restore GRSG habitat across the remaining range of the species in the Great Basin and provide greater certainty that BLM land and resource management activities in GRSG habitat will lead to conservation of the GRSG and other species associated with the sagebrush ecosystem in the region.

The ARMPAs approved by the ROD amend the following BLM Resource Management Plans (RMPs) and Management Framework Plans (MFPs), completed in the year indicated:

California

- Alturas RMP (2008)
- Eagle Lake RMP (2008)
- Surprise RMP (2008)

Idaho

- Bennett Hills/Timmerman Hills MFP (1980)
- Big Desert MFP (1981)
- Big Lost MFP (1983)
- Bruneau MFP (1983)
- Cassia RMP (1985)
- Cascade RMP (1988)
- Challis RMP (1999)
- Craters of the Moon National Monument RMP (2006)
- Kuna (1983)
- Jarbidge RMP (2015)
- Lemhi RMP (1987)
- Little Lost-Birch Creek MFP (1981)
- Magic MFP (1975)
- Monument RMP (1985)
- Medicine Lodge RMP (1985)
- Owyhee RMP (1999)
- Pocatello RMP (2012)
- Snake River Birds of Prey National Conservation Area RMP (2008)
- Sun Valley MFP (1981)
- Twin Falls MFP (1982)

Montana

- Dillon RMP (2006)

Nevada

- Black Rock Desert-High Rock Canyon NCA RMP (2004)
- Carson City Consolidated RMP (2001)
- Elko RMP (1987)
- Ely RMP (2008)
- Shoshone-Eureka RMP (1986)
- Tonopah RMP (1997)
- Wells RMP (1985)
- Winnemucca RMP (2015)

Oregon

- Andrews RMP (2005)
- Baker RMP (1989)
- Brothers-LaPine RMP (1989)
- Lakeview RMP (2003)
- Southeastern Oregon RMP (2003)
- Steens RMP (2005)
- Three Rivers RMP (1992)
- Upper Deschutes RMP (2005)

Utah

- Box Elder RMP (1986)
- Cedar/Beaver/Garfield/Antimony RMP (1986)
- Grand Staircase-Escalante National Monument Management Plan (2000)
- House Range RMP (1987)
- Kanab RMP (2008)
- Park City MFP (1975)
- Pinyon MFP (1978)
- Pony Express RMP (1990)
- Price RMP (2008)
- Randolph MFP (1980)
- Richfield RMP (2008)
- Salt Lake District Isolated Tracts Planning Analysis (1985)
- Vernal RMP (2008)
- Warm Springs RMP (1987)

The Idaho and Southwestern Montana, Nevada and Northeastern California, and Utah Draft Land Use Plan Amendments (LUPAs)/Draft Environmental Impact Statements (EISs) and Proposed LUPAs/Final EISs included proposed GRSG management direction for National Forest System lands. However, the U.S. Forest Service (USFS) has completed a separate ROD and Land and Resource Management Plans under USFS planning authorities. Management decisions within the ROD and ARMPAs apply only to BLM-administered lands.

Across all four sub-regions in the Great Basin Region, the ROD and ARMPAs amend existing land use plan decisions on a total of approximately 90 million BLM-administered surface acres.

A Notice of Availability (NOA) for the Great Basin Region GRSG Proposed LUPAs and Final EISs for the Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, and Utah sub-regions was published in the **Federal Register** on May 29, 2015, which initiated a 30-day protest period and a 60-day Governor's consistency review period.

The BLM received 133 timely and valid protest submissions across all four Great Basin Proposed LUPAs/Final EISs. All protests have been resolved and/or dismissed. For a full description of the

issues raised during the protest period and how they were addressed, please refer to the Director's Protest Resolution Reports for all four ARMPAs, which are available at the following Web site: *http://www.blm.gov/wo/st/en/prog/planning/planning_overview/protest_resolution/protestreports.html.*

The BLM received notifications of inconsistencies and recommendations as to how to resolve them during the Governor's consistency review period from the States of Idaho, Montana, Nevada, Oregon, and Utah. The BLM also received a concurrence letter of consistency from the State of California. On August 6, 2015, the BLM State Directors for Idaho, Montana, Nevada, Oregon, and Utah sent notification letters to their respective States as to whether they accepted or rejected their recommendations for consistency. The States were then given thirty days to appeal the State Directors' decisions. The States of Idaho, Nevada, and Utah appealed the BLM State Directors' decisions. The BLM Director affirmed the State Directors' decisions on these recommendations as the recommendations did not provide the balance required by 43 CFR 1610.3–2(e). The Director communicated his decisions on the appeals in writing to the Governors concurrently with the release of the RODS.

The Proposed LUPAs/Final EISs were selected in the ROD as the ARMPAs, with some minor modifications and clarifications based on protests received, the Governors' consistency reviews, and internal agency deliberations.

Copies of the Idaho and Southwestern Montana GRSG ROD and ARMPA are available upon request and are available for public inspection at:

- BLM Idaho State Office, 1387 S. Vinnell Way, Boise ID 83709;
- BLM Boise District Office, 3948 Development Avenue, Boise, ID 83705;
- BLM Owyhee Field Office, 20 First Avenue West, Marsing, ID 83639;
- BLM Idaho Falls District Office, 1405 Hollipark Drive, Idaho Falls, ID 83401;
- BLM Salmon Field Office, 1206 South Challis Street, Salmon, ID 83467;
- BLM Challis Field Office, 1151 Blue Mountain Road, Challis, ID 83226;
- BLM Pocatello Field Office, 4350 Cliffs Drive, Pocatello, ID 83204;
- BLM Twin Falls District Office, 2536 Kimberly Road, Twin Falls, ID 83301;
- BLM Shoshone Field Office, 400 West F Street, Shoshone, ID 83352;
- BLM Burley Field Office, 15 East 200 South, Burley, ID 83318;
- BLM Coeur d'Alene District Office, 3815 Schreiber Way, Coeur d'Alene, ID 83815;
- BLM Cottonwood Field Office, 1 Butte Drive, Cottonwood, ID 83522;
- BLM Montana State Office, 5001 Southgate Drive, Billings, MT 59101;
- BLM Butte District Office, 106 North Parkmont, Butte, MT 59701; and
- BLM Dillon Field Office, 1005 Selway Drive, Dillon, MT 59725–9431.

Copies of the Nevada and Northeastern California GRSG ROD and ARMPA are available upon request and are available for public inspection at:

- BLM Nevada State Office, 1340 Financial Boulevard, Reno, NV, 89502;
- BLM Winnemucca District Office, 5100 E. Winnemucca Boulevard, Winnemucca, NV, 89445;
- BLM Ely District Office, 702 North Industrial Way, Ely, NV, 89301;
- BLM Elko District Office, 3900 E. Idaho Street, Elko, NV, 89801;
- BLM Carson City District Office, 5665 Morgan Mill Road, Carson City, NV, 89701;
- BLM Battle Mountain District Office, 50 Bastian Road, Battle Mountain, NV, 89820;
- BLM California State Office, 2800 Cottage Way, Suite W–1623, Sacramento, CA, 95825;
- BLM Alturas Field Office, 708 W. 12th Street, Alturas, CA, 96101;
- BLM Eagle Lake Field Office, 2950 Riverside Drive, Susanville, CA, 96130; and
- BLM Surprise Field Office, 602 Cressler Street, Cedarville, CA, 96104.

Copies of the Oregon GRSG ROD and ARMPA are available upon request and are available for public inspection at:

- BLM Oregon State Office, 1220 SW. 3rd Avenue, Portland, OR 97204;
- BLM Baker Resource Area Office, 3100 H Street, Baker City, OR 97814;
- BLM Burns District Office, 28910 Highway 20 West, Hines, OR 97738;
- BLM Lakeview District Office, 1301 S. G Street, Lakeview, OR 97630;
- BLM Prineville District Office, 3050 NE. 3rd Street, Prineville, OR 97754; and
- BLM Vale District Office, 100 Oregon Street, Vale, OR 97918.

Copies of the Utah GRSG ROD and ARMPA are available upon request and are available for public inspection at:

- BLM Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT, 84101;
- BLM Cedar City Field Office, 176 East D.L. Sargent Drive, Cedar City, UT 84721;
- BLM Fillmore Field Office, 95 East 500 North, Fillmore, UT 84631;
- BLM Kanab Field Office and Grand Staircase-Escalante National Monument, 669 South Highway 89A, Kanab, UT 84741;
- BLM Price Field Office, 125 South 600 West, Price, UT 84501;
- BLM Richfield Field Office, 150 East 900 North, Richfield, UT 84701;
- BLM Salt Lake Field Office, 2370 S. Decker Lake Boulevard, West Valley City, UT 84119; and
- BLM Vernal Field Office, 170 South 500 East, Vernal, UT 84078.

Authority: 36 CFR 219.59, 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2; 43 CFR 1610.5.

Amy Lueders,

Acting Assistant Director, Renewable Resources & Planning.

[FR Doc. 2015–24213 Filed 9–22–15; 4:15 pm]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO210000.15X.L11100000.PH0000 LXSISGST0000]

Notice of Proposed Withdrawal; Sagebrush Focal Areas; Idaho, Montana, Nevada, Oregon, Utah, and Wyoming and Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Assistant Secretary of the Interior for Land and Minerals Management has approved an application to withdraw approximately 10 million acres of public and National Forest System lands identified as Sagebrush Focal Areas in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming from location and entry under the United States mining laws to protect the Greater Sage-Grouse and its habitat from adverse effects of locatable mineral exploration and mining, subject to valid existing rights. This notice temporarily segregates the lands for up to 2 years while the application is processed. This notice also provides the public with an opportunity to comment on the proposed withdrawal application. In addition, this notice initiates the public scoping process for an Environmental Impact Statement (EIS) to analyze and disclose impacts of the proposed withdrawal.

DATES: Comments on the proposed withdrawal application or scoping comments on issues to be analyzed in the EIS must be received by December

23, 2015. Please clearly indicate whether comments are in regard to the withdrawal application or scoping comments on the EIS. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM Web site at: *http://www.blm.gov/wo/st/en/prog/more/sagegrouse.html.* In order to be included in the Draft EIS, all comments must be received prior to the close of the 90-day scoping period or 15 days after the last public meeting, whichever is later. Additional opportunities for public participation will be available upon publication of the Draft EIS.

ADDRESSES: Written comments should be sent to the BLM Director, 1849 C Street NW., (WO–200), Washington, DC 20240 or electronically to *sagebrush_withdrawals@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Mark A. Mackiewicz, PMP, Senior National Project Manager BLM, by telephone at 435–636–3616, or by email at *mmackiew@blm.gov;* or one of the BLM state offices listed below. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to reach the BLM contact person. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management (BLM) filed an application requesting the Assistant Secretary of the Interior for Land and Minerals Management to withdraw, subject to valid existing rights, approximately 10 million acres of public and National Forest System lands located in the States of Idaho, Montana, Nevada, Oregon, Utah and Wyoming from location and entry under the United States mining laws, but not from leasing under the mineral or geothermal leasing or mineral materials laws. Copies of the map entitled ''BLM Petition/Application for Sagebrush Focal Areas Withdrawal'' depicting the lands proposed for withdrawal are posted on our Web site at *http://www.blm.gov/wo/st/en/prog/more/sagegrouse.html* and are also available from the BLM offices listed below:

Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709.

Montana State Office, 5001 Southgate Drive, Billings, Montana 59101–4669.

Nevada State Office, 1340 Financial Boulevard, Reno, Nevada 89502.

Oregon State Office, 1220 SW 3rd Avenue, Portland, Oregon 97204.

Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101.

Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009.

The Sagebrush Focal Areas include all public and National Forest System lands identified in the townships below:

Idaho

Boise Meridian

T. 1 N., Rs. 17 and 29 E.,
Tps. 1 and 10 N., R. 18 E.,
Tps. 1 and 9 to 12 N., R. 19 E.,
Tps. 1, 2, and 8 to 12 N., R. 20 E.,
Tps. 1, 2, and 5 to 12 N., R. 21 E.,
Tps. 1, 2, and 4 to 11 N., R. 22 E.,
Tps. 1 to 13 N., Rs. 23 and 24 E.,
Tps. 9, 10, and 12 N., R. 24½ E.,
Tps. 2 to 12, 15 and 16 N., R. 25 E.,
Tps. 2 to 5, 8 to 11, and 13 to 16 N., R. 26 E.,
Tps. 1, 2, 4 to 11, and 13 to 16 N., R. 27 E.,
Tps. 1, 4 to 9, and 13 to 15 N., R. 28 E.,
Tps. 1 and 6 to 9 N., R. 30 E.,
Tps. 8 and 9 N., Rs. 31 and 32 E.,
Tps. 7 to 9 N., Rs. 34 and 35 E.,
Tps. 9 to 12 N., R. 36 E.,
Tps. 10 to 12 N., R. 37 E.,
Tps. 10 and 11 N., R. 38 E.,
Tps. 9 to 11 N., R. 39 E.,
Tps. 8 to 11 N., R. 40 E.,
Tps. 8 to 10 N., R. 41 E.,
Tps. 8 to 16 S., R. 1 W.,
Tps. 9 to 16 S., R. 2 W.,
Tps. 10 to 16 S., R. 3 W.,
Tps. 11 to 16 S., R. 4 W.,
Tps. 12 to 16 S., R. 5 W.,
Tps. 13 to 16 S., R. 6 W.,
Tps. 8 to 14, and 16 S., R. 1 E.,
Tps. 7 to 14 S., R. 2 E.,
Tps. 8 to 14 S., R. 3 E.,
Tps. 8 to 16 S., R. 4 E.,
Tps. 9, and 11 to 16 S., R. 5 E.,
Tps. 11 to 16 S., R. 6 E.,
Tps. 13 to 16 S., Rs. 7 and 8 E.,
Tps. 14 to 16 S., Rs. 9 and 10 E.,
Tps. 3 and 4 and 14 to 16 S., Rs. 11E.,
Tps. 2 to 4 and 13 to 16 S., R. 12 E.,
Tps. 2 to 4 and 12 to 16 S., Rs. 13 and 14 E.,
Tps. 1 to 4 and 12 to 16 S., Rs. 15 and 17 E.,
Tps. 1 to 4, and 13 to 16 S., R. 16 and 18 E.,
Tps. 1 to 3 S., R. 19 E.,
Tps. 1 to 4 S., Rs. 20 and 24 E.,
Tps. 1 to 4, and 14 S., R. 21 E.,
Tps. 1 to 5, and 14 S., R. 22 E.,
Tps. 1 to 6 S., R. 23 E.,
Tps. 1 to 3 S., Rs. 25, and 27 to 29 E.,
T. 1 S., R. 30 E.

The areas described contain approximately 3,854,622 acres in Bingham, Blaine, Butte, Camas, Cassia, Clark, Custer, Elmore, Fremont, Gooding, Jefferson, Lemhi, Lincoln, Minidoka, Owyhee, Power, and Twin Falls Counties.

Montana

Principal Meridian

Tps. 21 to 23 N., R. 20 E.,
Tps. 20 to 23 N., R. 21 E.,
Tps. 20 N., R. 22 E.,
Tps. 19 to 21, 23 and 24 N., R. 23 E.,
Tps. 18 to 21, 23 and 24 N., Rs. 24 and 25 E.,
Tps. 18 to 20, 22 to 25, 27 and 28 N., R. 26 E.,
T. 24 N., R. 26½ E.,
Tps. 19 to 29 N., R. 27 E.,
Tps. 20, 22 to 24 and 26 to 29 N., R. 28 E.,
Tps. 22 to 27 N., R. 29 E.,
Tps. 22 to 26 N., R. 30 E.,
Tps. 23 to 26 N., Rs. 31 and 32 E.,
Tps. 23 to 29 N., Rs. 33, 35 and 36 E.,
Tps. 24 to 29 N., Rs. 34 and 37 E.,
Tps. 26 and 27 N., R. 36½ E.,
Tps. 24 to 28 N., R. 38 E.,
Tps. 24 to 27 N., R. 39 E.,
T. 26 N., R. 40 E.

The areas described contain approximately 983,156 acres in Fergus, Garfield, Petroleum, Phillips, and Valley Counties.

Nevada

Mount Diablo Meridian

Tps. 44, 46, and 47 N., R. 20 E.,
Tps. 43 to 47 N., Rs. 21, 40, 45, 53, 54, 55, 69, and 70 E.,
Tps. 43, 44, and 47 N., R. 22 E.,
T. 47 N., R. 23 and 23½ E.,
T. 45 N., R. 31 E.,
Tps. 44 to 47 N., Rs. 32, 33, 41 and 42 E.,
Tps. 44 to 48 N., Rs. 34 to 36 E.,
Tps. 45 to 47 N., R. 37 E.,
Tps. 42 to 44 N., R. 38 E.,
Tps. 42 to 47 N., Rs. 39, 46, 49, 50, 57, 58, 60 to 62, 67 and 68 E.,
Tps. 44 to 46 N., R. 43 E.,
Tps. 40 to 47 N., R. 47 E.,
Tps. 41 to 47 N., Rs. 48, and 63 to 66 E.,
T. 44 N., R. 52 E.,
Tps. 46 and 47 N., R. 54½ E.,
Tps. 42 to 45, and 47 N., R. 56 E.,
Tps. 42 to 44, 46 and 47 N., R. 59 E.,

The areas described contain approximately 2,797,399 acres in Elko, Humboldt, and Washoe Counties.

Oregon

Willamette Meridian

Tps. 35 and 36 S., R. 21 E.,
Tps. 32 to 40 S., R. 22 E.,
Tps. 31 to 40 S., Rs. 23 and 24 E.,
Tps. 34 to 41 S., Rs. 25, 29, and 46 E.,
Tps. 33 and 34, 38 to 41 S., R. 26 E.,
Tps. 32 to 41 S., R. 27 and 28 E.,
Tps. 35 to 41 S., R. 30 E.,
Tps. 36 to 41 S., Rs. 31, 40 to 43, 47 and 48 E.,
Tps. 37 to 40 S., R. 32 E.,
T. 37 S., R. 32½ E.,
Tps. 38 to 40 S., R. 33 E.,
Tps. 40 and 41 S., R. 36 E.,
Tps. 36 and 37, 39 to 41 S., R. 37 E.,
Tps. 38 to 41 S., Rs. 38 and 39 E.,
Tps. 33 to 41 S., Rs. 44 and 45 E.,
Tps. 37 to 41 S., R. 49 E.

The areas described contain approximately 1,929,580 acres in Harney, Lake, and Malheur Counties.

Utah

Salt Lake Meridian

Tps. 9 and 10 N., R. 3 E.,
Tps. 9, 10, 10½, and 11 N., R. 4 E.,
Tps. 9 to 12 N., R. 5 E.,
Tps. 9 to 13 N., Rs. 6 to 8 E.,
Tps. 12, 14, and 15 N., R. 17 W.,
Tps. 11 to 15 N., R. 18 W.,
Tps. 10 to 15 N., R. 19 W.

The areas described contain approximately 230,808 acres in Box Elder, Cache, and Rich Counties.

Wyoming

6th Principal Meridian

Tps. 27 and 28 N., R. 99 W.,
Tps. 27 to 29 N., R. 100 W.,
Tps. 25, 28, and 29 N., R. 101 W.,
Tps. 28 N., R. 102 W.,
Tps. 22 N., Rs. 104 and 120 W.,
Tps. 22, and 25 to 27 N., R. 105 W.,
Tps. 26 and 27 N., Rs. 106 to 108 W.,
T. 24 N., R. 112 W.,
Tps. 23 and 24 N., Rs. 113 and 115 W.,
Tps. 22 to 24 N., Rs. 114 and 119 W.,
Tps. 20 to 24 N., R. 117 W.,
Tps. 21 to 24 N., R. 118 W.,
Tps. 19 and 20 N., R. 121 W.

The areas described contain approximately 252,162 acres in Fremont, Lincoln, Sublette, Sweetwater, and Uinta Counties.

The total areas described aggregate approximately 10 million acres of public and National Forest System lands in the six states and counties listed above.

The Assistant Secretary of the Interior for Land and Minerals Management has approved the BLM's application. Therefore, this document constitutes a withdrawal proposal of the Secretary of the Interior (43 CFR 2310.1–3(e)).

The purpose of the proposed withdrawal of the Sagebrush Focal Areas in Priority Habitat Management Areas is to protect the Greater Sage-Grouse and its habitat from adverse effects of locatable mineral exploration and mining subject to valid existing rights.

The use of a right-of-way, interagency or cooperative agreement, or surface management by the BLM under 43 CFR part 3715 or 43 CFR part 3809 regulations or by the Forest Service under 36 CFR part 228 would not adequately constrain nondiscretionary uses, which could result in loss of critical sage-grouse habitat.

There are no suitable alternative sites for the withdrawal.

No water rights would be needed to fulfill the purpose of the requested withdrawal.

Records relating to the application may be examined by contacting the BLM offices listed above.

For a period until December 23, 2015, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the BLM Director, 1849 C Street NW., (WO–210), Washington, DC 20240, or electronically to *sagebrush_withdrawals@blm.gov.*

All comments received will be considered before any final action is taken on the proposed withdrawal.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS. At present, the BLM has identified the following preliminary issues: Air quality/climate, American Indian resources, cultural resources, wilderness, mineral resources, public health and safety, recreation, socio-economic conditions, soil resources, soundscapes, special status species, vegetation resources, visual resources, water resources, and fish and wildlife resources.

Because of the nature of a withdrawal of public lands from operation of the mining law, mitigation of its effects is not likely to be an issue requiring detailed analysis. However, consistent with Council on Environmental Quality regulations implementing NEPA (40 CFR 1502.14), the BLM will consider whether and what kind of mitigation measures may be appropriate to address the reasonably foreseeable impacts to resources from the approval of this proposed withdrawal.

The BLM will utilize and coordinate the NEPA scoping process to help fulfill the public involvement process under the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts to Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed withdrawal that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

Comments including names and street addresses of respondents will be available for public review at the BLM Washington Office at the address noted above, during regular business hours Monday through Friday, except Federal holidays. 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.

For a period until September 24, 2017, subject to valid existing rights, the lands described in this notice will be segregated from location and entry under the United States mining laws, unless the application/proposal is denied or canceled or the withdrawal is approved prior to that date. Licenses, permits, cooperative agreements, or discretionary land use authorizations may be allowed during the temporary segregative period, but only with approval of the authorized officer of the BLM or the USFS.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

Neil Kornze,

Director, Bureau of Land Management.

[FR Doc. 2015–24212 Filed 9–22–15; 4:15 pm]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO350000.L14400000.PN0000]

Renewal of Approved Information Collection

AGENCY: Bureau of Land Management, Interior.

ACTION: 30-day notice and request for comments.

SUMMARY: The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget (OMB) to continue the collection of information from owners of surface estates who apply for title to underlying Federally-owned mineral estates. The Office of Management and Budget (OMB) previously approved this information collection activity, and assigned it control number 1004–0153.

DATES: The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. For maximum consideration, written comments should be received on or before October 26, 2015.

ADDRESSES: Please submit comments directly to the Desk Officer for the Department of the Interior (OMB #1004–0153), Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202–395–5806, or by electronic mail at *OIRA_submission@omb.eop.gov.* Please provide a copy of your comments to the BLM. You may do so via mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: to Jean Sonneman at 202–245–0050.

Electronic mail: Jean_Sonneman@blm.gov.

Please indicate ''Attn: 1004–0153'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Flora Bell, at 202–912–7347. Persons who use a telecommunication device for the deaf may call the Federal Information Relay Service at 1–800–877–8339, to leave a message for Ms. Bell. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. 3501–3521) and OMB regulations at 5 CFR part 1320 provide that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond. In order to obtain and renew an OMB control number, Federal agencies are required to seek public comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)).

As required at 5 CFR 1320.8(d), the BLM published a 60-day notice in the **Federal Register** on February 11, 2015 (80 FR 7630), and the comment period ended April 13, 2015. The BLM received no comments. The BLM now requests comments on the following subjects:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Please send comments as directed under **ADDRESSES** and **DATES**. Please refer to OMB control number 1004–0153 in your correspondence. 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.

The following information pertains to this request:

Title: Conveyance of Federally-Owned Mineral Interests (43 CFR part 2720).

Form: None.

OMB Control Number: 1004–0153.

Abstract: The respondents in this information collection are owners of surface estates who apply for title to underlying Federally-owned mineral estates. The BLM needs to conduct the information collection to determine if the applicants are eligible to receive title to the Federally-owned minerals lying beneath their lands. When certain specific conditions have been met, the United States will convey legal title to the Federally-owned minerals to the owner of the surface estate.

Frequency: On occasion.

Description of Respondents: Owners of surface estates who apply for underlying Federally-owned mineral estates.

Estimated Number of Responses: 24 annually.

Estimated Reporting and Recordkeeping ''Hour'' Burden: 240 hours annually.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: $1,200 annually.

The estimated burdens are itemized in the following table:

A. Type of response	B. Number of responses	C. Hours per response	D. Total hours (column B × column C)
Conveyance of Federally-Owned Mineral Interests—Businesses	11	10	110
Conveyance of Federally-Owned Mineral Interests—Individuals	10	10	100
Conveyance of Federally-Owned Mineral Interests—State/Local/Tribal Governments	3	10	30
Totals	24	.....	240

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2015–24309 Filed 9–23–15; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO2100000 L11100000.DR0000.LXSISGST0000]

Notice of Availability of the Record of Decision; and Approved Resource Management Plan Amendments for the Rocky Mountain Region Greater Sage-Grouse Sub-Regions of Lewistown, North Dakota, Northwest Colorado, and Wyoming; and Approved Resource Management Plans for Billings, Buffalo, Cody, HiLine, Miles City, Pompeys Pillar National Monument, South Dakota, and Worland

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD); and Approved Resource Management Plan Amendments (ARMPAs) for the Rocky Mountain Region Greater Sage-Grouse (GRSG) sub-regions of Lewistown, North Dakota, Northwest Colorado, and Wyoming; and Approved Resource Management Plans (ARMPs) for Billings, Buffalo, Cody, HiLine, Miles City, Pompeys Pillar National Monument, South Dakota, and Worland. The Assistant Secretary for Land and Minerals Management of the U.S. Department of the Interior signed the ROD.

ADDRESSES: Copies of the ROD, ARMPAs and ARMPs are available upon request and are also available for public inspection at the addresses listed in the **SUPPLEMENTARY INFORMATION** section. Interested persons may also review the ROD, ARMPAs and ARMPs on the internet at: *http://www.blm.gov/wo/st/en/prog/more/sagegrouse.html*.

FOR FURTHER INFORMATION CONTACT: Contacts for each subregion for the GRSG ARMPAs and ARMPs are listed in the **SUPPLEMENTARY INFORMATION** section.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the listed individuals during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This ROD; the ARMPAs for the Rocky Mountain Region GRSG sub-regions of Lewistown, North Dakota, Northwest Colorado, and Wyoming; and the ARMPs for Billings, Buffalo, Cody, HiLine, Miles City, Pompeys Pillar National Monument, South Dakota, and Worland were developed through a collaborative planning process in order to incorporate land use plan level measures into existing BLM land use plans to protect, enhance, and restore GRSG and their habitat by reducing, eliminating, or minimizing threats to GRSG habitat in the context of the BLM's multiple-use and sustained yield mission under FLPMA.

The ARMPAs and ARMPs approved by the ROD include land use allocations that limit or eliminate new surface disturbance in GRSG Priority Habitat Management Areas (PHMA), while minimizing disturbance in GRSG General Habitat Management Areas (GHMA). The Billings and Miles City ARMPs also include Restoration Habitat Management Areas (RHMA), where certain management actions in these areas provide for a balance between ongoing and future resource uses, so that habitat is maintained, while also allowing for residual populations in impacted areas to persist. The Northwest Colorado ARMPA also includes Linkage and Connectivity Habitat Management Areas (LCHMA), which have protections to facilitate the movement of GRSG and maintain ecological processes. In addition to establishing protective land use allocations, the ARMPAs and ARMPs implement a suite of management decisions, such as the establishment of disturbance limits, GRSG habitat objectives, mitigation requirements, monitoring protocols, and adaptive management triggers and responses, as well as other conservation measures throughout the range.

The cumulative effect of these measures is to protect, improve, and restore GRSG habitat across the remaining range of the species in the Rocky Mountain Region and provide greater certainty that BLM land and resource management activities in GRSG habitat will lead to conservation of the GRSG and other species associated with the sagebrush ecosystem in the region.

The ARMPs (plan revisions) approved by the ROD also provide updated land use plan management direction for all BLM program areas, including but not limited to, air quality, fish and wildlife, cultural, lands and realty, livestock grazing, minerals and energy, recreation and visitor services, soil and water, special management area designations (including Areas of Critical Environmental Concern), travel and transportation, vegetation, visual resources, wild horse and burros, land with wilderness characteristics, and wildland fire management.

The ARMPAs approved by the ROD amend the following BLM Resource Management Plans (RMPs), completed in the year indicated:

Lewistown GRSG ARMPA
- Judith RMP (1994)
- Headwaters RMP (1984)

North Dakota GRSG ARMPA
- North Dakota RMP (1988)

Northwest Colorado GRSG ARMPA
- Colorado River Valley RMP (2015)
- Grand Junction RMP (2015)
- Kremmling RMP (2015)
- Little Snake RMP (2011)
- White River RMP (1997)

Wyoming GRSG ARMPA
- Casper RMP (2007)
- Kemmerer RMP (2010)
- Newcastle RMP (2000)
- Pinedale RMP (2008)
- Rawlins RMP (2008)
- Green River RMP (1997) (being revised under the Rock Springs RMP)

The ARMPs (plan revisions) approved by the ROD will replace the following Resource Management Plans (RMPs):

Billings and Pompeys Pillar National Monument ARMPs
- Billings RMP (1984)

Buffalo ARMP
- Buffalo RMP (1985)

Cody ARMP (portion of the Bighorn Basin planning effort)
- Cody RMP (1990)

HiLine ARMP
- West HiLine RMP (1988)
- Judith-Valley-Phillips RMP (1994)

Miles City ARMP
- Big Dry RMP (1996)
- Powder River RMP (1985)

South Dakota ARMP
- South Dakota RMP (1986)

Worland ARMP (portion of the Bighorn Basin planning effort)
- Washakie RMP (1988)
- Grass Creek RMP (1998)

The Northwest Colorado and Wyoming Draft Land Use Plan Amendments (LUPAs)/Draft Environmental Impact Statements (EISs) and Proposed LUPAs/Final EISs included proposed GRSG management direction for National Forest System lands. However, the U.S. Forest Service (USFS) has completed a separate ROD and Land and Resource Management Plans under USFS planning authorities. Management decisions within the ROD and ARMPAs apply only to BLM-administered lands.

Across all sub-regions in the Rocky Mountain Region, the ROD, ARMPA and ARMPs amend and revise existing land use plan decisions on approximately 23 million BLM-administered surface acres.

Notices of Availability (NOA) for the Rocky Mountain Region GRSG Proposed

LUPAs and RMPs/Final EISs were published in the **Federal Register** on May 29, 2015, which initiated a 30-day protest period and a 60-day Governor's consistency review period. The BLM received 149 timely and valid protest submissions across all Rocky Mountain proposed RMPs and LUPAs/Final EISs. All protests have been resolved and/or dismissed. For a full description of the issues raised during the protest period and how they were addressed, please refer to the Director's Protest Resolution Reports, which are available at the following Web site: *http://www.blm.gov/wo/st/en/prog/planning/planning_overview/protest_resolution/protestreports.html*.

The BLM received notifications of inconsistencies and recommendations as to how to resolve them during the Governor's consistency review period from the States of Colorado, Montana, North Dakota, South Dakota, and Wyoming. On August 6, 2015, the BLM State Directors for Colorado, Montana/Dakotas, and Wyoming sent notification letters to their respective States as to whether they accepted or rejected their recommendations for consistency. The States were then given 30 days to appeal the State Directors' decisions. The States of North Dakota and South Dakota appealed the BLM State Director's decisions. The BLM Director affirmed the State Director's decisions on these recommendations as the recommendations did not provide the balance required by 43 CFR 1610.3–2(e). The Director communicated his decisions on the appeals in writing to the Governors concurrently with the release of the RODs. The Proposed RMPs and LUPAs/Final EISs were selected in the ROD as the ARMPAs and ARMPs, with some minor modifications and clarifications based on protests received, the Governors' consistency reviews, and internal agency deliberations.

Copies of the Lewistown GRSG ROD and ARMPA are available upon request and are available for public inspection at:

- BLM Montana/Dakotas State Office, 5001 Southgate Drive, Billings, Montana 59101; and
- BLM Lewistown Field Office, 920 Northeast Main, Lewistown, Montana 59457.

Copies of the North Dakota GRSG ROD and ARMPA are available upon request and are available for public inspection at:

- BLM Montana/Dakotas State Office, 5001 Southgate Drive, Billings, Montana 59101; and
- BLM North Dakota Field Office, 99 23rd Avenue East, Suite A, Dickinson, North Dakota 58601.

Copies of the Northwest Colorado GRSG ROD and ARMPA are available upon request and are available for public inspection at:

- BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215; and
- BLM Northwest District Office, 2815 H Road, Grand Junction, Colorado 81506.

Copies of the Wyoming GRSG ROD and ARMPA are available upon request and are available for public inspection at:

- BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009;
- BLM Casper Field Office, 2987 Prospector Drive, Casper, Wyoming 82604;
- BLM Kemmerer Field Office, 312 Highway 189 North, Kemmerer, Wyoming 83101;
- BLM Newcastle Field Office, 1101 Washington Boulevard, Newcastle, Wyoming 82701;
- BLM Pinedale Field Office, 1625 West Pine Street, Pinedale, Wyoming 82941;
- BLM Rawlins Field Office, 1300 North Third, Rawlins, Wyoming 82301; and
- BLM Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901.

Copies of the Billings and Pompeys Pillar National Monument ROD and ARMPs are available upon request and are available for public inspection at:

- BLM Montana/Dakotas State Office and Billings Field Office, 5001 Southgate Drive, Billings, Montana 59101.

Copies of the Buffalo ROD and ARMP are available upon request and are available for public inspection at:

- BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82003;
- BLM High Plains District Office, 2987 Prospector Drive, Casper, WY 82604; and
- BLM Buffalo Field Office, 1425 Fort Street, Buffalo, WY 82834.

Copies of the Cody ROD and ARMP are available upon request and are available for public inspection at:

- BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82003; and
- BLM Cody Field Office, 1002 Blackburn Avenue, Cody, Wyoming 82414.

Copies of the HiLine ROD and ARMP are available upon request and are available for public inspection at:

- BLM Montana/Dakotas State Office, 5001 Southgate Drive, Billings, Montana 59101;
- BLM Havre Field Office, 3990 Highway 2 West, Havre, Montana 59501;
- BLM Malta Field Office, 501 South 2nd Street, Malta, Montana 59538; and
- BLM Glasgow Field Office, 5 Lasar Drive, Glasgow, Montana 59230.

Copies of the Miles City ROD and ARMP are available upon request and are available for public inspection at:

- BLM Montana/Dakotas State Office, 5001 Southgate Drive, Billings, Montana 59101; and
- BLM Miles City Field Office, 111 Garryowen Road, Miles City, MT 59301.

Copies of the South Dakota ROD and ARMP are available upon request and are available for public inspection at:

- BLM Montana/Dakotas State Office, 5001 Southgate Drive, Billings, Montana 59101; and
- BLM South Dakota Field Office, 310 Roundup Street, Belle Fourche, SD 57717.

Copies of the Worland ROD and ARMP are available upon request and are available for public inspection at:

- BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82003; and
- BLM Worland Field Office, 101 South 23rd Street, Worland, Wyoming 82401.

For further information contact: For the Lewistown GRSG ARMPA: Adam Carr, BLM Project Lead, telephone 406–538–1913; address Lewistown Field Office, 920 Northeast Main, Lewistown, MT 59457; email *acarr@blm.gov.*

For the North Dakota GRSG ARMPA: Ruth Miller, BLM Team Lead, telephone 406–896–5023; address Montana/Dakotas State Office, 5001 Southgate Drive, Billings, MT 59101; email *blm_mt_nd_sage_grouse@blm.gov.*

For the Northwest Colorado GRSG ARMPA: Erin Jones, BLM Northwest District NEPA Coordinator, telephone 970–244–3008; address Northwest District Office, 2815 H Road, Grand Junction, CO 81506; email *erjones@blm.gov.*

For the Wyoming GRSG ARMPA: William West, BLM Planning and Environmental Coordinator, telephone 307–352–0259; address Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901; email *wwest@blm.gov.*

For the Billings ARMP: Carolyn Sherve-Bybee, Billings and Pompeys Pillar National Monument RMP Team Leader, telephone: 406–896–5234; address: 5001 Southgate Drive, Billings, MT 59101; email: *billings_pompeyspillar_rmp@blm.gov.*

For the Buffalo ARMP: Thomas Bills, Buffalo RMP Team Leader; The BLM Buffalo Field Office, 1425 Fort Street, Buffalo, WY 82834, by telephone 307–684–1133, or by email *tbills@blm.gov.*

For the Cody ARMP: Holly Elliott, RMP Project Manager, telephone: 307–347–5193; address: 101 South 23rd Street, Worland, Wyoming 82401; email: *helliott@blm.gov.*

For the HiLine ARMP: Brian Hockett, Planning and Environmental Coordinator, telephone: 406–262–2837; address: 3990 Highway 2 West, Havre, MT 59501; email: *MT_HiLine_RMP@blm.gov.*

For the Miles City ARMP: Mary Bloom, Miles City RMP Team Leader, telephone: 406–233–2800; address: 111 Garryowen Road, Miles City, MT 59301; email: *mbloom@blm.gov.*

For the Pompeys Pillar National Monument ARMP: Carolyn Sherve-Bybee, Billings and Pompeys Pillar National Monument RMP Team Leader, telephone: 406–896–5234; address: 5001 Southgate Drive, Billings, MT 59101; email: *billings_pompeyspillar_rmp@blm.gov.*

For the South Dakota ARMP: Mitch Iverson, RMP Project Manager, telephone: 605–892–7008; or Lori (Chip) Kimball, BLM South Dakota Field Manager, telephone: 605–892–7000; address: 310 Roundup Street, Belle Fourche, SD 57717; email: *BLM_MT_South_Dakota_RMP@blm.gov.*

For the Worland ARMP: Holly Elliott, RMP Project Manager, telephone: 307–347–5193; address: 101 South 23rd Street, Worland, Wyoming 82401; email: *helliott@blm.gov.*

Authority: 36 CFR 219.59, 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2; 43 CFR 1610.5.

Amy Lueders,

Acting Assistant Director, Renewable Resources & Planning.

[FR Doc. 2015–24208 Filed 9–22–15; 4:15 pm]

BILLING CODE 4310–22–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–966]

Certain Silicon-on-Insulator Wafers; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 19, 2015, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Silicon Genesis Corp. (''Complainant'' or ''SiGen''). An amended complaint was filed on September 8, 2015. The complaint, as amended, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain silicon-on-insulator wafers by reason of infringement of certain claims of U.S. Patent Nos. 5,985,742 (''the '742 patent''); 6,013,563 (''the '563 patent''); 6,103,599 (''the '599 patent''); 6,162,705 (''the '705 patent''); 6,180,496 (''the '496 patent''); 6,294,814 (''the '814 patent''); 6,790,747 (''the '747 patent''); and 7,811,901 (''the '901 patent''). The amended complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The amended complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at *http://www.usitc.gov* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2015).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 17, 2015, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain silicon-on-insulator wafers by reason of infringement of one or more of claims 1–12, 14, and 18–20 of the '742 patent; claims 1–10, 12, 13, 17, 18, 21, 22, 24, 28–30, 34, 37, 38, 40, 41, and 44–46 of the '563 patent; claims 1–8, 10–22, and 24–28 of the '599 patent; claims 1–12, 20–22, 25–28, 32, 33, 36–39, 43–48, 51, and 52 of the '705 patent; claims 1–3, 5, and 6 of the '496 patent; claims 1–3 and 5 of the '814 patent; claims 1, 2, 9, 15, and 21 of the '717 patent; and claims 1, 2, 4, 6, 7, 9, 13, 18, 19, and 21 of the '901 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(l), 19 CFR 210.50(b)(l), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(l), (f)(1), (g)(l);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Silicon Genesis Corp., 1980 Senter Road, San Jose, California 95112.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Soitec S.A., Parc Technologique des Fontaines, Chemin des Franques, 38190 Bernin, France.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such

responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: September 18, 2015.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–24222 Filed 9–23–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–967]

Certain Document Cameras and Software for use Therewith Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 20, 2015, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Pathway Innovations & Technologies, Inc. of San Diego, California. A supplement was filed on August 31, 2015. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain document cameras and software for use therewith by reason of infringement of certain claims of U.S. Patent No. D647,906 (''the 'D906 patent''); U.S. Patent No. D674,389 (''the 'D389 patent''); U.S. Patent No. D715,300 (''the 'D300 patent''); and U.S. Patent No. 8,508,751 (''the '751 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2015).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 17, 2015, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain document cameras and software for use therewith by reason of infringement of one or more of the claim of the 'D906 patent; the claim of the 'D389 patent; the claim of the 'D300 patent; and claims 1–18 and 20 of the '751 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant:

Pathway Innovations & Technologies, Inc., 10211 Pacific Mesa Boulevard, Ste. 412, San Diego, CA 92121

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Recordex USA, Inc., 10–50 46th Avenue, Long Island City, NY 11101

QOMO HiteVision, LLC, 46950 Magellan Drive, Wixom, MI 48393

Adesso, Inc., 160 Commerce Way, Walnut, CA 91789

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: September 18, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–24221 Filed 9–23–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On September 18, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Massachusetts in the lawsuit entitled *United States* v. *Town of Swampscott,* Civil Action No. 1:15–cv–13388–DJC.

In the Complaint, the United States, on behalf of the U.S. Environmental Protection Agency (EPA), alleges that the defendant Town of Swampscott violated the Clean Water Act (''CWA''), 33 U.S.C. 1251, *et seq.,* and applicable regulations relating to the City's failure to comply with its small municipal separate storm sewer system permit. The Consent Decree requires the Town to undertake various measures to study and correct the problems causing the permit violations in order to achieve compliance with the CWA and applicable regulations. The Consent Decree also requires the payment of a $65,000 civil penalty.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Town of Swampscott,* D.J. Ref. No. 90–5–1–1–10994. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $12.25 (25 cents per page reproduction cost), not including Appendices, payable to the United States Treasury.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 2015–24261 Filed 9–23–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Flash/Cancellation/Transfer Notice (I–12) Approval of an Existing Collection in Use Without an OMB Control Number

AGENCY: Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 23, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gerry Lynn Brovey, Supervisory Information Liaison Specialist, FBI, CJIS, Resources Management Section, Administrative Unit, Module C–2, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306 (facsimile: 304–625–5093).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Approval of existing collection in use without an OMB control number.
2. *The Title of the Form/Collection:* Flash/Cancellation/Transfer Notice.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* I–12.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal and tribal law enforcement agencies. This collection is needed to indicate on an individual's criminal history that the individual is being supervised to ensure the supervisory agency is notified of any additional criminal history activity. Acceptable data is stored as part of the Next Generation Identification (NGI) system of the FBI.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 6,104 respondents will complete each form within approximately 8 minutes.
6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 25,733 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: September 21, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–24250 Filed 9–23–15; 8:45 am]

BILLING CODE 4410–02–P

NATIONAL SCIENCE FOUNDATION

Astronomy and Astrophysics Advisory Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name and Committee Code: Astronomy and Astrophysics Advisory Committee (#13883).

Date and Time:

November 12, 2015, 9:00 a.m.–5:00 p.m.
November 13, 2015, 9:00 a.m.–12:00 p.m.

Place: National Science Foundation, Room 1235, Stafford I Building, 4201 Wilson Blvd., Arlington, VA, 22230.

Type of Meeting: Open.

Contact Person: Dr. Jim Ulvestad, Division Director, Division of Astronomical Sciences, Suite 1045, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703–292–7165.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies.

Agenda: To hear presentations of current programming by representatives from NSF, NASA, DOE and other agencies relevant to astronomy and astrophysics; to discuss current and potential areas of cooperation between the agencies; to formulate recommendations for continued and new areas of cooperation and mechanisms for achieving them.

Dated: September 17, 2015.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2015–24234 Filed 9–23–15; 8:45 am]

BILLING CODE 7555–01–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Audit Committee Meeting; Sunshine Act

TIME & DATE: 9:00 a.m., Tuesday, September 29, 2015.

PLACE: NeighborWorks America—Gramlich Boardroom, 999 North Capitol Street NE., Washington DC 20002.

STATUS: Open (with the exception of Executive Sessions).

CONTACT PERSON: Jeffrey Bryson, General Counsel/Secretary, (202) 760–4101; *jbryson@nw.org.*

AGENDA:

I. CALL TO ORDER
II. Executive Session with the External Auditors
III. Executive Session with the Chief Audit Executive
IV. Executive Session: Pending Litigation
V. OHTS Watch List Review
VI. FY 2016 Risk Assessment & Internal Audit Plan
VII. Internal Audit Reports with Management's Response
VIII. Internal Audit Status Reports
IX. Compliance Update
X. Other External Audit Reports
XI. Adjournment

Jeffrey T. Bryson,

EVP & General Counsel/Corporate Secretary.

[FR Doc. 2015–24439 Filed 9–22–15; 4:15 pm]

BILLING CODE 7570–02–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Board of Directors Meeting; Sunshine Act

TIME & DATE: 10:00 a.m., Tuesday, September 29, 2015.

PLACE: NeighborWorks America—Gramlich Boardroom, 999 North Capitol Street NE., Washington DC 20002.

STATUS: Open (with the exception of Executive Session).

CONTACT PERSON: Jeffrey Bryson, General Counsel/Secretary, (202) 760–4101; *jbryson@nw.org.*

AGENDA:

I. CALL TO ORDER
II. Executive Session: Report from CEO
III. Executive Session: Executive Compensation
IV. Executive Session: Audit Committee Report Out
V. Approval of Minutes
VI. Staff Presentation
VII. FY16 Preliminary Budget
VIII. LIFT Program
IX. Bank Settlement
X. Strategic Planning Process
XI. Management Program Updates
XII. Adjournment

Jeffrey T. Bryson,

EVP & General Counsel/Corporate Secretary.

[FR Doc. 2015–24440 Filed 9–22–15; 4:15 pm]

BILLING CODE 7570–02–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–4; Order No. 2719]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an amendment to Parcel Return Service Contract 5 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 28, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Filing
III. Ordering Paragraphs

I. Introduction

On September 18, 2015, the Postal Service filed notice that it has agreed to an Amendment to the existing Parcel Return Service Contract 5 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the Amendment and a certification of compliance with 39 U.S.C. 3633(a), as required by 39 CFR 3015.5.

The Postal Service also filed the unredacted Amendment and supporting financial information under seal. The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of information that it has filed under seal. *Id.* at 1.

The Amendment concerns a price change pursuant to contractual terms. *Id.*

The Postal Service intends for the Amendment to become effective one business day after the date that the Commission completes its review of the Notice. *Id.* The Postal Service asserts that the Amendment will not impair the ability of the contract to comply with 39 U.S.C. 3633. *Id.* Attachment B at 1.

II. Notice of Filing

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent

[1] Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Parcel Return Service Contract 5, September 18, 2015 (Notice).

with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than September 28, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Cassie D'Souza to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2014–4 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Cassie D'Souza to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than September 28, 2015.

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

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–24260 Filed 9–23–15; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75945; File No. SR–NYSEArca–2015–68]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Relating to Implementation of a Fee on Securities Lending and Repurchase Transactions With Respect to Shares of the CurrencyShares® Euro Trust and the CurrencyShares® Japanese Yen Trust

September 18, 2015.

On July 30, 2015, NYSE Arca, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to implementation of a fee on securities lending and repurchase transactions with respect to shares of the CurrencyShares® Euro Trust and the CurrencyShares® Japanese Yen Trust, which are currently listed and trading on the Exchange under NYSE Arca Equities Rule 8.202. The proposed rule change was published for comment in the **Federal Register** on August 20, 2015.[3] The Commission has not received any comments on the proposal.

Section 19(b)(2) of the Act [4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is October 4, 2015. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates November 18, 2015, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca-2015–68).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Brent J. Fields,

Secretary.

[FR Doc. 2015–24215 Filed 9–23–15; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 75698 (Aug. 14, 2015), 80 FR 50701.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75952; File No. SR–NYSEMKT–2015–64]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Make Permanent the Rules of the New Market Model Pilot, the Supplemental Liquidity Providers Pilot, and the Pilot Program Allowing ''UTP Securities'' To Be Traded on the Exchange Pursuant to a Grant of Unlisted Trading Privileges

September 18, 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 September 9, 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 make permanent the rules of (1) the New Market Model Pilot, (2) the Supplemental Liquidity Providers Pilot, and (3) the pilot program allowing ''UTP Securities'' to be traded on the Exchange pursuant to a grant of unlisted trading privileges (the ''UTP Pilot''). 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,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 make permanent the rules of the (1) New Market Model Pilot (''NMM Pilot''), (2) the Supplemental Liquidity Providers Pilot (''SLP Pilot''), and (3) the UTP Pilot (collectively, the ''Pilots''). The Pilots are currently scheduled to expire upon the earlier of October 31, 2015 or Securities and Exchange Commission (''SEC'' or ''Commission'') approval to make the Pilots permanent.[4]

Background

In October 2008, the Exchange's affiliate the New York Stock Exchange LLC (''NYSE'') implemented significant changes to its market rules, execution technology and the rights and obligations of its market participants referred to as the ''New Market Model'' which were designed to improve execution quality on the NYSE.[5] The Exchange adopted the NMM Pilot pursuant to its merger with the NYSE.[6]

The NYSE established the NMM Pilot to provide incentives for quoting, to enhance competition among the existing group of liquidity providers and to add a new competitive market participant. The Exchange believes that the NMM Pilot allows the Exchange to provide its market participants with a trading venue that utilizes an enhanced market structure to encourage the addition of liquidity, facilitate the trading of larger orders more efficiently and operates to reward aggressive liquidity providers.

As part of the NMM Pilot, the Exchange eliminated the function of equity specialists on the Exchange and created a new category of market participant, the Designated Market Maker or DMM.[7] DMMs, like specialists, have affirmative obligations to make an orderly market, including continuous quoting requirements and obligations to re-enter the market when reaching across to execute against trading interest. Unlike specialists, DMMs have a minimum quoting requirement[8] in their assigned securities and no longer have a negative obligation. DMMs are also no longer agents for public customer orders.[9]

In addition, the Exchange implemented a system change that allowed DMMs to create a schedule of additional non-displayed liquidity at various price points where the DMM is willing to interact with interest and provide price improvement to orders in the Exchange's system. This schedule is known as the DMM Capital Commitment Schedule (''CCS'').[10] CCS provides the Display Book® with the amount of shares that the DMM is willing to trade at price points outside, at and inside the Exchange Best Bid or Best Offer (''BBO''). CCS interest is separate and distinct from other DMM interest in that it serves as the interest of last resort.

The Display Book® system is an order management and execution facility that receives and displays orders to the DMMs, contains the order information, and provides a mechanism to execute and report transactions and publish the results to the Consolidated Tape. The Display Book® system is connected to a number of other Exchange systems for the purposes of comparison, surveillance, and reporting information to customers and other market data and national market systems. Because the Exchange has retired the actual system referred to as the ''Display Book,'' but not the functionality associated with the Display Book®, the Exchange proposes to replace all references to the term ''Display Book®'' in Rules 104 and 1000 with references either to the term (i) ''Exchange systems'' when use of the term refers to the Exchange systems that receive and execute orders, or (ii) ''Exchange book'' when use of the term refers to the interest that has been entered and ranked in Exchange systems.

The NMM Pilot further modified the logic for allocating executed shares among market participants having trading interest at a price point upon execution of incoming orders. The modified logic rewards displayed orders that establish the Exchange's BBO. During the operation of the NMM Pilot, orders or portions thereof that establish priority[11] retain that priority until the portion of the order that established priority is exhausted. Where no one order has established priority, shares are distributed among all market participants on parity.

The NYSE SLP Pilot was launched in coordination with the NMM Pilot, which established SLPs as a new class of market participants to supplement the liquidity provided by DMMs.[12] The NYSE established the SLP Pilot to provide incentives for quoting, to enhance competition among the existing group of liquidity providers, including the DMMs, and add new competitive market participants. NYSE MKT Rule 107B—Equities is based on NYSE Rule 107B. NYSE MKT Rule 107B—Equities was filed with the Commission on December 30, 2009, as a ''me too'' filing for immediate effectiveness as a pilot program.[13]

Similarly, in 2010, the Exchange adopted NYSE MKT Rules 500–525—Equities as a pilot program governing the trading of any ''UTP Securities'' on the Exchange pursuant to unlisted trading privileges.[14] The UTP Pilot was also based on the NMM Pilot trading

[4] *See* Securities Exchange Act Nos. 75533 (July 28, 2015), 80 FR 46083 (August 3, 2015) (SR–NYSEMKT–2015–52); 75534 (July 28, 2015), 80 FR 46081 (August 3, 2015) (SR–NYSEMKT–2015–53); 75535 (July 28, 2015), 80 FR 46078 (August 3, 2015) (SR–NYSEMKT–2015–54).

[5] *See* Securities Exchange Act Release No. 58845 (October 24, 2008), 73 FR 64379 (October 29, 2008) (SR–NYSE–2008–46) (''Release No. 58845'').

[6] NYSE Euronext acquired The Amex Membership Corporation (''AMC'') pursuant to an Agreement and Plan of Merger, dated January 17, 2008 (the ''Merger''). In connection with the Merger, the Exchange's predecessor, the American Stock Exchange LLC (''Amex''), a subsidiary of AMC, became a subsidiary of NYSE Euronext called NYSE Alternext US LLC. *See* Securities Exchange Act Release No. 58673 (September 29, 2008), 73 FR 57707 (October 3, 2008) (SR–NYSE–2008–60 and SR–Amex–2008–62) (approving the Merger); *see also* Securities Exchange Act Release Nos. 58705 (Oct. 1, 2008), 73 FR 58995 (Oct. 8, 2008) (SR–Amex–2008–63) (approving adoption of equities rules based on those of NYSE) and 59022 (Nov. 26, 2008), 73 FR 73683 (Dec. 3, 2008) (SR–NYSEALTR–2008–10) (amending equity rules to conform to NYSE NMM Pilot rules). Subsequently, NYSE Alternext US LLC was renamed NYSE Amex LLC, which was then renamed NYSE MKT LLC and continues to operate as a national securities exchange registered under Section 6 of the Securities Exchange Act of 1934, as amended (the ''Act''). *See* Securities Exchange Act Release Nos. 59575 (March 13, 2009), 74 FR 11803 (March 19, 2009) (SR–NYSEALTR–2009–24) and 67037 (May 21, 2012), 77 FR 31415 (May 25, 2012) (SR–NYSEAmex–2012–32).

[7] *See* NYSE MKT Rule 103—Equities.

[8] *See* NYSE MKT Rule 104—Equities.

[9] *See* NYSE MKT Rule 60—Equities; *see also* NYSE MKT Rules 104—Equities and 1000—Equities.

[10] *See* NYSE MKT Rule 1000—Equities.

[11] *See* NYSE MKT Rule 72(a)(ii)—Equities.

[12] *See* NYSE Rule 107B and NYSE MKT Rule 107B—Equities. The NYSE amended the monthly volume requirements to an average daily volume (''ADV'') that is a specified percentage of NYSE consolidated ADV. *See* Securities Exchange Act Release No. 67759 (August 30, 2012), 77 FR 54939 (September 6, 2012) (SR–NYSE–2012–38).

[13] *See* Securities Exchange Act Release No. 61308 (January 7, 2010), 75 FR 2573 (January 15, 2010) (SR–NYSEAmex–2009–98) (''Release No. 61308'').

[14] *See* Securities Exchange Act Release No. 62479 (July 9, 2010), 75 FR 41264 (July 15, 2010) (SR–NYSEAmex–2010–31) (''UTP Pilot Approval Order''). ''UTP Securities'' is included within the definition of ''security'' as that term is used in the NYSE MKT Equities Rules. *See* NYSE MKT Rule 3—Equities. In accordance with this definition, UTP Securities are admitted to dealings on the Exchange on an ''issued,'' ''when issued,'' or ''when distributed'' basis. *See* NYSE MKT Rule 501—Equities.

rules used by the Exchange and the NYSE for listed equity securities.[15]

The UTP Pilot includes any security, other than a security that is listed on the Exchange, that (i) is designated as an ''eligible security'' pursuant to the ''UTP Plan,'' [16] (ii) has been admitted to dealings on the Exchange pursuant to a grant of unlisted trading privileges in accordance with Section 12(f) of the Act,[17] and (iii) if it is an ''Exchange Traded Product'' (''ETP'') that does not have any component security that is listed or traded on the Exchange or the NYSE; provided, however, that the Invesco PowerShares QQQ™ (the ''QQQ'' ™) may be admitted to dealings on the Exchange pursuant to a grant of unlisted trading privileges although one or more component securities of the QQQ may be listed or traded on the Exchange or the NYSE, subject to the conditions of Rule 504(b)(5)—Equities.

The NMM Pilot was originally scheduled to end on October 1, 2009,[18] while the SLP Pilot was originally scheduled to be a six-month pilot program.[19] The UTP Pilot was originally scheduled to continue until September 30, 2010.[20] The Exchange filed to extend the operation of the Pilots on several occasions in order to prepare a rule filing seeking permission to make the above described changes permanent, most recently in July 2015.[21]

Proposal To Make the Pilots Permanent

The NYSE adopted the NMM Pilot in part to adapt the NYSE's model to the equities market environment in place in 2008. The Exchange adopted the NMM Pilot in its entirety as part of its merger with the NYSE. Similarly, the Exchange adopted the SLP Pilot to encourage an additional pool of liquidity at the Exchange following the approval of the NMM Pilot. On July 31, 2015, the Commission approved making the rules associated with the NMM Pilot and SLP Pilot permanent on the NYSE (the ''NMM/SLP Approval Order'').[22]

In its order, the SEC determined that each of the following key provisions of the NYSE NMM Pilot were consistent with the Act: (1) The changes to NYSE's priority and order allocation structure under NYSE Rule 72; [23] (2) the dealings and responsibilities of DMMs, including the affirmative obligation to market quality, the quoting obligation, the re-entry requirements following certain transactions for a DMM's own account, and, implicitly, the elimination of the ''negative obligation'' set forth in NYSE Rule 104; [24] and (3) the provisions related to DMM CCS interest set forth in NYSE Rule 1000.[25] In addition, the Commission determined that the NYSE SLP Pilot, as part of the NYSE NMM Pilot, produced sufficient execution quality to attract volume and sufficient incentives to liquidity providers to supply this execution quality.[26]

The Exchange has operated the NMM Pilot and SLP Pilot using the same rules, the same trading systems, and operating in the same manner as the NYSE. The Exchange accordingly believes that the Commission's findings in the NMM/SLP Approval Order, and in particular that the NYSE pilots operated as intended and are consistent with the Act, apply equally to the operation of the Pilots on the Exchange. Similarly, the UTP Pilot has been operating on the Exchange for the past five years based on the NMM Pilot trading rules the Commission recently approved for NYSE. Moreover, in approving the UTP Pilot, the Commission acknowledged that the rules relating to DMM benefits and duties in trading Nasdaq Securities on the Exchange pursuant to the UTP Pilot are consistent with the Act [27] and noted the similarity to the NMM Pilot, particularly with respect to DMM obligations and benefits.[28] Further, the UTP Pilot rules pertaining to the assignment of securities to DMMs are also substantially similar to the rules implemented through the recently approved NMM Pilot.[29] The Exchange notes that making the UTP Pilot permanent would provide for the uninterrupted trading of UTP Securities on the Exchange on an unlisted trading privileges basis and thus continue to encourage the additional utilization of, and interaction with, the Exchange, and provide market participants with improved price discovery, increased liquidity, more competitive quotes and greater price improvement for UTP Securities.

For the foregoing reasons, the Exchange believes that making the Pilots' rules, as amended, permanent on the Exchange is appropriate.

The Exchange also proposes to delete Rule 104T—Equities (Dealings by DMMs), which is the pre-NMM Pilot version of Rule 104—Equities. Rule 104T—Equities remains in the Exchange's rule book, but is not operational. With permanent approval of current Rule 104—Equities, the need to retain Rule 104T—Equities is mooted. The Exchange also proposes to delete Supplementary Material .05 to Rule 104—Equities, and related reference to that Supplementary Material in Rule 104(a)(2)—Equities, because that rule text was intended to be in effect only through October 31, 2009.[30]

Finally, the Exchange proposes to replace the reference to ''NYSE Regulation's Division of Market Surveillance'' in Rule 104(k)—Equities

[15] *See* Securities Exchange Act Release No. 61890 (April 12, 2010), 75 FR 20401, 20402, n. 7 (April 19, 2010) (SR–NYSEAmex–2010–31) (noting that because several elements of the Exchange's proposal to trade Nasdaq Securities rely on the NYSE's NMM pilot, the Exchange proposed to extend the duration of the UTP Pilot as needed to track the NYSE's NMM Pilot program and would file for permanent approval at the same time or after the NYSE files for permanent approval of the NMM).

[16] With respect to Nasdaq Securities, the term ''UTP Plan'' means the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-listed Securities Traded on Exchanges on an Unlisted Trading Privilege Basis, as amended from time to time, filed with and approved by the Commission. *See* Securities Exchange Act Release No. 70953 (November 27, 2013), 78 FR 72932 (December 4, 2013) (File No. S7–24–89). The Exchange's predecessor, the American Stock Exchange LLC, joined the UTP Plan in 2001. *See* Securities Exchange Act Release No. 55647 (April 19, 2007), 72 FR 20891 (April 26, 2007) (File No. S7–24–89). In March 2009, the Exchange changed its name to NYSE Amex LLC, and, in May 2012, the Exchange subsequently changed its name to NYSE MKT LLC. *See* Securities Exchange Act Release Nos. 59575 (March 13, 2009), 74 FR 11803 (March 19, 2009) (SR–NYSEALTR–2009–24) and 67037 (May 21, 2012), 77 FR 31415 (May 25, 2012) (SR–NYSEAmex–2012–32). With respect to all other UTP Securities, the term ''UTP Plan'' means the Consolidated Tape Association Plan for the Dissemination of Last Sale Prices of Transactions in Eligible Securities, as amended from time to time, filed with and approved by the Commission. *See* Securities Exchange Act Release No. 10787 (May 10, 1974), 39 FR 17799 (May 20, 1974) (declaring the CTA Plan effective). *See also* Securities Exchange Release No. 70794 (October 31, 2013), 78 FR 66789 (November 6, 2013) (SR–CTA–2013–05).

[17] 15 U.S.C. 78l.

[18] *See* Release No. 58845, 73 FR at 6904.

[19] *See* Release No. 61308, 75 FR at 2573.

[20] *See* UTP Pilot Approval Order, 75 FR at 41265.

[21] *See* note 4, *supra.*

[22] *See* Securities Exchange Act Release No. 75578 (July 31, 2015), 80 FR 47008 (August 6, 2015) (SR–NYSE–2015–26).

[23] *See id.,* 80 FR at 47013.

[24] *See id.*

[25] *See id.* In particular, the SEC concluded that the NYSE had shown that the NMM Pilot, which includes the parity provisions under NYSE Rule 72, produced sufficient execution quality to attract volume and sufficient incentives to liquidity providers to supply this execution quality. Similarly, the Commission concluded that the NYSE had shown that the NMM Pilot, which includes the DMM dealings and responsibilities provisions and the CCS interest provisions of NYSE Rules 104 and 1000, respectively, produced sufficient execution quality to attract volume and sufficient incentives to liquidity providers to supply this execution quality. *See id.*

[26] *See id.,* 80 FR at 47014.

[27] *See* UTP Pilot Approval Order, 75 FR at 41270. The Exchange considers the same to be true with respect to all UTP Securities in the UTP Pilot, including for ETPs.

[28] *See* UTP Pilot Approval Order, 75 FR at 41271.

[29] *Id.*

[30] *See* Securities Exchange Act Release No. 60574 (Aug. 26, 2009), 74 FR 45506 (Sept. 2, 2009) (SR–NYSEAmex–2009–58) (Notice of Filing).

with a reference to the Exchange. Pursuant to Rule 0(c), references to the Exchange may mean references to NYSE Regulation or FINRA, which performs certain regulatory services to the Exchange pursuant to a Regulatory Services Agreement.

The Exchange notes that the proposed change is not otherwise intended to address any other issues and the Exchange is not aware of any problems that member organizations would have in complying with the proposed rule change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[31] in general, and furthers the objectives of Section 6(b)(5) of the Act,[32] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed rule change is consistent with these principles because it seeks to make permanent Pilots and associated rule changes that were previously approved as permanent by the Commission based on findings that the NYSE NMM Pilot and NYSE SLP Pilot have operated as intended on the Exchange's affiliate and are consistent with the Act. Similarly, in the case of the UTP Pilot, the Exchange seeks to make permanent a pilot and associated rule changes that is based on trading rules adopted as part of the recently approved NYSE NMM Pilot.

The Exchange also believes the proposed rule change is designed to facilitate transactions in securities and to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system because making the Pilots permanent would provide market participants with a trading venue that encourages the addition of liquidity, facilitates the trading of larger orders more efficiently, operates to reward aggressive liquidity providers. The Exchange believes that making the Pilots permanent would encourage the additional utilization of, and interaction with, the Exchange and provide customers with the premier venue for price discovery, liquidity, competitive quotes, and price improvement.

In addition, the Exchange believes that making the Pilots permanent would promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market because, as the Commission found in approving the NMM Pilot and SLP Pilot for the NYSE, the rules strike the appropriate balance between the obligations and benefits of the Exchange's market participants.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition. For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[33] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that making the Pilots permanent would continue to foster competition among liquidity providers and maintain execution quality on the Exchange. The Exchange notes that it operates in a highly competitive market in which market participants can easily direct their orders to competing venues, including off-exchange venues. In such an environment, the Exchange must continually review, and consider adjusting the services it offers and the requirements it imposes to remain competitive with other U.S. equity exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

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 for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[34] and Rule 19b–4(f)(6) thereunder.[35]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[36] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[37] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing, noting that the proposed rule change is based on the approved rules of the NYSE, which are already operative, and that making the Pilots permanent would not alter trading on the Exchange. The Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[38]

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.

[31] 15 U.S.C. 78f(b).

[32] 15 U.S.C. 78f(b)(5).

[33] 15 U.S.C. 78f(b)(8).

[34] 15 U.S.C. 78s(b)(3)(A).

[35] 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.

[36] 17 CFR 240.19b–4(f)(6).

[37] 17 CFR 240.19b–4(f)(6)(iii).

[38] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–NYSEMKT–2015–64 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–NYSEMKT–2015–64. 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 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2015–64 and should be submitted on or before October 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Brent J. Fields,

Secretary.

[FR Doc. 2015–24216 Filed 9–23–15; 8:45 am]

BILLING CODE 8011–01–P

[39] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 9283]

Determination Under Section 610 of the Foreign Assistance Act of 1961, as Amended

Pursuant to the authority vested in me by section 610 of the Foreign Assistance Act of 1961, as amended (the ''Act''), and the President's Memorandum of Delegation dated June 25, 2015, I hereby determine it necessary for the purposes of the Act that the following funds be transferred to, and consolidated with, funds made available under chapter 4 of part II of the Act, and such funds are hereby so transferred and consolidated:

- Up to $12,468,000 of FY 2010 International Narcotics and Law Enforcement (INCLE) funds to the Economic Support Fund (ESF) account;
- Up to $13,000,000 in FY 2011 INCLE funds to the ESF account; and
- Up to $2,032,000 of FY 2014 INCLE-Overseas Contingency Operations (OCO) funds to the ESF–OCO account.

This determination shall be reported to Congress and published in the **Federal Register**.

Dated: August 27, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–24271 Filed 9–23–15; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice: 9285]

Imposition of Missile Proliferation Sanctions on Two North Korean Entities

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: A determination has been made that North Korean entities have engaged in activities that require the imposition of measures pursuant to the Arms Export Control Act, as amended, and the Export Administration Act of 1979, as amended (as carried out under Executive Order 13222 of August 17, 2001).

DATES: Effective date: September 24, 2015.

FOR FURTHER INFORMATION CONTACT: Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State (202–647–4930). On import ban issues, Susan Demske, Assistant Director for Regulatory Affairs, Department of the Treasury (202–622–4855). On U.S. Government procurement ban issues, Eric Moore, Office of the Procurement Executive, Department of State (703–875–4079).

SUPPLEMENTARY INFORMATION: Pursuant to Section 73(a)(1) of the Arms Export Control Act [22 U.S.C. 2797b(a)(1)]; Section 11B(b)(1) of the Export Administration Act of 1979 [50 U.S.C. app. 2410b(b)(1)], as carried out under Executive Order 13222 of August 17, 2001 (hereinafter cited as the ''Export Administration Act of 1979''); and Executive Order 12851 of June 11, 1993, the U.S. Government determined on September 11, 2015 that the following foreign persons have engaged in missile technology proliferation activities that require the imposition of the sanctions described in Sections 73(a)(2)(B) and (C) of the Arms Export Control Act [22 U.S.C. 2797b(a)(2)(B) and (C)] and Sections 11B(b)(1)(B)(ii) and (iii) of the Export Administration Act of 1979 [50 U.S.C. app. 2410b(b)(1)(B)(ii) and (iii)] on these entities:

Korea Mining and Development Corporation (KOMID) (North Korea) and its sub-units and successors.

Hesong Trading Corporation (North Korea) and its sub-units and successors.

Accordingly, the following sanctions are being imposed on these entities for two years:

(A) Denial of all new individual licenses for the transfer to the sanctioned entities of all items on the U.S. Munitions List and all items the export of which is controlled under the Export Administration Act;

(B) Denial of all U.S. Government contracts with the sanctioned entities; and

(C) Prohibition on the importation into the U.S. of all products produced by the sanctioned entities.

With respect to items controlled pursuant to the Export Administration Act of 1979, the above export sanction only applies to exports made pursuant to individual export licenses.

Additionally, because North Korea is a country with a non-market economy that is not a former member of the Warsaw Pact (as referenced in the definition of ''person'' in section 74(8)(B) of the Arms Export Control Act), the following sanctions shall be applied for two years to all activities of the North Korean government relating to the development or production of missile equipment or technology and all activities of the North Korean government affecting the development or production of electronics, space

systems or equipment, and military aircraft:

(A) Denial of all new individual licenses for the transfer to the government activities described above of all items on the U.S. Munitions List;

(B) Denial of all U.S. Government contracts with the government activities described above; and

(C) Prohibition on the importation into the U.S. of all products produced by the government activities described above.

These measures shall be implemented by the responsible departments and agencies of the United States Government as provided in Executive Order 12851 of June 11, 1993.

Dated: September 17, 2015.

C.S. Eliot Kang,

Assistant Secretary of State for International Security and Nonproliferation, Acting.

[FR Doc. 2015–24275 Filed 9–23–15; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 9286]

Imposition of Nonproliferation Measures on Two North Korean Entities

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: The U.S. Government has determined that two North Korean entities have engaged in proliferation activities that warrant the imposition of measures pursuant to Executive Order 12938 of November 14, 1994, as amended by Executive Order 13094 of July 28, 1998 and Executive Order 13382 of June 28, 2005.

DATES: Effective September 24, 2015.

FOR FURTHER INFORMATION CONTACT: Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State (202–647–4930). On import ban issues, Susan Demske, Assistant Director for Regulatory Affairs, Department of the Treasury (202–622–4855). On U.S. Government procurement ban issues, Eric Moore, Office of the Procurement Executive, Department of State (703–875–4079).

SUPPLEMENTARY INFORMATION: Pursuant to the authorities vested in the President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), and Section 301 of title 3, United States Code, and Executive Order 12938 of November 14, 1994, as amended, the U.S. Government determined on August 17, 2015 that the following two North Korean entities have engaged in proliferation activities that warrant the imposition of measures pursuant to sections 4(b), 4(c), and 4(d) of Executive Order 12938:

Hesong Trading Corporation (North Korea)

Korea Mining and Development Corporation (KOMID) (North Korea)

Accordingly, pursuant to the provisions of Executive Order 12938, the following measures are imposed on these entities, and their subunits and successors, for two years:

1. No departments or agencies of the United States Government shall procure or enter into any contract for the procurement of any goods, technology, or services from these entities including the termination of existing contracts;

2. No departments or agencies of the United States government shall provide any assistance to these entities, and shall not obligate further funds for such purposes;

3. The Secretary of the Treasury shall prohibit the importation into the United States of any goods, technology, or services produced or provided by these entities, other than information or informational materials within the meaning of section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

These measures shall be implemented by the responsible departments and agencies as provided in Executive Order 12938.

In addition, pursuant to section 126.7(a)(1) of the International Traffic in Arms Regulations, it is deemed that suspending the above-named entities from participating in any activities subject to Section 38 of the Arms Export Control Act would be in furtherance of the national security and foreign policy of the United States. Therefore, for two years, the Department of State is hereby suspending all licenses and other approvals for: (a) Exports and other transfers of defense articles and defense services from the United States to the above-named entities; (b) transfers of U.S.-origin defense articles and defense services from foreign destinations to the above-named entities; and (c) temporary import of defense articles to or from the above-named entities.

Moreover, it is the policy of the United States to deny licenses and other approvals for exports and temporary imports of defense articles and defense services destined for the above-named entities.

Dated: September 17, 2015.

C.S. Eliot Kang,

Assistant Secretary of State for International Security and Nonproliferation, Acting.

[FR Doc. 2015–24274 Filed 9–23–15; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 9284]

Determination Under Section 610 of the Foreign Assistance Act of 1961

Pursuant to the authority vested in me by section 610 of the Foreign Assistance Act of 1961, (the ''Act''), and the President's Memorandum of Delegation dated August 28, 2015, I hereby determine it necessary for the purposes of the Act that the following funds be transferred to, and consolidated with, funds made available under chapter 4 of part II of the Act, and such funds are hereby so transferred and consolidated:

- $19,000,000 of FY 2014 International Narcotics Control and Law Enforcement-Overseas Contingency Operations (INCLE–OCO) funds to the Economic Support Fund-Overseas Contingency Operations (ESF–OCO) account.

This determination shall be reported to Congress and published in the **Federal Register**.

Dated: September 14, 2015.

John F Kerry,

Secretary of State.

[FR Doc. 2015–24268 Filed 9–23–15; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice: 9282]

30-Day Notice of Proposed Information Collection: Exchange Alumni Virtual Program

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to October 26, 2015.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Megan Huber, Bureau of Educational and Cultural Affairs; U.S. Department of State; SA–5, 2200 C Street NW., Washington, DC 20522, who may be reached on 202–632–9487 or at *alumni@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Exchange Alumni Virtual Program.
- *OMB Control Number:* None.
- *Type of Request:* New Collection.
- *Originating Office:* Bureau of Educational and Cultural Affairs, Alumni Affairs Division, ECA/P/A.
- *Form Number:* DS–7010.
- *Respondents:* Exchange program alumni of U.S. government-sponsored exchange programs.
- *Estimated Number of Respondents:* 100.
- *Estimated Number of Responses:* 100.
- *Average Time per Response:* Approximately 30 minutes per response.
- *Total Estimated Burden Time:* 50 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Exchange Alumni Virtual Program provides a platform for former participants of U.S. government-sponsored exchange programs to extend and multiply the impacts of their exchanges by virtually engaging with foreign alumni and students. The program supports critical foreign policy goals, such as enhancing English learning and the promotion of American culture and values abroad, particularly in countries where views of American culture may not always be positive. The program also provides American alumni with an opportunity to develop their foreign language skills in critical languages or other competencies gained on their exchange programs, while continuing to deepen their own cultural awareness and global skills.

The information is sought pursuant to the Mutual Educational and Cultural Exchange Act of 1961, as amended (also known as the Fulbright-Hays Act) (22 U.S.C. 2451 *et seq.*)

Respondents to this form are U.S. government-sponsored exchange program alumni. Alumni Affairs collects data from program applicants in order to determine eligibility and to choose the best candidates for the program.

Methodology

Information will be collected electronically, via the International Exchange Alumni Web site, *alumni.state.gov.*

Dated: September 16, 2015.

Mark Taplin,

Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2015–24272 Filed 9–23–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Funding Availability for the Ladders of Opportunity Initiative: Pilot On-the-Job-Training Supportive Services Program

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of funding availability.

SUMMARY: The FHWA announces a Notice of Funding Availability (NOFA) for a Pilot On-the-Job-Training Supportive Services (OJT/SS) Program through the Ladders of Opportunity Initiative in the amount of $3 million. The FHWA seeks to award discretionary grants to State Departments of Transportation (State DOTs), or to other State agencies or local governments applying through their State DOTs as subrecipients, in award amounts of up to $500,000 each. The FHWA may choose to fund the program for more or less than the announced amount, including applying any future appropriated funds toward the projects proposed in response to this NOFA. This NOFA solicits proposals that promote innovative, nationally and regionally significant, highway construction workforce development programs that invest in America's economic growth and build ladders of opportunity into the middle class for American workers. The term ''highway construction workforce'' should be read broadly to encompass the workforce necessary to carry out activities eligible for funding under FHWA's Surface Transportation Program (STP) at section 133(b) of title 23, United States Code (U.S.C.). Applications should outline areas of upcoming demand in the State's highway construction workforce and ensure that proposed programs would train workers in skills to fill specific workforce shortages.

DATES: Complete proposals are due by 11:59 p.m., e.t. on December 23, 2015.

ADDRESSES: Applicants must submit all proposals electronically through *http://www.grants.gov/.* All entities intending to apply should initiate the process of registering on the *grants.gov* Web site immediately to ensure registration before the submission deadline. Instructions for applying can be found in the ''FIND'' module of *grants.gov.* Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION PLEASE CONTACT: For further information concerning this notice please contact Martha Kenley, FHWA's Office of Civil Rights, by email at *martha.kenley@dot.gov; by telephone at* 202–366–8110; or by mail at Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. For legal questions, please contact Jim Esselman, FHWA Office of Chief Counsel, by email at *james.esselman@dot.gov;* by phone at 202–366–6181; or by mail at Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30

p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: The FHWA On-the-Job Training (OJT) Program, described at section 230.111 of title 23, Code of Federal Regulations (CFR), requires State DOTs to make full use of apprenticeship and training programs targeted to developing the skills of women, minorities, and disadvantaged individuals and moving them into journey-level positions to ensure that a competent workforce is available to meet highway construction hiring needs. The OJT Program addresses the historical under-representation of these groups in highway construction skilled crafts. The FHWA established the OJT/SS Program to: (a) Increase the overall effectiveness of State DOTs' on-the-job-training requirements in connection with Federal-aid highway construction projects; and (b) to seek other ways to increase the training opportunities for women, minorities, and disadvantaged individuals who have been historically underrepresented in the industry.

Funding for OJT/SS derives from section 140(b) of title 23, U.S.C., which authorizes DOT to direct not more than $10,000,000 per year toward surface transportation and technology training. In recent years, FHWA has allocated OJT/SS funds annually to State DOTs through a formula process. That process will continue.

Through this notice, FHWA announces an opportunity for State DOTs, or for other State agencies or local governments applying through their State DOTs as subrecipients, to compete for supplementary OJT/SS funds to foster increased focus on workforce development under DOT's Ladders of Opportunity Initiative.

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A. Program Description

1. Authority

Section 140(b) of title 23, U.S.C., authorizes FHWA's OJT/SS Program, under which FHWA funds State DOTs to undertake surface transportation and technology training, including skill improvement programs for workforce development. The FHWA's regulation at 23 CFR 230.113 sets forth requirements State DOTs must follow in implementing on-the-job training supporting services authorized under 23 U.S.C. 140(b). Under these authorities, FHWA is issuing this NOFA for the Ladders of Opportunity Initiative Pilot OJT/SS Program. The OJT programs eligible for supportive services under 23 CFR 230.113 include training and apprenticeship programs approved by a State's FHWA Division Office, registered apprenticeship programs approved by the U.S. Department of Labor (USDOL) or a State Apprenticeship Agency (SAA) recognized by the USDOL, or other training programs approved by the USDOL. Approved projects will help to bring American workers into the middle class and build critical skills to meet immediate and expected workforce demand in the highway construction industry.

2. Policy Priorities

The Ladders of Opportunity Initiative Pilot OJT/SS Program seeks to provide skills training for transportation workers that will lead to journey-level careers and/or the development of stackable credentials for workers in the highway construction industry. The FHWA is seeking projects that create new nationally or regionally significant workforce development programs or that augment or replicate successful existing programs that will benefit highway construction firms or the highway construction industry. While either type of effort will be considered, FHWA will likely give greater consideration to programs or approaches with an existing track record of success.

In evaluating proposed projects, FHWA will give priority to projects that focus on one or more of the following activities:

- Targeting areas with high rates of unemployment;
- encouraging increased participation of minority groups, disadvantaged individuals, and women;
- providing career pathways that support the movement of targeted populations from initial or short-term employment opportunities to sustainable careers;
- leveraging the use of other resources to support the proposed project;
- addressing gaps in areas with current or projected workforce shortages in fields related to highway construction;
- pre-employment training/preparation/tracking; and
- recruitment and hiring.

B. Federal Award Information

1. Available Funding and Expected Awards

Through the Ladders of Opportunity Initiative Pilot OJT/SS Program, FHWA seeks to award a total of $3 million through discretionary grants to State DOTs, or to other State agencies or local governments applying through their State DOTs as subrecipients, in award amounts of up to $500,000. The FHWA may choose to fund the program for more or less than the announced amount, including applying any future appropriated funds toward the projects proposed in response to this NOFA.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants are State DOTs. Other State agencies or local governments may apply through their State DOTs as subrecipients.

2. Cost Sharing or Matching

The funding announced by this NOFA was authorized by both SAFETEA–LU and MAP–21. While there are no minimum cost-share requirements, FHWA will give greater weight to applications with higher non-Federal cost share, or that designate the use of Federal-aid highway funds under 23 U.S.C. 504(e) toward proposed projects.

3. Strategic Partnerships

To be eligible for funding under this NOFA, applicants must commit to working in partnership with one or more external strategic partner(s) with a substantial interest and involvement in the project. An external partner must be an entity that has no direct relationship to the primary applicant. For example, the external partner may not be a department within the applicant's organization. An external partner entity could include, but is not limited to:

a. Educational institutions, which include entities providing professional accreditation, degree, and/or certification programs, such as universities, community colleges, or trade schools;

b. public workforce investment systems, such as local workforce investment boards and their one-stop systems;

c. labor organizations, such as labor unions and labor management organizations;

d. contractor associations; and/or

e. non-profit organizations that support the mission of highway construction and transportation workforce development.

The applicant need not necessarily identify a particular strategic partner in its application, but if it does not, it must commit to soliciting proposals from potential partners to ensure the competitive nature of the program.

4. Other Eligibility Requirements

a. Allowable Activities

Projects must provide direct support to highway construction workforce development programs that are qualified under 23 CFR 230.111 (*i.e.,* training or apprenticeship programs approved by the FHWA, registered apprenticeship programs approved by the USDOL or an SAA, or other training programs approved by the USDOL). The term ''highway construction workforce'' should be read broadly to encompass the workforce necessary to carry out activities eligible for funding under FHWA's STP at 23 U.S.C. 133(b). Capital expenses, such as equipment purchases, are not considered to be eligible costs unless they directly relate to the FHWA-funded workforce development program. Acceptable costs can include, but are not limited to: Faculty/instructors, including salaries and fringe benefits; support staff; classroom space; books, materials, and supplies; and transportation stipends for participants.

b. Unallowable Costs

The FHWA funds under this program are not intended as an offset to regular State DOT or other applicant employee salaries and may not be used to cover the regular or overtime salaries of applicant employees. Funds made available under this program shall not be used to finance the training of applicant agency employees or to provide services in support of such training. Funds may be used to cover the costs of staff directly engaged in a program management or training role at an agency.

c. Application Limitations

Applicants, whether a State DOT or a subrecipient applying through the State DOT, may submit more than one proposal. An applicant will not receive greater consideration as a result of submitting multiple proposals.

D. Application And Submission Information

1. Address To Request Application Package

This NOFA contains all information needed to apply for the grant. Applicants must submit proposals electronically through *http://www.grants.gov.* All entities intending to apply should initiate the process of registering on the *grants.gov* Web site immediately to ensure registration before the submission deadline. Instructions for applying can be found in the ''FIND'' module of *grants.gov.* Mail and fax submissions will not be accepted.

2. Content and Form of Application Submission

The applicant should submit a project narrative statement describing the project objectives, proposed work tasks, outputs, and benefits of the proposed project for which Federal assistance is being requested. If the project is a proposal seeking support for an existing program, it should describe the proposed project within the context of the larger effort.

The narrative also should indicate whether the applicant will provide matching funds, the expected duration of the project, and other information that would assist FHWA in understanding and evaluating the project. Each submission for a project narrative statement should not exceed 10 pages (single-spaced, single-sided, 12 point font on 8.5 x 11 inch paper) and must include the information listed below:

a. Project Title, Objective(s), and Contact Person

At the top of the document, state the title of the project and provide 2–3 sentences describing the intended project goals and outcomes. List the contact person for the application along with his or her address, title, phone number, fax number, and email address.

b. Statement of the Problem(s)

Characterize the workforce issue or problem present in the highway construction industry that the project directly addresses, and describe how the applicant identified the issue (*i.e.,* whether the applicant surveyed workforce investment boards, labor organizations, contractors, educational institutions, or other interested stakeholders). Describe how the project will specifically address the issue for the applying organization. Provide a description of the new or existing program to be supported by the proposed project. Describe how the project meets the policy priorities identified in Section A.2. of this NOFA.

Explain why the specified approach is being taken as opposed to others and how its innovative aspects have potential for nationwide or regional application. In addition to innovative workforce practices, cite the unique features of the project, such as technological innovations, reductions in cost or time, or social and community involvement.

Finally, identify uncertainties and external factors that could affect the schedule, cost, or success of the program. The applicant may provide supporting documentation as an attachment that will not count toward the total page limit. The FHWA will consider such information supplementary but will not necessarily consider it in the project selection process.

c. Geographic Location, Target Groups, and Emphasis Areas

Give a precise location or locations of the project and identify the area(s) and target group(s) to be directly served by the proposed effort. The applicant may attach maps or other graphic aids as needed.

d. Strategic Partners

Applicants must commit to working in partnership with one or more external strategic partner(s) with a substantial interest and involvement in the project. An external partner must be an entity that has no direct relationship to the primary applicant. For example, the external partner may not be a department within the applicant's organization. An external partner entity could include, but is not limited to:

(1) Educational institutions, which include entities providing professional accreditation, degree, and/or certification programs, such as universities, community colleges, or trade schools;

(2) public workforce investment systems, such as local workforce investment boards and their one-stop systems;

(3) labor organizations, such as labor unions and labor management organizations; and/or

(4) non-profit organizations that support the mission of highway

construction and transportation workforce development.

The applicant need not necessarily identify a particular strategic partner in its application, but if it does not, it must commit to soliciting proposals from potential partners to ensure the competitive nature of the program.

e. Scope of Work

Outline a plan of action, organized by work task, pertaining to the scope and detail of how the applicant will accomplish the proposed work. List estimated milestone dates for all major activities. The applicant should clearly demonstrate the connection between each activity and the overall project objectives. The Scope of Work also should address supporting activities, such as marketing plans for recruiting participants and/or dissemination strategies for sharing the results, if such are critical to the success of the program.

f. Final Deliverable

Proposals must describe at least one final project deliverable and how it will improve the state of the practice. Final products and project deliverables must be made available at no cost to FHWA and other agencies at the project's close for dissemination throughout the industry. Acceptable final products and deliverables include but are not limited to class materials, Web sites or software, recruitment materials, flyers, brochures and reports. Additionally, written quarterly progress reports and a final report are required.

g. Period of Performance

Provide a schedule for completion of tasks assuming a total period of performance of up to 36 months. If the applicant is proposing a phased plan, describe the schedule for additional phases on a separate page or separate pages which will not be counted toward the page maximum.

h. Budget Proposal

Provide a cost proposal indicating staffing levels, hours, and direct costs for the total project and the amount of funding requested from FHWA. The proposal must describe the source and the amount of matching funds, if any. The cost proposal also must set forth the nature and value of in-kind resources that team members will contribute, if any. Provide a line-item budget for the total project, with enough detail to indicate the various key components of the project. The proposal must apply cost principles found in 2 CFR part 200, subpart E.

i. Performance Measurement

Provide an approach for demonstrating the local, national or regional impact of the project on the highway construction industry and broader employment opportunities, including the number of jobs directly supported or created by the program. The proposal should include a description of the applicant's plan for recording the outcomes and reporting in a Final Report at the end of the project. The Final Report should contain, at minimum:

(1) Number of Individuals Affected

Applicants should define ''affected individuals'' in terms that make sense for the proposed project. For example, other reported outcomes could include:

- Number of target individuals (women, minorities, and disadvantaged individuals) entered into the program;
- number of individuals who successfully complete the program, achieve an applicable credential, etc.;
- number of placed new workers and/or advanced incumbent workers;
- number of retained workers after 90 days or some other relevant period.

(2) Performance Metrics

The FHWA prefers quantitative metrics but will consider qualitative metrics if they are based on the experiences of those affected by the program (as opposed to the self-assessment of the applicant or partner agencies). Metrics could include, but are not limited to, survey results, exit interviews, and longitudinal tracking of staff (during the period of performance only). At least one performance metric is required. As part of the proposal, provide projections (for quantitative measures) or short hypotheses (for qualitative measures) of what type of impact/performance FHWA could expect from the project.

(3) A 1–2 Page Project Description

The project description should state the project's initial goals and measure achievements against those goals. This statement can also include ''lessons learned.''

(4) A 1–2 Page Statement of Applicability to Other Entities

The applicant must describe how the project could be scaled and/or altered for application elsewhere once the project is complete, and what benefits could be realized by doing so.

j. Project Management

Describe the applicant's proposed approach for managing and staffing the project, including the distribution of responsibilities among potential partner entities and an organizational chart, if applicable. Include responsibilities, such as regular reporting, performance measurement, and technical/management interactions with FHWA.

k. Project Staff

List all known key individuals who will work on the project, along with short descriptions of their appropriate technical expertise and experience. Attach resumes or curriculum vitae if available. Project staff resumes or curriculum vitae will not count towards the total page count for proposal submissions. Describe how the applicant will engage in a competitive process to solicit organizational partners and/or consultants.

3. Dun and Bradstreet Universal Numbering System (DUNS) and System for Award Management (SAM)

Each applicant is required to (i) be registered in SAM before submitting its application; (ii) provide a valid DUNS number in its application; (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The FHWA may not make a Federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements. If an applicant has not fully complied with the requirements by the time FHWA is ready to make a Federal award, FHWA may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

4. Submission Dates and Times

Complete proposals for the Ladders of Opportunity Initiative Pilot OJT/SS Program must be submitted electronically through the *grants.gov* Web site by 11:59 p.m., e.t. on December 23, 2015. Late applications will not be accepted. Applicants are encouraged to begin the process of registration on the *grants.gov* Web site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before submission of an application. Applicants who are already registered on *grants.gov* may need to take steps to keep their registration up to date before they submit a proposal.

5. Funding Restrictions

Costs incurred before the FHWA award are not eligible as project expenses, and FHWA cannot

retroactively approve a project. The recipient or subrecipient may begin to incur project costs on the date that the grant agreement is executed. The FHWA expects grantees to implement the projects awarded as soon as possible and to fully expend grant funds during the period of performance, recognizing that full transparency and accountability are required for all expenditures.

E. Application Review Information

1. Criteria

The FHWA will evaluate the applications submitted according to the criteria set forth below:

a. Statement of Need

The FHWA will evaluate the extent to which the project identifies a clear and specific industry need for the Federal investment in the proposed highway construction workforce development activities and how well the proposed project addresses the policy priorities in Section A.2. of this NOFA. An applicant must submit data and provide evidence of the industry need and value for the proposed program.

b. Innovation

The FHWA will evaluate the extent to which a project identifies a unique, significant, or innovative approach to address workforce development issues in the highway construction industry.

c. Furthering Ladders of Opportunity

The FHWA will use the following activity areas to evaluate the extent to which an applicant demonstrates how this program or project can assist in building ladders of opportunity to the middle class by building pathways to job opportunities in the highway construction field:

(1) Targeting areas with high rates of unemployment;

(2) providing career pathways that support the movement of the targeted population from initial or short-term employment opportunities to sustainable careers;

(3) encouraging increased participation of minority groups, disadvantaged persons, and women;

(4) leveraging the use of other resources to support workforce development;

(5) addressing gaps in areas with current or projected workforce shortages in fields related to highway construction;

(6) pre-employment training/preparation/tracking; and

(7) recruitment and hiring.

d. Outcomes and Deliverables

The FHWA will evaluate the extent to which the applicant demonstrates a results-oriented approach to managing and operating the project. In particular, FHWA will evaluate the extent to which the applicant identifies an approach for demonstrating the local, national, or regional impact of the project on the surface transportation industry and broader employment opportunities, including the number of jobs directly supported or created by the program.

The FHWA prefers quantitative metrics but will consider qualitative metrics if they are based on the experiences of those affected by the program (as opposed to the self-assessment of the applicant or partner agencies). Metrics could include, but are not limited to, survey results, exit interviews, and longitudinal tracking of staff (during the period of performance only). At least one performance metric is required. As part of the proposal, provide projections (for quantitative measures) or short hypotheses (for qualitative measures) of what type of impact/performance FHWA could expect from the project.

The FHWA will also evaluate the extent to which the applicant describes the products and deliverables that will be produced as a result of the project activities.

e. Strategic Partnerships

Applicants must commit to working in partnership with one or more external strategic partner(s) with a substantial interest and involvement in the project. Applicants need not necessarily identify a particular strategic partner in their applications, but if they do not, they must identify the competitive process they intend to follow for soliciting proposals from appropriate agencies, organizational partners and/or consultants in support of the proposed project.

f. National Replicability

The FHWA will evaluate whether the project has national or regional applicability and whether it will provide a replicable model of workforce development practices.

g. Cost Sharing

Both SAFETEA–LU and MAP–21 authorized the funding announced by this NOFA. While there are no minimum cost-share requirements, FHWA will give greater weight to applications with higher non-Federal cost share, or that designate the use of Federal-aid highway funds under 23 U.S.C. 504(e) toward proposed projects.

h. Strategy and Project Work Plan

The period of performance will be up to 36 months from the date of execution of the grant documents. This performance period includes all necessary implementation and start-up activities, execution of the program, and completion of final deliverables as specified in the applicant's Scope of Work. The FHWA will evaluate the project work plan pursuant to the following factors:

(1) The presentation of a coherent plan that demonstrates the applicant's complete understanding of all the activities, responsibilities, and costs required to implement each phase of the project and achieve projected outcomes;

(2) the demonstrated feasibility and reasonableness of the timeline for accomplishing all necessary implementation activities, including the ability to expeditiously begin training; and

(3) the extent to which the budget aligns with the proposed work plan and is justified with respect to the adequacy and reasonableness of resources requested.

i. Project Management and Organizational Capacity

The FHWA will evaluate the capacity of the applicant to effectively staff and/or oversee the proposed initiative and deliver the proposed outcomes, as well as the fiscal, administrative, and performance management capacity to implement the key components of this project. The FHWA also will evaluate the track record of the applicant to implement projects of similar focus, size, and scope.

2. Review and Selection Process

A technical evaluation committee will review proposals using the project selection criteria. Members of the technical evaluation committee reserve the right to screen and rate the applications FHWA receives and to seek clarification from any applicant about any statement in its application that FHWA finds ambiguous and/or to request additional documentation to be considered during the evaluation process to clarify information contained within the proposal. After considering the findings of the technical evaluation committee, the FHWA Administrator will determine the final selection and amount of funding for each project. The FHWA may consider geographic diversity and the applicant's receipt of other discretionary awards in its award decisions.

F. Federal Award Administration Information

1. Federal Award Notices

After FHWA has selected the proposals to be funded, it will notify successful applicants by email or telephone of their status. In addition, FHWA will publish a notice in the **Federal Register** announcing successful applicants. Upon notification of intent to award funds, FHWA may withdraw its offer to provide Federal assistance if the recipient or subrecipient does not commence its competitive process to solicit partners and/or consultants consistent with its proposal submission within 90 days following the date of the offer.

2. Administrative and National Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards found in 2 CFR part 200. Applicable Federal laws, rules, and regulations set forth in title 23, U.S.C., and title 23 of the CFR, apply.

The successful applicant shall grant FHWA, upon request, the right of access to all records and the right to audit all aspects of the project.

The successful applicant, and all partners and consultants shall be required to submit non-collusion certifications.

3. Reporting

The FHWA requires the successful applicant to submit quarterly written reports to FHWA, containing statistical data and narrative sufficient to evaluate the progress of the project and to identify any problems. The FHWA also requires the successful applicant to submit a detailed final report at the project end, containing statistical data and narrative sufficient to evaluate whether the project met its projected outcomes.

G. Federal Awarding Agency Contacts

For general program information, please use the contact information in the front of this notice. Please contact the *grants.gov* helpdesk for assistance with electronic applications via email at *support@grants.gov* or call toll-free at (800) 518–4726.

H. Other Information

1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information you consider to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission ''Contains Confidential Business Information (CBI)''; (2) mark each affected page ''CBI''; and (3) highlight or otherwise denote the CBI portions.

The FHWA protects such information from disclosure to the extent allowed under applicable law. In the event FHWA receives a Freedom of Information Act (FOIA) request for the information, FHWA will follow the procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

Authority: 23 U.S.C. 140(b).

Issued: September 18, 2015.

Gregory G. Nadeau,

Administrator, Federal Highway Administration.

[FR Doc. 2015–24245 Filed 9–23–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY15 Discretionary Funding Opportunity: Low or No Emission Vehicle Deployment Program (LoNo) Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Funding Availability (NOFA) and for Request for Proposals (RFP).

SUMMARY: The Federal Transit Administration (FTA) announces the availability of $22.5 million of Fiscal Year (FY) 2015 funds for the deployment of low or no emission transit buses. Of that amount, a minimum of $3.0 million is available for supporting facilities and related equipment. If additional funding is appropriated for this program in FY 2016, FTA may, at its discretion, also make those funds available under this announcement.

DATES: Complete proposals must be submitted electronically through the grants.gov ''Apply'' function by November 23, 2015. Prospective applicants should initiate the process by registering on the GRANTS.GOV Web site promptly to ensure completion of the application process before the submission deadline. Instructions for applying can be found on FTA's Web site at *http://www.fta.dot.gov/grants/13077.html* and in the ''find'' module of grants.gov. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Sean Ricketson, FTA Office of Research Demonstration and Innovation, 202–366–6678 or *sean.ricketson@dot.gov.*

SUPPLEMENTARY INFORMATION:

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A. Program Description

The Low and No Emission Vehicle Deployment (LoNo) Program provides funding for transit agencies for capital acquisitions and leases of zero-emission and low-emission transit buses, including acquisition, construction, and leasing of required supporting facilities such as recharging, refueling, and maintenance facilities.

The main purpose of the LoNo Program is to deploy the cleanest and most energy efficient U.S.-made transit buses that have been largely proven in testing and demonstrations but are not yet widely deployed in transit fleets. The LoNo Program is a capital program focused on deploying new production vehicles that are market-ready or near market-ready. It is not a program for designing and developing prototypes. The program gives priority consideration to the deployment of buses with the lowest energy consumption and least harmful emissions, including direct carbon emissions.

B. Federal Award Information

The Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141, July 6, 2012, amended 49 U.S.C. 5312 to add a new paragraph (d)(5) authorizing FTA to make grants to finance eligible projects under the ''Low or No Emission Vehicle Deployment Program'' (LoNo Program).

The Consolidated and Further Continuing Appropriations Act, 2015 (FY 2015 Appropriations) Public Law 113–235, December 16, 2014, has made available $22.5 million in FY 2015 to carry out the LoNo Program. Of that amount, a minimum of $3.0 million is available for supporting facilities and related equipment. Given that projects must be competitively selected pursuant

to 49 U.S.C. 5312(d)(5)(E), if additional funding is appropriated for this program in FY 2016, FTA may, at its discretion, apply those funds to either scale up selections made under this announcement, or to fund meritorious proposals that were not selected for lack of FY 2015 funding.

C. Eligibility Information

1. Eligible Applicants

The FTA will consider projects from eligible applicants located in eligible areas, as defined in 49 U.S.C 5312(d). Eligible areas are limited to non-attainment and maintenance areas. Specifically, an eligible area is defined as an area that is:

(i) Designated as a nonattainment area for ozone or carbon monoxide under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

(ii) A maintenance area, as defined in section 5303, for ozone or carbon monoxide.

Eligible applicants and recipients under this program are limited to designated recipients in eligible areas over 200,000 in population and State Departments of Transportation (DOTs) for eligible areas under 200,000 in population. State DOTs must apply for and administer the proposal and if selected, subsequent grant, for projects located in eligible areas under 200,000 in population.

For more information about Designated Recipients, please see FTA Circular 9030.1E, ''Urbanized Area Formula Program: Program Guidance and Application Instructions'', January 16, 2014, Chapter II, which can be found on FTA's Web site in its Law Library. For information about non-attainment and maintenance areas, please visit the Environmental Protection Administration's Greenbook, at *http://www.epa.gov/airquality/greenbook/.*

Eligible applicants may apply on behalf of eligible subrecipients, to include other public transportation providers, tribes, and a project team member identified in the proposal and deemed a ''Key Party'' by FTA. Project teams may include consultants, manufacturers, vendors, systems integrators and facilities providers. Tribes and other FTA direct recipients should work with State DOTs or eligible designated recipients in their area to apply on their behalf.

2. Cost Sharing or Matching

The FTA has determined that all eligible expenses under this program are attributable to compliance with the Clean Air Act. Therefore under the provisions of 49 U.S.C. 5323(i) the Federal Government's participation in the costs of leasing or acquiring a transit bus financed under the LoNo Program is limited to 85 percent of the total transit bus cost. The proposer may seek a lower Federal contribution.

Further, the Federal Government's participation in the cost of leasing or acquiring transit bus-related equipment and facilities under the LoNo Program is limited to 90 percent of the net project cost of the equipment or facilities attributable to compliance with the Clean Air Act.

The Federal Share is limited to 80 percent for the cost of equipment and facilities not attributable to compliance with the Clean Air Act. Again, the proposer may seek a lower Federal contribution.

Therefore, at a minimum, the proposer must provide at least 15 percent of the cost of all transit bus acquisitions and 10 percent of the cost for all related equipment and facilities.

3. Eligible Projects

The following projects are eligible for funding, in accordance with section 5312(d)(5)(A)(ii):

(i) Acquiring or leasing low or no emission transit buses;

(ii) Constructing or leasing facilities and related equipment for low or no emission transit buses;

(iii) Constructing new public transportation facilities to accommodate low or no emission transit buses; or,

(iv) Rehabilitating or improving existing public transportation facilities to accommodate low or no emission transit buses.

4. Eligible Vehicles

Proposals for bus acquisitions should result in the deployment of at least five (5) new transit buses per location. Proposals for supporting facilities should support at least five (5) buses. Buses must be largely identical. To be eligible, vehicles must be production transit buses used to provide public transportation and meet either the zero-emission bus, or the low emission bus definition below.

For the purposes of this solicitation, a zero-emission transit bus is defined as a bus that produces no direct carbon emissions and no particulate matter emissions under any and all possible operational modes and conditions. A hydrogen fuel-cell bus qualifies as a zero-emission bus. A battery-electric bus qualifies as a zero-emission transit bus. A zero-emission bus and a no emission bus are the same.

For the purposes of this solicitation, a low emission bus is defined as any transit bus that is powered by an engine that produces lower non-methane hydrocarbons (NMHC) and oxides of nitrogen (NO_X) than are legally permitted under EPA's engine standards at 49 CFR part 86.

All transit buses proposed for deployment under the LoNo Program must complete current FTA bus testing for production transit buses pursuant to 49 U.S.C. 5318. The FTA will only evaluate proposals for production transit buses that have either completed testing or will be tested prior to deployment. The LoNo Program is not a platform for the development of prototypes.

D. Application and Submission Information

1. Address To Request Application Package

A complete proposal submission will consist of at least two files: (1) The SF424 Mandatory form (downloaded from GRANTS.GOV) and (2) the Applicant and Proposal Profile supplemental form for LoNo funding (Supplemental Form) found on grants.gov and the FTA Web site by clicking (or copying and pasting) the LoNo Program link at *http://www.fta.dot.gov/grants/13077.html.* The Supplemental Form provides guidance and a consistent format for proposers to respond to the criteria outlined in this NOFA.

2. Content and Form of Application Submission

(i) Proposal Submission

A complete proposal submission consists of a minimum of two forms: The SF424 Mandatory Form and the Supplemental Form. The Supplemental Form must be placed in the attachments section of the SF424 Mandatory Form. Proposers must use the Supplemental Form designated for the LoNo Program and attach it to the submission in GRANTS.GOV to successfully complete the application process.

A proposal submission may contain additional supporting documentation as attachments. If an applicant elects to attach an additional proposal narrative, it must not exceed 10 numbered pages. Submissions must be presentable and use standard fonts, font sizing, and at least one-inch margins so the information can easily be read by the reviewers.

Within 48 hours after submitting an electronic application, the applicant should receive three email messages from grants.gov: (1) Confirmation of successful transmission to grants.gov, (2) confirmation of successful validation by grants.gov, and (3) confirmation of

successful validation by FTA. If confirmations of successful validation are not received or a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

The FTA urges proposers to submit applications at least 72 hours prior to the due date to allow time to receive the validation messages and to correct any problems that may have caused a rejection notification. The FTA will not accept submissions after the stated deadline. Grants.gov scheduled maintenance and outage times are announced on the grants.gov Web site. Deadlines will not be extended due to scheduled Web site maintenance.

Proposers are encouraged to begin the process of registration on the grants.gov site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered proposers may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in the System for Award Management (SAM) is renewed annually; and, (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in grants.gov by the AOR to make submissions. Instructions on the grants.gov registration process are provided in the Appendix.

Applicants that submit multiple projects in one proposal must be sure to clearly define each project by completing a separate Supplemental Form for each project.

Information such as proposer name, Federal amount requested, local match amount, description of areas served, etc. may be requested in varying degrees of detail on both the SF424 form and Supplemental Form. Proposers must fill in all fields unless stated otherwise on the forms. The Supplemental Form template supports pasting copied text from other documents; applicants should verify that pasted text is fully captured on the Supplemental Form and has not been truncated by the character limits built into the form. Proposers should use both the ''Check Package for Errors'' and the ''Validate Form'' validation buttons on both forms to check all required fields on the forms, and ensure that the federal and local amounts specified are consistent.

(ii) Application Content

The SF424 Mandatory Form and the Supplemental Form will prompt applicants for the required information, including:

a. Applicant name;

b. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number if available. (**Note:** If selected, applicant will be required to provide DUNS number prior to award);

c. Key contact information (including contact name, address, email address, phone and fax number;

d. Description of services provided by the agency, including areas served;

e. Congressional district(s) where the deployment will take place;

f. A list of project team organizational members, by organization name and address;

g. A Letter of Commitment from each organizational member of the project team;

h. A description of the technical, legal and financial capacity of the applicant and partners to carry out the proposed project;

i. A description of the project and how it meets the program purpose, including any related projects funded under other sources;

j. A description of the transit bus model(s) proposed, including propulsion type, operating ranges, recharging/refueling requirements, and whether it qualifies as a zero-emission bus under this notice;

k. A listing of all greenhouse gas and criteria pollutants that may be emitted by the bus;

l. A description of required support facilities and infrastructure in existence, being procured through other programs, and being proposed through this program;

m. A description of the applicant's commitment to deploying a zero-emission or low emission fleet and how this project contributes to the agency's future plans.

n. A project management plan;

o. A line-item budget. The budget should be at least for the minimum 5 bus deployment and show the source of funds (requested under this NOFA, local share, other Federal (identify source)). For projects that propose to use LoNo Program funds solely for the incremental costs, the applicants' budget should detail the other sources of funding supporting the bus procurement. Budgets must also identify the amount that is specifically being requested for facilities and equipment;

p. If the project can be scaled, a scaling plan;

q. A project schedule outlining steps through completion, including significant milestones; and

r. The proposed deployment location(s).

3. Unique Entity Identifier and System for Award Management (SAM)

Registration in Brief

Registration can take as little as 3–5 business days, but since there could be unexpected steps or delays (for example, if you need to obtain an Employer Identification Number), FTA recommends allowing ample time, up to several weeks, for completion of all steps.

STEP 1: Obtain DUNS Number

Same day. If requested by phone (1–866–705–5711) DUNS is provided immediately. If your organization does not have one, you will need to go to the Dun & Bradstreet Web site at *http://fedgov.dnb.com/webform* to obtain the number. *Information for Foreign Registrants. *Webform requests take 1–2 business days.

STEP 2: Register With SAM

Three to five business days or up to two weeks. If you already have a TIN, your SAM registration will take 3–5 business days to process. If you are applying for an EIN please allow up to two weeks. Ensure that your organization is registered with the System for Award Management (SAM). If your organization is not, an authorizing official of your organization must register.

STEP 3: Username & Password

Same day. Complete your AOR (Authorized Organization Representative) profile on Grants.gov and create your username and password. You will need to use your organization's DUNS Number to complete this step. *https://apply07.grants.gov/apply/OrcRegister.*

STEP 4: AOR Authorization

*Same day. The E-Business Point of Contact (E-Biz POC) at your organization must login to Grants.gov to confirm you as an Authorized Organization Representative (AOR). Please note that there can be more than one AOR for your organization. In some cases the E-Biz POC is also the AOR for an organization. *Time depends on responsiveness of your E-Biz POC.

STEP 5: TRACK AOR STATUS

At any time, you can track your AOR status by logging in with your username and password. Login as an Applicant (enter your username & password you

obtained in Step (3) using the following link: *applicant_profile.jsp.*

4. Submission Dates and Times

Project proposals must be submitted electronically through GRANTS.GOV by November 23, 2015. Mail and fax submissions will not be accepted.

5. Funding Restrictions

Funds under this NOFA cannot be used to reimburse projects for otherwise eligible expenses incurred prior to FTA award of a Grant Agreement or Cooperative Agreement unless FTA has issued a ''Letter of No Prejudice'' for the project before the expenses are incurred.

6. Other Submission Requirements

If possible, FTA asks that proposals for bus projects be scalable upwards in increments of 1 or 2 transit buses so FTA can allocate all available funding under the LoNo Program, including FY 2016 funds if these become available and FTA elects to apply them to proposals received under this announcement. To help FTA allocate program funding, applicants are encouraged to identify how the proposed budgets are scalable. In addition, the FTA must allocate a minimum of $3.0 million for supporting facilities and related equipment. Therefore, applicants are encouraged to include a facilities and related equipment component to their proposal with a scalable budget for facilities and equipment. This will enable FTA to ensure the $3.0 million minimum can be met with a given portfolio of selected projects. Applicants should use the separate budget section on the Supplemental Form to itemize any portion of the proposed project that is specifically for related facilities and equipment.

All proposals should describe how the proposed project fits with long term goals of creating and deploying a zero-emission bus fleet.

E. Application Review

1. Selection Criteria

The FTA will use the following primary selection criteria when evaluating competing projects eligible under this program:

i. Bus Model

The bus model is a priority consideration of the LoNo program. The proposed bus model must receive at least a ''Recommended'' rating for a proposal to be recommended for funding.

a. The proposed bus model will be evaluated on the extent to which it has been successfully demonstrated in revenue service but is not yet widely deployed in transit agency fleets (meeting the purpose of the program) and the quality of the supporting evidence. Note that a bus model's transit revenue service demonstration need not take place in the United States. The FTA prefers bus models that have been successfully demonstrated in the United States, but the documented demands of the transit service and the quality of documentation of the bus model's performance is more important than whether the demonstration took place in the United States.

b. To meet the requirements of section 5312(d)(5)(F), priority consideration will be given to projects that support bus models with the greatest reduction in energy consumption and harmful emissions, including direct carbon emissions, when compared to other buses. A zero-emission bus project, for example, will receive priority consideration over a project that proposes buses that produce some level of emissions.

c. The proposed bus model will be evaluated by the status of its FTA Bus Testing report; if bus testing is not complete, proposals will be evaluated by the demonstrated commitment to complete transit bus testing prior to bus delivery.

d. The proposed bus model will be evaluated by whether there is sufficient documentation that it meets Buy-America domestic content requirements.

e. Zero-emission bus technology, while ready for wider deployment, is still developing in many respects. It is important that proposed bus models advance bus technology that will contribute to the further commercialization of zero-emission buses. Therefore proposed bus models will be evaluated by the extent to which they advance technology that can lead to better or less costly zero-emission buses.

Note: If no bus acquisition is being proposed (such as in a proposal for facilities and equipment only) all four Bus Model criteria (a–d) must still be addressed, describing the bus model that the proposed facilities and equipment would support.

ii. Project Effectiveness

The following four criteria address the likelihood the proposal will be effective in meeting critical considerations of the LoNo program:

a. The likelihood the project will result in, or support, the successful deployment of at least five largely-identical qualified transit buses operating in a single geographic location.

b. The projected emissions of the proposed transit bus model, including greenhouse gas and Criteria (EPA-regulated) emissions.

c. The extent to which the proposal leverages or expands a fleet of zero-emission transit buses.

d. The extent to which the proposal builds on past or current Federally-funded research efforts.

iii. Transit Agency and Community Commitment

Overcoming the challenges of deploying new technology requires leadership and commitment. The FTA seeks both prospective and existing operators of clean technology buses who can demonstrate the technical capacity and commitment required for sustained successful deployments. Transit agencies who are already industry leaders should emphasize and demonstrate their commitment to supporting and deploying the cleanest and most energy efficient buses available.

a. Proposals will be evaluated by the extent to which they demonstrate the transit agency's and the community's ongoing and long-term commitment to the deployment of a zero-emission bus fleet.

b. Transit agencies should highlight their technical capacity and commitment for applying the resources necessary for success, including how they will train the agency's workforce to support clean bus technology. In this regard, proposals will be evaluated by the extent to which they demonstrate the transit agency's consideration of, and commitment to, workforce development and training in support of zero-emission technology.

c. In order to maximize LoNo Program impact, FTA seeks to build on existing transit bus procurements, where possible. Therefore, the selection process will prioritize proposals that leverage other funds such that LoNo Program funds are used to cover only the incremental cost of procuring the proposed transit bus model above that of a more conventional higher-emission transit bus. Therefore proposals will be evaluated by the extent to which they offer a method to use program funds to cover only the incremental cost of the proposed bus model or facility over the cost of a transit bus or facility of a more widely deployed propulsion system.

iv. Safety

Safety considerations are critical in the deployment of new technology, to ensure public and worker safety and to protect public and private investment. Therefore proposals will be evaluated

by the extent to which they demonstrate an understanding of, and make accommodation for, the safety considerations of the proposed bus technology.

v. Technical Capacity

To reduce project risk, the following criteria will assist FTA to determine the technical capacity of the project team:

a. The extent to which the proposal identifies by name a comprehensive project team, including transit agencies, bus manufacturers, and facilities providers, as well as systems integrators, and project management consultants.

The FTA encourages the use of experienced project management consultants on project teams especially if the transit agency involved lacks experience with the technology being proposed. In the event that an applicant or transit agency has a pending procurement or an open procurement for the same type of transit bus that qualifies under this NOFA and the agency wishes to expand the procurement through the LoNo Program, FTA recognizes that identifying all project team members could contradict or delay the procurement process. Therefore, identifying all project team members is not required. Applicants in this or similar situations are strongly encouraged to apply and in such case the lack of identified team members will not be penalized by FTA. Instead, the applicant should cite the procurement as evidence of ongoing interest and commitment. This clarification applies to procurements of vehicles that qualify under this NOFA.

b. The extent to which the proposal identifies and demonstrates the technical capacity and commitment of agencies, partners or teams with expertise in the sustained successful deployment of similar projects or propulsion technologies.

vi. Project Management

The applicant must demonstrate the capacity to carry out the project through a project management plan that shows:

a. The applicant is in a fundable status for the FTA grant award;

b. A viable project approach, budget, and schedule;

c. There are no outstanding legal, technical, or financial issues with the applicant that would make this a high-risk project;

d. The source(s) of local share and that the funds are available for prompt project implementation if selected; and,

e. The applicant has the ability and commitment to collect information and document the results of the project as part of an FTA project evaluation effort.

2. Review and Selection Process

A technical evaluation committee comprised of FTA staff and representatives of other collaborative government agencies will review project proposals against the described evaluation criteria. The technical evaluation committee reserves the right to evaluate proposals it receives and to seek clarification from any proposer about any statement that is made in a proposal that FTA finds ambiguous. The FTA may also request additional documentation or information to be considered during the evaluation process. After the evaluation of all eligible proposals, the technical evaluation committee will provide project recommendations to the FTA Administrator. The FTA Administrator will determine the final list of project selections, and the amount of funding for each project. To better evaluate technologies in a variety of conditions and locales, FTA may select a portfolio of geographically diverse projects.

F. Federal Award Administration

1. Federal Award Notice

Subsequent to an announcement by the FTA Administrator of the final project selections posted on the FTA Web site, FTA will publish a list of the selected projects, including Federal dollar amounts and recipients. Project recipients should contact their FTA Regional Offices for information about setting up grant agreements with FTA.

2. Award Administration

Successful proposals will be awarded through FTA's Transit Award Management System (TrAMS) as either Cooperative Agreements or Grant Agreements, at FTA's discretion. Proposals that expand existing procurements will likely be handled consistently with the agreement supporting the existing procurement. The appropriate FTA Regional Office in consultation with the FTA Research Office will manage project agreements.

Applicants must sign and submit current Certifications and Assurances before FTA may award funding under a Cooperative Agreement or Grant Agreement for a competitively selected project. If the applicant has already submitted the annual Certifications and Assurances for the fiscal year in which the award will be made in TrAMS, they do not need to be resubmitted.

To enhance the value of the portfolio of the projects to be implemented, FTA reserves the right to request an adjustment of the project scope and budget of any proposal selected for funding. Such adjustments shall not constitute a material alteration of any aspect of the proposal that influenced the proposal evaluation or decision to fund the project.

The FTA considers the competitive nature of LoNo Program proposal selection to constitute adequate competition for the purpose of satisfying third-party contracting requirements applicable to the procurement of proposed transit bus models by selected applicants. The FTA makes this determination with respect to the funding provided through this NOFA and any other Federal funds that may be involved in the selected LoNo bus acquisition proposal.

Further, FTA reserves the right to name any or all proposed project team members as a ''Key Party'' and to make any award conditional upon the participation of the ''Key Party.'' A ''Key Party'' is essential to the project as approved by FTA and, is, therefore, eligible for a noncompetitive award by the project sponsor to provide the goods or services described in the proposal. Participation by members of the ''Key Party'' on a selected project may not later be substituted without FTA's approval.

3. Administrative and National Policy Requirements

Except as otherwise provided in this NOFA, grants or cooperative agreements are subject to the requirements of 49 U.S.C. 5307 as described in the latest FTA Circular 9030.1 for the Urbanized Area Formula Program. Additionally, under the LoNo Program FTA may, at its discretion, consider exceptions to assist in the commercialization of zero-emission bus technology, such as modifying spare ratio or useful life requirements. The FTA will not consider any requests for bus testing waivers.

All transit buses and related infrastructure and facilities under the LoNo Program must be Buy-America compliant pursuant to 49 U.S.C. 5323(j) and its implementing regulations. The FTA will not consider any Buy America waivers under the LoNo Program.

4. Reporting

The legislation that created the LoNo Program requires FTA to evaluate all projects in the program. Therefore, the applicant must agree to participate and cooperate with FTA project evaluation activity. Evaluation activity that FTA expects applicants to perform includes collecting and providing raw, unaltered vehicle performance and maintenance

data, meeting with FTA evaluators or FTA's evaluation representative on a quarterly basis, and providing evaluators access to the project site and to project team members, when requested by FTA. The FTA Research Office is sensitive to the importance of proprietary information and has a successful record of accommodating those concerns.

G. Federal Awarding Agency Contacts

For further information concerning this notice please contact the (LoNo) Program staff via email at *sean.ricketson@dot.gov,* or call Sean Ricketson at 202–366–6678. A TDD is available for individuals who are deaf or hard of hearing at 1–800–877–8339. In addition, DOT will post answers to questions and requests for clarifications on DOT's Web site at *www.fta.dot.gov.* To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions. DOT staff may also conduct briefings on the LoNo program discretionary grants selection and award process upon request.

H. Other Information

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA Circulars, and other Federal administrative requirements in carrying out any project supported by the FTA agreement. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the agreement executed with FTA for its project. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise.

Matthew J. Welbes,

Executive Director.

[FR Doc. 2015–24231 Filed 9–23–15; 8:45 am]

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DEPARTMENT OF THE TREASURY

United States Mint

Request for Citizens Coinage Advisory Committee Membership Application

ACTION: Notice.

SUMMARY: Pursuant to United States Code, Title 31, section 5135 (b), the United States Mint is accepting applications for appointment to the Citizens Coinage Advisory Committee (CCAC) for a new member specially qualified to serve on the CCAC by virtue of his or her education, training, or experience in *numismatics.* The CCAC was established to:

- Advise the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals produced by the United States Mint.
- Advise the Secretary of the Treasury with regard to the events, persons, or places that the CCAC recommends to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.
- Make recommendations with respect to the mintage level for any commemorative coin recommended.

Total membership consists of 11 voting members appointed by the Secretary of the Treasury:

- One person specially qualified by virtue of his or her education, training, or experience as nationally or internationally recognized curator in the United States of a numismatic collection;
- One person specially qualified by virtue of his or her experience in the medallic arts or sculpture;
- One person specially qualified by virtue of his or her education, training, or experience in American history;
- One person specially qualified by virtue of his or her education, training, or experience in numismatics;
- Three persons who can represent the interests of the general public in the coinage of the United States; and
- Four persons appointed by the Secretary of the Treasury on the basis of the recommendations by the U.S. House and Senate leadership.

Members are appointed for a term of four years. No individual may be appointed to the CCAC while serving as an officer or employee of the Federal Government.

The CCAC is subject to the direction of the Secretary of the Treasury. Meetings of the CCAC are open to the public and are held approximately six to eight times per year. The United States Mint is responsible for providing the necessary support, technical services, and advice to the CCAC. CCAC members are not paid for their time or services, but, consistent with Federal Travel Regulations, members are reimbursed for their travel and lodging expenses to attend meetings. Members are Special Government Employees and are subject to the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2653).

The United States Mint will review all submissions and will forward its recommendations to the Secretary of the Treasury for appointment consideration. Candidates should include specific skills, abilities, talents, and credentials to support their applications. The United States Mint is interested in candidates who have demonstrated leadership skills, have received recognition by their peers in their field of interest, have a record of participation in public service or activities, and are willing to commit the time and effort to participate in the CCAC meetings and related activities.

Application Deadline: October 9, 2015.

Receipt of Applications: Any member of the public wishing to be considered for participation on the committee should submit a resume and cover letter describing his or her reasons for seeking and qualifications for membership, by email to *info@ccac.gov,* by fax to 202–756–6525, or by mail to the United States Mint; 801 9th Street NW.; Washington, DC 20220, Attn: Greg Weinman. Submissions must be postmarked no later than Friday, October 9, 2015.

Notice Concerning Delivery of First-Class and Priority Mail: First-class mail to the United States Mint is put through an irradiation process to protect against biological contamination. Support materials put through this process may suffer irreversible damage. We encourage you to consider using alternate delivery services, especially when sending time-sensitive material.

FOR FURTHER INFORMATION CONTACT: William Norton, United States Mint Liaison to the CCAC; 801 Ninth Street NW.; Washington, DC 20220; or call 202–354–7458.

Dated: September 16, 2015.

Richard A. Peterson,

Deputy Director for Manufacturing and Quality, United States Mint.

[FR Doc. 2015–24129 Filed 9–23–15; 8:45 am]

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FEDERAL REGISTER

Vol. 80 Thursday,

No. 185 September 24, 2015

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations; Final 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; Final Frameworks for Late-Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service or we) prescribes final late-season frameworks from which States may select season dates, limits, and other options for the 2015–16 migratory bird hunting seasons. These late seasons include most waterfowl seasons, the earliest of which commences on September 26, 2015. The effect of this final rule is to facilitate the States' selection of hunting seasons and to further the annual establishment of the late-season migratory bird hunting regulations.

DATES: This rule takes effect on September 24, 2015.

ADDRESSES: States should send their season selections to: Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803. You may inspect comments received on the migratory bird hunting regulations during normal business hours at the Service's office at 5275 Leesburg Pike, Falls Church, VA 22041–3803. You may obtain copies of referenced reports from the street address above, or from the Division of Migratory Bird Management's Web site at *http://www.fws.gov/migratorybirds/,* or at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2014–0064.

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) 358–1714.

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 and that subsequent documents refer only to numbered items requiring attention. Therefore, it is important to note that we omit those items requiring no attention, and remaining numbered items appear discontinuous and 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 proposed 2015–16 regulatory schedule and announced the Service Regulations Committee (SRC) and Flyway Council meetings.

On June 24–25, 2015, we held open meetings with the Flyway Council Consultants, at which the participants reviewed information on the current status of migratory shore and upland game birds and developed recommendations for the 2015–16 regulations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the 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 as it relates to the development and selection of the regulatory packages for the 2015–16 regular waterfowl seasons. On July 21, 2015, we published in the **Federal Register** (80 FR 43266) a third document specifically dealing with the proposed frameworks for early-season regulations.

On July 29–30, 2015, we held open meetings with the Flyway Council Consultants, at which the participants reviewed the status of waterfowl and developed recommendations for the 2015–16 regulations for these species.

On August 21, 2015, we published in the **Federal Register** (80 FR 51090) a final rule which contained final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits. Subsequently, on September 1, 2015, we published a final rule in the **Federal Register** (80 FR 52645) amending subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons.

On August 25, 2015, we published in the **Federal Register** (80 FR 51658) the proposed frameworks for the 2015–16 late-season migratory bird hunting regulations. This document establishes final frameworks for late-season migratory bird hunting regulations for the 2015–16 season. There are no substantive changes from the August 25 proposed rule. We will publish State selections in the **Federal Register** as amendments to §§ 20.101 through 20.107, and 20.109 of title 50 CFR part 20.

Population Status and Harvest

In the August 25 proposed rule we provided preliminary information on the status and harvest of waterfowl 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.*

Review of Public Comments and Flyway Council Recommendations

The preliminary proposed rulemaking, which appeared in the April 13, 2015, **Federal Register**, opened the public comment period for migratory game bird hunting regulations. The July 21, 2015, **Federal Register**, discussed the regulatory alternatives for the 2015–16 duck hunting season. Late-season comments are summarized below and numbered in the order used in the April 13 **Federal Register**. We have included only the numbered items pertaining to late-season issues for which we received written comments. Consequently, the issues do not follow in successive numerical 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. Wherever possible, they are discussed under headings corresponding to the numbered items in the April 13, 2015, **Federal Register** documents.

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. While there are problems inherent with any type of representative management of public-trust resources, we believe that the Flyway-Council system of migratory game bird management has been a longstanding 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, (C) Zones and Split Seasons, and (D) Special Seasons/Species Management. The categories correspond to previously published issues/discussion, and only those containing substantial recommendations are discussed below.

A. General Harvest Strategy

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended the adoption of the ''liberal'' regulatory alternative.

Service Response: We continue to use adaptive harvest management (AHM) protocols that allow hunting regulations to vary among Flyways in a manner that recognizes each Flyway's breeding-ground derivation of mallards. 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). For the 2015–16 hunting season, 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, while the regulatory choice for the Mississippi and Central Flyways should depend on the status of the redefined mid-continent mallard stock. We also recommend that the regulatory choice for the Atlantic Flyway continue to depend on the status of eastern mallards.

For the 2015–16 hunting season, we are continuing to consider the same regulatory alternatives as those used last year. The nature of the ''restrictive,'' ''moderate,'' and ''liberal'' alternatives has remained essentially unchanged since 1997, except that extended framework dates have been offered in the ''moderate'' and ''liberal'' regulatory alternatives since 2002 (67 FR 47224; July 17, 2002). Also, in 2003, we agreed to place a constraint on closed seasons in the Mississippi and Central Flyways whenever the mid-continent mallard breeding-population size (as defined prior to 2008; traditional survey area plus Minnesota, Michigan, and Wisconsin) was >5.5 million (68 FR 37362; June 23, 2003). This constraint subsequently was revised in 2008 to >4.75 million to account for the change in the definition of mid-continent mallards to exclude birds from Alaska and the Old Crow Flats area of the Yukon Territory (73 FR 43293; July 24, 2008).

The optimal AHM strategies for mid-continent, eastern, and western mallards for the 2015–16 hunting season were calculated using: (1) Harvest-management objectives specific to each mallard stock; (2) the 2015 regulatory alternatives; and (3) current population models and associated weights. Based on this year's survey results of 11.79 million mid-continent mallards (traditional survey area minus Alaska and the Old Crow Flats area of the Yukon Territory, plus Minnesota, Wisconsin, and Michigan) and 4.15 million ponds in Prairie Canada, 0.73 million eastern mallards (0.19 million and 0.54 million respectively in northeast Canada and the northeastern United States), and 0.73 million western mallards (0.26 million in California-Oregon and 0.47 million in Alaska), the optimal regulatory choice for all four Flyways is the ''liberal'' alternative. Therefore, we concur with the recommendations of the Atlantic, Mississippi, Central, and Pacific Flyway Councils regarding selection of the ''liberal'' regulatory alternative and will adopt the ''liberal'' regulatory alternative, as described in the July 21, 2015, **Federal Register**.

D. Special Seasons/Species Management

iii. Black Ducks

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended that the Service follow the International Black Duck AHM Strategy for 2015–16.

Service Response: In 2012, we adopted the International Black Duck AHM Strategy (77 FR 49868; August 17, 2012). The formal strategy is the result of 14 years of technical and policy decisions developed and agreed upon by both Canadian and U.S. agencies and waterfowl managers. The strategy clarifies what harvest levels each country will manage for and reduces conflicts over country-specific regulatory policies. Further, the strategy allows for attainment of fundamental objectives of black duck management: resource conservation, perpetuation of hunting tradition, and equitable access to the black duck resource between Canada and the United States while accommodating the fundamental sources of uncertainty, partial controllability and observability, structural uncertainty, and environmental variation. The underlying model performance is assessed annually, with a comprehensive evaluation of the entire strategy (objectives and model set) planned after 6 years. A copy of the strategy is available at the address indicated under **FOR FURTHER INFORMATION CONTACT**, or from our Web site at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html.*

For the 2015–16 season, the optimal country-specific regulatory strategies were calculated in September 2014 using: (1) The black duck harvest objective (98 percent of long-term cumulative harvest); (2) 2015–16 country-specific regulatory alternatives; (3) parameter estimates for mallard competition and additive mortality; and (4) 2014 estimates of 0.619 million breeding black ducks and 0.445 million breeding mallards in the core survey area. The optimal regulatory choices are the moderate package in Canada and the restrictive package in the United States.

iv. Canvasbacks

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended a full season for canvasbacks with a 2-bird daily bag limit. Season lengths would be 60 days in the Atlantic and Mississippi Flyways, 74 days in the Central Flyway, and 107 days in the Pacific Flyway.

Service Response: Since 1994, we have followed a canvasback harvest strategy whereby if canvasback population status and production are sufficient to permit a harvest of one canvasback per day nationwide for the entire length of the regular duck season, while still attaining an objective of 500,000 birds the following spring, the season on canvasbacks should be opened. A partial season would be permitted if the estimated allowable harvest was below that associated with a 1-bird daily bag limit for the entire season. If neither of these conditions can be met, the harvest strategy calls for a closed season on canvasbacks nationwide. In 2008 (73 FR 43290; July 24, 2008), we announced our decision to modify the canvasback harvest strategy to incorporate the option for a 2-bird daily bag limit for canvasbacks when the predicted breeding population the subsequent year exceeds 725,000 birds.

This year's spring survey resulted in an estimate of 757,000 canvasbacks and 4.15 million Canadian ponds. The canvasback harvest strategy predicts a 2016 canvasback breeding population of 727,000 birds under a liberal duck season with a 2-bird daily bag limit. Because the predicted 2016 spring canvasback population under a liberal 2-bird-bag season is greater than 725,000, and since the recommended duck season under AHM is liberal, the harvest strategy stipulates that there should be a full canvasback season with a 2-bird daily bag limit.

v. Pintails

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended a full season for pintails, consisting of a 2-bird daily bag limit and a 60-day season in the Atlantic and Mississippi Flyways, a 74-day season in the Central Flyway, and a 107-day season in the Pacific Flyway.

Service Response: The current derived pintail harvest strategy was adopted by the Service and Flyway Councils in 2010 (75 FR 44856; July 29, 2010). For this year, an optimal regulatory strategy for pintails was calculated with: (1) An objective of maximizing long-term cumulative harvest, including a closed-season constraint of 1.75 million birds; (2) the regulatory alternatives and associated predicted harvest; and (3) current population models and their relative weights. Based on this year's survey results of 3.04 million pintails observed at a mean latitude of 55.9 and a latitude-adjusted breeding population of 4.16 million birds, the optimal regulatory choice for all four Flyways is the ''liberal'' alternative with a 2-bird daily bag limit.

vi. Scaup

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended use of the ''moderate'' regulation package, consisting of a 60-day season with a 2-bird daily bag in the Atlantic Flyway, a 60-day season with a 3-bird daily bag limit in the Mississippi Flyway, 74-day season with a 3-bird daily bag limit in the Central Flyway, and an 86-day season with a 3-bird daily bag limit in the Pacific Flyway.

Service Response: In 2008, we adopted and implemented a new scaup harvest strategy (73 FR 43290 on July 24, 2008, and 73 FR 51124 on August 29, 2008) with initial ''restrictive,'' ''moderate,'' and ''liberal'' regulatory packages adopted for each Flyway.

The 2015 breeding population estimate for scaup is 4.40 million, which is similar to the 2014 estimate. An optimal regulatory strategy for scaup was calculated with an objective of achieving 95 percent of maximum long-term cumulative harvest and updated model parameters and their relative weights. Based on this year's breeding population estimate of 4.40 million, the optimal regulatory choice for scaup is the ''moderate'' package in all four Flyways.

ix. Youth Hunt

Council Recommendations: The Atlantic Flyway Council recommended allowing the States to use their definitions of age for youth hunters as the age requirement for participation in youth hunting days.

The Mississippi Flyway Council recommended changing the hunting age for the special season framework for youth waterfowl hunting days to include youth hunters 17 years of age or younger.

The Central Flyway Council recommended that we allow States to use their established definitions of age for youth hunters as the age requirement for participation in youth hunting days, not to include anyone over the age of 17.

Service Response: Given that these recommendations would not take effect until the 2016–17 season, our desire for unanimity between the Councils, and that at least one Flyway Council has yet to take action, we are deferring our decision on the Councils' recommendations until the October 2015 SRC meeting.

x. Mallard Management Units

Council Recommendations: The Central Flyway Council recommended a minor change to the High Plains Mallard Management Unit (HPMMU) boundary in Kansas.

Service Response: As we stated in 2011 (76 FR 54052, August 30, 2011), we do not support the modification of the boundary of the HPMMU in Kansas. We note that the boundary has been in place since the 1970s, and is sufficiently clear for enforcement of waterfowl hunting regulations. Further, we do not believe sufficient biological information is available to warrant changes to the boundary at the scales proposed. However, if the Flyway Council believes the demographics of ducks have changed and may warrant a change in the boundary, we suggest that an assessment of data should be conducted that could inform a change at the Management Unit level. We understand the Council's position that this is a small change; however, we do not believe that small, incremental changes to the boundary are the proper approach to the perceived changes in duck distribution or to provide hunter opportunity.

4. Canada Geese

B. Regular Seasons

Council Recommendations: The Atlantic Flyway Council recommended that New Jersey be permitted to change the designation of their Coastal Zone from an Atlantic Population (AP) to an Atlantic Flyway Resident Population (AFRP) Canada goose zone for the next 3-year period (2015–17). Frameworks for the AFRP Zone would be 80 days between the fourth Saturday in October and February 15, with daily bag and possession limits of 5 and 15 Canada geese, respectively. The season could be split into 3 segments.

The Pacific Flyway Council recommended the following changes to goose season frameworks for the Pacific Flyway:

1. In Oregon and Washington, modify frameworks to close the season for dusky Canada geese in Oregon's Northwest Permit Zone and Washington's Southwest Permit Zone, and restrict beginning goose shooting hours to no earlier than sunrise in Oregon's Northwest Permit Zone and Washington's Southwest Permit Zone.

2. In Oregon, expand the Northwest Permit Zone to include the Northwest Zone, and modify the Tillamook County Special Management Area by reducing the area from all of Tillamook County to only that area currently described as closed to goose hunting.

3. In Washington, modify frameworks to eliminate the special late season and extend the regular season to March 10

in Areas 2A and 2B (Southwest Permit Zone), eliminate the Aleutian goose bag-limit restriction in Area 2B, and expand the Southwest Permit Zone to include all of Clark County (2A) and Grays Harbour County (2B).

4. In Idaho, modify the frameworks to create a new zone by removing Bear Lake County and Caribou County, except that portion within the Fort Hall Indian Reservation, from Zone 2 and renaming these counties Zone 4.

Service Response: The Atlantic Flyway Council revised criteria used to delineate new AFRP Canada goose harvest areas and evaluate AFRP seasons for the 2015–17 seasons. We agree with the Council that the Coastal Zone in New Jersey meets the new criteria as an AFRP zone. The additional days and increased bag limit will allow for the harvest of additional AFRP Canada geese.

We agree with the Pacific Flyway Council's recommendations to close the dusky Canada goose season and restrict shooting hours for geese in the Permit Zones of Oregon and Washington, and expand Permit Zone boundaries. Seven subspecies of Canada geese winter in the Pacific Flyway and are managed as separate populations. Most Canada goose populations are abundant and at or above population objectives; however, the dusky Canada goose population has generally remained at <20,000 geese. Dusky Canada geese have a small breeding range including the Copper River Delta and adjacent islands in Alaska. Since 1985, the dusky Canada goose breeding population has varied between 7,000 and 18,000 geese. The most recent (2015) estimate of the breeding population size is 17,873 geese, and the recent 3-year (2012–2015, no estimate was available in 2013) average is 15,574 geese. In addition to the small population size, the dusky goose population has low harvest potential (low survival and reproductive capacity), and these birds are especially vulnerable to harvest. Consequently, the take of dusky geese must be limited to a greater extent than other Canada goose populations in the Pacific Flyway.

A permit and quota system with mandatory hunter reporting at check stations was implemented in 1985, in the primary dusky Canada goose wintering area of Oregon and Washington (Permit Zones). Once the quota was exceeded, the goose season in the Permit Zones was closed to protect against additional take of dusky geese. Check stations cost about $335,000 annually to operate in Oregon and Washington. Due to budgetary constraints, Oregon and Washington prefer to close the dusky Canada goose season rather than operate a quota system with mandatory hunter reporting at check stations. Secondary purposes were to increase the number of days goose hunting can be used as a tool to help alleviate goose depredation complaints and help reduce overabundant goose populations, and to minimize burden on hunters to comply with regulations intended to minimize the take of dusky geese.

Regular Canada goose seasons in the Permit Zones of Oregon and Washington will remain subject to a memorandum of understanding entered into with the Service regarding monitoring the impacts of take during the regular Canada goose season on the dusky Canada goose population. Existing monitoring programs of dusky Canada geese provide total abundance, productivity, and apparent adult annual survival rates. Abundance data can be used to evaluate current population status, while productivity and survival rate data can be used in a population model to predict population growth and consequences of changes in demographic parameters. This information will be collected and evaluated annually to help determine the effectiveness of regulations intended to minimize take of dusky Canada geese. Additional protection against the take of dusky Canada geese will be provided by expanding the Permit Zone boundaries in Oregon and Washington to include a larger portion of the population's winter range, and restricting shooting hours to no earlier than sunrise will increase light for hunter identification of Canada goose subspecies.

We also agree with the Pacific Flyway Council's recommendation for minor changes to the existing Canada goose hunting seasons in Oregon and Washington. The bag limit restriction of 1 Aleutian Canada goose in Pacific County, Washington (Area 2B) (within the overall Canada goose daily bag limit) was first implemented when hunting of Aleutian Canada geese resumed in Oregon and Washington after the subspecies was removed from protection under the Endangered Species Act (16 U.S.C. 1531 *et seq.*) in 2001 (66 FR 15643; March 20, 2001). The bag limit restriction was intended to minimize potential harvest of the Semidi Islands population segment of Aleutian Canada geese. These geese use Pacific County sporadically during migration and use areas are not consistent. The total population of Aleutian Canada geese continues to increase and currently exceeds the population objective identified in the Flyway management plan. The most recent 3-year (2013–2015) average estimated number of Aleutian Canada geese is 165,952, well above the population objective of 60,000 geese. Also, the 1-Aleutian daily bag limit restriction regulation is difficult for hunters to comply with and to enforce. We agree that removal of the Aleutian Canada goose bag limit restriction within the overall Canada goose daily bag limit (currently proposed at 4 geese) will simplify regulations. Further, we do not expect that removing the special Aleutian bag limit restriction within the overall Canada goose bag limit to increase harvest of Aleutian Canada geese appreciably.

In Washington, a special late Canada goose season has been offered in Areas 2A and 2B (Southwest Permit Zone). The special late goose season could be held between the Saturday following the close of the general goose season, which was the last Sunday in January, and March 10. Eliminating the special late season and extending the regular season to March 10 in Areas 2A and 2B for Canada geese has no consequence in season length or outside dates, but reduces the number of splits allowed in the Canada goose season from 4 to 3. The change will simplify regulations and is expected to have no biological impact to the Canada goose population. Also, regular season outside dates for white-fronted geese and light geese in Washington extend through March 10.

Lastly, we agree with the Pacific Flyway Council's recommendation for minor changes to the existing goose hunting zones in Idaho. The modifications to the Idaho goose zones are intended to provide additional flexibility to Idaho in addressing resident Canada goose over abundance. Breeding population indices for Pacific and Rocky Mountain populations of Canada geese currently exceed management objectives in Flyway management plans. The 3-year (2013–2015) average population estimate for the Pacific Population of western Canada geese is 214,603, and is well above the objective of 126,650 geese. The 3-year (2013–2015) average population estimate for the Rocky Mountain Population of western Canada geese is 158,038, and above the objective of 88,000 to 146,000 geese. In order to accommodate an early Canada goose season in Bear Lake County and Caribou County, except that portion within the Fort Hall Indian Reservation, it is necessary to create a new goose zone in Idaho.

C. Special Late Seasons

Council Recommendations: The Mississippi Flyway Council recommended that Ohio be allowed a

92-day Canada goose season with a 3-bird daily bag limit, which may extend no later than February 15.

Service Response: We note that the management plan for the Southern James Bay Population of Canada geese requires consultation with the Atlantic Flyway on regulatory changes that potentially affect both Flyways. Although the Ohio proposal was sent to the Atlantic Flyway during their recent summer meeting, the proposal was not received in a timely manner that provided for adequate review by the Atlantic Flyway. Thus, the Atlantic Flyway Council could not support the Ohio proposal at this time. Due to the lack of concurrence by the Atlantic Flyway, we do not support the Mississippi Flyway recommendation for the 2015–16 season. We urge the two Flyway Councils to initiate consultations prior to this fall for a similar proposal for the 2016–17 hunting season.

5. White-Fronted Geese

Council Recommendations: The Mississippi Flyway Council recommended that frameworks for white-fronted geese in the Mississippi Flyway be revised to allow for a season length of 107 days and daily bag limit of 5 geese for Alabama, Iowa, Indiana, Michigan, Minnesota, Ohio, and Wisconsin (low harvest States). The daily bag limit would be an aggregate daily bag limit with dark geese. For Arkansas, Illinois, Louisiana, Kentucky, Missouri, Mississippi, and Tennessee (non-low harvest States), the Council recommended a season length of 88 days with a 2-bird daily bag limit, or a 74-day season with a 3-bird daily bag limit, or a 107-day season with a 1-bird daily bag limit.

The Central Flyway Council recommended that frameworks for white-fronted geese in the east-tier States of the Central Flyway be revised to the Saturday nearest September 24 until the Sunday nearest February 15 with a season length of 74 days and a daily bag of 3 birds, an 88-day season with a daily bag of 2 birds, or a 107-day season with a daily bag limit of 1 bird. The Council recommended an increase of 1 bird in the daily bag limit in the Western Goose Zone of Texas, but no change in the bag limit for other west-tier States. All the recommended revisions are consistent with the newly revised white-fronted goose management plan.

Service Response: We support the revisions to the white-fronted goose frameworks recommended by the Mississippi and Central Flyway Councils. The Councils' recommendations are consistent with the newly revised 2015 management plan for the mid-continent greater white-fronted goose population.

6. Brant

Council Recommendations: The Atlantic Flyway Council recommended adoption of revised harvest packages (strategies) for Atlantic brant beginning with the 2015 hunting season as follows:

If the mid-winter waterfowl survey (MWS) count is < 100,000 Atlantic brant, the season would be closed.

If the MWS count is between 100,000 and 115,000 brant, States could select a 30-day season with a 1-bird daily bag limit.

If the MWS count is between 115,000 and 130,000 brant, States could select a 30-day season with a 2-bird daily bag limit.

If the MWS count is between 130,000 and 150,000 brant, States could select a 50-day season with a 2-bird daily bag limit.

If the MWS count is between 150,000 and 200,000 brant, States could select a 60-day season with a 2-bird daily bag limit.

If the MWS count is > 200,000 brant, States could select a 60-day season with a 3-bird daily bag limit.

Under all the above open season alternatives, seasons would be between the Saturday nearest September 24 and January 31. Further, States could split their seasons into 2 segments.

Utilizing the newly revised brant hunt plan, the Atlantic Flyway Council recommended a 30-day season with a 1-bird daily bag limit for the 2015–16 hunting season.

The Mississippi Flyway Council recommended revising the brant frameworks in the Mississippi Flyway to allow States the option of including brant in an aggregate bag limit with white-fronted and/or Canada geese.

The Pacific Flyway Council recommended increasing the brant season length in California from 30 to 37 days.

Service Response: The Atlantic Flyway's changes to the current Atlantic brant hunt plan strategies incorporate additional conservatism in the brant hunt plan. More specifically, the newly amended packages prescribe a more restrictive season in 2015 than that prescribed by the pre-2015 hunt plan. The Atlantic Flyway estimates that a reduction from a 2-bird to a 1-bird daily bag limit will result in a harvest reduction of 33 percent.

The Atlantic Flyway notes that there have been 3 consecutive years of poor Atlantic brant production, and 2015 may also be poor. Further, the population has been below management plan goals for the last 6 years. The 2015 mid-winter index (MWI) for Atlantic brant was 111,434. The Council's revised brant hunt plan allows for a 30-day season with a 1-bird daily bag limit when the MWI estimate falls between 100,000 and 115,000 brant. Recognizing the Council's continuing concerns about the status of Atlantic brant, we support the Atlantic Flyway Council's revisions to the brant hunt plan and the recommendation for the 2015–16 season.

Regarding the Mississippi Flyway Council's recommendation to allow States the option of including brant in an aggregate bag limit with white-fronted and/or Canada geese, we concur. Very few brant are harvested in the Mississippi Flyway (none during the most recent five years), so this simplification of the regulations will have no biological impact to the population.

Lastly, we agree with the Pacific Flyway Council's recommendation for increasing the season length from 30 days to 37 days in California. The Flyway management plan for Pacific brant allows harvest to increase by two times the current level if the 3-year average population index exceeds 135,000 brant based on the mid-winter waterfowl survey. The 3-year (2013–2015) average is 157,700 brant. Increasing the season length by 7 days will allow additional hunting opportunity while maintaining the 2-bird daily bag limit for brant, and is not expected to increase harvest appreciably from that during a 30-day season.

7. Snow and Ross's (Light) Geese

Council Recommendations: The Pacific Flyway Council recommended increasing the light goose daily bag limit from 4 to 6 in the Northwest Permit Zone of Oregon.

Service Response: We support the Pacific Flyway Council's recommendation for increasing the daily bag limit of light geese from 4 to 6 in the Northwest Permit Zone of Oregon. Three populations of light geese occur in the Pacific Flyway, and all are above Flyway management plan objectives based on the most recent breeding population indices. The population estimate for the Western Arctic Population (WAP) of lesser snow geese was 451,000 in 2013, which is above the objective of 200,000 geese. Ross's geese were estimated at 659,600 in 2014, and are above the objective of 100,000 geese. The population estimate for Wrangel Island snow geese was 240,000 in 2015, which is above the objective of 120,000

geese. Current evidence suggests most light geese in Oregon during fall and early winter are primarily Wrangel Island snow geese, but an influx of WAP lesser snow and Ross's geese occurs during late winter as birds begin to move north toward breeding areas. The current 4-bird daily bag limit for light geese in Oregon's Northwest Permit Zone was intended to minimize harvest of Wrangel Island snow geese in this primary use area in Oregon when Wrangel Island geese were below the population objective. A bag limit for light geese in the Northwest Permit Zone of 6 per day will simplify regulations by matching the 6-bird bag limit currently allowed for light geese in the balance of Oregon on or before the last Sunday in January.

16. Doves

Council Recommendations: During the early season regulations process, the Central Flyway Council 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 doves for States within the Central Management Unit. Subsequently, the Mississippi Flyway Council concurred with the previous recommendation from the Central Flyway Council.

Service Response: In the July 21 **Federal Register**, we stated that we did not support the recommendation by the Central Flyway to increase the length of the dove season to 90 days for the 2016–17 season because the Mississippi Flyway had not agreed to the change involving this shared resource. However, we understood that the Central Flyway would continue to work with the Mississippi Flyway to develop a joint recommendation to increase the season length, and that we would consider such a recommendation if such an agreement were reached. Given the Mississippi Flyway Council's concurrence with the Central Flyway Council's recommendation, we now agree with the proposed revision to the ''standard'' season package framework beginning with the 2016–17 hunting season.

National Environmental Policy Act (NEPA)

The programmatic document, ''Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139),'' filed with the Environmental Protection Agency (EPA) on May 24, 2013, addresses NEPA compliance by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376). We also address NEPA compliance for waterfowl hunting frameworks through the annual preparation of separate environmental assessments, the most recent being ''Duck Hunting Regulations for 2015–16,'' with its corresponding August 2015, finding of no significant impact. In addition, an August 1985 environmental assessment entitled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the person indicated under the caption **FOR FURTHER INFORMATION CONTACT**.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), provides that, ''The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act'' (and) shall ''insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat. . . .'' Consequently, we conducted formal consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion, which concluded that the regulations are not likely to jeopardize the continued existence of any endangered or threatened species. Additionally, these findings may have caused modification of some regulatory measures previously proposed, and the final frameworks reflect any such modifications. Our biological opinions resulting from this section 7 consultation are public documents available for public inspection at the address indicated under **ADDRESSES**.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has reviewed this rule and has determined that this rule is significant because it would have an annual effect of $100 million or more on the economy.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

An updated economic analysis was prepared for the 2013–14 season. This analysis was based on data from the newly released 2011 National Hunting and Fishing Survey, the most recent year for which data are available (see discussion in Regulatory Flexibility Act section below). This analysis estimated consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives were: (1) Issue restrictive regulations allowing fewer days than those issued during the 2012–13 season, (2) issue moderate regulations allowing more days than those in alternative 1, and (3) issue liberal regulations identical to the regulations in the 2012–13 season. For the 2013–14 season, we chose Alternative 3, with an estimated consumer surplus across all flyways of $317.8–$416.8 million. For the 2015–16 season, we have also chosen alternative 3. We also chose alternative 3 for the 2009–10, the 2010–11, the 2011–12, the 2012–13, and the 2014–15 seasons. The 2013–14 analysis is part of the record for this rule and is available at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2014–0064.

Regulatory Flexibility Act

The annual migratory bird hunting regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990–95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, 2004, 2008, and 2013. The

primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 2013 Analysis was based on the 2011 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend approximately $1.5 billion at small businesses in 2013. Copies of the Analysis are available upon request from the Division of Migratory Bird Management (see **FOR FURTHER INFORMATION CONTACT**) or from our Web site at *http://www.fws.gov/migratorybirds* or at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2014–0064.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule will have an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we are not deferring the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

This final rule does not contain any new information collection that requires approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. OMB has reviewed and approved the information collection requirements associated with migratory bird surveys and assigned the following OMB control numbers:

- 1018–0019—North American Woodcock Singing Ground Survey (expires 5/31/2018).
- 1018–0023—Migratory Bird Surveys (expires 6/30/2017). Includes Migratory Bird Harvest Information Program, Migratory Bird Hunter Surveys, Sandhill Crane Survey, and Parts Collection Survey.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, this rule, authorized by the Migratory Bird Treaty Act (16 U.S.C. 703–711), does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this rule allows hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under Executive Order 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, in the April 13 **Federal Register**, we solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2015–16 migratory bird hunting season. The resulting proposals were contained in a separate August 4, 2015, proposed rule (80 FR 46218). By virtue of these actions, we have consulted with affected Tribes.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, States would have insufficient time to select season dates and limits; to communicate those selections to us; and to establish and publicize the necessary regulations and procedures to implement their decisions. We therefore find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

Therefore, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703–711), we prescribe final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and hunting areas, from which State conservation agency officials will select

hunting season dates and other options. Upon receipt of season selections from these officials, we will publish a final rulemaking amending 50 CFR part 20 to reflect seasons, limits, and shooting hours for the conterminous United States for the 2015–16 seasons.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 2015–16 hunting seasons are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: September 11, 2015.

Karen Hyun,

Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

Final Regulations Frameworks for 2015–16 Late 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 frameworks, which prescribe season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl and coots between the dates of 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

High Plains Mallard Management Unit—roughly defined as that portion of the Central Flyway that lies west of the 100th meridian.

Definitions

For the purpose of hunting regulations listed below, the collective terms ''dark'' and ''light'' geese include the following species:

Dark geese: Canada geese, white-fronted geese, brant (except in 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.

Area, Zone, and Unit Descriptions: Geographic descriptions related to late-season regulations are contained in a later portion of this document.

Area-Specific Provisions: Frameworks for open seasons, season lengths, bag and possession limits, and other special provisions are listed below by Flyway.

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 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, tundra swans, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would 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. Tundra swans may only be taken by participants possessing applicable tundra swan permits.

Atlantic Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 26) and the last Sunday in January (January 31).

Hunting Seasons and Duck Limits: 60 days. The daily bag limit is 6 ducks, including no more than 4 mallards (no more than 2 of which can be females), 1 black duck, 2 pintails, 1 mottled duck, 1 fulvous whistling duck, 3 wood ducks, 2 redheads, 2 scaup, 2 canvasbacks, and 4 scoters.

Closures: The season on harlequin ducks is closed.

Sea Ducks: Within the special sea duck areas, during the regular duck

season in the Atlantic Flyway, States may choose to allow the 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.

Merganser Limits: The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Lake Champlain Zone, New York: The waterfowl seasons, limits, and shooting hours should be the same as those selected for the Lake Champlain Zone of Vermont.

Connecticut River Zone, Vermont: The waterfowl seasons, limits, and shooting hours should be the same as those selected for the Inland Zone of New Hampshire.

Zoning and Split Seasons: Delaware, Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, Virginia, and West Virginia may split their seasons into three segments; Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont may select hunting seasons by zones and may split their seasons into two segments in each zone.

Canada Geese

Season Lengths, Outside Dates, and Limits: Specific regulations for Canada geese are shown below by State. These seasons also include white-fronted geese. Unless specified otherwise, seasons may be split into two segments.

Connecticut

North Atlantic Population (NAP) Zone: Between October 1 and February 15, a 70-day season may be held with a 3-bird daily bag limit.

Atlantic Population (AP) Zone: A 50-day season may be held between October 10 and February 5, with a 3-bird daily bag limit.

South Zone: A special season may be held between January 15 and February 15, with a 5-bird daily bag limit.

Resident Population (RP) Zone: An 80-day season may be held between October 1 and February 15, with a 5-bird daily bag limit. The season may be split into 3 segments.

Delaware: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

Florida: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Georgia: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Maine: A 70-day season may be held Statewide between October 1 and February 15, with a 3-bird daily bag limit.

Maryland

RP Zone: An 80-day season may be held between November 15 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

AP Zone: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

Massachusetts

NAP Zone: A 70-day season may be held between October 1 and February 15, with a 3-bird daily bag limit. Additionally, a special season may be held from January 15 to February 15, with a 5-bird daily bag limit.

AP Zone: A 50-day season may be held between October 10 and February 5, with a 3-bird daily bag limit.

New Hampshire: A 70-day season may be held Statewide between October 1 and February 15, with a 3-bird daily bag limit.

New Jersey

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 24) and February 5, with a 3-bird daily bag limit.

RP Zone: An 80-day season may be held between the fourth Saturday in October (October 24) and February 15, with a 5-bird daily bag limit. The season may be split into 3 segments.

Special Late Goose Season Area: A special season may be held in designated areas of North and South New Jersey from January 15 to February 15, with a 5-bird daily bag limit.

New York

NAP Zone: Between October 1 and February 15, a 70-day season may be held, with a 3-bird daily bag limit in both the High Harvest and Low Harvest areas.

Special Late Goose Season Area: A special season may be held between January 15 and February 15, with a 5-bird daily bag limit in designated areas of Suffolk County.

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 24), except in the Lake Champlain Area where the opening date is October 10, and February 5, with a 3-bird daily bag limit.

Western Long Island RP Zone: A 107-day season may be held between the Saturday nearest September 24 (September 26) and March 10, with an 8-bird daily bag limit. The season may be split into 3 segments.

Rest of State RP Zone: An 80-day season may be held between the fourth Saturday in October (October 24) and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

North Carolina

SJBP Zone: A 70-day season may be held between October 1 and December 31, with a 5-bird daily bag limit.

RP Zone: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Northeast Hunt Unit: A 14-day season may be held between the Saturday prior to December 25 (December 19) and January 31, with a 1-bird daily bag limit.

Pennsylvania

SJBP Zone: A 78-day season may be held between the first Saturday in October (October 3) and February 15, with a 3-bird daily bag limit.

RP Zone: An 80-day season may be held between the fourth Saturday in October (October 24) and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 24) and February 5, with a 3-bird daily bag limit.

Rhode Island: A 70-day season may be held between October 1 and February 15, with a 3-bird daily bag limit. A special late season may be held in designated areas from January 15 to February 15, with a 5-bird daily bag limit.

South Carolina: In designated areas, an 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Vermont

Lake Champlain Zone and Interior Zone: A 50-day season may be held between October 10 and February 5 with a 3-bird daily bag limit.

Connecticut River Zone: A 70-day season may be held between October 1 and February 15, with a 3-bird daily bag limit.

Virginia

SJBP Zone: A 40-day season may be held between November 15 and January 14, with a 3-bird daily bag limit. Additionally, a special late season may be held between January 15 and

February 15, with a 5-bird daily bag limit.

AP Zone: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

RP Zone: An 80-day season may be held between November 15 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

West Virginia: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments in each zone.

Light Geese

Season Lengths, Outside Dates, and Limits: States may select a 107-day season between October 1 and March 10, with a 25-bird daily bag limit and no possession limit. States may split their seasons into three segments.

Brant

Season Lengths, Outside Dates, and Limits: States may select a 30-day season between the Saturday nearest September 24 (September 26) and January 31, with a 1-bird daily bag limit. States may split their seasons into two segments.

Mississippi Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 26) and the last Sunday in January (January 31).

Hunting Seasons and Duck Limits: The season may not exceed 60 days, with a daily bag limit of 6 ducks, including no more than 4 mallards (no more than 2 of which may be females), 1 mottled duck, 1 black duck, 2 pintails, 3 wood ducks, 2 canvasbacks, 3 scaup, and 2 redheads. In addition to the daily limits listed above, the States of Iowa, Michigan, Minnesota, and Wisconsin may include an additional 2 blue-winged teal in the daily bag limit in lieu of selecting an experimental September teal season during the first 16 days of the regular duck season in each respective duck hunting zone.

Merganser Limits: The daily bag limit is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin may select hunting seasons by zones.

In Alabama, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, the season may be split into two segments in each zone.

In Arkansas and Mississippi, the season may be split into three segments.

Geese

Split Seasons: Seasons for geese may be split into three segments.

Season Lengths, Outside Dates, and Limits: States may select seasons for light geese not to exceed 107 days, with 20 geese daily between the Saturday nearest September 24 (September 26) and March 10. There is no possession limit for light geese. Arkansas, Illinois, Louisiana, Kentucky, Missouri, Mississippi, and Tennessee may select a season for white-fronted geese not to exceed 74 days with 3 geese daily, or 88 days with 2 geese daily, or 107 days with 1 goose daily between the Saturday nearest September 24 (September 26) and the Sunday nearest February 15 (February 14); Alabama, Iowa, Indiana, Michigan, Minnesota, Ohio, and Wisconsin may select a season for white-fronted geese not to exceed 107 days with 5 geese daily, in aggregate with dark geese. States may select a season for brant not to exceed 70 days with 2 brant daily, or 107 days with 1 brant daily with outside dates the same as Canada geese; alternately, States may include brant in an aggregate goose bag limit with either Canada geese, white-fronted geese, or dark geese. States may select seasons for Canada geese not to exceed 92 days with 2 geese daily or 78 days with 3 geese daily between the Saturday nearest September 24 (September 26) and January 31 with the following exceptions listed by State:

Arkansas: The season may extend to February 15.

Indiana: Late Canada Goose Season Area: A special Canada goose season of up to 15 days may be held during February 1–15 in the Late Canada Goose Season Zone. During this special season, the daily bag limit cannot exceed 5 Canada geese.

Iowa: The season for Canada geese may extend for 107 days. The daily bag limit is 3 Canada geese.

Michigan: The framework opening date for all geese is September 11 in the Upper Peninsula of Michigan and September 16 in the Lower Peninsula of Michigan.

Southern Michigan Late Canada Goose Season Zone: A 30-day special Canada goose season may be held between December 31 and February 15. The daily bag limit is 5 Canada geese.

Minnesota: The season for Canada geese may extend for 107 days. The daily bag limit is 3 Canada geese.

Missouri: The season for Canada geese may extend for 85 days. The daily bag limit is 3 Canada geese.

Tennessee: Northwest Goose Zone—The season for Canada geese may extend to February 15.

Wisconsin: Horizon Zone: The framework opening date for all geese is September 16.

Exterior Zone: The framework opening date for all geese is September 16.

Additional Limits: In addition to the harvest limits stated for the respective zones above, an additional 4,500 Canada geese may be taken in the Horicon Zone under special agricultural permits.

Central Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 26) and the last Sunday in January (January 31).

Hunting Seasons

High Plains Mallard Management Unit (roughly defined as that portion of the Central Flyway which lies west of the 100th meridian): 97 days. The last 23 days must run consecutively and may start no earlier than the Saturday nearest December 10 (December 12).

Remainder of the Central Flyway: 74 days.

Duck Limits: The daily bag limit is 6 ducks, with species and sex restrictions as follows: 5 mallards (no more than 2 of which may be females), 3 scaup, 2 redheads, 3 wood ducks, 2 pintails, and 2 canvasbacks. In Texas, the daily bag limit on mottled ducks is 1, except that no mottled ducks may be taken during the first 5 days of the season. In addition to the daily limits listed above, the States of Montana, North Dakota, South Dakota, and Wyoming, in lieu of selecting an experimental September teal season, may include an additional daily bag and possession limit of 2 and 6 blue-winged teal, respectively, during the first 16 days of the regular duck season in each respective duck hunting zone. These extra limits are in addition to the regular duck bag and possession limits.

Merganser Limits: The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. In States that include mergansers in the duck daily bag limit, the daily limit may be the same as the duck bag limit, only two of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Colorado, Kansas (Low Plains portion), Montana, Nebraska, New Mexico, Oklahoma (Low Plains portion), South Dakota (Low Plains portion), Texas (Low Plains portion), and Wyoming may select hunting seasons by zones.

In Colorado, Kansas, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, the regular season may be split into two segments.

Geese

Split Seasons: Seasons for geese may be split into three segments. Three-way split seasons for Canada geese require Central Flyway Council and U.S. Fish and Wildlife Service approval, and a 3-year evaluation by each participating State.

Outside Dates: For dark geese, seasons may be selected between the outside dates of the Saturday nearest September 24 (September 26) and the Sunday nearest February 15 (February 14). For light geese, outside dates for seasons may be selected between the Saturday nearest September 24 (September 26) and March 10. In the Rainwater Basin Light Goose Area (East and West) of Nebraska, temporal and spatial restrictions that are consistent with the late-winter snow goose hunting strategy cooperatively developed by the Central Flyway Council and the Service are required.

Season Lengths and Limits

Light Geese: States may select a light goose season not to exceed 107 days. The daily bag limit for light geese is 50 with no possession limit.

Dark Geese: In Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and the Eastern Goose Zone of Texas, States may select a season for Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days with a daily bag limit of 8. For white-fronted geese, these States may select either a season of 74 days with a bag limit of 3, or an 88-day season with a bag limit of 2, or a season of 107 days with a bag limit of 1.

In Colorado, Montana, New Mexico, and Wyoming, States may select seasons not to exceed 107 days. The daily bag limit for dark geese is 5 in the aggregate.

In the Western Goose Zone of Texas, the season may not exceed 95 days. The daily bag limit for Canada geese (or any other dark goose species except white-fronted geese) is 5. The daily bag limit for white-fronted geese is 2.

Pacific Flyway

Ducks, Mergansers, Coots, Common Moorhens, and Purple Gallinules

Outside Dates: Between the Saturday nearest September 24 (September 26) and the last Sunday in January (January 31).

Hunting Seasons and Duck and Merganser Limits: Concurrent 107 days. The daily bag limit is 7 ducks and mergansers, including no more than 2 female mallards, 2 pintails, 2 canvasbacks, 3 scaup, and 2 redheads. For scaup, the season length is 86 days, which may be split according to applicable zones and split duck hunting configurations approved for each State.

In States or zones with a split duck and merganser season, the season on coots, common moorhens, and purple gallinules may remain open during the closed portion of the duck and merganser season splits, but not to exceed 107 days.

Coot, Common Moorhen, and Purple Gallinule Limits: The daily bag limit of coots, common moorhens, and purple gallinules are 25, singly or in the aggregate.

Zoning and Split Seasons: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming may select hunting seasons by zones. Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming may split their seasons into two segments.

Colorado, Montana, and New Mexico may split their seasons into three segments.

Colorado River Zone, California: Seasons and limits should be the same as seasons and limits selected in the adjacent portion of Arizona (South Zone).

Geese

Season Lengths, Outside Dates, and Limits

Canada geese and brant: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 26) and the last Sunday in January (January 31). In Arizona, Colorado, Idaho, Montana, Nevada, and Utah, the daily bag limit is 4 Canada geese and brant in the aggregate. In New Mexico and Wyoming, the daily bag limit is 3 Canada geese and brant in the aggregate. In California, Oregon, and Washington, the daily bag limit is 4 Canada geese. For brant, Oregon and Washington may select a 16-day season and California a 37-day season. Days must be consecutive. Washington and California may select hunting seasons for up to two zones. The daily bag limit is 2 brant and is in addition to other goose limits. In Oregon and California, the brant season must end no later than December 15.

White-fronted geese: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 26) and March 10. The daily bag limit is 10.

Light geese: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 26) and March 10. The daily bag limit is 20.

Split Seasons: Unless otherwise specified, seasons for geese may be split into up to 3 segments. Three-way split seasons for Canada geese and white-fronted geese require Pacific Flyway Council and U.S. Fish and Wildlife Service approval and a 3-year evaluation by each participating State.

California: The daily bag limit for Canada geese is 10.

Balance of State Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 26) and March 10. In the Sacramento Valley Special Management Area, the season on white-fronted geese must end on or before December 28, and the daily bag limit is 3 white-fronted geese. In the North Coast Special Management Area, hunting days that occur after the last Sunday in January should be concurrent with Oregon's South Coast Zone.

Idaho

Zone 2: Idaho will continue to monitor the snow goose hunt that occurs after the last Sunday in January in the American Falls Reservoir/Fort Hall Bottoms and surrounding areas at 3-year intervals.

Oregon: The daily bag limit for light geese is 6 on or before the last Sunday in January.

Harney and Lake County Zone: For Lake County only, the daily white-fronted goose bag limit is 1.

Northwest Permit Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 26) and March 10. Goose seasons may be split into 3 segments. The daily bag limit of light geese is 6. In the Tillamook County Management Area, the hunting season is closed on geese.

South Coast Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 26) and March 10. The daily bag limit of Canada geese is 6. Hunting days that occur after the last Sunday in January should be concurrent with California's North Coast

Special Management Area. Goose seasons may be split into 3 segments.

Utah: A Canada goose and brant season may be selected in the Wasatch Front and Washington County Zones with outside dates between the Saturday nearest September 24 (September 26) and the first Sunday in February (February 7).

Washington: The daily bag limit is 4 geese.

Area 1: Goose season outside dates are between the Saturday nearest September 24 (September 26) and the last Sunday in January (January 31).

Areas 2A and 2B (Southwest Permit Zone): A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 26) and March 10. Goose seasons may be split into 3 segments.

Area 4: Goose seasons may be split into 3 segments.

Permit Zones

In Oregon and Washington permit zones, the hunting season is closed on 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. Hunting of geese will only be by hunters possessing a State-issued permit authorizing them to do so. Shooting hours for geese may begin no earlier than sunrise. Regular Canada goose seasons in the permit zones of Oregon and Washington remain subject to the Memorandum of Understanding entered into with the Service regarding monitoring the impacts of take during the regular Canada goose season on the dusky Canada goose population.

Swans

In portions of the Pacific Flyway (Montana, Nevada, and Utah), an open season for taking a limited number of swans may be selected. Permits will be issued by the State and will authorize each permittee to take no more than 1 swan per season with each permit. Nevada may issue up to 2 permits per hunter. Montana and Utah may only issue 1 permit per hunter. Each State's season may open no earlier than the Saturday nearest October 1 (October 3). These seasons are also subject to the following conditions:

Montana: No more than 500 permits may be issued. The season must end no later than December 1. The State must implement a harvest-monitoring program to measure the species composition of the swan harvest and should use appropriate measures to maximize hunter compliance in reporting bill measurement and color information.

Utah: No more than 2,000 permits may be issued. During the swan season, no more than 10 trumpeter swans may be taken. The season must end no later than the second Sunday in December (December 13) or upon attainment of 10 trumpeter swans in the harvest, whichever occurs earliest. The Utah season remains subject to the terms of the Memorandum of Agreement entered into with the Service in August 2003, regarding harvest monitoring, season closure procedures, and education requirements to minimize the take of trumpeter swans during the swan season.

Nevada: No more than 650 permits may be issued. During the swan season, no more than 5 trumpeter swans may be taken. The season must end no later than the Sunday following January 1 (January 3) or upon attainment of 5 trumpeter swans in the harvest, whichever occurs earliest.

In addition, the States of Utah and Nevada must implement a harvest-monitoring program to measure the species composition of the swan harvest. The harvest-monitoring program must require that all harvested swans or their species-determinant parts be examined by either State or Federal biologists for the purpose of species classification. The States should use appropriate measures to maximize hunter compliance in providing bagged swans for examination. Further, the States of Montana, Nevada, and Utah must achieve at least an 80-percent compliance rate, or subsequent permits will be reduced by 10 percent. All three States must provide to the Service by June 30, 2016, a report detailing harvest, hunter participation, reporting compliance, and monitoring of swan populations in the designated hunt areas.

Tundra Swans

In portions of the Atlantic Flyway (North Carolina and Virginia) and the Central Flyway (North Dakota, South Dakota [east of the Missouri River], and that portion of Montana in the Central Flyway), an open season for taking a limited number of tundra swans may be selected. Permits will be issued by the States that authorize the take of no more than 1 tundra swan per permit. A second permit may be issued to hunters from unused permits remaining after the first drawing. The States must obtain harvest and hunter participation data. These seasons are also subject to the following conditions:

In the Atlantic Flyway:

—The season may be 90 days, between October 1 and January 31.

—In North Carolina, no more than 5,000 permits may be issued.

—In Virginia, no more than 600 permits may be issued.

In the Central Flyway:

—The season may be 107 days, between the Saturday nearest October 1 (October 3) and January 31.

—In the Central Flyway portion of Montana, no more than 500 permits may be issued.

—In North Dakota, no more than 2,200 permits may be issued.

—In South Dakota, no more than 1,300 permits may be issued.

Area, Unit, and Zone Descriptions

Ducks (Including Mergansers) and Coots

Atlantic Flyway

Connecticut

North Zone: That portion of the State north of I–95.

South Zone: Remainder of the State.

Maine

North Zone: That portion north of the line extending east along Maine State Highway 110 from the New Hampshire-Maine State line to the intersection of Maine State Highway 11 in Newfield; then north and east along Route 11 to the intersection of U.S. Route 202 in Auburn; then north and east on Route 202 to the intersection of I–95 in Augusta; then north and east along I–95 to Route 15 in Bangor; then east along Route 15 to Route 9; then east along Route 9 to Stony Brook in Baileyville; then east along Stony Brook to the United States border.

Coastal Zone: That portion south of a line extending east from the Maine-New Brunswick border in Calais at the Route 1 Bridge; then south along Route 1 to the Maine-New Hampshire border in Kittery.

South Zone: Remainder of the State.

Massachusetts

Western Zone: That portion of the State west of a line extending south from the Vermont State line 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 State line.

Central Zone: That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire State line 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 State line; 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 shall be in the Coastal Zone.

Coastal Zone: That portion of Massachusetts east and south of the Central Zone.

New Hampshire

Northern Zone: That portion of the State east and north of the Inland Zone beginning at the Jct. of Rte. 10 and Rte. 25A in Orford, east on Rte. 25A to Rte. 25 in Wentworth, southeast on Rte. 25 to Exit 26 of Rte. I–93 in Plymouth, south on Rte. I–93 to Rte. 3 at Exit 24 of Rte. I–93 in Ashland, northeast on Rte. 3 to Rte. 113 in Holderness, north on Rte. 113 to Rte. 113–A in Sandwich, north on Rte. 113–A to Rte. 113 in Tamworth, east on Rte. 113 to Rte. 16 in Chocorua, north on Rte. 16 to Rte. 302 in Conway, east on Rte. 302 to the Maine-New Hampshire border.

Inland Zone: That portion of the State south and west of the Northern Zone, west of the Coastal Zone, and includes the area of Vermont and New Hampshire as described for hunting reciprocity. A person holding a New Hampshire hunting license which allows the taking of migratory waterfowl or a person holding a Vermont resident hunting license which allows the taking of migratory waterfowl may take migratory waterfowl and coots from the following designated area of the Inland Zone: the State of Vermont east of Rte. I–91 at the Massachusetts border, north on Rte. I–91 to Rte. 2, north on Rte. 2 to Rte. 102, north on Rte. 102 to Rte. 253, and north on Rte. 253 to the border with Canada and the area of NH west of Rte. 63 at the MA border, north on Rte. 63 to Rte. 12, north on Rte. 12 to Rte. 12–A, north on Rte. 12A to Rte 10, north on Rte. 10 to Rte. 135, north on Rte. 135 to Rte. 3, north on Rte. 3 to the intersection with the Connecticut River.

Coastal Zone: That portion of the State east of a line beginning at the Maine-New Hampshire border in Rollinsford, then extending to Rte. 4 west to the city of Dover, south to the intersection of Rte. 108, south along Rte. 108 through Madbury, Durham, and Newmarket to the junction of Rte. 85 in Newfields, south to Rte. 101 in Exeter, east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south to the Massachusetts border.

New Jersey

Coastal Zone: That portion of the State seaward of a line beginning at the New York State line in Raritan Bay and extending west along the New York State line to NJ 440 at Perth Amboy; west on NJ 440 to the Garden State Parkway; south on the Garden State Parkway to the shoreline at Cape May and continuing to the Delaware State line in Delaware Bay.

North Zone: That portion of the State west of the Coastal Zone and north of a line extending west from the Garden State Parkway on NJ 70 to the New Jersey Turnpike, north on the turnpike to U.S. 206, north on U.S. 206 to U.S. 1 at Trenton, west on U.S. 1 to the Pennsylvania State line in the Delaware River.

South Zone: That portion of the State not within the North Zone or the Coastal Zone.

New York

Lake Champlain Zone: That area east and north of a continuous line extending along U.S. 11 from the New York-Canada International boundary south to NY 9B, south along NY 9B 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 State line.

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 State line.

Northeastern Zone: That area north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 31, east along NY 31 to NY 13, north along NY 13 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 NY 22, north along NY 22 to Washington County Route 153, east along CR 153 to the New York—Vermont boundary, exclusive of the Lake Champlain Zone.

Southeastern Zone: The remaining portion of New York.

Pennsylvania

Lake Erie Zone: The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

Northwest Zone: The area bounded on the north by the Lake Erie Zone and including all of Erie and Crawford Counties and those portions of Mercer and Venango Counties north of I–80.

North Zone: That portion of the State east of the Northwest Zone and north of a line extending east on I–80 to U.S. 220, Route 220 to I–180, I–180 to I–80, and I–80 to the Delaware River.

South Zone: The remaining portion of Pennsylvania.

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 U.S. 2; east along U.S. 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

Alabama

South Zone: Mobile and Baldwin Counties.

North Zone: The remainder of Alabama.

Illinois

North Zone: That portion of the State north of a line extending west from the Indiana border along Peotone-Beecher Road to Illinois Route 50, south along Illinois Route 50 to Wilmington-Peotone Road, west along Wilmington-Peotone Road to Illinois Route 53, north along Illinois Route 53 to New River Road, northwest along New River Road to Interstate Highway 55, south along I–55 to Pine Bluff-Lorenzo Road, west along Pine Bluff-Lorenzo Road to Illinois Route 47, north along Illinois Route 47 to I–80, west along I–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 Zone: That portion of the State south of the North Duck 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 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 Zone: The remainder of the State between the south border of the Central Zone and the North border of the South Zone.

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.

Kentucky

West Zone: All counties west of and including Butler, Daviess, Ohio, Simpson, and Warren Counties.

East Zone: The remainder of Kentucky.

Louisiana

West: That portion of the State west and north of a line beginning at the Arkansas-Louisiana border on LA 3; south on LA 3 to Bossier City; then east along I–20 to Minden; then south along LA 7 to Ringgold; then east along LA 4 to Jonesboro; then south along U.S. Hwy 167 to its junction with LA 106; west on LA 106 to Oakdale; then south on U.S. Hwy 165 to junction with U.S. Hwy 190 at Kinder; then west on U.S. Hwy 190/LA 12 to the Texas State border.

East: That portion of the State east and north of a line beginning at the Arkansas-Louisiana border on LA 3; south on LA 3 to Bossier City; then east along I–20 to Minden; then south along LA 7 to Ringgold; then east along LA 4 to Jonesboro; then south along U.S. Hwy 167 to Lafayette; then southeast along U.S. Hwy 90 to the Mississippi State line.

Coastal: Remainder of the State.

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.

Minnesota

North Duck Zone: That portion of the State north of a line extending east from the North Dakota State line along State Highway 210 to State Highway 23 and east to State Highway 39 and east to the Wisconsin State line at the Oliver Bridge.

South Duck Zone: The portion of the State south of a line extending east from the South Dakota State line along U.S. Highway 212 to Interstate 494 and east to Interstate 94 and east to the Wisconsin State line.

Central Duck Zone: The remainder of the State.

Missouri

North Zone: That portion of Missouri north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to I–70; west on I–70 to the Kansas border.

Middle Zone: The remainder of Missouri not included in other zones.

South Zone: That portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 74 to Mo. Hwy. 25; south on Mo. Hwy. 25 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to U.S. Hwy. 71; south on U.S. Hwy. 71 to Jasper County Hwy. M (Base Line Blvd.); west on Jasper County Hwy. M (Base Line Blvd.) to CRD 40 (Base Line Blvd.); west on CRD 40 (Base Line Blvd.) to the Kansas border.

Ohio

Lake Erie Marsh Zone: Includes all land and water within the boundaries of the area bordered by Interstate 75 from the Ohio-Michigan line to Interstate 280 to Interstate 80 to the Erie-Lorain County line extending to a line measuring two hundred (200) yards from the shoreline into the waters of Lake Erie and including the waters of Sandusky Bay and Maumee Bay.

North Zone: That portion of the State north of a line beginning at the Ohio-Indiana border and extending east along Interstate 70 to the Ohio-West Virginia border.

South Zone: The remainder of Ohio.

Tennessee

Reelfoot Zone: All or portions of Lake and Obion Counties.

Remainder of State: That portion of Tennessee outside of the Reelfoot Zone.

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 (Central Flyway Portion)

Northeast Zone: All areas east of Interstate 25 and north of Interstate 70.

Southeast Zone: All areas east of Interstate 25 and south of Interstate 70, and all of El Paso, Pueblo, Huerfano, and Las Animas Counties.

Mountain/Foothills Zone: All areas west of Interstate 25 and east of the Continental Divide, except El Paso, Pueblo, Huerfano, and Las Animas Counties.

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.

Montana (Central Flyway Portion)

Zone 1: The Counties of Blaine, Carbon, Carter, Daniels, Dawson, Fallon, Ferus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Powder River, Richland, Roosevelt, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, and Yellowstone.

Zone 2: The Counties of Big Horn, Custer, Prairie, Rosebud, and Treasure.

Nebraska

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 Road; 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.

North Dakota

High Plains Unit: That portion of the State south and west of a line from the South Dakota State line along U.S. 83 and I–94 to ND 41, north to U.S. 2, west to the Williams/Divide County line, then north along the County line to the Canadian border.

Low Plains Unit: The remainder of North Dakota.

Oklahoma

High Plains Zone: The Counties of Beaver, Cimarron, and Texas.

Low Plains Zone 1: That portion of the State east of the High Plains Zone and north of a line extending east from the Texas State line along OK 33 to OK 47, east along OK 47 to U.S. 183, south along U.S. 183 to I–40, east along I–40 to U.S. 177, north along U.S. 177 to OK 33, east along OK 33 to OK 18, north along OK 18 to OK 51, west along OK 51 to I–35, north along I–35 to U.S. 412, west along U.S. 412 to OK 132, then north along OK 132 to the Kansas State line.

Low Plains Zone 2: The remainder of Oklahoma.

South Dakota

High Plains Zone: That portion of the State west of a line beginning at the North Dakota State line and extending south along U.S. 83 to U.S. 14, east on U.S. 14 to Blunt, south on the Blunt-Canning Rd to SD 34, east and south on SD 34 to SD 50 at Lee's Corner, south on SD 50 to I–90, east on I–90 to SD 50, south on SD 50 to SD 44, west on SD 44 across the Platte-Winner bridge to SD 47, south on SD 47 to U.S. 18, east on U.S. 18 to SD 47, south on SD 47 to the Nebraska State line.

North Zone: That portion of northeastern South Dakota east of the High Plains Unit and north of a line extending east along U.S. 212 to the Minnesota State line.

South Zone: That portion of Gregory County east of SD 47 and south of SD 44; Charles Mix County south of SD 44 to the Douglas County line; south on SD 50 to Geddes; east on the Geddes Highway to U.S. 281; south on U.S. 281 and U.S. 18 to SD 50; south and east on SD 50 to the Bon Homme County line; the Counties of Bon Homme, Yankton, and Clay south of SD 50; and Union County south and west of SD 50 and I–29.

Middle Zone: The remainder of South Dakota.

Texas

High Plains Zone: That portion of the State west of a line extending south from the Oklahoma State line along U.S. 183 to Vernon, south along U.S. 283 to Albany, south along TX 6 to TX 351 to Abilene, south along U.S. 277 to Del Rio, then south along the Del Rio International Toll Bridge access road to the Mexico border.

Low Plains North Zone: That portion of northeastern Texas east of the High Plains Zone and north of a line beginning at the International Toll Bridge south of Del Rio, then extending

east on U.S. 90 to San Antonio, then continuing east on I–10 to the Louisiana State line at Orange, Texas.

Low Plains South Zone: The remainder of Texas.

Wyoming (Central Flyway portion)

Zone C1: Big Horn, Converse, Goshen, Hot Springs, Natrona, Park, Platte, and Washakie Counties; and Fremont County excluding the portions west or south of the Continental Divide.

Zone C2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone C3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Pacific Flyway

Arizona

Game Management Units (GMU) as follows:

South Zone: Those portions of GMUs 6 and 8 in Yavapai County, and GMUs 10 and 12B–45.

North Zone: GMUs 1–5, those portions of GMUs 6 and 8 within Coconino County, and GMUs 7, 9, 12A.

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 State line 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 State line.

Southern San Joaquin Valley Zone: All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance of State Zone: The remainder of California not included in the Northeastern, Southern, and Colorado River Zones, and the Southern San Joaquin Valley Zone.

Idaho

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Adams, Bear Lake, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; Bingham County within the Blackfoot Reservoir drainage; Caribou County, except the Fort Hall Indian Reservation; and Power County west of State Highway 37 and State Highway 39.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Nevada

Northeast Zone: All of Elko and White Pine Counties.

Northwest Zone: All of Carson City, Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, Storey, and Washoe Counties.

South Zone: All of Clark and Lincoln Counties.

Moapa Valley Special Management Area: That portion of Clark County including the Moapa Valley to the confluence of the Muddy and Virgin Rivers.

Oregon

Zone 1: Clatsop, Tillamook, Lincoln, Lane, Douglas, Coos, Curry, Josephine, Jackson, Linn, Benton, Polk, Marion, Yamhill, Washington, Columbia, Multnomah, Clackamas, Hood River, Wasco, Sherman, Gilliam, Morrow and Umatilla Counties.

Columbia Basin Mallard Management Unit: Gilliam, Morrow, and Umatilla Counties.

Zone 2: The remainder of Oregon not included in Zone 1.

Utah

Zone 1: All of Box Elder, Cache, Daggett, Davis, Duchesne, Morgan, Rich, Salt Lake, Summit, Uintah, Utah, Wasatch, and Weber Counties, and that part of Toole County north of I–80.

Zone 2: The remainder of Utah not included in Zone 1.

Washington

East Zone: All areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Columbia Basin Mallard Management Unit: Same as East Zone.

West Zone: The remainder of Washington not included in the East Zone.

Wyoming (Pacific Flyway Portion)

Snake River Zone: Beginning at the south boundary of Yellowstone National Park and the Continental Divide; south along the Continental Divide to Union Pass and the Union Pass Road (U.S.F.S. Road 600); west and south along the Union Pass Road to U.S.F.S. Road 605; south along U.S.F.S. Road 605 to the Bridger–Teton National Forest boundary; along the national forest boundary to the Idaho State line; north along the Idaho State line to the south boundary of Yellowstone National Park; east along the Yellowstone National Park boundary to the Continental Divide.

Balance of State Zone: The remainder of the Pacific Flyway portion of Wyoming not included in the Snake River Zone.

Geese

Atlantic Flyway

Connecticut

AP Unit: Litchfield County and the portion of Hartford County west of a line beginning at the Massachusetts border in Suffield and extending south along Route 159 to its intersection with Route 91 in Hartford, and then extending south along Route 91 to its intersection with the Hartford/Middlesex County line.

AFRP Unit: Starting at the intersection of I–95 and the Quinnipiac River, north on the Quinnipiac River to its intersection with I–91, north on I–91 to I–691, west on I–691 to the Hartford County line, and encompassing the rest of New Haven County and Fairfield County in its entirety.

NAP H–Unit: All of the rest of the State not included in the AP or AFRP descriptions above.

South Zone: Same as for ducks.

North Zone: Same as for ducks.

Maine

Same zones as for ducks.

Maryland

Resident Population (RP) Zone: Garrett, Allegany, Washington, Frederick, and Montgomery Counties; that portion of Prince George's County west of Route 3 and Route 301; that portion of Charles County west of Route 301 to the Virginia State line; and that portion of Carroll County west of Route 31 to the intersection of Route 97, and west of Route 97 to the Pennsylvania line.

AP Zone: Remainder of the State.

Massachusetts

NAP Zone: Central and Coastal Zones (see duck zones).

AP Zone: The Western Zone (see duck zones).

Special Late Season Area: The Central Zone and that portion of the Coastal Zone (see duck zones) that lies north of the Cape Cod Canal, north to the New Hampshire line.

New Hampshire

Same zones as for ducks.

New Jersey

AP Zone: North and South Zones (see duck zones).

RP Zone: The Coastal Zone (see duck zones).

Special Late Season Area: In northern New Jersey, that portion of the State within a continuous line that runs east along the New York State boundary line to the Hudson River; then south along the New York State boundary to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with Route 287; then west along Route 287 to its intersection with Route 206 in Bedminster (Exit 18); then north along Route 206 to its intersection with Route 94: then west along Route 94 to the tollbridge in Columbia; then north along the Pennsylvania State boundary in the Delaware River to the beginning point. In southern New Jersey, that portion of the State within a continuous line that runs west from the Atlantic Ocean at Ship Bottom along Route 72 to Route 70; then west along Route 70 to Route 206; then south along Route 206 to Route 536; then west along Route 536 to Route 322; then west along Route 322 to Route 55; then south along Route 55 to Route 553 (Buck Road); then south along Route 553 to Route 40; then east along Route 40 to route 55; then south along Route 55 to Route 552 (Sherman Avenue); then west along Route 552 to Carmel Road; then south along Carmel Road to Route 49; then east along Route 49 to Route 555; then south along Route 555 to Route 553; then east along Route 553 to Route 649; then north along Route 649 to Route 670; then east along Route 670 to Route 47; then north along Route 47 to Route 548; then east along Route 548 to Route 49; then east along Route 49 to Route 50; then south along Route 50 to Route 9; then south along Route 9 to Route 625 (Sea Isle City Boulevard); then east along Route 625 to the Atlantic Ocean; then north to the beginning point.

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.

Special Late Canada Goose Area: That area of the Central Long Island Goose Area lying north of State Route 25A and west of a continuous line extending northward from State Route 25A along Randall Road (near Shoreham) to North Country Road, then east to Sound Road and then north to Long Island Sound and then due north to the New York-Connecticut boundary.

North Carolina

SJBP Hunt Zone: Includes the following Counties or portions of Counties: Anson, Cabarrus, Chatham, Davidson, Durham, Halifax (that portion east of NC 903), Montgomery (that portion west of NC 109), Northampton, Richmond (that portion south of NC 73 and west of U.S. 220 and north of U.S. 74), Rowan, Stanly, Union, and Wake.

RP Hunt Zone: Includes the following Counties or portions of Counties: Alamance, Alleghany, Alexander, Ashe, Avery, Beaufort, Bertie (that portion south and west of a line formed by NC 45 at the Washington Co. line to U.S. 17 in Midway, U.S. 17 in Midway to U.S.

13 in Windsor, U.S. 13 in Windsor to the Hertford Co. line), Bladen, Brunswick, Buncombe, Burke, Caldwell, Carteret, Caswell, Catawba, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Davie, Duplin, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax (that portion west of NC 903), Harnett, Haywood, Henderson, Hertford, Hoke, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, McDowell, Macon, Madison, Martin, Mecklenburg, Mitchell, Montgomery (that portion that is east of NC 109), Moore, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Person, Pitt, Polk, Randolph, Richmond (all of the county with exception of that portion that is south of NC 73 and west of U.S. 220 and north of U.S. 74), Robeson, Rockingham, Rutherford, Sampson, Scotland, Stokes, Surry, Swain, Transylvania, Vance, Warren, Watauga, Wayne, Wilkes, Wilson, Yadkin, and Yancey.

Northeast Hunt Unit: Includes the following Counties or portions of Counties: Bertie (that portion north and east of a line formed by NC 45 at the Washington County line to U.S. 17 in Midway, U.S. 17 in Midway to U.S. 13 in Windsor, U.S. 13 in Windsor to the Hertford Co. line), Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington.

Pennsylvania

Resident Canada Goose Zone: All of Pennsylvania except for SJBP Zone and the area east of route SR 97 from the Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I–81, east of I–81 to intersection of I–80, and south of I–80 to the New Jersey State line.

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).

AP Zone: The area east of route SR 97 from Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I–81, east of I–81 to intersection of I–80, south of I–80 to New Jersey State line.

Rhode Island

Special Area for Canada Geese: Kent and Providence Counties and portions of the towns of Exeter and North Kingston within Washington County (see State regulations for detailed descriptions).

South Carolina

Canada Goose Area: Statewide except for the following area:

East of U.S. 301: That portion of Clarendon County bounded to the North by S–14–25, to the East by Hwy 260, and to the South by the markers delineating the channel of the Santee River.

West of U.S. 301: That portion of Clarendon County bounded on the North by S–14–26 extending southward to that portion of Orangeburg County bordered by Hwy 6.

Vermont

Same zones as for ducks.

Virginia

AP Zone: The area east and south of the following line—the Stafford County line from the Potomac River west to Interstate 95 at Fredericksburg, then south along Interstate 95 to Petersburg, then Route 460 (SE) to City of Suffolk, then south along Route 32 to the North Carolina line.

SJBP Zone: The area to the west of the AP Zone boundary and east of the following line: The ''Blue Ridge'' (mountain spine) at the West Virginia-Virginia Border (Loudoun County-Clarke County line) south to Interstate 64 (the Blue Ridge line follows county borders along the western edge of Loudoun-Fauquier-Rappahannock-Madison-Greene-Albemarle and into Nelson Counties), then east along Interstate Rt. 64 to Route 15, then south along Rt. 15 to the North Carolina line.

RP Zone: The remainder of the State west of the SJBP Zone.

Mississippi Flyway

Alabama

Same zones as for ducks, but in addition:

SJBP Zone: That portion of Morgan County east of U.S. Highway 31, north of State Highway 36, and west of U.S. 231; that portion of Limestone County south of U.S. 72; and that portion of Madison County south of Swancott Road and west of Triana Road.

Arkansas

Northwest Zone: Baxter, Benton, Boone, Carroll, Conway, Crawford, Faulkner, Franklin, Johnson, Logan, Madison, Marion, Newton, Perry, Pope, Pulaski, Searcy, Sebastian, Scott, Van Buren, Washington, and Yell Counties.

Illinois

North 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 Zone: That portion of the State south of the North 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 Zone: Same zones as for ducks.

South Central Zone: Same zones as for ducks.

Indiana

Same zones as for ducks but in addition:

Special Canada Goose Seasons

Late Canada Goose Season Zone: That part of the State encompassed by the following Counties: Steuben, Lagrange, Elkhart, St. Joseph, La Porte, Starke, Marshall, Kosciusko, Noble, De Kalb, Allen, Whitley, Huntington, Wells, Adams, Boone, Hamilton, Madison, Hendricks, Marion, Hancock, Morgan, Johnson, Shelby, Vermillion, Parke, Vigo, Clay, Sullivan, and Greene.

Iowa

Same zones as for ducks.

Kentucky

Western Zone: That portion of the State west of a line beginning at the Tennessee State line at Fulton and extending north along the Purchase Parkway to Interstate Highway 24, east along I–24 to U.S. Highway 641, north along U.S. 641 to U.S. 60, northeast along U.S. 60 to the Henderson County line, then south, east, and northerly along the Henderson County line to the Indiana State line.

Pennyroyal/Coalfield Zone: Butler, Daviess, Ohio, Simpson, and Warren Counties and all counties lying west to the boundary of the Western Goose Zone.

Louisiana

Same zones as for ducks.

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.

Special Canada Goose Seasons

Southern Michigan Late Season Canada Goose Zone: Same as the South Duck Zone excluding Tuscola/Huron Goose Management Unit (GMU), Allegan County GMU, Saginaw County GMU, and Muskegon Wastewater GMU.

Minnesota

Same zones as for ducks but in addition:

Rochester Goose Zone: That part of the State within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 247 and County State Aid Highway (CSAH) 4, Wabasha County; thence along CSAH 4 to CSAH 10, Olmsted County; thence along CSAH 10 to CSAH 9, Olmsted County; thence along CSAH 9 to CSAH 22, Winona County; thence along CSAH 22 to STH 74; thence along STH 74 to STH 30; thence along STH 30 to CSAH 13, Dodge County; thence along CSAH 13 to U.S. Highway 14; thence along U.S. Highway 14 to STH 57; thence along STH 57 to CSAH 24, Dodge County; thence along CSAH 24 to CSAH 13, Olmsted County; thence along CSAH 13 to U.S. Highway 52; thence along U.S. Highway 52 to CSAH 12, Olmsted County; thence along CSAH 12 to STH 247; thence along STH 247 to the point of beginning.

Missouri

Same zones as for ducks.

Ohio

Lake Erie Goose Zone: That portion of Ohio north of a line beginning at the Michigan border and extending south along Interstate 75 to Interstate 280, south on Interstate 280 to Interstate 80, and east on Interstate 80 to the Pennsylvania border.

North Zone: That portion of Ohio north of a line beginning at the Indiana border and extending east along Interstate 70 to the West Virginia border excluding the portion of Ohio within the Lake Erie Goose Zone.

South Zone: The remainder of Ohio.

Tennessee

Northwest Goose Zone: Lake, Obion, and Weakley Counties and those portions of Gibson and Dyer Counties north of State Highways 20 and 104 and east of U.S. Highways 45 and 45W.

Remainder of State: That portion of Tennessee outside of the Northwest Goose Zone.

Wisconsin

Same zones as for ducks but in addition:

Horicon Zone: That portion of the State encompassed by a boundary beginning at the intersection of State 23 and State 73 and moves south along State 73 until the intersection of State 73 and State 60, then moves east along State 60 until the intersection of State 60 and State 83, and then moves north along State 83 until the intersection of State 83 and State 33 at which point it moves east until the intersection of State 33 and U.S. 45, then moves north along U.S. 45 until the intersection of U.S. 45 and State 23, at which point it moves west along State 23 until the intersection of State 23 and State 73.

Central Flyway

Colorado (Central Flyway Portion)

Northern Front Range Area: All areas in Boulder, Larimer and Weld Counties from the Continental Divide east along the Wyoming border to U.S. 85, south on U.S. 85 to the Adams County line, and all lands in Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Gilpin, and Jefferson Counties.

North Park Area: Jackson County.

South Park and San Luis Valley Area: All of Alamosa, Chaffee, Conejos, Costilla, Custer, Fremont, Lake, Park, Rio Grande and Teller Counties, and those portions of Saguache, Mineral and Hinsdale Counties east of the Continental Divide.

Remainder: Remainder of the Central Flyway portion of Colorado.

Eastern Colorado Late Light Goose Area: That portion of the State east of Interstate Highway 25.

Montana (Central Flyway Portion)

Zone N: The Counties of Blaine, Carter, Daniels, Dawson, Fallon, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Powder River, Richland, Roosevelt, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, and Wibaux.

Zone S: The Counties of Big Horn, Carbon, Custer, Prairie, Rosebud, Treasure, and Yellowstone.

Nebraska

Dark Geese

Niobrara Unit: That area contained within and bounded by the intersection of the South Dakota State line and the eastern Cherry County line, south along the Cherry County line to the Niobrara River, east to the Norden Road, south on the Norden Road to U.S. Hwy 20, east along U.S. Hwy 20 to NE Hwy 14, north along NE Hwy 14 to NE Hwy 59 and County Road 872, west along County Road 872 to the Knox County Line, north along the Knox County Line to the South Dakota State line. Where the Niobrara River forms the boundary, both banks of the river are included in the Niobrara Unit.

East Unit: That area north and east of U.S. 81 at the Kansas-Nebraska State line, north to NE Hwy 91, east to U.S. 275, south to U.S. 77, south to NE 91, east to U.S. 30, east to Nebraska-Iowa State line.

Platte River Unit: That area north and west of U.S. 81 at the Kansas-Nebraska State line, north to NE Hwy 91, west along NE 91 to NE 11, north to the Holt County line, west along the northern border of Garfield, Loup, Blaine and Thomas Counties to the Hooker County line, south along the Thomas-Hooker

County lines to the McPherson County line, east along the south border of Thomas County to the western line of Custer County, south along the Custer-Logan County line to NE 92, west to U.S. 83, north to NE 92, west to NE 61, south along NE 61 to NE 92, west along NE 92 to U.S. Hwy 26, south along U.S. Hwy 26 to Keith County Line, south along Keith County Line to the Colorado State line.

Panhandle Unit: That area north and west of Keith-Deuel County Line at the Nebraska-Colorado State line, north along the Keith County Line to U.S. Hwy 26, west to NE Hwy 92, east to NE Hwy 61, north along NE Hwy 61 to NE Hwy 2, west along NE 2 to the corner formed by Garden-Grant-Sheridan Counties, west along the north border of Garden, Morrill, and Scotts Bluff Counties to the intersection of the Interstate Canal, west to the Wyoming State line.

North-Central Unit: The remainder of the State.

Light Geese

Rainwater Basin Light Goose Area: The area bounded by the junction of NE Hwy. 92 and NE Hwy. 15, south along NE Hwy. 15 to NE Hwy. 4, west along NE Hwy. 4 to U.S. Hwy. 34, west along U.S. Hwy. 34 to U.S. Hwy. 283, north along U.S. Hwy. 283 to U.S. Hwy. 30, east along U.S. Hwy. 30 to NE Hwy. 92, east along NE Hwy. 92 to the beginning.

Remainder of State: The remainder portion of Nebraska.

New Mexico (Central Flyway Portion)

Dark Geese

Middle Rio Grande Valley Unit: Sierra, Socorro, and Valencia Counties.

Remainder: The remainder of the Central Flyway portion of New Mexico.

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; thence north on ND Hwy 6 to I–94; thence west on I–94 to ND Hwy 49; thence north on ND Hwy 49 to ND Hwy 200; thence north on Mercer County Rd. 21 to the section line between sections 8 and 9 (T146N–R87W); thence north on that section line to the southern shoreline to Lake Sakakawea; thence east along the southern shoreline (including Mallard Island) of Lake Sakakawea to U.S. Hwy 83; thence south on U.S. Hwy 83 to ND Hwy 200; thence east on ND Hwy 200 to ND Hwy 41; thence south on ND Hwy 41 to U.S. Hwy 83; thence south on U.S. Hwy 83 to I–94; thence east on I–94 to U.S. Hwy 83; thence south on U.S. Hwy 83 to the South Dakota border; thence west along the South Dakota border to ND Hwy 6.

Rest of State: Remainder of North Dakota.

South Dakota

Canada Geese

Unit 1: The Counties of Campbell, Marshall, Roberts, Day, Clark, Codington, Grant, Hamlin, Deuel, Walworth, 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 and Bon Homme 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 350thAvenue, south and east on State Highway 50 to Geddes, east on 285th Street to U.S. Highway 281, north on U.S. Highway 281 to the Charles Mix-Douglas County boundary, that portion of Bon Homme County north of State Highway 50, that portion of Perkins County west of State Highway 75 and south of State Highway 20; 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, Oglala Lakota (formerly 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).

Unit 2: Remainder of South Dakota.

Unit 3: Bennett County.

Texas

Northeast Goose Zone: That portion of Texas lying east and north of a line beginning at the Texas-Oklahoma border at U.S. 81, then continuing south to Bowie and then southeasterly along U.S. 81 and U.S. 287 to I–35W and I–35 to the juncture with I–10 in San Antonio, then east on I–10 to the Texas-Louisiana border.

Southeast Goose Zone: That portion of Texas lying east and south of a line beginning at the International Toll Bridge at Laredo, then continuing north following I–35 to the juncture with I–10 in San Antonio, then easterly along I–10 to the Texas-Louisiana border.

West Goose Zone: The remainder of the State.

Wyoming (Central Flyway Portion)

Dark Geese

Zone G1: Big Horn, Converse, Hot Springs, Natrona, Park, and Washakie Counties; and Fremont County excluding those portions south or west of the Continental Divide.

Zone G1A: Goshen and Platte Counties.

Zone G2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone G3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Pacific Flyway

Arizona

North Zone: Game Management Units 1–5, those portions of Game Management Units 6 and 8 within Coconino County, and Game Management Units 7, 9, and 12A.

South Zone: Those portions of Game Management Units 6 and 8 in Yavapai County, and Game Management Units 10 and 12B–45.

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.

Imperial County Special Management Area: The area bounded by a line beginning at Highway 86 and the Navy Test Base Road; south on Highway 86 to the town of Westmoreland; continue through the town of Westmoreland to Route S26; east on Route S26 to Highway 115; north on Highway 115 to Weist Rd.; north on Weist Rd. to Flowing Wells Rd.; northeast on Flowing Wells Rd. to the Coachella Canal; northwest on the Coachella Canal to Drop 18; a straight line from Drop 18 to Frink Rd.; south on Frink Rd. to Highway 111; north on Highway 111 to Niland Marina Rd.; southwest on Niland Marina Rd. to the old Imperial County boat ramp and the water line of the Salton Sea; from the water line of the Salton Sea, a straight line across the Salton Sea to the Salinity Control Research Facility and the Navy Test Base Road; southwest on the Navy Test Base Road to the point of beginning.

Balance of State Zone: The remainder of California not included in the Northeastern, Southern, and the Colorado River Zones.

North Coast Special Management Area: The Counties of Del Norte and Humboldt.

Sacramento Valley Special Management Area: That area bounded by a line beginning at Willows south on I–5 to Hahn Road; easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes; northerly on CA 45 to the junction with CA 162; northerly on CA 45/162 to Glenn; and westerly on CA 162 to the point of beginning in Willows.

Colorado (Pacific Flyway Portion)

West Central Area: Archuleta, Delta, Dolores, Gunnison, LaPlata, Montezuma, Montrose, Ouray, San Juan, and San Miguel Counties and those portions of Hinsdale, Mineral, and Saguache Counties west of the Continental Divide.

State Area: The remainder of the Pacific Flyway portion of Colorado not included in the West Central Area.

Idaho

Canada Geese and Brant

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Adams, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; and Power County west of State Highway 37 and State Highway 39.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 4: Bear Lake County; Bingham County within the Blackfoot Reservoir drainage; and Caribou County, except that portion within the Fort Hall Indian Reservation.

White-Fronted Geese

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Adams, Bear Lake, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; Bingham County within the Blackfoot Reservoir drainage; Caribou County, except the Fort Hall Indian Reservation; and Power County west of State Highway 37 and State Highway 39.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Light Geese

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County east of the west bank of the Snake River, west of the McTucker boat ramp access road, and east of the American Falls Reservoir bluff, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County below the American Falls Reservoir bluff, and within the Fort Hall Indian Reservation.

Zone 2: Bingham County west of the west bank of the Snake River, east of the McTucker boat ramp access road, and west of the American Falls Reservoir bluff; Power County, except below the American Falls Reservoir bluff and those lands and waters within the Fort Hall Indian Reservation.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 4: Adams, Bear Lake, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; Caribou County, except the Fort Hall Indian Reservation; Bingham County within the Blackfoot Reservoir drainage.

Montana (Pacific Flyway Portion)

East of the Divide Zone: The Pacific Flyway portion of Montana located east of the Continental Divide.

West of the Divide Zone: The Pacific Flyway portion of Montana located west of the Continental Divide.

Nevada

Northeast Zone: All of Elko and White Pine Counties.

Northwest Zone: All of Carson City, Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, Storey, and Washoe Counties.

South Zone: All of Clark and Lincoln Counties.

New Mexico (Pacific Flyway Portion)

North Zone: The Pacific Flyway portion of New Mexico located north of I–40.

South Zone: The Pacific Flyway portion of New Mexico located south of I–40.

Oregon

Northwest Permit Zone: Benton, Clatsop, Columbia, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties.

Lower Columbia/N. Willamette Valley Management Area: Those portions of Clatsop, Columbia, Multnomah, and Washington Counties within the Northwest Special Permit Zone.

Tillamook County Management Area: That portion of Tillamook County beginning at the point where Old Woods Rd crosses the south shores of Horn Creek, north on Old Woods Rd to Sand Lake Rd at Woods, north on Sand Lake Rd to the intersection with McPhillips Dr, due west (~200 yards) from the intersection to the Pacific coastline, south on the Pacific coastline to Neskowin Creek, east along the north shores of Neskowin Creek and then Hawk Creek to Salem Ave, east on Salem Ave in Neskowin to Hawk Ave, east on Hawk Ave to Hwy 101, north on Hwy 101 to Resort Dr, north on Resort Dr to a point due west of the south shores of Horn Creek at its confluence with the Nestucca River, due east (~80 yards) across the Nestucca River to the south shores of Horn Creek, east along the south shores of Horn Creek to the point of beginning.

Southwest Zone: Those portions of Douglas, Coos, and Curry Counties east of Highway 101, and Josephine and Jackson Counties.

South Coast Zone: Those portions of Douglas, Coos, and Curry Counties west of Highway 101.

Eastern Zone: Hood River, Wasco, Sherman, Gilliam, Morrow, Umatilla, Deschutes, Jefferson, Crook, Wheeler, Grant, Baker, Union, and Wallowa Counties.

Klamath County Zone: All of Klamath County.

Harney and Lake County Zone: All of Harney and Lake Counties.

Malheur County Zone: All of Malheur County.

Utah

Northern Zone: That portion of Box Elder County beginning the Weber-Box Elder county line, north along the Box Elder county line to the Utah-Idaho State line; west on this line to Stone, Idaho-Snowville, Utah road; southwest on this road to the Locomotive Springs Wildlife Management Area boundary; west, south, east, and then north along this boundary to the county road; east on the county road, past Monument Point and across Salt Wells Flat, to the intersection with Promontory Road; south on Promontory Road to a point directly west of the northwest corner of the Bear River Migratory Bird Refuge boundary; east along a line to the northwest corner of the Refuge boundary; south and east along the Refuge boundary to the southeast corner of the boundary; northeast along the boundary to the Perry access road; east on the Perry access road to I–15; south on I–15 to the Weber-Box Elder County line.

Wasatch Front Zone: Boundary begins at the Weber-Box Elder county line at I–15; east along Weber county line to U.S.–89; south on U.S.–89 to I–84; east and south and along I–84 to I–80; south along I–80 to U.S.–189; south and west along U.S.–189 to the Utah County line; southeast and then west along this line to I–15; north on I–15 to U.S.–6; west on U.S.–6 to SR–36; north on SR–36 to I–80; north along a line from this intersection to the southern tip of Promontory Point and Promontory Road; east and north along this road to the causeway separating Bear River Bay from Ogden Bay; east on this causeway to the southwest corner of Great Salt Lake Mineral Corporations (GSLMC) west impoundment; north and east along GSLMC's west impoundment to the northwest corner of the impoundment; directly north from this point along an imaginary line to the southern boundary of Bear River Migratory Bird Refuge; east along this southern boundary to the Perry access road; northeast along this road to I–15; south along I–15 to the Weber-Box Elder county line.

Washington County Zone: All of Washington County.

Balance of State Zone: The remainder of Utah.

Washington

Area 1: Skagit, Island, and Snohomish Counties.

Area 2A (Southwest Permit Zone): Clark, Cowlitz, and Wahkiakum Counties.

Area 2B (Southwest Permit Zone): Grays Harbor and Pacific Counties.

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.

Brant

Pacific Flyway

California

Northern Zone: Del Norte, Humboldt and Mendocino Counties.

Balance of State Zone: Balance of the State.

Washington

Puget Sound Zone: Skagit County.

Coastal Zone: Pacific County.

Swans

Central Flyway

South Dakota: Aurora, Beadle, Brookings, Brown, Brule, Buffalo, Campbell, Clark, Codington, Davison, Deuel, Day, Edmunds, Faulk, Grant, Hamlin, Hand, Hanson, Hughes, Hyde, Jerauld, Kingsbury, Lake, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Potter, Roberts, Sanborn, Spink, Sully, and Walworth Counties.

Pacific Flyway

Montana (Pacific Flyway Portion)

Open Area: Cascade, Chouteau, Hill, Liberty, and Toole Counties and those portions of Pondera and Teton Counties lying east of U.S. 287–89.

Nevada

Open Area: Churchill, Lyon, and Pershing Counties.

Utah

Open Area: Those portions of Box Elder, Weber, Davis, Salt Lake, and Toole Counties lying west of I–15, north of I–80, and south of a line beginning from the Forest Street exit to the Bear River National Wildlife Refuge boundary; then north and west along the Bear River National Wildlife Refuge boundary to the farthest west boundary of the Refuge; then west along a line to Promontory Road; then north on Promontory Road to the intersection of SR 83; then north on SR 83 to I–84; then north and west on I–84 to State Hwy 30; then west on State Hwy 30 to the Nevada-Utah State line; then south on the Nevada-Utah State line to I–80.

[FR Doc. 2015–24048 Filed 9–23–15; 8:45 am]

BILLING CODE 4310–55–P

FEDERAL REGISTER

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No. 185 September 24, 2015

Part III

The President

Proclamation 9327—National Voter Registration Day, 2015

Federal Register
Vol. 80, No. 185
Thursday, September 24, 2015

Presidential Documents

Title 3—

The President

Proclamation 9327 of September 21, 2015

National Voter Registration Day, 2015

By the President of the United States of America

A Proclamation

The right to vote is a cornerstone of what it means to be a free people: It represents the bedrock tenets of equality and civic participation upon which our Nation was founded. Throughout American history, courageous patriots of every background and creed have fought to extend this right to all and to bring our country closer to its highest ideals. Voting is vital to a principle at the core of our democracy—that men and women of free will have the capacity to shape their own destinies. On National Voter Registration Day, we recommit to upholding this belief by encouraging all eligible Americans to register to vote and exercise this essential right.

The task of perfecting our Union lies with our citizens, and my Administration is dedicated to working with people across our country to empower Americans to play an active part in forging the future we all share. In that spirit, in 2013 I launched a nonpartisan commission aimed at fulfilling this task, which issued commonsense suggestions aimed at improving the voting experience. But government alone can only do so much. As a Nation, we must commit ourselves to fulfilling the critical responsibility of participating in our society.

It is up to each individual citizen to exercise the right that so many struggled to obtain and protect—and when we choose not to do so, we dishonor those who laid down their lives for it. Our Nation has one of the lowest voting rates among free societies, and Americans disenfranchise themselves by disengaging from our political process too often. Our country is only as strong as the leaders we elect, and the task of democracy is not theirs alone—it is up to all our people to build the kind of world we want our children to inherit.

Today, we reaffirm our enduring belief in the democratic process and set out to fulfill the most sacred and significant duty we have as Americans: to make our voices heard. On National Voter Registration Day, let us pay tribute to our legacy of liberty and self-government by registering to vote and encouraging those around us to join in the work of bettering our communities. Each of us can exercise the franchise that defines who we are as a Nation and upholds our belief in a government that reflects our determined will, our highest hopes, and our utmost aspirations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 22, 2015, as National Voter Registration Day. I call upon all Americans to observe this day by registering to vote.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–24518
Filed 9–23–15; 11:15 am]
Billing code 3295–F5–P

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